

Legislative Assembly of Alberta

Title: **Wednesday, February 11, 1998**

1:30 p.m.

Date: 98/02/11

[The Speaker in the chair]

head: **Prayers**

THE SPEAKER: Good afternoon. Today's prayer was given by a former mayor of the city of Calgary when opening the meetings of that city's council. That former mayor now is a distinguished member of this Assembly.

Let us pray.

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

Amen.

Please be seated.

head: **Reading and Receiving Petitions**

THE SPEAKER: The hon. Member for Highwood.

MR. TANNAS: Thank you, Mr. Speaker. I would ask that the petition I presented yesterday be now read and received.

THE CLERK:

We, the undersigned residents of Alberta, petition the Legislative Assembly to urge the Government of Alberta to limit the financial support of private schools at current levels (1996/1997) of . . . funding.

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

MRS. SOETAERT: Thank you, Mr. Speaker. I would ask that the petition I presented the other day please be read and received.

THE CLERK:

We, the undersigned residents of Alberta petition the Legislative Assembly [to urge the government of Alberta] to rescind its decision to increase camping fees in Alberta.

head: **Presenting Reports by
head: Standing and Special Committees**

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

MR. LANGEVIN: Thank you, Mr. Speaker. As chairman of the Select Special Ombudsman Search Committee I would like to table today a report which was reported on December 16, 1997. This report recommends the appointment of Mr. Scott Sutton as the Ombudsman for the province of Alberta.

head: **Tabling Returns and Reports**

MRS. McCLELLAN: Mr. Speaker, I would like to file two documents with the Assembly today. The first is a letter I've sent to Dr. Robert Steadward and Ms Cynthia Peterson, who are the co-authors of a magnificent new book called *Paralympics: Where Heroes Come*. At the official launch of that book today I was privileged to be presented with the first copy. I'm not generous enough to file that, but I am pleased to have any member look at the book in my office. This is the history of paralympics in our province, and I would say to members that these athletes and

those who work with them truly are our heroes.

Secondly I'm pleased to file a letter that I have sent regarding the Safeway select provincial men's curling championships, which has kicked off today in the city of Edmonton at the Granite Curling Club, congratulating all of the volunteers who take part in this. As members know, the winner of this will go on to represent Alberta at the Brier.

MRS. BLACK: Mr. Speaker, at the 1998 awards of distinction held in Calgary last evening, over 600 people gathered to honour the brightest and best of Alberta's businesses. I am pleased to table four copies of a letter to Mr. Brian Baker, the president of International Mascot Corporation and the winner of the export award of distinction and the Premier's award of distinction. On behalf of the Assembly I would also like to extend congratulations to all of the other nominees and award winners.

Mr. Speaker, I'd also like to file with the Assembly four copies of the 1996-97 annual report of the Alberta Opportunity Company.

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

MRS. O'NEILL: Thank you, Mr. Speaker. I rise to table with the Legislature four copies of a letter to the Premier from my constituent, Len Bracko, proposing that community lottery boards be given the ability to invest part of the money in an endowment fund as well as to distribute current approved grants.

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

MS CARLSON: Thank you, Mr. Speaker. Today I rise to table four copies of a paper on privatization within Alberta's recreation and protected area system showing what is wrong with the government's plan to privatize nearly half of the provincial parks in this province.

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

MS LEIBOVICI: Thank you, Mr. Speaker. I have two tablings this afternoon. The first is The Multilateral Agreement on Investment and Our Jobs, which was put out by the Council of Canadians, and the other is The Corporate Rule Treaty, a preliminary analysis of the MAI by the Canadian Centre for Policy Alternatives.

Thank you.

head: **Introduction of Guests**

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

MR. WHITE: Thank you, Mr. Speaker. I'd like to introduce to you and through you to the members of the Assembly a young man that has spent the day following me about. For those members present I don't move quite as fast as I used to, so it was easy for him to follow me. His name is Tyson Hartwell. He's a fourth-year student at the university in agriculture business. In fact, he comes from an area quite a ways south of here in the Vulcan area. I'd like him to rise and receive the warm welcome of the House.

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

MR. BONNER: Thank you, Mr. Speaker. I'd like to introduce

to you and through you to Members of the Legislative Assembly Joe Spano, Nic Durante, and Larry Swanson. They're all members of local 312A of the United Food & Commercial Workers Union. They're seated in the public gallery, and I would ask them, Mr. Speaker, with your permission, to please stand and receive the traditional warm welcome of the House.

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

MS OLSEN: Thank you, Mr. Speaker. I would like to introduce to you and through you to members of the Assembly 22 grade 6 students from St. Vladimir Catholic school in my constituency, teacher Mrs. Joan Johnston, and parent helper Mrs. Crystal Kaluzniak. They are seated in the public gallery, and with your permission I ask that they rise and receive the warm welcome of this Assembly.

MS BARRETT: Mr. Speaker, today I'd like to introduce two groups of people. First of all there are eight students from the New Home Immigration school studying English as a Second Language. They're in the public gallery. They're accompanied by their teacher, Janet Dashtgard, who I might add is the mother of the woman who so capably runs my front office here at the Legislature. I'd ask them to rise and receive the warm welcome of the Assembly.

The second group I'd like to introduce are also members of local 312A of the United Food & Commercial Workers Union. They are Victor McIver, Bobbie Narayan, Daniel Defour, Shane Svenkeson, and Al Williamson. I'm pleased to have them here today, and I hope the Assembly will join me in welcoming them.

head: **Oral Question Period**

THE SPEAKER: First Official Opposition main question. The hon. Member for Edmonton-Norwood.

Foster Parent Program

MS OLSEN: Thank you, Mr. Speaker. Last Wednesday the hon. Member for Calgary-McCall said, "If a child is receiving protective services, there is no reason that they would be suffering from neglect and abuse," but today we hear allegations about two more children being abused while in the care of this government. To the Minister of Family and Social Services. A caseworker is to have monthly contact with a foster child. How often is this standard violated because of insufficient staff or funding?

1:40

DR. OBERG: Thank you, Mr. Speaker. I believe the case they are talking about – actually it is necessary for the foster care worker to have face-to-face contact in the actual foster home once every four months. For the first three months of a parent becoming a foster parent, it is every month. If the child is under the care of child welfare, the child welfare worker will contact the family face-to-face every three months and by phone every month.

MS OLSEN: Thank you, Mr. Speaker. My next question is to the same minister. What criteria does your department apply to families seeking to foster a handicapped child?

DR. OBERG: Thank you, Mr. Speaker. Families that are to foster a handicapped child have to go through a strict course. The course that was designed in Alberta on how to be a foster parent is now a course that is being modeled across Canada. There does

have to be specific knowledge imparted to the foster family when it comes to dealing with handicapped children.

MS OLSEN: Then maybe the minister can answer this: how many people between the ages of 18 and 24 foster handicapped children and fit that criteria?

DR. OBERG: Mr. Speaker, this government prefers not to place limits on age. A family that is 23, 24 can be an absolutely excellent family that can work very well with foster children. There are families that are 35, 36, 37 that are not good with foster children and therefore will not be foster parents. This department and this government much prefer to pick foster parents on their own virtues, on how good a parent they are as opposed to their age.

THE SPEAKER: Second Official Opposition main question. The hon. Member for Edmonton-Gold Bar.

Public-sector Salaries

MR. MacDONALD: Thank you, Mr. Speaker. This government violated the sanctity of labour contracts negotiated in good faith across the public sector and ordered a 5 percent rollback of wages. Teachers, nurses, civil servants were not happy but continued to work and hold together our health and education systems while doing their part to eliminate the deficit and begin reduction of the Conservative debt. As of Monday the government announced that it would restore the 5 percent to the Alberta Union of Provincial Employees. My first question is to the Premier. Will the Premier tell teachers and nurses why civil servants are entitled to have their 5 percent restored while they are not?

MR. KLEIN: Well, Mr. Speaker, if my recollection serves me correctly, we negotiated with the teachers, who got something in the neighbourhood of 7 percent.* I think it was over a three-year period. Various school districts have completed negotiations with their teachers. Some of those have led to settlements in the 5 to 7 percent range. So what we're negotiating with AUPE and the unions seems to me not to be out of line.

MR. MacDONALD: Thank you, Mr. Speaker. My next question is to the Minister of Health. When will the minister fund the regional health authorities adequately so they don't have to choose between patient care and restoring the pay of their hardworking licensed practical nurses?

MR. JONSON: Well, Mr. Speaker, I have stated several times in the Assembly this session – and I can go over it again if hon. members wish – the very substantial increase in funding that has been provided to the regional health authorities of this province last year and this.

Mr. Speaker, in terms of collective bargaining this process is being well respected within the regional health authorities' mandate. I think that if we had the time, I could go down the list of different settlements that have been arrived at through the collective bargaining process and paid for, including the, I think, very, very reasonable settlement – and yes, they are very hardworking professionals – to the nurses sometime ago.

MR. MacDONALD: Thank you, Mr. Speaker. My third supplementary . . .

*See page 307, left col., para. 3, line 3

MR. KLEIN: Mr. Speaker, if the hon. member will just permit me . . .

MR. MacDONALD: Sure.

MR. KLEIN: I stand to be corrected. I said "teachers." I meant to say "nurses." The negotiations were with the nurses, at 7.25 percent.* Just for clarification.

MR. MacDONALD: Thank you.

Thank you, Mr. Speaker. My third question is to the Minister of Education. When will the minister be giving school boards the funds they need to restore the 5 percent taken by your government from teachers and thereby remove the threats of strikes?

MR. MAR: Mr. Speaker, as the hon. member knows and as I think most people in this Assembly know, teacher remuneration is the subject matter of negotiations between school boards and locals of the Alberta teachers' union. The union locals throughout the province have negotiated successfully with their school boards in a number of different areas. In some cases, they've received their 5 percent back. It's always the subject matter of local negotiation.

Mr. Speaker, in 1994 the average rollback that was negotiated by school boards with their teacher unions was 4.5 percent, and in the two years that followed, the average restoration that was negotiated successfully by teacher union locals was 1.2 percent in each of those two years. The trend continues for teachers to get back money under their collective agreements.

As the hon. member knows, we have made increases to the instructional grant rate. We are reinvesting \$380 million into education.

MR. SAPERS: Point of order.

MR. MAR: People know there is money that is going back into reinvestment. The instruction grant rate, which teachers are paid out of – the first grant rate increase will be in April of this year and then another one in September of this year, and there will be subsequent increases in the outgoing two years beyond that.

So, Mr. Speaker, it's a matter that local school boards have been looking after with their union locals. I think the provincial government has placed its commitment to reinvesting in this area, and I think most Albertans recognize that \$380 million is a significant amount of reinvestment money.

THE SPEAKER: Third Official Opposition main question. The hon. Member for Edmonton-Meadowlark.

Multilateral Agreement on Investments

MS LEIBOVICI: Thank you, Mr. Speaker. Maybe we can get some straight talk from the next minister.

Many Albertans, Mr. Speaker, are concerned about the multilateral agreement on investments, commonly known as the MAI, which is currently being negotiated by the Canadian government. This government has, however, been strangely silent on the potentially disastrous effects the MAI could have on our ability to govern ourselves. To the Minister of Intergovernmental and Aboriginal Affairs, who I'm sure will give a much better answer than the former minister did: will the minister indicate which MAI exemptions this government has requested in areas such as health care, education, labour, social programs, and the environment?

MR. HANCOCK: Well, Mr. Speaker, I'm pleased to answer the question. The MAI is of course being negotiated by the federal government at the present time with OECD nations. We have asked for and have been given the opportunity to participate in those discussions, not directly at the table but talking with the federal negotiators and letting them know our concerns from time to time.

We've expressed concerns in areas such as the environment and labour standards that they're trying to put into it. It's not appropriate at this time to deal with the exemptions as yet because they're not at that stage in the negotiations.

MS LEIBOVICI: Thank you, Mr. Speaker. Can the minister perhaps inform the Assembly what discussions he's had with municipalities, school boards, regional health authorities, and labour groups to discuss the impacts of the MAI?

MR. HANCOCK: Well, again, Mr. Speaker, I would love to participate in the full debate on this whole question in the House when the hon. member's Motion 508 comes up for discussion later on in this session. We'll perhaps have a good opportunity to deal with this issue in great detail.

Officials in our department are consulting always with stakeholders in the community about trade issues and before discussing trade policy. I will be in Ottawa next week, on the 19th and 20th, at a trade ministers' meeting. I'm sure the issue of MAI will come up. We've sent out letters to all the stakeholders in the province that we've identified that might be interested in trade issues and asked for input.

1:50

MS LEIBOVICI: Will the minister, then, table in this Legislative Assembly the list of those stakeholders that he has consulted, as well as minutes of those meetings?

MR. HANCOCK: I'll certainly take that under advisement, Mr. Speaker. I'm not sure it's appropriate to table a whole list of people we've sent letters to. I can't say at the moment that we've had formal meetings about MAI. Again, we're not at the stage of determining whether or not we agree with the treaty or whether we're agreeing to ratify the treaty. We're in the stage now where we're discussing what might be in it. That's really at the federal level, and we're taking a broad approach to it, trying to make sure that Alberta's interests are secure in it. We've been consulting both formally by letter to organizations and informally, so that might be a huge list to table. I'm sure, again, that when we're discussing 508, we'll be happy to discuss this in great detail.

THE SPEAKER: The leader of the ND opposition, followed by the hon. Member for Calgary-Montrose.

Heritage Savings Trust Fund

MS BARRETT: You know, the Premier likes to use homespun analogies to explain why, after eliminating the net debt, which will likely be done next year, Albertans must now shift their focus to paying off the total unmatured debt, a debt which the Premier calls the first mortgage. Now, what the Premier doesn't ever talk about is that while we may have a \$14 billion first mortgage, we also have \$12 billion socked away in what amounts to guaranteed investment certificates, otherwise known as the heritage trust fund. [some applause] I don't think they're going to applaud my next line. The problem is that many of these assets earn less than

*See page 306, right col., para. 6, line 3

the interest we pay on the debt. So I would like to ask the Premier: if he's so committed to paying off that first mortgage, why doesn't he cash in some of those underperforming GICs and use the proceeds to make a huge and painless down payment on the mortgage, instead of financially strangling health care, education, and social services?

MR. KLEIN: Well, first of all, Mr. Speaker, there was a review of the heritage savings trust fund and what we should do with that money. Quite clearly, Albertans, not the politicians but Albertans, told the committee that they wanted to keep that fund intact.

Relative to the earnings on the heritage savings trust fund, the interest earnings on the fund are on average better than one would get today if one were to invest in a guaranteed investment certificate or any other kind of secured investment. On the whole, Mr. Speaker, we're doing quite well. As a matter of fact, we have some paper out there that's still yielding something in the neighbourhood of 12, 13 percent.

MS BARRETT: Yes, and the fact is that according to the public accounts, we're paying an average of 7 percent on our mortgage and only receiving . . .

Speaker's Ruling Preambles

THE SPEAKER: Hon. member, yesterday on a point of order we had a question dealing with preambles, and the general agreement was that the House leaders' agreement of last April would prevail. Your hon. colleague was a signatory to that, so let's proceed with the question.

Heritage Savings Trust Fund (continued)

MS BARRETT: Considering that the public accounts show that we've got an average 7 percent on our mortgage and we're only receiving 5 percent on our GICs, how can the Premier justify saddling Albertans with the extra \$100 million that it's costing us each and every year?

MR. KLEIN: Mr. Speaker, it's my understanding that we are ahead slightly. It's better than a wash in the government's favour. I'll have the hon. Provincial Treasurer supplement.

MR. DAY: That's actually true, Mr. Speaker. If the leader of the NDs would take some time to consult with her colleague from Edmonton-Strathcona, who actually has good input on matters related to the heritage fund, she would know that in fact on the entire investment portfolio, we're not only slightly ahead there in terms of debt costs, but actually it's one of the performance measures, and it is measured. It's one of the targets that fund has to perform to.

The overall fund, of course, is moving from a transition portfolio to an endowment portfolio, which over the long term will yield even greater returns. That's what Albertans want, that confidence in the future.

MS BARRETT: So the Premier will, then, please confirm for Albertans that rather than having this government painlessly pay down that first mortgage by getting rid of the underperforming funds . . .

AN HON. MEMBER: Question.

MS BARRETT: This is the question. Will he confirm that's his commitment regardless that it doesn't make any economic sense?

MR. KLEIN: Well, what we're doing does make economic sense, Mr. Speaker.

Going back to the fundamental question, the question is: do you at any particular time dissolve your savings account to pay off the mortgage? That is the subject, I guess, of an ongoing review. Albertans quite clearly said: "Keep your savings account intact and deal with your mortgage like any ordinary household. Set up a reasonable program for repayment of the mortgage," just like most of us in this Legislative Assembly address our home mortgage. We have a mortgage over 20 or 25 years. There's a schedule, a budgeted amount that we take out of our paycheques each month and we apply to the mortgage, but we don't all just cash in our savings account to pay down the mortgage. We handle it in a normal way, the same as any normal Albertan would handle their mortgage.

THE SPEAKER: The hon. Member for Calgary-Montrose, followed by the hon. Member for Edmonton-Mill Woods.

Workers' Compensation Board

MR. PHAM: Thank you, Mr. Speaker. The Workers' Compensation Board has as its mandate to compensate workers who are injured in the course of their employment. The Minister of Labour recently announced the appointment of four Albertans to the board of directors of the WCB. My question today is to the Minister of Labour. Mr. Minister, since injured workers are the principal clients of the WCB, why have you not appointed an injured worker to the board of directors?

SOME HON. MEMBERS: Good question.

MR. SMITH: Well, I would echo the opinion of the opposition, Mr. Speaker, that in fact it is a very good question. The board of directors of the Workers' Compensation Board is made up of 10 persons. There's one chairman, three members representing the interests of employees and workers, three persons representing the interests of employers, and three persons representing the interests of the general public.

In fact it's probably a good time to table the current membership of the board of directors. Their phone number is 498-4902. They can be contacted. The new public members were filled by open competition for the first time in the history of Alberta. We asked for a chair. We asked for three public members. We have an ad, as a matter of fact, Mr. Speaker, that I'm sure you will read with interest.

Mr. Speaker, we received over 200 applications. We did not ask applicants if they were injured workers. We did not ask applicants about their gender. We did not ask them about their age. In fact, we didn't ask them about their political affiliation either.

MR. SAPERS: Point of order.

MR. SMITH: Quite simply, we were looking for Albertans who could best represent the public on the board of directors of a \$3 billion corporation. We wanted the best people to serve the interests of an arm's-length, employer-funded insurance corporation.

MR. PHAM: Thank you, Mr. Speaker. My question again is to the Minister of Labour. How can the minister be sure that the difficult cases, long-term disabilities and the cases of chronic pain, are being handled appropriately when there is no one on the board of directors who understands what these claimants go through?

MR. SMITH: Mr. Speaker, that's really an important question, because when people get injured and they look for compensation, there's a real need to understand the emotional side of work loss, a real need to understand what it's like to be unable to return to work. The Workers' Compensation Board paid out more money last year than they have ever paid out to claimants. The period back to work is shorter than before. These public members and these worker interest members as well as the employer members are going to have to work very hard to understand the issues of the community. That's why a broad public consultation is under way. As this comes forward, we know that's going to be part of the process.

2:00

There's also interest from, interestingly enough, government members, Mr. Speaker: a private member's bill from the Member for Calgary-Egmont dealing with the issue. We know that there's a two-level appeal process, there's access to the provincial Ombudsman, and of course there is the review going on of the policies of the WCB today. [interjections] Instead of the catcalling that comes from the other side, if they were to be broad-minded enough to get involved in the public review and be at places where they can help constituents in the interests of Alberta . . .

THE SPEAKER: Hon. Minister of Labour, "catcalling" is a phrase, but there's also another phrase born in the western prairies called "spitting in the wind." Beware.

The hon. Member for Calgary-Montrose.

MR. PHAM: Thank you, Mr. Speaker. My final question is also to the Minister of Labour. I am sure there is more that can be done to ensure that the WCB is meeting the needs of Albertans. What can the minister propose in this regard?

MR. SMITH: Thanks, Mr. Speaker, and thanks for the advice. I've never heard of it as "spitting," but I've heard of it as something else in the wind.

Mr. Speaker, let me bring this back to the serious element of what this question is really asking. There is more to be done. The president and the CEO have to be responsive. They're both new. The new chair of the board of directors is going to take a very active role in this broad consultation. These people have been chosen for ability, experience, and commitment. The WCB employs broad consultation. They work with employer groups, labour groups, and injured workers.

You know, Mr. Speaker, there are other options that are worth examining. The WCB is essentially a private insurance company operating as a government-legislated monopoly. Indeed, as part of this interest of better serving the worker, perhaps there is room for a study of competitive market options. That will probably inject itself into the policy review.

THE SPEAKER: The hon. Member for Edmonton-Mill Woods, followed by the hon. Member for Bonnyville-Cold Lake.

Property Taxes

DR. MASSEY: Thank you, Mr. Speaker. In 1975 about 25 percent of provincial education dollars came from property taxes. Today about 45 percent of those dollars come from property owners. My questions are to the Minister of Education. Does the government plan to continue this trend of funding schools by increasing property taxes?

MR. MAR: Mr. Speaker, our policy is in fact to reduce the mill rate, and that's been the trend over the last four years if I recall correctly. I might ask the Provincial Treasurer to supplement this. It was roughly about 50-50 four years ago. It's come down a little bit, and there's been a greater contribution that's come from the GRF as opposed to property taxes. Perhaps I can ask the Provincial Treasurer to give more detail on that.

MR. DAY: The Minister of Education is quite accurate in his figures there, Mr. Speaker.

DR. MASSEY: Thank you, Mr. Speaker. Can the minister assure property owners that their education tax bill will not increase this year?

MR. MAR: Mr. Speaker, I don't purport to be an expert on the subject matter of property taxes, but it is a function of the fair market value of the property. So the amount that is assessed on a per property basis will depend on two functions. One is the mill rate, and second is the fair market value of the property. The provincial government has control over the mill rate, and that is the figure that we've been working on reducing. With respect to the fair market value, that will differ from community to community.

DR. MASSEY: Thank you, Mr. Speaker. Can the minister tell us: what is the government's target mix of dollars for education from property tax and dollars from the general revenue fund? What ratio are you looking at?

MR. MAR: It's about right now, Mr. Speaker.

THE SPEAKER: The hon. Member for Bonnyville-Cold Lake, followed by the hon. Member for Calgary-Buffalo.

Natural Gas Pricing

MR. DUCHARME: Thank you, Mr. Speaker. In the past few days constituents from Bonnyville-Cold Lake have been calling me in regards to increases to their natural gas fuel heating bills. They have informed me that increases of 11 percent were granted to the fuel supplier in 1996 and most recently another 13 percent increase. What concerns them is that despite the fact that international natural gas prices have been dropping for quite some time now, they are facing increases on their monthly bills. To the Minister of Energy: how can the Energy and Utilities Board justify these increases in the pricing of natural gas?

DR. WEST: Mr. Speaker, it's a good question. I get a lot of questions on this. I think it's a bit of misunderstanding of how gas cost is achieved in the province of Alberta and how utilities actually are allowed to charge for the services to your homes. There are two components to a gas bill. One is the cost of distributing the natural gas to the consumer. Now, that is applied

for to the EUB, and they're given a fair rate for all the costs included to transfer the gas from the source to your house. The second cost is a charge for the natural gas itself, the actual cost on the free market for the gas supply that utilities must purchase on the spot market or in long-range contracts.

Twice a year the utilities can apply for a summer and a winter rate to set the cost of gas for that year, but during that year – in '96, like the hon. member was talking about, and '97 there were variables in the costs of gas that the gas purchaser or the company could not predict. How many people can remember last year, '97, the 50-below weather, 40-below weather, the 30-below weather? In '96 there were variables also. The gas market really spiked in Alberta, the cost of it. That wasn't booked in by the purchases that the gas utility had made and applied for the rate.

So they come back to the EUB and apply for recovery of the actual cost of the gas. If the EUB determines that's a fair assessment of what the market cost for that gas was, that increase or decrease – the consumer will pay the difference, 11 percent and 13 percent respectively in '96 and '97 in your area in Bonnyville. Or as this year may apply, if it continues to what it was and the average goes down, the EUB will look backwards, and if indeed gas costs less than was projected by the utility this year because of El Niño or other mild winters, then the consumer will get that back. I hope that we will get as many letters when they get it back as we get when it goes up.

MR. DUCHARME: Thank you, Mr. Speaker. My first supplemental to the Minister of Community Development. Seniors, particularly seniors on a fixed income, are very concerned about the natural gas increase. Is there any assistance available to them?

MRS. McCLELLAN: Mr. Speaker, this is an important issue to seniors. However, we've been very fortunate this winter in having a mild winter, and I have not had as many calls on this subject as I would have thought. In fact they're virtually negligible. But there is a program in place to assist seniors with unexpected financial emergencies. That program is the special-needs program. It does provide up to \$5,000 in a year for an emergency. Certainly if a heating bill charge that was excessive to their budgeting came in and it was a crisis for that senior, then they could apply through that program, and their circumstances would be looked at and help could be provided. So I am pleased to say that if seniors are facing financial emergencies, there is a program in place to assist them. I could give the 1-800 line, but they could also get that from my office.

MR. DUCHARME: Mr. Speaker, to the Minister of Family and Social Services. Over the years constituents on assured income for the severely handicapped have faced very little increases as far as their income is concerned. How are they expected to cope with the increases on this commodity that is essentially necessary for survival in northern Alberta?

DR. OBERG: Thank you very much, Mr. Speaker. The people who are on AISH, which is what the hon. member is talking about, receive \$823 per month. There has been a \$5 increase in the past year. The shelter benefits in the AISH program are something that we are currently looking at, recognizing the exact issues that the hon. member has raised. There are hot spots in Alberta, and there are spots where rental incomes actually have gone down. One of the tasks that I have given to my department is to come up with an adequate approach to look at the different

rental rates, look at the different costs, as the hon. member has alluded to, and come up with an adequate reimbursement for this.

THE SPEAKER: The hon. Member for Calgary-Buffalo, followed by the hon. Member for Calgary-Currie.

2:10 Mental Health Services

MR. DICKSON: Thank you, Mr. Speaker. The government's own Provincial Health Council in its 1997 report described the future of our mental health system as an "overarching" concern. Now, the stated policy of this government has been to provide more services in communities and in people's homes, yet fully 80 percent of respondents to the council's survey were concerned about mental health services. So my question would be to the Minister of Health this afternoon. Can the minister tell us today what specific types of mental health services will be designated as a provincial service and not divested to local communities?

MR. JONSON: Mr. Speaker, the Alberta Provincial Mental Health Board has been doing extensive consultations across the province in terms of reviewing the whole area of provincewide services which would be run directly by the Provincial Mental Health Board. I have not yet received their final report, but I will certainly give it careful consideration when those recommendations are received.

Certainly, Mr. Speaker, I anticipate that tertiary psychiatric care, which is of a very specialized nature, the area of forensic psychiatry, and certain specialized brain injury programs will be retained by the Provincial Mental Health Advisory Board. Beyond that, however, I want to wait for the report, and we will do our assessment at that time and make our decisions.

MR. DICKSON: Well, Mr. Speaker, since mental health patients and their families in this province have been waiting seemingly forever for the result of this consultation, can the minister commit to a specific date when all Albertans will know what matters are going to be divested and what matters will still be a provincial responsibility?

MR. JONSON: Well, Mr. Speaker, I think the important point here really should be an interest in the effort that is going on right now and will be indicated in the months following the budget to move in terms of, in some cases, divesting certainly and enhancing community-based mental health services across this province. That I think is the area that I find at least the mental health community is very interested in. In terms of dealing with the overall provincewide services review, certainly I am not going to delay on that. I would hope that we would have a decision within the next one to two months, but the point is and should be, I hope, the concern of the hon. member across the way, that those mental health services are being delivered in the province now.

MR. DICKSON: Mr. Speaker, the final question that I think mental health patients and their families would like to know from this minister is: what are the current plans of this minister for rebuilding the two large mental health facilities in Fort Saskatchewan and Ponoka, and would he contrast that with building plans in terms of building facilities and beds in the community close to where the patients actually live?

MR. JONSON: Mr. Speaker, our overall budget and our overall approach in Alberta Health towards capital construction, as the

hon. member may know, is one where we establish in consultation with health authorities and others across the province their capital needs. We have a set of criteria which the proposed projects are matched against or run against, and they are prioritized. The other thing we're doing right now is working with the health authorities, both provincial and regional, to do a detailed assessment of our health infrastructure out in the urban and rural communities of the province. So we do not have any specific major projects to announce certainly or to be able to report on at this particular time, but that is the process followed for all capital projects. I think it's a good one, and we'll make decisions accordingly.

THE SPEAKER: The hon. Member for Calgary-Currie, followed by the hon. Member for Edmonton-Glenora.

Volunteer Caregivers

MRS. BURGNER: Thank you, Mr. Speaker. Earlier this month all MLAs received a letter from the current Council of Chairs chairman, Jean Graham from the regional health authorities. It had to do with the new Protection for Persons in Care Act as it impacts the recruitment of volunteers, so my questions this afternoon are to the minister responsible for that act, the Minister of Community Development. The concern has to do with the need for our volunteers to have criminal checks as they deal with patients in these care situations. So my first question to clarify the matter for the members of the Assembly is: what does the current legislation cover and who is affected by it?

Speaker's Ruling Reviewing Legislation

THE SPEAKER: The purpose of question period is not to review legislation that currently exists. All members have copies of the legislation, and they can review that at their own leisure. So, hon. minister . . .

Volunteer Caregivers (continued)

MRS. McCLELLAN: Mr. Speaker, I think I can be fairly succinct in this answer. The requirement is in the act. I would remind all hon. members that that point was debated quite fully in the passage of the act and that it is a requirement that an individual's consent be given before that criminal check is enacted. So those are the provisions of the act as it passed.

MRS. BURGNER: Thank you, Mr. Speaker. I appreciate your direction.

To the same minister: will any assistance be given for our volunteer groups who are having to deal with this situation?

MRS. McCLELLAN: Mr. Speaker, we don't want to put undo hardship on our volunteer groups. However, I must say that this provision does exist under some provincial legislation or regulation under the Minister of Family and Social Services in the handling of day care centres, where anyone who is going to volunteer in a day care centre, I think over the age of 12, is required to have a criminal check. I would ask the hon. minister if he might supplement and give us any advice as to whether that particular requirement has caused an onerous problem for our volunteers. I think that we go by some experience when we're dealing with this. This is a new act. We're putting it in place now, and perhaps he could give us some advice as to whether the

criminal check has been a problem with volunteers in day care centres.

DR. OBERG: Thank you, Mr. Speaker, and thank you to the hon. minister for asking me that. It has not been a problem in day care centres, and as a matter of fact it is seen as being a very beneficial item with regards to day care centres.

MRS. BURGNER: Then my final supplemental. In the letter from Mrs. Graham there were some recommendations to be considered. Will the minister consider any of the alternatives suggested by Mrs. Graham in her correspondence?

MRS. McCLELLAN: Mr. Speaker, the correspondence outlined a couple of options that I recall. One was to remove that section. I don't think that would be in the best interests. I think the importance of the protection of persons in care is paramount, and I think it was held very strongly in this House that that was an important component of it.

However, another suggestion in that letter was to have new volunteers sign an affidavit concerning any past criminal activities. That's something I think we could consider. However, if a person has some criminal past, it is conceivable that they may not be totally up front about putting that forward.

So I think that what we should really do is talk with the Council of Chairs through the Minister of Health, work with them through our departments as to the enactment of this clause of the act, and I think that all of us should remember that the protection of those persons in care is paramount.

THE SPEAKER: The hon. Member for Edmonton-Glenora, followed by the hon. Member for Calgary-Glenmore.

2:20 Edmonton General Hospital

MR. SAPERS: Mr. Speaker, in 1996 the committee led by the now Minister of Family and Social Service recommended that the operating costs of the closed parts of the Edmonton General hospital be paid for by Alberta Public Works, Supply and Services. A review of public accounts now reveals that no payment has been made to either the Capital health authority or to the Caritas group to cover this expense. Will the minister of public works please explain why his department is not living up to his obligation to cover this \$1.5 million operating expense?

MR. WOLOSHYN: Mr. Speaker, I'm certainly not aware that this department or this minister has made an obligation to pay \$1.5 million. We do in fact as a department own the facility in question. We have been in discussions with the Caritas people with respect to the usage of the building and the future of the lease. I can assure this Assembly that, as we do with any client of ours, we will treat them fairly and equitably and will certainly be looking at whatever problems they may have in that particular area.

MR. SAPERS: Why has the Minister of Health allowed this situation to carry on unresolved, costing the Caritas group millions of dollars, money that should have been spent on patient care, not heating empty hallways?

MR. WOLOSHYN: Mr. Speaker, that question, I think, is better placed towards my ministry since we are the ones who hold the lease. If the hon. member would do his homework a little bit

more cautiously, he would find that we have been in constant discussion with Caritas in an amicable way, and we have made a lot of progress towards a resolution of leases in general. I do agree, as the Minister of Health I'm sure agrees, that certainly operating dollars for health care do go into health care. The hon. member must remember that Caritas has had some great bit of input into the decision-making as to that building and the lease. I'd like to point out to you, hon. member, that at any time with six months' notice either party could terminate.

MR. SAPERS: Mr. Speaker, given that the Caritas board has now publicly said that they're expecting at least a three-quarters of a million dollar deficit, what will the Minister of Health do to come to the assistance of the Caritas Health Group in Edmonton should they incur this deficit because that other minister, the minister of public works, won't pay its bills?

MR. WOLOSZYN: Mr. Speaker, I would reiterate very clearly – and I hope the member asking the question is listening this time – we are in discussions with Caritas, we are in discussions with the Capital health authority, and Caritas will be treated fairly.

THE SPEAKER: The hon. Member for Calgary-Glenmore, followed by the hon. Member for Edmonton-Glenarry.

Kananaskis Country

MR. STEVENS: Thanks, Mr. Speaker. Many of my constituents are regular visitors to Kananaskis Country, and some of them have expressed concern to me about its future and the possible impact of additional development. My question is for the Minister of Environmental Protection. How is Kananaskis Country protected now, and how can my constituents along with other Albertans have an assurance that they will have a voice in how it is managed in the future?

MR. LUND: Thank you, Mr. Speaker, and thanks to the hon. member for bringing this topic forward. It's one that we often discuss with the MLA for the area, the hon. Member for Banff-Cochrane. Kananaskis Country is certainly a jewel in the province of Alberta, so it is important that it be managed in a very effective way and certainly that Albertans have input into it.

As far as the current protection, Mr. Speaker, Kananaskis Country is the home of the largest provincial park. Within Kananaskis Country as well there's the Elbow-Sheep wildland park; there's the Wind Valley natural heritage area; there's an ecological reserve; there's a natural area. It's all covered by an IRP, and within that IRP there are zones 1 and 2, which are critical wildlife and prime protection areas. All of those areas are controlled very strictly as far as development is concerned, and basically the only development that is allowed is where we have current commitments.

Even beyond that, in Kananaskis Country we have the recreation development policy. That policy, since it is quite old, we are currently reviewing, but public input will be ongoing. Currently we have a consulting firm that is in fact doing that public consultation.

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

MR. STEVENS: Well, if Kananaskis Country is so well protected, can the minister then explain why he allows activities such

as oil and gas development and logging, referring in particular to the recent controversy generated by logging in the McLean Creek area of Kananaskis Country?

MR. LUND: An excellent question, Mr. Speaker, and I thank the hon. member for it. As I indicated in the answer to the first question, the whole area is covered by an IRP, an integrated resource management plan. IRPs are developed with public consultation. It takes a period of time. There's public consultation that goes into what can happen within the various areas, and certainly Kananaskis Country was recognized for its recreation potential, for its pristine areas, and areas that have potential for natural resource development. The eastern third, approximately, of Kananaskis Country falls under zone 5, which is a multi-use zone, and McLean Creek happens to be in that area. So the forest harvesting that the hon. member is referring to, done by Spray Lakes, is within that area. As a matter of fact, they are looking at possibly harvesting in a 20-kilometre-square area over the next five years.*

DR. WEST: Mr. Speaker, supplemental?

The oil and gas industry, of course, has come a long way in the last few years. They actually, when they go into a highly sensitive area, do an excellent job in mitigating the environment and all the issues that are involved in drilling and accessing those resources. On the other hand, I have knowledge that it costs about \$12 million a year to run Kananaskis Country and that it cost over \$380 million to build it. If it wasn't for the oil and gas industry of the day, you wouldn't have the Kananaskis Country you have today.

MR. STEVENS: Lastly, I'd like to ask the minister why the Kananaskis coalition withdrew from the process that was in place and how environmental concerns will now be represented.

MR. LUND: Mr. Speaker, when I thought about the answer to the second question, I'd said that the forestry operation would be "over the next five years." In fact, I recall now that it's over the next 12 years.**

The answer to this particular question. The coalition did withdraw from the steering committee. Spray Lakes set up a steering committee before they ever started planning to do any harvesting within this area. This steering committee does have other environmental groups on the committee, so we're sure that the environment will be looked after.

I can't answer why the coalition left. Quite frankly, Mr. Speaker, they were on the committee from the start. They've been along as the terms of reference for the committee were developed, and they've had input all along to the plans, so why they would suddenly withdraw at this point – the hon. member would have to get that answer from the coalition.

THE SPEAKER: The time for question period has now left us. Prior to proceeding to Orders of the Day, we do however have four points of order to deal with. [interjections]

The hon. Member for Edmonton-Glenora.

Point of Order Brevity Allegations against Members

MR. SAPERS: Thanks very much, Mr. Speaker. I can hear the

*See right col., para. 6, line 4

**See right col., para 2, line 15

catcalls from across the way, but this is very serious because . . .

2:30

THE SPEAKER: I've already made a comment with respect to catcalls. It works both ways. [interjection] Okay. Sit down. Sit down. You don't have to reference it. We're moving on. You've got a point of order. You're recognized. Get to the point, citations and the like.

MR. SAPERS: Thanks. I will, and it is like spitting in the wind. You're right.

Under 417 of *Beauchesne* and then I'm going to also reference Standing Order 23(h). First, under *Beauchesne* 417: "Answers to questions should be as brief as possible, deal with the matter raised and should not provoke debate." This is, of course, advice given in the rules to members of Executive Council when they're questioned by private members.

In the question answered by the Minister of Education from my colleague the Member for Edmonton-Gold Bar, I noticed that the Minister of Education went on and on and on and on, in, I believe, flagrant disregard for the practice of this House and in total contradiction of *Beauchesne* 417.

Mr. Speaker, I would also now turn to 23(h) in our Standing Orders, which talks about one member making allegations about another member. In the Minister of Education's lengthy response, rambling response even, to my colleague from Edmonton-Gold Bar, he made mention of \$380 million that is going to be spent in education, and I think he said it was new spending or that they were new dollars. Of course, he's making an allegation against the Provincial Treasurer that the Provincial Treasurer was going to be spending \$380 million over and over and over again, and of course that's not true. That allegation is false. The Minister of Education knows full well that only about \$170 million of those dollars in any way are new. The rest would be replacement dollars. So I take offence on behalf of the Provincial Treasurer about that allegation, but I would very much seek your guidance, having read *Hansard* from yesterday and your Speaker's ruling about question period yesterday. I'd also seek your guidance on the brevity of the answers and give some direction to Executive Council.

MR. HAVELOCK: Well, Mr. Speaker, this is a first, the Opposition House Leader raising a point of order on an allegation which he suggests the Minister of Education made against the Provincial Treasurer. It's a beauty, but I don't think it's covered. Quite frankly, with respect to the dollars being spent, it's been stated time and again in this House that it is new money. That's the point the Minister of Education was making. There's obviously simply a point of disagreement on this issue.

The other thing I'd like to point out to you, Mr. Speaker – and it's always interesting; when the Opposition House Leader stands and argues 417, he does tend to ignore 409(1)

- (1) It must be a question, not an expression of an opinion . . .
- (2) The question must be brief . . .
- (4) It ought to be an important matter, and not be frivolous.
- (5) The matter ought to be of some urgency.

Perhaps if he would abide by the rules of *Beauchesne* and suggest to his own caucus that they do the same before he stands up and quite frankly chastises a minister who gave a detailed and good response, then we wouldn't have these useless and frivolous points of order in the first place.

THE SPEAKER: On the point of order, I appreciate the fact that

both hon. House leaders refer to *Beauchesne* 417 and 409 in dealing with brevity of questions and brevity of answers. That's very important, and that certainly follows through with what we've been discussing the last couple of days.

It may be of interest for hon. members to know what happened today. Today there were 11 questions in the question period. In terms of dealing with this point of order, I'd just like to make the following comments. With respect to the first Official Opposition main question, there was a grand total of three minutes entailed between the raising of the question and the provision of the answer. On the second Official Opposition main question, there was a total of five minutes involved between the raising of the question and the conclusion of the last answer. In terms of the third Official Opposition main question, there were four minutes expended. In terms of the leader of the ND opposition question, there were 5 minutes expended.

In terms of the question offered by the hon. Member for Calgary-Montrose and the conclusion of that question, there were six minutes expended. In terms of the question from the hon. Member for Edmonton-Mill Woods and the answers, two minutes were entailed. Then the hon. Member for Bonnyville-Cold Lake raised a question, and by the time that answer was dealt with, six minutes had been expended. The hon. Member for Calgary-Buffalo: in dealing with the questions and the answers, there was five minutes. From the hon. Member for Calgary-Currie: to the conclusion of those questions was four minutes. From the hon. Member for Edmonton-Glenora: to the conclusion of those answers was four minutes. Then the hon. Member for Calgary-Glenmore: to the conclusion of those answers was six minutes to the end of the question period, but it went on for another one minute, so it was approximately seven minutes.

So I'm not sure what the conclusion of all this is, but I certainly want to congratulate those hon. members and those hon. members of Executive Council who actually followed something between three to four minutes in dealing with this. Perhaps the brevity interpretation might be looked at by those hon. members and the hon. ministers who responded to extend it to six minutes plus to seven minutes.

In the case of the point of order raised by the hon. Member for Edmonton-Glenora, as I recall, that was the second Official Opposition main question, and that was just approximately five minutes entailed in that.

So in terms of what has happened today, there may have been some longer ones, but again I would hope that eventually if we ever got to a situation of three to four minutes between the first question and third answer, it would be amazing. We would have more than 11 questions. We might get to 13 sets of questions in a day, more information would be ascertained, and less debate would occur.

So I appreciate both House leaders allowing all members of the Assembly to once again have an opportunity to read *Beauchesne* 409 and 417, but I think not in terms of a point of order.

Now, this may cover some of the other points of order in what I've just talked about because the next three points of order are also being authored by the hon. Member for Edmonton-Glenora. So, hon. Member for Edmonton-Glenora, we've dealt with the first one. The second one.

Point of Order Brevity

MR. SAPERS: Thank you, Mr. Speaker. What I think I'll do to

speed things up, because I wouldn't want to waste any time in this Assembly, is deal with all three remaining points of order at once. They all are . . .

THE SPEAKER: Hon. member that would be very difficult for the chair to deal with. You've got three of them. Deal with your second one.

MR. SAPERS: All right. Mr. Speaker, *Beauchesne* 417: "Answers to questions should be . . . brief." I'm referring to the question put by the Member for Calgary-Montrose and answered by the Minister of Labour. Obviously, he made no attempt to respect the rules in this House. He introduced a tabling during debate, he gave out phone numbers, and in fact I notice that in answer to the first supplemental question his answer went on over a minute 30. So I am heartened by your words in the earlier ruling, but that's the substance of my second point of order.

MR. HAVELOCK: Well, forget it.

THE SPEAKER: Perhaps it has been dealt with. We did point out on the record that the amount of time – it was six minutes. It was the longest one of the series of exchanges today, so the point's made there.

In terms of the tablings, yes – I'll repeat again – it would really be helpful if tablings were done at the appropriate part. Hon. members, this applies to all hon. members.

Third point.

Point of Order Brevity

MR. SAPERS: Yes. Again citing *Beauchesne* 417, this is in regards to a question put by the Member for Bonnyville-Cold Lake, answered by the Minister of Energy. I made note, Mr. Speaker, that the question put from Bonnyville took 17 seconds; the answer took two minutes and 13 seconds. While that may be a short answer from that particular member of Executive Council, it was an excessive answer given what we are used to in question period.

THE SPEAKER: Once again we've already made mention of the length of time that it did take for the exchange. It was some six minutes. It was again towards one of the longer ones. Hon. member, there's no real relationship between the shortage of the question, and – it depends on what was entailed in this case. But okay. Dealt with?

Fourth one.

Point of Order Brevity

MR. SAPERS: Yes. Last up, Mr. Speaker, and thanks for your indulgence. Again, citing *Beauchesne* 417: "Answers to questions should be as brief as possible." The Minister of Environmental Protection clearly violated this section of *Beauchesne* in his lengthy answers. I stopped timing him after two minutes for each of his answers because I just couldn't take any more, and I noticed that you said that even though the clock had run out, he took another minute past that. I think he wins the derby today of taking seven minutes of time in the Assembly.

MR. HAVELOCK: Mr. Speaker, I'd just like to emphasize that in the section that the Opposition House Leader is citing it states

as follows: "Answers to questions should be as brief as possible, deal with the matter raised and should not provoke debate." Well, Mr. Speaker, questions which demand a complete answer will sometimes take longer to provide that answer. Let's not just focus on the brevity of the answer but on the information also being given in the response.

2:40

THE SPEAKER: The Minister of Energy.

DR. WEST: Yes, Mr. Speaker. I was the subject of one of these points of order, but I have to say that the people . . .

THE SPEAKER: The point of order right now has to do with one with respect to the Minister of Environmental Protection. That's the point of order we're on.

MRS. SOETAERT: If I may add to these points of order, Mr. Speaker, I might say that often we hear the history of something when it . . .

THE SPEAKER: Please. On the point of order, the citation and the point.

MRS. SOETAERT: Citation: 417 *Beauchesne*.

THE SPEAKER: The point.

MRS. SOETAERT: To the point. Often we hear from a minister the history of how something happened, and I do believe they often look at each other and just try to beat the clock. If they want to table the history, say to the member, "I'll table it tomorrow," but answering the question they often go back years and years, and I think they are well aware of that.

THE SPEAKER: The Minister of Environmental Protection on this.

MR. LUND: Well, Mr. Speaker, the questions today were dealing with a very broad item and in fact very interesting to all Albertans and very important to all Albertans. Just because they don't like the answer, I think it's very, very childish to be calling a point of order when we're giving out the information that the hon. member asked for.

THE SPEAKER: We have not heard from the hon. member who initiated the question, so I will just subjectively make the following comments. All private members in this Assembly have the right to ask questions and seek information with the rules that we have. That is a right of all private members. It is as much a right of members of the opposition as it is of members of the government side. That principle has to be maintained, must be maintained, and in fact is the principle of government. There are two types of MLAs in this Assembly: those who are in the government, i.e. members of Executive Council, and those who are not in the government. They are private members, and they certainly have the right.

We've had good discussion with respect to the four points of order today. The bottom line is: the numbers are there in *Hansard* for all people to review in terms of the length of the questions. A reminder again in terms of the brevity of the question and the brevity of the answer, and we'll just continue to move forward. Actually this House is moving forward quite well.

I want to compliment all members on the way they've conducted themselves in question period and particularly last night in the House.

head: **Orders of the Day**

head: **Written Questions**

MRS. BLACK: Mr. Speaker, I move that written questions appearing on today's Order Paper stand and retain their places with the exception of written questions 3 and 4.

[Motion carried]

Lloydminster Biprovincial Upgrader

Q3. Mr. White asked the government the following question: What are the yearly projections for upside interest accruing to the province of Alberta from the operations of the Lloydminster biprovincial upgrader for the period 1997 to 2014 as specified under the upside interest agreement of February 7, 1995, between Her Majesty the Queen in right of Alberta and CIC Industrial Interests Inc.?

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

MR. WHITE: Thank you, Mr. Speaker. I wish to speak briefly to this and the reason for the answer forthcoming. This matter relates to an agreement in the sale of the Husky upgrader, and we'll make comment on whether it should have been done then or later, but the agreement clearly states that the government of the day was looking for an upside, looking to sell that portion of the upgrader, about 24 percent or so, that the Alberta government had for a drastic loss of some \$393 million.

In order to recoup some of that loss, the government of the day decided that it would be a reasonable position to take and wrote that into an agreement, of course, that when the price attained for the product that was sold was substantially different than the price it cost to produce that product, it therefore set a rate difference between the synthetic crude price and the heavy crude price over a 20-year period. It behooves the government for making such an arrangement to report on a regular basis the progress on that. One would have thought that it would appear in the consolidated statements, an adjunct to those statements, such that every Albertan would be able to ascertain that information. I just would like to reiterate finally that that kind of information should have been and would be expected to be in the estimates, and it certainly wasn't.

Thank you, Mr. Speaker, for your time.

DR. WEST: Well, Mr. Speaker, I'm really impressed with the hon. member's knowledge brought forth in this question. He's actually answered his own question except for a couple of figures that are on a rolling average. Every two years it's assessed, and it is on an upside margin of \$6.50 a barrel difference between the spreads. The spreads went as high as \$11 this year. So we do enjoy a return on this, a very substantive return. Again, it's done every two years. That's why it hadn't showed in the estimates, but it will be coming forward. I will answer this question to the best of our knowledge with the facts we have today, although we're making money right today that won't be reported until it's a two-year average. But I will answer this question with the fullness of the information that I have.

[Motion carried]

Energy and Utilities Board Facility Applications

Q4. Mr. White asked the government the following question: What was the rate of deficient applications for routine facility applications submitted to the Alberta Energy and Utilities Board for the 1996-97 fiscal year and for the period April 1, 1997, to January 27, 1998?

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

MR. WHITE: Thank you, Mr. Speaker. This question, as you can see, relates to the deficiency rates of applications to the Alberta Energy and Utilities Board. You'll know, sir, that the industry, and rightly so, is required to file application with the board on many occasions and particularly those occasions where they relate to properties that may sustain some damage. Subterranean damage is also the case.

Well, when these applications are made, there is a certain number that are turned back to the applicant for reason of not having the proper information filed. We believe that would be a performance benchmark or a key performance indicator of the EUB in that it behooves them to let their client base know, the industry know, exactly what is required and keep them updated on that. We believe that number should be reported on a regular basis and would ask that. We further believe that information could be easily forthcoming should the board have the cash, of course, to do this, to be active in the industry to actively seek out the applicants and educate those applicants so as to minimize the return of their applications. We believe that this would be one of the key performance indicators and would like to see the answer to this question given and in subsequent years the key performance indicator included in the estimates.

Thank you, sir, for your time.

DR. WEST: I get a little confused sometimes. I'm not sure that the answer that I will be bringing forward to you – your intent of the question will be answered by the material that I have to table when I accept this question. I'll do the best I can, but understand that you will have to make your determinations from that information yourself.

[Motion carried]

2:50

head:

Motions for Returns

MRS. BLACK: Mr. Speaker, I move that motions for returns appearing on today's Order Paper stand and retain their places with the exception of Motion for a Return 20.

[Motion carried]

Speech Transcripts

M20. Dr. Massey moved that an order of the Assembly do issue for a return showing a transcript or final draft of every speech presented by the Deputy Minister of Education or Acting Deputy Minister of Education during the period January 1, 1993, through February 1, 1998.

DR. MASSEY: Mr. Speaker, the reason we have asked for the information, in this case the content of the speeches, is to help us better understand some of the government actions. Deputy ministers are supposed to be independent professionals who supply and provide advice to the minister. Perhaps in the remarks of

those individuals, as they have addressed groups around the province, we will be able to find an explanation as to why, contrary to the research in the field, funding for kindergarten was first cut then reinstated – it's still at a reduced rate – or why the research that is available to professionals in the field on class size seems to be dismissed.

Secondly, we'd like to know how consistent the message from the department with statements made from the Minister of Education is. The minister has consistently claimed that a quality education is being funded by the province, and what has been said to various groups around the province who have disputed that assertion by the minister is of interest to us.

Thirdly, site-based management was mandated across the province. There's been very little information about how this budgeting process is being implemented across the province, and the deputy surely has had to address this major change. We would like that information, some information in terms of the concerns that school districts and schools are raising as they make this change.

A fourth reason is that parent fund-raising is now being seen by the government as an expected portion of the school finance. We would like to know how this is being rationalized to the taxpaying public. Again, we expect that the deputy minister has addressed this topic and could shed some light on it.

Lastly, since 1993 one deputy minister has retired. Without public explanation the department has removed another deputy and renamed a replacement. Perhaps the explanation for those actions rests in the comments of the deputies.

So for those five reasons I'd ask that the Assembly support this motion, Mr. Speaker.

MR. MAR: Mr. Speaker, I rise to reject Motion for a Return 20. As many of the deputy minister's speeches were not formally prepared and as any comments made by a Deputy Minister of Education would not establish policy but rather repeat the policies and directions established and communicated by the minister, the government does not accept this motion.

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

MR. SAPERS: Thanks, Mr. Speaker. I've often heard members of Executive Council in this House say that they are open and accountable when they table things: this is in support of being an open and accountable government. I've even heard the Minister of Education use those words before, and I can't believe my ears that he would say that because the deputy minister's notes aren't always formally prepared, he's not prepared to table in this Assembly what certainly senior civil servants have said in public, at public meetings and at public forums. It makes me wonder what it is that he's trying to hide and what it is that the deputy minister couldn't get away with. I am absolutely taken aback at the suggestion that that minister doesn't have enough confidence in the civil service of this province that they would put on the record, on the table for public review, the prepared text.

My colleague from Edmonton-Mill Woods wasn't asking for notes or musings or cribbed notes or scribbles on napkins. He was asking for drafts of speeches, he was asking for actual texts of speeches that were delivered to audiences in the role of the acting deputy minister or the deputy minister paid for by Alberta taxpayers. Presumably the material on matters of public policy would have been prepared by people who were paid for by Alberta taxpayers. And if there's one thing that's at the top of

Albertans' agenda besides health care, it's public education.

This minister does a disservice to all of us in this House who now have to go and explain to our constituents that the government is trying to hide something, that there was something that a senior civil servant said that now can't be repeated because it was somehow inappropriate or it offends the tender sensibilities of the Minister of Education.

I'll note that other senior civil servants have gotten into trouble for saying things that weren't entirely correct. We once upon a time had a Deputy Minister of Health in this province who seemed to make some habit out of elaborations and exaggerations and interpretations, and that deputy minister is no longer here. Now we have deputy ministers that seem to be fleeing the Department of Education at a rather steady rate, and we're given no explanation. When we finally find a source to access at least a partial explanation, we're stonewalled by the Minister of Education. That is not acceptable. [interjection]

Mr. Speaker, the Minister of Education, in a feigned attempt to mask his remark so that *Hansard* couldn't pick it up, just faked a sneeze, and he used an expletive. I'm shocked and dismayed that that minister would do that, and I'm seeking your guidance as to what to do right now, because I'm left rather aghast at his childish and immature behaviour in this Assembly.

THE SPEAKER: I'm sorry, hon. Member for Edmonton-Glenora. The Speaker heard an achoo. From where I'm sitting, that's what I heard. Now, you're saying that there is an expletive with respect to a sneeze?

MR. SAPERS: Yes.

THE SPEAKER: I don't understand. Are you rising on a point of order, a point of what? What's the issue here?

MR. SAPERS: Well, I'm seeking your guidance because I've never been confronted in the House with a member of Executive Council using a word that I talk to my children about.

THE SPEAKER: Well, if an hon. member of this Assembly feels that a sneeze is coming on, he should proceed with the sneeze, if that's the answer you're asking for from me.

MR. SAPERS: No, Mr. Speaker, actually that wasn't the point. Perhaps we could ask that Minister of Education if he'd stand up and explain what it was he was trying to accomplish. Maybe he was just sneezing, and that would be okay.

THE SPEAKER: Hon. member, let us proceed unless there's a point here or something. The hon. Minister of Education has already participated in this debate on the motion for a return. We're on the debate on the motion for a return. Seeking the arguments that there's a point of order or a point of anything else that should be raised should be raised under that context. And I'm sorry; I can only report what I've heard and seen.

MR. SAPERS: I'm sorry too, Mr. Speaker, and I guess we'll get a chance maybe to reflect on this behaviour.

Mr. Speaker, I will conclude my comments in this manner. What we have seen here today in the refusal of this question and in the minister's subsequent behaviour after refusing the question is the epitome of arrogance. It is this arrogance which will come back to haunt this minister and his government.

THE SPEAKER: I noted the hon. Member for Calgary-Buffalo first.

MR. DICKSON: Well, thanks very much, Mr. Speaker. I wanted to add a couple of observations. The comment I wanted to make was this: if one reads the very carefully crafted motion for a return, it doesn't talk about documents that would have been used in the preparation of a speech. What it talks about is a transcript. So this is in fact a verbatim record of what was said by a deputy minister or an acting deputy minister or the final draft of every speech.

A couple of observations I want to make. The first one is that I think it becomes a matter of concern if you have deputy ministers or acting deputy ministers making a lot of speeches, because it's the minister who is accountable for what goes on in the department. One would expect it's the minister who's doing the explaining, the advocacy, the representation on behalf of government. But to the extent – and we know it happens – that deputy ministers and on occasion acting deputy ministers speak to groups of Albertans, whether they're professional educators or a chamber of commerce or a Rotary club, to the extent that they make speeches, they indeed are representing the policy of the provincial government.

Since the officer making the speech is paid for through tax dollars and ought to be accountable in this place, it is not at all, I think, an unreasonable request that representations made by the most senior civil servant in a department ought to be subject to review. That's the very simple proposition that's in front of us, and despite any other effort to characterize it, it's as simple as that. For somebody to say that we're not entitled to the information means in effect that we have deputy ministers, then, who will be sanctioned to travel around expressing ideas, suggestions, analyses, that sort of thing, and we're denied the opportunity to monitor and challenge in here on those occasions when it becomes appropriate.

3:00

The other comment I'd simply make is a very specific request. What we normally expect when we ask for information from government and there's some good reason why a particular document can't be shared – you know, I've seen time and time again ministers come forward and say: we can't give you a hundred percent of what you're asking for; here's 75 percent or 80 percent. I don't ever remember an occasion when members of the opposition haven't accepted that and said: we'll review it, and if there's some good explanation why the balance isn't available, we can probably work with that kind of a representation. We don't have that, and simply for the minister to come along and say flat out, "You're not going to get the information; you're not going to get the documents," I think is a serious problem, and quite apart from whatever the minister may have been trying to communicate or not communicate, the message that comes from his denial is a significant one and I think will be a recurring theme in the province.

So I'd ask the minister to reconsider and ask all members to reinforce the minister's usual tendency to be a little bit more forthcoming, reinforce it by supporting this very responsible motion for a return.

Thanks, Mr. Speaker.

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

MRS. SOETAERT: Thank you, Mr. Speaker. I'm very disappointed to hear that the Minister of Education isn't comfortable enough to bring forward this information that the Member for Edmonton-Mill Woods is asking for. It's an arrogant response, and it's delivered in an arrogant manner as well, and that's disappointing. It's becoming habitual for the minister, and that's sad. I think in a way that if he could look at this in a positive way, we're almost helping him to try to sing from the same song sheet, that all the messages that his deputy ministers and his top senior civil servants are giving out there are consistent. Maybe he doesn't know if they are.

For example, we have different messages coming out across the province, sometimes in communities like Thorsby, where people are told about buildings and what to expect and what not to expect and don't feel they can even get through to the minister. So this would be a chance for everyone here and certainly people in the public and people in Thorsby to see those speeches and in fact maybe for the minister to have a glance at them. Then he would know what exactly is being told to some of his constituents, because as minister he is responsible for education right across this province.

I think that if he were not afraid of that and if he was willing to maybe clear up some miscommunication that could well be happening across this province and if he accepted this motion, I'd even take back the word "arrogant," that I tend to use with him more than the others. [interjection] I knew I could wake him up, and I appreciate him at least listening to this. It's a very good motion. It's a very responsible motion. It's asking for some minutes. We all keep our speeches on computers, most likely, and we all have copies of them. I'm sure our assistants do. Any speech that's given in public certainly is public knowledge, and I don't know why the minister would be hesitant to share those with us.

I am very saddened to hear that education is once again marred and we are not getting the response to this motion that we would like. Regretfully, Mr. Speaker, it's a sad day for democracy, but we forever keep trying to get the information that Albertans so rightly deserve.

Thank you.

THE SPEAKER: The hon. Member for Edmonton-Mill Woods to conclude debate.

DR. MASSEY: Thank you, Mr. Speaker. I wouldn't want to leave this matter without making it clear that my dealings with the minister have been cordial, and I hope that in asking for these public documents, some of the arguments that he's heard today will cause him to change his mind and accede to our request.

Thank you.

[Motion lost]

head: **Public Bills and Orders Other than**
head: **Government Bills and Orders**
head: **Second Reading**

Bill 203
Municipal Government (Environmentally
Significant Areas) Amendment Act, 1998

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

MS KRYCZKA: Thank you, Mr. Speaker. I am pleased to move

second reading of Bill 203, the Municipal Government (Environmentally Significant Areas) Amendment Act, 1998.

The intent of this bill is to enhance the protection of environmentally significant areas within municipalities by including environmental matters as a mandatory consideration in municipal development plans.

Before I expand on this basic intent, Mr. Speaker, many here today are probably silently commenting: why this intent at all? I believe now is the time to develop a vision of our immediate geographical community 10, 20, 30 years from now. We are presently embarking on that vision in health, in education, in research and technology, and with the needs of Alberta's aging population, but many tough decisions must be made on that journey – tough, innovative, and informed decisions – to achieve that vision. The fourth of 10 guideposts to Calgary 2020, a 1997 document which maps out a vision for Calgary's future, states:

Our natural environment is perhaps our greatest asset. All [of these] plans, programs and activities must be sustainable. We are stewards for our [grandchildren and great-grandchildren].

Bill 203, Mr. Speaker, will amend the Municipal Government Act to ensure that all municipal development plans address environmental matters, including the identification of environmentally significant areas. The term "environmentally significant," as used in Bill 203, refers to natural areas that are unique and valued, both scientifically and within a community. It is defined as land that contains "rare or unique geological or physiographic features," significant "rare or endangered plant or animal species," "an unusual diversity of plant or animal communities," or wildlife movement corridors and "migratory stopover points."

Mr. Speaker, Bill 203 states only that these areas ought to be identified in a municipal development plan. It doesn't state what uses must be ascribed to the land once it has been identified. The determination of an area's significance environmentally and suggestions for how the land should then be used will be decided upon not only by a council but also by the residents of that municipality.

Mr. Speaker, a municipal development plan is the most general of the planning tools that a municipality will use. It establishes a long-term goal or vision for future growth and development within a municipality and includes the goals, objectives, and planning philosophy for the future.

Presently the Municipal Government Act requires that all municipalities with populations over 3,500 "must . . . adopt a municipal development plan." This amounts to about 100 municipalities throughout the province out of a total of 365. The adoption of a municipal development plan is optional for municipalities with smaller populations.

The presence of a municipal development plan as a planning tool is more important for the larger centres because generally the larger centres are those with the greatest pressures put on them in terms of development. Where there is development, there are corresponding pressures on the natural environment.

Presently there is both mandatory and discretionary criteria for a municipal development plan; that is, some things that they must include and some things that they may include. A municipal development plan must include, for example, provisions concerning future land use within a municipality, required transportation systems, and municipal services and facilities. A municipal development plan may address such items as "financing and programming of municipal infrastructure," "the co-ordination of municipal programs relating to the physical, social and economic development of the municipality." Currently the consideration of environmental matters is a discretionary provision of the Municipal Government Act.

3:10

Mr. Speaker, although municipalities must take into account such essential matters as future land use and the provision of transportation systems, they're not required to address environmental issues, but I feel that the environmental matters are increasing in importance to all Albertans. This is evidenced in everything from outdoor activities on the weekend – for example, the boom in ecotourism – to a great environmental sensitivity by many businesses in how they choose to operate. It was noted two weeks ago in the Speech from the Throne that "environmental issues are a pressing concern for all Albertans." I would certainly agree with that statement and would argue that the municipal planning process is an important setting for addressing this concern.

Bill 203 will amend the Municipal Government Act to ensure that environmental matters become a priority in all municipal development plans. This is not by any means a radical proposal. There's nothing in Bill 203 than cannot in theory already be done. But how often and how consistently across the province are environmental matters addressed in municipal planning? That is the question. The real change will be in perspective. It will come by according environmental matters a higher degree of importance, on a level with matters such as transportation and future land use.

Environmentally significant areas are often an important part of a municipality's character and identity, providing all citizens, potentially, a highly valuable and natural heritage. With urban sprawl and accompanying population growth an increasingly common occurrence, there will be an increased need to provide additional natural parkland to avoid overuse of existing natural areas.

Mr. Speaker, a number of municipalities already do identify environmental matters, including environmentally significant areas, within their municipal development plans. These municipalities have decided that there are aspects of their natural environment that are worth protecting. This bill does not hand over any new powers to municipalities which would permit them to acquire or sterilize land. In addition, there would be no effect on provincially owned lands, as they are exempt from the planning provisions of the Municipal Government Act. Addressing environmental issues within municipal development plans merely ensures that these issues are on the table and are accorded consideration in the municipal planning process.

As I mentioned earlier, municipal development plans are long-range, broadly focused plans which address numerous issues. They're intended as policy, not regulatory documents. Their purpose is to guide the focus of the other statutory plans and the land use bylaw, not to dictate how individual parcels of land are to be treated. All municipal development plans are guided by the purpose section of the planning part of the Municipal Government Act, which states that plans be prepared and adopted "to achieve the orderly, economical and beneficial development, use of land and patterns of human settlement." This section goes on to say that individual rights ought not to be infringed upon "for any public interest except to the extent that it is necessary for the overall . . . public interest."

Given this very clear statement in the Municipal Government Act, Mr. Speaker, and the broad focus of a municipal development plan, there will be a balance achieved, I believe, between growth and development and environmental issues. There can be no balance achieved, however, when only one side of the equation is given consideration. Including environmental issues within the

municipal development plans will allow that balance to be achieved.

In conclusion, Mr. Speaker, I would like to leave the members of this Assembly with the following thought. We are living in a world that's rapidly advancing technologically, medically, and economically. As legislators of this province I believe it is our duty and our responsibility to ensure environmental issues do not get lost in the shuffle and that we're able to maintain parts of our province that are precious to our heritage. Protection of environmentally significant areas within municipal development plans is one such step.

Thank you.

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

MS CARLSON: Thank you, Mr. Speaker. I'm happy to rise and speak to this bill. Certainly it's important in terms of one of the first steps that was taken here to amend the previous MGA to include some of these protected areas now as a must do rather than a could do. That part I like. Certainly we have some concerns here that the protection encompassed in this small bill is far too narrow a focus in terms of where we need to go in this province.

If you take a look at this bill and you read on page 1 of it the sections that are amended, they're a better definition than what we had, Mr. Speaker, but they're still woefully deficit in terms of where we need to go. There are some really good examples out there in terms of the kind of environmentally significant area criteria that could have been developed. I would point the member's attention to the foothills, close to home for her, which have developed a very significant criteria which we think would move us much further in terms of where we need to go here. I'm wondering why this type of criteria was not used in the development of this bill, and better yet, perhaps this member can explain specifically why they were excluded.

Let me just review some of them that we think are exceptionally important. Something that's not included in this bill are areas that contain large or relatively undisturbed habitats and provide shelter habitat for species which are intolerant of disturbances.

Mr. Speaker, if we're really going to maintain the integrity of the environment, to have protected areas for species intolerant of disturbances is very important. In particular, when we talk about songbirds and some of the flora in the areas of municipalities, this becomes an increasingly important area.

What's not talked about here, too, are "areas that contain plants, animals, or landforms which are unusual." If you think down to the Drumheller area and the hoodoos, that's a perfect example of something significant that occurs in municipal areas yet also needs to be protected.

It doesn't talk here about "areas that are excellent representatives of one or more ecosystems or landscapes that characterize a natural region." My colleague from northern Edmonton will be speaking to that when he has a chance to speak to this bill.

It doesn't include

areas that contain an unusual diversity of plant and/or animal communities due to a variety of geomorphological features and microclimatic effects.

We find many areas like that in municipalities that have got valleys or ravines in them. So that's something that should have been included in here.

It doesn't include

areas that are unique habitats with limited representation in the

region, or areas that represent small remnants of previously abundant habitats which have virtually disappeared.

Once again, my colleague will be speaking to an example of that kind of an area.

It doesn't include, in spite of what this member said, Mr. Speaker, "areas that provide an important linking function." This is not specifically included in this bill. The Member for Calgary-West talked about corridors in her discussion, but it is not stipulated in this bill. What is stipulated is that it will permit movement of wildlife over considerable distances. It does not specifically say for preserving wildlife corridors that are really needed. There are many municipalities that fit this criteria, who border on corridors, and we need that definition to be specifically included in this bill because the Minister of Environmental Protection is specifically excluding those corridors in other areas that he's dealing with.

It doesn't include "hazard lands and areas that are unsuitable for development in their natural state," like "floodplains, steep and unstable slopes." We had examples of that being a problem when we had all the flooding in southern Alberta. So I'm wondering why they didn't include that.

It doesn't include "areas with lengthy histories of scientific research." We have some of those kinds of areas in Edmonton, Mr. Speaker, and I'm sure they have those kinds of areas in other municipalities in this province.

It doesn't include

areas with intrinsic appeal due to widespread community interest or the presence of highly valued features or species such as game species or sport fish.

Now, it's interesting that that would not have been included in this bill, Mr. Speaker, when today we had two notices coming from the Environmental Protection minister dealing with needed and necessary protection of some of the fish habitat and fish species in northern Alberta.

Clearly it would have been very easy to include that provision in this bill when this member was working at defining this. These are not areas that were hard to find or definitions that were hard to find, Mr. Speaker. They're very easily available from municipalities who have had the foresight to think about this and to expand the kind of criteria to include what they think are all necessary functions. So I would be happy to share this list with the member, and I'm hopeful that she would consider including that at some point in time.

My other areas of concern in this particular bill are two areas really here that are not addressed, and the one is protection. It's one thing to designate these areas, Mr. Speaker, but what good does that do when you don't have any kind of a protection capacity built into the bill? I think that's very important to address here. There was some opportunity here in this bill to really make some good progress in environmental protection.

3:20

MRS. SOETAERT: Cardston-Taber-Warner is whining.

MS CARLSON: Yes, I see that he is whining, and it would be nice to hear him speak to this bill and address this specific question of: why protection? The Member for Cardston-Taber-Warner does not feel that protection, not only designation but protection, of these areas is a vital way of maintaining the integrity of these areas, Mr. Speaker. So what are they going to do about that?

I'm also very disappointed that this bill didn't address the concerns that we heard last year when this first portion of the bill

was introduced into the MG Act in a may address capacity. Now that it's in a must address capacity, certainly these concerns are going to be even more valid and certainly need to be addressed. Those are the concerns that we heard from existing landowners and developers who currently own what they consider land that may be deemed to be environmentally sensitive. Their concern is that once their land is designated as environmentally sensitive, they are no longer going to be able to get the fair market value for it, Mr. Speaker, in terms of the kind of development that they were looking forward to in the future there.

It's easy really to do that. There are certainly two options that readily come to mind for me in terms of establishing the fair market value for this kind of land. Municipalities could pay them the fair market value, or they could trade them for other land that isn't environmentally sensitive. Nowhere in this bill has this been addressed, and what happens when you don't address it and then go on to tighten up the legislation is that you open up areas for conflict and you leave the door open for active resistance from landowners, for conflict between the landowners, the municipalities, and environmental groups.

I'll give you an example of an area where a landowner came to me with a specific concern. He owns 85 acres that border on a lake. This lake is a swampy lake and as such provides a lot of habitat for species of animals and amphibians that have problems in Alberta in terms of maintaining the kinds of limits that are sustainable for them. It also has environmentally sensitive land from the perspective of many kinds of wildflowers that are now looking at being protected species. He knows that once his area is designated as environmentally sensitive under this bill, he's not going to be able to develop that land. Who's going to buy it from him? There is no kind of provision now for anybody else to be able to develop that. Certainly he's not going to get what the fair market value for that land was prior to this bill being introduced in terms of development potential. He would be very happy if the municipality in the region would trade him some land for that; it's not going to happen.

We have another example where a designation was being brought in for an area of land that held a number of trees on it that were quite aged and quite unique to the area they lived in. Well, when the landowner heard that this was happening, Mr. Speaker, he went in and cut down all the trees. Now, there's no longer an issue there because the area is not unique in any means, so he can go ahead and develop it the way he is. Rather than open up an area of conflict like this, I don't know why the member did not bring in this bill some sort of means to address that situation. We heard earlier today people talking about mitigating the damages in environmentally sensitive areas. Well, this is one area where you could mitigate damages very easily just by bringing in those kinds of provisions.

I'd like to now deal with some of the comments that the Member for Calgary-West made when she introduced this bill. It's very good that she said that this now will enhance environmentally significant areas. It's a step closer. Except for the reservations that I have spoken to here, I agree with her on that. She says that tough and informed decisions are needed, and she is right in that context. I would say a little tougher than what she's got here, but certainly a step in the right direction. She stated that we need to be really committed as a province to being an environmental steward and that she would ensure this happened. Well, Mr. Speaker, it's a small step forward, but it's really only half a step. It isn't nearly as comprehensive as we need, and I would like to see further steps done in this area.

She talked about where there is development, there is corresponding pressure on the environment. She is very, very right about that. Certainly most of the questions that you've seen from me this session and the MS I gave last week and in fact the question today that came from Calgary-Glenmore addressed this specific issue. I'm wondering if she could share this information a little more comprehensively with the Minister of Environmental Protection because he doesn't seem to share the same concern, Mr. Speaker.

When she talked about the environment having a higher degree of importance over time, she's absolutely right there. Once again, we're not giving it the kind of prominence or putting on the kind of pressure to actually institute some of these initiatives that are required. Without that, it doesn't matter how high a level of importance you give to it; you're not going to protect the environment if you don't take some firm steps forward.

She talked too about more parkland being required to prevent the overuse of existing land. Absolutely right on the money, Mr. Speaker. Once again, if she would share this with the Minister of Environmental Protection, maybe we could make some progress in these areas.

MRS. SOETAERT: Cabinet shuffle.

MS CARLSON: Well, I agree; a cabinet shuffle isn't a bad idea. Certainly here's a person who has protection of the environment in their vocabulary, and that's a nice thing to see.

She also talked about the problem of the balance to be achieved between the environment and development. Certainly it's something we've talked about for a long time. Once again, if you don't have a provision for protection in bills like this, Mr. Speaker, they tend to fall by the wayside and we never see protection coming to fruition in this province. We are getting to a point where we are facing a crisis in the environment in this province. If we don't start to take a provincial perspective and protect the integrity of these lands, these corridors, and these areas that are specifically mentioned in combination with this bill and the ESA criteria developed in the foothills, then it is going to be a sad day 20 or 30 years down the road. Like the member said, we need to be looking forward too.

So I would urge the minister to look at this from that perspective, from the long-term perspective, and work backwards rather than taking a look at the kind of facilitation he can do with industry at this stage, Mr. Speaker, and to read what's gone on here in debate. To take this bill one step further would be really for the better of the province.

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

DR. PANNU: Thank you, Mr. Speaker. I also rise to speak briefly on Bill 203. I'm pleased that the hon. Member for Calgary-West has taken this initiative, however limited, to bring forward this bill, which certainly is an improvement over what presently exists. So to that degree I certainly congratulate the member for taking this initiative in the form of this attempt to amend the MGA.

[The Deputy Speaker in the chair]

My concerns are essentially twofold, but before I outline those, I certainly want to I guess identify with the introductory remarks that the member has made. Environmental concerns are very,

very significant in this province. Many Albertans are concerned about environmental protection and damage to our environment that may not be possible for us to repair later on if we are not careful. Environmental degradation is another concern, of course, that's very widespread and growing among Albertans. So in general, when the hon. member draws attention to the fact that there are growing pressures on the environment around us and that we need to act in order to protect the environment, I think she is right. I certainly agree with her.

3:30

Now, with respect to what she's proposing in the form of this bill to amend the existing MGA, the Municipal Government Act, she has attempted I think here quite clearly to define the terms. The important term here is an "environmentally significant area," of course, and under that term the bill defines this, draws attention to the fact that it means that an environmentally significant area includes or

- (i) contains rare or unique geological or physiographic features,
- (ii) contains rare or endangered plant or animal species,
- (iii) contains an unusual diversity of plant or animal communities.

Now, these are clearly I think useful pointers to what an environmentally significant area might be. The problem that I have with it is: who is going to determine that such an environmentally significant area indeed exists? Is it up to the municipality? Is it up to the council? Is there going to be anything in place – and the bill doesn't at all seek to put anything in place – in the form of either a provincial agency or some sort of agency which has the expert authority or the expert knowledge at its disposal to designate particular areas as environmentally significant areas?

In the absence of having such an agency or such a person, quote, unquote, to help municipalities across this province by using some sort of uniform standard procedures, scientifically based procedures, to define and designate areas as environmentally significant, I can imagine the kinds of disorderly or unsystematic ways in which municipalities might proceed to define what they consider to be environmentally significant much less what's environmentally sensitive.

I notice that the proposed bill avoids the use of the term "sensitive," environmentally sensitive, and focuses on "environmentally significant." I wonder if the member advisedly chose the term "significant" as opposed to "sensitive." I'd like to see if she sees any difference between the two. I certainly would. There are lots of features of the environment in this province which are extremely sensitive to any manipulation, any damage, any change. Significant, on the other hand, simply could mean what she says here and no more than that. So the term seems to be somewhat restrictive to me.

The point, then, is that we need some indication in this bill to say who these authorities, a person or agency, will be that will have the responsibility to define environmentally significant and, hopefully, environmentally sensitive areas that fall under the jurisdictions of municipal development activities.

The second point that I have some concerns about has to do with limiting the number of municipalities by size. The hon. member has obviously chosen not to tamper with the size of the municipalities that will fall under the jurisdiction of this amended act. Why not move downwards in terms of size of municipalities and include more of them? I think the member did suggest that there are over 300 municipalities in this province, and what she is proposing will affect perhaps only 100 of them and no more.

I would like to hear her reasons as to why she thinks that the other 200 or so should be exempted from the relatively mild new demands that her amendments to the MGA would make on the 100 municipalities she is proposing to include in it. In other words, what I'm saying is that perhaps there's a need to rethink the population limit and thereby define which municipalities will fall under this proposed amended act and which won't. I would certainly prefer to see more of the municipalities included under the provisions of this act.

Let me see if there is another matter. I think the hon. Member for Edmonton-Ellerslie has already touched on some other matters, so I won't take the time of the House to deal with those. These are essentially two major concerns that I have, and I would certainly look forward to hearing the response of the hon. Member for Calgary-West on that.

Thank you.

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

MR. BOUTILIER: Thank you, Mr. Speaker. Certainly the comments by the previous speakers, the hon. Member for Edmonton-Ellerslie and the hon. Member for Edmonton-Strathcona, raised some important points. Yet as we look at this, we always learn to crawl before we walk. We're looking at this bill, I believe, with the purpose really being to better protect and raise the profile of environmentally significant areas within municipalities' planning processes. As much as there are good points raised, I want to take the approach of viewing the glass as half full as opposed to half empty, yet the points have been, I'm sure, listened to by the hon. Member for Calgary-West.

The bill's intent is practical in nature, and that is because of the fact the hon. Member for Calgary-West has been in touch with her community. I believe that is an important component of what is being proposed here today. It maintains an awareness of the need to balance the rights of landowners with the greater public interest. I think a key word here is that of balance. The bill requires that municipal development plans address "environmental matters . . . including the identification of environmentally significant areas."

Now, the importance of protecting the natural environment. Mr. Speaker, approximately 5 percent of Canada's total land is arable, and only 1 percent is arable and intact. This remaining 1 percent supports more than 70 percent of the endangered land-based species in Canada. It is on this land that most of our population resides. There are as a result tremendous pressures on this land, and it's therefore very important that measures are taken to protect and conserve. This should not be viewed as simply another plan or another bill but really more like a way of life.

The benefits of Bill 203, which I would like to briefly touch on, are that environmentally significant areas need to be afforded a higher priority when doing municipal planning than they are currently. I know many of my former colleagues with the AUMA, the Alberta Urban Municipalities Association, would agree, which of course is made up of hundreds of mayors and city councillors and town councillors from every corner of this province. Until now situations that may arise regarding environmentally significant areas have been dealt with on a fairly random and localized basis, and because of this, consideration of environmental matters is not addressed in municipal development plans as often as it should be, which is in fact in part the intent of this bill. There is little consistency across the province, and there is indeed

a lack of consistency in terms of used and accompanying definitions.

Again, this bill really presents an opportunity to members of this Assembly, and I believe that this bill is in fact a very good first step. This bill would provide a greater degree of consistency in municipalities across the province with respect to an issue such as the protection of environmentally significant areas. It also is an important message that I know many Members of this Legislative Assembly have been hearing, especially from young constituents in a variety of our constituencies, on the important role that the environment plays and part of where the equation is in terms of a balanced approach. I believe this bill presents that balanced approach.

It's important that these types of areas be addressed as a piece of the broader spectrum. Again, this would provide consistency while at the same time providing municipalities with the autonomy necessary to deal with the individual cases. That broader spectrum that I mentioned earlier in addressing environmental matters certainly ensures they are given consideration along with the numerous other issues addressed in a municipal development plan so as to achieve a balance between all factors affecting a municipality's development.

3:40

Again, the intent of the bill is a good step in enhancing and recognizing the positive initiatives from communities across Alberta. The identification of environmentally significant areas in municipal development plans directly and openly reflects a municipal council's view, the grass roots of our democratic system. In addition, it is required in the Municipal Government Act that there be opportunities for public involvement in developing these plans. The identification of these matters provides some guidance to the landowner who wants to have some certainty about what land uses will be permitted on land within the municipality.

Finally, Mr. Speaker, this framework will help municipalities to address future conservation, development, and quality of life issues in a more provincially consistent manner. The bill is indeed an important environmental initiative, a good first step, and should be viewed as such by all members of this Assembly. I would ask that they indeed support this very important, positive initiative.

Thank you, Mr. Speaker.

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

MR. DICKSON: Thanks, Mr. Speaker. I want to make a brief contribution to the debate. I note that when Paskapoo Slopes and the future Paskapoo Slopes on the west edge of Calgary was very much in question in Calgary – and this would be an area which those members who've driven into Calgary from the west would note is immediately beside Canada Olympic Park – my constituency office must have received over three dozen phone calls and letters and some additional E-mail messages from people concerned. I guess it's a question of looking at Bill 203 and determining whether this sort of a bill is going to assist in addressing those very serious concerns raised by those Calgarians, Calgarians living in different provincial constituencies perhaps but very keenly interested in the future of Paskapoo Slopes.

I start off by saluting the initiative of the Member for Calgary-West. In fact, I suspect that Paskapoo Slopes are probably in the Calgary-West constituency or darn close to it, if they're not within

her constituency. I think it is a very positive move to require on a mandatory basis that environmental matters, including the identification of any environmentally significant area, will now be a mandatory element for at least a larger municipal corporation to address. I think that's positive. There clearly was a need for an expanded definition in the Municipal Government Act of an environmentally significant area, and the Member for Calgary-West affords us a chance to expand that.

I think the comment by the Member for Fort McMurray was that this is a practical initiative and that it affords some balance. I'm not sure I disagree with that analysis, but I was listening carefully when my colleague from Edmonton-Ellerslie had been pointing out some of the things that could be done to strengthen this bill. As she reviewed the different areas that could easily be covered and aren't currently covered in the definition section, it struck me as a sort of amendment that I expect the Member for Calgary-West might enthusiastically embrace. I didn't hear her say and I've never known this member to suggest that she was averse to suggestions for improvement and other ideas, and I expect that same kind of flexibility and open-mindedness that her constituents appreciate in Calgary-West and that I expect may be evident when she addresses some of the considered amendments that have been put forward by my colleague from Edmonton-Ellerslie.

Mr. Speaker, the Member for Fort McMurray I think was right when he said that this presents us with an opportunity we didn't have before and that it's a very good first step. I think, though, that in addition to expanding the definition of an environmentally significant area beyond that which is being presented in the bill in front of us, I'm also attracted to the notion of providing some further provision in terms of: so what happens after an area has been considered? The Municipal Government Act and Bill 203 taken together still leave an area of deficiency there that I think would have to be addressed.

I understand the concerns of developers. There's certainly a very strong advocacy role played by developers in the city of Calgary, and I know that one of the concerns they had raised before when this issue was discussed in the context of the extensive amendments to the Municipal Government Act was a concern in terms of compensation. I think it's not a question of looking at the glass as half empty, but I think we're discovering some cracks in the glass and that some of the water is going to leak out. I think it's important to seal those areas up, and I think the Member for Calgary-West has probably heard perhaps more suggestions than she wanted to this afternoon. But we're appreciative, Member for Calgary-West. You've afforded us an opportunity to deal with a very important issue, whether we're living in larger urban communities or smaller communities. I hope that she will take some of the suggestions that have been made and countenance some very positive amendments.

As I just come back again to the perhaps three dozen people that contacted my office about the Paskapoo Slopes issue in Calgary, I think that generally from the tenor of their suggestions to me they would want a somewhat expanded definition in Bill 203. I think they'd be interested in seeing some additional direction to municipalities in terms of the next step, what happens in terms of the other shoe falling after a designation has been made. That's certainly no reason to vote against this bill, and certainly I'd be happy to support the bill, but I do think we could do an even better job for the benefit of Albertans and our environment if we were to at least adopt some of the major changes that have been suggested in the course of debate.

Thanks very much, Mr. Speaker.

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

MRS. LAING: Thank you, Mr. Speaker. It's a pleasure to rise today and speak in support of Bill 203, sponsored by the hon. Member for Calgary-West, and I'd like to congratulate her on bringing this bill to the House for debate.

I believe that Bill 203 is advantageous for all Albertans. The bill mandates that environmental matters be addressed within the municipal development plans, including the identification of environmentally significant areas. This can mean an area that is a critical wildlife habitat or corridor or is a unique landscape geologically. It can also refer to areas prone to flooding and erosion or which are otherwise unstable for development. Bill 203 recognizes the need to identify both these areas: those which are unsuitable for development and those for which the development is unsuitable.

The intent of Bill 203 is consistent with several provincial initiatives that are currently in place, such as the land use policies. The land use policies are a set of guidelines established in accordance with the Municipal Government Act, and they help municipalities to harmonize local priorities with provincial policies during the land use planning process.

Mr. Speaker, the land use policies list the maintenance and enhancement of a healthy natural environment as one of their top goals. The resulting policies encourage the identification of unique and significant landscapes, hazard lands, and areas of significant fish, wildlife, and plant habitats. Based on the results of this identification process, municipalities are then expected to have regard for these features when establishing their land use policies.

As I have mentioned, Mr. Speaker, the goals of Bill 203 are compatible with those of the land use policies. Both encourage municipalities to identify environmentally important areas, and both recognize the need to harmonize provincial and municipal priorities and needs.

3:50

I would argue, however, that Bill 203 provides a stronger framework than that provided by the current policies and legislation. Mr. Speaker, enshrining the importance of environmental matters within the Municipal Government Act strengthens the framework that's already in place through the land use policies. Instead of being encouraged to identify environmental matters, municipalities will now be required to identify them. This amendment will not void the land use policies. On the contrary, they can continue to be used in a complementary fashion to Bill 203. Bill 203 is also complementary to actions taken by several municipalities throughout the province. Several already rate environmental matters to be of high importance and have incorporated them within their municipal development plans.

In addition to noting the environmental concerns that arise from such obvious concerns as livestock production, floodplains, or escarpments, many municipal development plans also consider the importance of environmentally significant areas. Mr. Speaker, what is included as environmentally significant currently varies among the municipalities. There is little consistency in the use of the term across the province or even in how they are defined. Bill 203 will help to provide that consistency. It sets out a definition that is used as a framework for identifying areas of environmental significance. It also establishes a consistent term to be used by municipalities when writing their municipal development plans.

Of course, we must recognize that different municipalities

across the province have both different priorities and different qualities to their natural areas. A municipality located along a river, for example, may have a very strong interest in emphasizing the areas relevant to the river valleys and embankments. Red Deer and Edmonton are two such municipalities. A municipality such as Canmore places a strong emphasis on the protection of natural processes, biodiversity, and the quality of urban life. The municipal district of Woodland focuses on wildlife quarters when discussing environmental matters within municipal development plans.

Mr. Speaker, Bill 203 has taken these varying priorities into account by providing enough criteria in the definition to cover all these variances while at the same time allowing communities to identify what is important to them. Incorporating environmental matters within their municipal development plans empowers municipal councils and community residents. Members of the public are guaranteed under the provisions of the Municipal Government Act to have opportunities to participate and contribute in the production of a municipal development plan. In addition, it's the council members, elected officials, who have the final say in the content of these plans. It's important that environmental matters be addressed within the municipal planning process. Alberta is a beautiful province with an abundance of landscapes, wildlife, and plant life. We would be foolish to risk the loss of such beautiful natural areas as we possess in this province.

Bill 203 puts environmental issues on a par with issues of economic development in order that both are included in the municipal planning process. Addressing environmental matters, including the environmentally significant areas, in advance of the land development process has several advantages. The most obvious of these advantages is to the landowners, who will be made aware in advance of a subdivision development process that a parcel of land may be environmentally significant. The other advantage of advance identification is to the community and the natural environment. Presently, a landlord who believes that his land may be restricted from development for environmental reasons in a subdivision process may damage or destroy the special feature of that land in advance in order to increase the chances of subdivision approval. If the area has already been identified within the municipal development plan, this sort of abuse would be less likely to occur.

Mr. Speaker, I'd like to take a moment to raise an issue that's been ongoing in my constituency of Calgary-Bow and that I feel is also relevant to the intent of Bill 203. Patterson woods is an environmentally significant area at the east end of Paskapoo Slopes, close to the Canada Olympic Park. Both Patterson woods and Paskapoo Slopes are recognized as being environmentally significant. However, this area is slated for a housing development. The area contains a number of both locally and regionally significant qualities, including the presence of wildlife habitat, aspen woodlands, and riverine tall shrubs.

It's clear that the movement by Calgarians to halt the development is not based solely on the ecological value of the site. There are other factors involved, such as the aesthetic and quality-of-life concerns of residents of both Calgary-West and Calgary-Bow who share this beautiful area. Not only would development on this land harm the plants and wildlife existing there; it would also deprive Calgarians of a highly valued, beautiful, natural site.

It is this sort of site, one of true importance ecologically and also for the community, that Bill 203 will help protect. It won't sterilize land just because a crow once flew over it and it won't restrict development in a field of buffalo beans, but it will,

through public consultations and a municipal council's decision, help to shape a stronger framework for the identification and protection of environmentally significant areas with municipal development plans.

Thank you.

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

MR. GIBBONS: Thank you, Mr. Speaker. Speaking to Bill 203, this is a very important bill for the future of the growth of our province. I feel it's very important that we look at this. This is an amendment to a previous bill, and I feel that maybe we're looking at it in too narrow a scope. It's an attempt to amend the MGA, considering there are more pages in amendments to the act than there actually are to the act itself.

We have been talking in the last week about sensitive areas in the province, and those that I've visited are the Cassils area, the Chinchaga, Canmore, Hinton, and I've talked to the people around the Black Cat ranch. This one is actually more on the sensitivity of right within our cities and the development of our towns and so on. Something has to be brought forward on that.

In the development in our cities, working with communities over the last number of years, there are areas that keep popping up and we the citizens actually are doing more of the work in some ways than the councillors are. We're bringing them to the forefront. We're fighting for the local areas: Mill Woods, the northeast, northwest ends of the city. We have to think of this. It was alluded to by the Member for Calgary-West: the balance between development and the developers in our urban sprawl. My question is: who will be controlling this process? This is a very sensitive process, and there's little consistency in our planning process to develop along with our developers so it doesn't become a turf war. A turf war means the 10 percent dedication, working with them, trading off one area that is really sensitive and that we want to keep as a protected area for an area where maybe we can give them a little bit more access in building low-cost housing or whatever.

What is termed and what was explained to me by Edmonton planning and development is that natural areas are defined by the presence of vegetation, water, and natural features. In other words, natural areas may have no special feature other than the presence of vegetation, unusual features, and importance to Edmonton. In some instances natural areas may be partially disturbed.

Then we go into what we consider significant areas. Significant natural areas are generally larger than natural areas. These natural areas are defined as natural sites, have the potential to remain sustainable within an urban environment, and are significant from other environmental perspectives to the community of Edmonton because of their size and features. They usually contain a diverse blend of common species or habitats and function as a linkage between our significant natural areas and the environmentally sensitive areas.

Environmentally sensitive areas are defined as undisturbed or relatively undisturbed sites which, because of their natural features, have value to society and are an ecosystem worth protecting but are susceptible to future disturbances.

I want to explain about an area in my constituency. This area is called Little Mountain natural area. In my constituency there's a lot of lobbying going on right now. It consists of 19 acres. For those of you that are familiar with my constituency, Londonderry

Mall is the same size. It is next to the cemetery up in that area.

MRS. FORSYTH: I know where you live, Eddie.

MR. GIBBONS: Yes, and it goes back far enough that I've even got great-great-grandparents buried there.

This site is at the forefront, with people saying: let's set it aside from development; let's keep it as a natural area. And the fight is on between the developers and the community. Those who feel that the developers are correct – and in a lot of cases they feel that they own this area, and they want to do something about it. I myself own land under the same type of aspect as this, that development can be a major turf war. The Edmonton Natural History Club has been working with Edmonton planning and development over the last three years to try to preserve this parcel. [interjections]

4:00

THE DEPUTY SPEAKER: Order.

MR. GIBBONS: Thank you. This site is part of a neighbourhood structure plan currently under review. Planning administration on this is working with the people but at the same time working against them. So I feel that maybe if we have a bill set forward like this one and if we can sit here in Committee of the Whole and bring some amendments forward, it would be a very good bill to present to the province.

Thank you, Mr. Speaker.

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

MR. STELMACH: Well, thank you, Mr. Speaker. Before I proceed in talking to the bill, I'd just like to thank the Member for Calgary-West for bringing this bill forward. Private members' days are very important in this Legislature, and you'll agree with me that it's the only opportunity that private members have to bring some of their constituents' issues, concerns, to the floor and build around some legislation.

One of the things we quickly look at when we look at this particular bill, Bill 203, is the definitions, defining what is environmentally significant, and I do have a real concern that I have to express really on behalf of all of the agricultural community in the province of Alberta. Nowhere in all of this piece of legislation is there any reference made to good-quality black soil, whether it be class 1, 2, or 3.

If you look over the past number of years in this province, we have lost thousands and thousands of good-quality soil to urban sprawl. We have lost it to growth in industry. And in most of these development meetings, the public meetings that are held to talk about development, you will find that the issue of wildlife habitat comes up: "Let's stay away; there's a little slough over there. Let's focus, maybe move the development someplace else." Well, in most of these cases it ends up on some of the best soil we have. In fact, Mr. Speaker, we built a jail, a maximum security jail, on the best potato producing land we have in the province of Alberta. We didn't move it someplace farther away, build it on some sand area. We built it on the best soil we have. We won't be growing potatoes there anymore; I can assure you of that.

So where in this particular legislation are we going to protect something else that's very significant, good black soil? The good Lord only made so much of it on the face of this Earth, and when

you look at increasing populations, the demand for food growing annually – in fact, the population in China increases threefold Canada's population in one year. Those people are going to have to eat. They're losing their land to soil erosion. There's land loss all the way around the world, and now we're coming to grips with the fact that maybe we should protect the soil.

We're here today talking about protecting habitat. Well, habitat for agriculture, quite frankly, is very important. Natural sloughs are natural filters. This is what really strains, filters, some of the contaminants that we as humans contribute to the environment. But we have to find a balance. I'm really concerned that in the last number of years, just in the best food producing area of the world we've lost over 50,000 acres. That will not ever come back. So I just want to raise that very significant issue on behalf of the agricultural community, because the loss of good black soil seems to be the least thought about when we're talking about developments.

I have another example that I would like to bring to this floor. The good Minister of Municipal Affairs of course sits to my left; not philosophically, by any means, just her place in the House. She will agree with me as a former reeve of the county of Strathcona that with all of the development that took place around Sherwood Park, if we were to have this legislation in place and said, "Look, you don't dare move anywhere where there is a little bit of a low area that may be some wildlife habitat; you have to move northeast from there and move into the Josephburg area," we have, again, three feet of black soil there. There are so few areas in Alberta that have that thickness of good black soil. However, I think the county has found a very good balance. It's one of the few counties I think in the province of Alberta that has balanced this growth and dealt with what are very sensitive areas, the wildlife habitat, and of course protected some of their best soil. So I do have to take my hat off to the hon. minister.

It seems that in other areas around the province we are losing it. I'm not here to say that we have to destroy wildlife habitat, but I do say we have to find a balance. To the good members of this Assembly, if we continue the assault on some of our best soil, in the end we won't have any food to consume. I don't want to say this, Mr. Speaker, but do we then go after the ducks, the only thing that we have living in the sloughs? You know, where's the meat production? Where's the vegetable production? Let's keep everything in perspective.

Listening to the hon. Member for Fort McMurray, he talked about young people being extremely interested in the environment, and he's correct. That's part of the problem that we're facing in agriculture: our youth is third generation removed from the farm. They really don't know where some of the food is produced. That food does not come from Safeway; it does come from farms. Unfortunately, there's a rather significant assault on the farms.

I would also like to talk about some of the municipal government perspectives with respect to this bill. Being the former reeve of a county and with at least minimal experience in municipal politics, I say that there are some concerns with the bill. Some of the municipalities may not support this particular legislation because they will be required to absorb the total costs of developing these studies. Secondly, they may view this as another example of senior governments – in this case the provincial government – passing on the responsibility to the municipality. Thirdly, many municipalities have already completed or substantially completed their municipal development plans. Therefore, the amendment may be seen as coming at a very poor time given the additional costs and delays in revising the municipi-

pal development plans to reflect this issue. Finally and most importantly, I don't believe that municipalities were consulted on this issue.

I know, again, that it's a private member's bill and we're constrained in the time when they come forward. That's not to speak negatively against the lack of consultation. Our process doesn't allow for good, open consultation before these bills come forward. That's not to take away from what the member is attempting to do, and that is to bring this debate to the floor.

Mr. Speaker, the intent of the Municipal Government Act is to commit to municipal authorities the rights, responsibilities, and "natural person powers" in managing property. Respecting this, we must consult with our local partners, many of whom are doing an exemplary job, but I think if we just take that little extra effort and consult with them and then bring this bill back with amendments perhaps in the near future, then I would be the first to support it.

At this particular time, Mr. Speaker, I have difficulty supporting the bill for the reasons I stated previously. Thank you.

4:10

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

MRS. SOETAERT: Thank you very much, Mr. Speaker. I've been listening with interest to all the different views on this bill. I have a few questions about it that, if it gets to Committee of the Whole, I'm sure the Member for Calgary-West will address. Her intentions are good. At first glance, being from the constituency that I'm from, I think I will support this.

I want you to know that in my riding there are quite a few environmentally sensitive areas. Wagner bog is one of the only places in the world where a certain lily is grown, and certain frogs are there – Wagner bog, right near my home actually, and I don't want any comments about frogs from the minister of agriculture. I also have in my area Big Lake, which I live right beside. I know the member is probably familiar with some of the controversy around the Big Lake area. So I would ask: how will this bill affect the city of St. Albert and Sturgeon county in their deliberations on what is happening there?

I also know that Atim Creek is one of the most polluted in the province, according to a recent study that was brought forth by the agriculture industry. I admire them for stepping up to the plate and saying: we are responsible for some water pollution, but we're willing to admit it and willing to work towards changing that. Atim Creek feeds right into Big Lake, which goes right by my home. So many of these bills become quite personal when you live very close to the areas that people are talking about.

I respect what the minister of agriculture says about some of the best soil and the balance between agriculture and industry and the environment, and though he may brag about the two feet of topsoil in his neck of the woods, I would beg to say: come to the Ville-neuve area and you will see the best soil in Alberta. However, I also know . . .

MR. STELMACH: Good farmers too.

MRS. SOETAERT: And the best farmers.

I have to say that I think we've got to find a balance. I find lately that because of the MGA, the Municipal Government Act, and its changes there seems to be very little planning and very little regional planning since those regional boards were kind of dissolved. We're in a state of limbo, where people are trying to

get their act together, amongst all the counties and towns. We're in kind of a state of flux where almost any development can happen. Spots that used to have only one three-acre piece out of an 80 now have several. Along the lake road, which used to be all agriculture, are now little one-acre pieces of homes. When you talk about losing good farm soil, that's happening, and that's not even talking about the environmentally sensitive areas.

So I think this bill even begs the bigger question: where's the picture for the province? How do we balance the environment, which I think this makes an attempt at doing, with agriculture, with other economic growth? I do question though: if, as I understand it, a municipality can identify an area with this bill, so what? If they identify it, can they protect it? What does this bill do for that if it just says that we'll put a red flag and say this is an environmentally sensitive area? Is there any law or any legislation that goes with this to say that the municipality must protect it? When we do that, what kind of financial support – and I realize it's a private member's bill – is the government willing to give municipalities to help them protect that environmentally sensitive area?

It's funny. When the economy is down, nobody seems to care about the environment. When the economy is on the way up, suddenly people wake up and say: whoa; what have we done in the last few years here, and what's been happening? I think that's what's happening. Now we're saying: uh-oh; what have we done? I think it's maybe the timeliness of this bill and the fact that the hon. member is saying that some of these areas are sensitive and we have to protect them. I don't know if this bill will do that.

I do think that in all fairness the province should work with municipalities to identify sensitive areas, because the province should have a provincial view of things. Sometimes when we live in just our own neck of the woods, we say: we need a road from this point to this point. I know that in the constituency of Redwater there was a huge issue about Lily Lake road a few years ago. That was a hot one, to say the least. Sometimes municipalities of course are concerned with their own area, but the provincial picture is the responsibility of this Legislature. I would like to see more of a provincial picture, some co-operation with the municipalities on behalf of the government to work with them so that they can help them identify those sensitive areas and protect them. I would hate to see Wagner bog have an overpass through it, which almost happened a few years ago. I would hate to see Big Lake paved over, especially since I live along it. There is a bit of a bias there. That's not one I've lobbied for either, Mr. Speaker, so I would really regret that; 794 is my lobby, and everybody knows that. Everybody know that, even the minister.

To get back to the bill. I thank the member for bringing this forward. I will be supporting it because I do fear that we're forgetting about those environmentally sensitive areas that you can't get back once they are gone. I value that not only for my own enjoyment selfishly, but I know school groups that go through these areas, and I want my children and someday grandchildren to be able to enjoy those things that we all should not take for granted here in Alberta.

Mr. Speaker, I will support the bill. I've flagged some questions that I hope maybe if we get to Committee of the Whole – it's not good enough just to identify it. I want to know how we are going to protect it. I'd like to see concrete examples of that if that's possible. I'd like to hope that, if possible, we could bring forth amendments that would make the scope of this bill even more extensive than it is. I know the Member for Fort

McMurray said we have to crawl before we walk, but there comes a time when you stand up to the plate. I would suggest this might be the time that we make this a strong bill, that we work with the municipalities so we can protect those environmentally sensitive areas.

Thank you, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Member for Livingstone-Macleod.

MR. COUTTS: Thank you very much, Mr. Speaker. It's a pleasure today to enter into this discussion on the principles of Bill 203. I see some of the debate has extended itself into where is the best soil and who are the best farmers in all of Alberta and all the rest of that. Coming from an area that is burnt, we're just lucky to have any soil at all. Most importantly, I strongly support a number of the comments that have been made about the amount of land that's available. Coming from southern Alberta, where we have a tremendously dry area and particularly sandy soil, I would say to my constituents that they're probably the best farmers in all of Alberta, having to put up with that kind of a combination of dryness and sand to produce the crops for all of us to feed ourselves and sustain our lives.

This particular bill is very interesting because it combines some of the initiatives that I'm presently working on with Special Places 2000, so I'm looking forward to offering a few comments on that.

4:20

We're in the 1990s. We're into a decade where issues of the environment are very prevalent and in the public eye, and there's a definite recognition that people coexist alongside one another in our natural environment and not apart from it. The recognition of the soil contamination that is prevalent and the air quality and the water quality that is going on in southern Alberta right now is evidence of that statement. Environmental concerns were never considered 50 years ago or maybe even 20 years ago, but they're now taking into account areas such as business and agriculture, as we have heard, and another area which I'm particularly associated with, recreation. Environmental concerns also affect what household products many of us choose to buy and use and make decisions to throw down our drains or not to throw down our drains. If we don't make that decision, what do we do with them and where do they go? It's a real problem.

Therefore, it's important that we take sensible measures to protect our natural environment in order to leave its beauty and diversity intact for our next generation. The natural environment requires our attention, and it requires our protection when necessary. At the same time, we must not neglect the importance of economic development. In other words, we must take account of economic considerations when making environmental decisions and consider the environment when making economic decisions.

Bill 203 is about bringing environmental considerations into the sphere of municipal planning. This bill continues a theme of preservation combined with economic growth. When you see that being applied to the municipal areas and particularly, in my opinion, to some of the urban areas, that is very consistent with the policy of Special Places 2000. I might add that most of the designated sites in Special Places 2000 are in the rural areas.

As indicated earlier in this debate, the bill only requires that environmental matters be addressed within the municipal development plans and that environmentally significant areas be identified. The uses that are then decided upon for that land are the choice of the people of that community and their elected council.

This is very consistent with the program of Special Places 2000, where what is being asked is that when a particular site is sent to a local committee for their input, they look at permitted uses of a particular site, not only what permissible uses will happen in that area but also how they would be managed. This bill is very consistent with that.

There are other options available for addressing environmental matters, including environmentally significant land, besides a complete restriction on development. A municipality, through its land use bylaw, can determine what sorts of development can occur on the land. For example, permitted uses could include farms, parks, private or public recreation uses, or private dwellings on large lots. Some municipalities also focus on how development is carried out. They prescribe ways in which development can still occur while causing the least damage to the natural environment. This is also consistent with the Special Places 2000 program in that what is presently occurring on that land that is designated a special place will still continue. In other words, present dispositions will be honoured. Mr. Speaker, a municipality has an option to refrain from restricting development altogether if the greater public interest is best served by emphasizing other priorities.

What this bill brings to the existing framework is a greater level of consistency to municipalities across Alberta in dealing with environmental issues. It mandates that these issues become part of a municipal development plan. The bill also provides consistent terminology and a definition to guide municipalities in addressing environmentally significant areas.

One of the fears about Bill 203 concerns landowners who become aware that their municipality's development plan may be designating aspects of their property as an environmentally significant area. There's a fear that some landowners may decide to instantly go out and damage or destroy these features in order that development on their land not be restricted in the future. Mr. Speaker, this is unfortunate and is already possible under existing legislative framework.

During Municipal Affairs' consultations with municipalities in 1994 concerning change to the planning act - I'm going to use the city of Calgary as an example because they expressed concern about this very problem. The city indicated in its report to Municipal Affairs that

a landowner not wishing to negotiate with a municipality for the protection of natural areas may view the natural area as an impediment to speedy approval of a plan of subdivision and may damage or destroy the special features of a natural area which the municipality may have wished to protect.

This potential abuse of natural areas for the sake of development is unfortunate, but the provisions of Bill 203 would not create this problem. It does already exist.

Public participation, which is a part of the municipal development plan process, gives all landowners in a municipality an opportunity to present their concerns. Municipal development plans are very broad plans, Mr. Speaker. Along with environmental considerations there are also transportation issues, future development and growth patterns, and municipal facilities and services which must be considered. All of these issues affect and influence the others. It is true that environmental considerations may prevail over transportation or development issues at times, but it is equally true that environmental issues will lose out to other concerns at other times.

These are the very challenges that we go through in the special places process in trying to meet that balance, and I've heard that word used a lot today. How do you balance preservation with

economic development, recreation, agriculture, and our heritage appreciation? It is one that we must address, and I believe that in an urban setting Bill 203 will help direct that balance. Therefore, I'd like to conclude at this time by indicating my support for Bill 203.

Thank you, Mr. Speaker.

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

MS BLAKEMAN: Thank you, Mr. Speaker. I'd like to speak to Bill 203 in its second reading, so I'm speaking to the intent of the bill. This has been a really interesting debate thus far, and I have to say that it's the first time I've really heard a debate where I've heard contrasting opinions brought up by the hon. members opposite. It's been very instructive for me, and I've enjoyed it a great deal. And to the hon. minister for agriculture: I've taken your point. I'm from the city core, so you've made an impression there with the points that you're raising about soil conservation and urban creep or urban crawl or however we want to put it.

It's interesting how we seem to want to reconnect with our environment at this point. I'm sure our grandparents would have laughed at that, but now it seems really important to us both for our sakes and on behalf of the generations that follow us. We are beginning to look about and say: what have we done? What have those before us done? What will be left for those behind us to enjoy, if it is to enjoy, or to be able to use for food production or whatever? But there does seem to be a desire and an expectation on our part that the natural areas that we enjoyed as children and with our families will be there for another generation.

4:30

I think that's something important to think of, because I don't want to see the next generation only seeing flowers and trees in a museum, either as a reproduction specimen or as a dried version of itself. It's important to me that I can go and see the real thing if I want to and that others following me will be able to see the real thing and not just in controlled environments like a museum or a zoo, in the case of animals. We obviously need to be taking our role as protector and steward seriously.

So I'm supportive of the intent of this bill and what it's trying to do and the recognition that the municipal level of government has a responsibility in this area. I think the provincial government does as well, and so does the federal. I think we need to start recognizing the overall plan and how each other sector fits into it.

While I support this, I echo the other comments I've heard here today saying that it needs to go further and it also needs to be much more specific in the kinds of things it's identifying as an environmentally significant area. My other colleagues have spoken to that and I won't repeat it, but I do think we need to understand our role. I think we've moved from being developers of land to being protectors of land. We also, given scientific technology and history, are better able to understand the interaction and the impact that people have on the environment. We all tend to think, "Well, it was just me; I'm the only one that passed by this way," but in fact if there's a number of people, it does have an impact on the environment. That's sort of looking at it on a microlevel, and then you have to move back and look at it on a more regional or global level. So I'm once again reiterating the need for there to be smaller components that are recognized, as in the municipal government, inside of a larger plan. Sometimes we might have to compromise on this one for the greater good, and I think we need to look to that.

We do need to specifically recognize, first of all, and protect certain areas. I hope you'll forgive me while I refer to a game that I had the opportunity to play once called Simcity. It's a computer game where you create a city. It's very interesting because every time I've played the game or watched anyone else do it, they always set aside little bits of parkway and parkland. In the beginning it looks enormous, and it's a lot of land that people can take advantage of. But by the time the city grows around it, this shrinks to a very small pocket, and all of a sudden you have an area that's so small that it's really not useful for what you intended it for. It's just a small example of the way we approach this, and I think we need to be much firmer with ourselves.

Obviously, this bill is giving us an opportunity on a municipal level to designate those areas that have things on them, land formations or wildlife or environmental components that are important to us that we need to recognize and save and protect for the future. When I say protect, I'm looking for the protection in this bill. I hope the hon. Member for Calgary-West will be able to speak to that a little later, perhaps, or if this bill gets into Committee of the Whole.

What specifically is there to protect? If we say we're going to do something, in this society you either have to have a carrot or a stick. If you're going to protect it, what's the incentive to protect it? If you're not going to have an incentive, then what's the stick? So there need to be, I think, probably some penalties attached for failing to do this or for failing to co-operate with the plan that is being identified and put forward through the municipality. That is, I'll agree, a sad statement on society, that we have to set up a punishment in the beginning, but legislation is a plan about where we expect things to go and how we expect things to happen. We need to expect that this may not always go the way that we intend with the legislation and need to have the provisions in it to enforce it.

I've heard a number of people here recognize the importance of environmental protection today. I think we need to recognize that we have to get far more proactive on that. If I may, I'd encourage the sponsor of this bill to be brave, to take the suggestions that have been made here today and incorporate them, to be clearer in the definitions, to have the protection in there and, if necessary, to have the penalty in it. If you'll forgive me: no guts; no glory. Let's make this the best possible bill that it can be, and I certainly think you've had some suggestions here today that are definitely worth considering and working into this bill. It's a small bill – there are not many lines in it – but I think it could have enormous impact if that was done carefully and the suggestions that are being made today are integrated into this.

Those are the few words that this gal from downtown in a metropolitan area would like to contribute to a discussion about municipal protection of its environs. I also wonder if there can't somehow be consideration in this act or perhaps in other legislation that's being considered for the point that was brought forward by the minister of agriculture. We are losing our valuable farmland, and as I understand it, there really is no need for us to be using that land to be moving onto. There are other ways to do that. Again, we know this now, so let's do it rather than just repeating the mistakes of the past. We have the scientific backup and the history to tell us where we've made the mistakes.

So let's not be sloppy or lazy or do this through some sort of benign neglect. If we know where we need to be going with it, let's go with it. Be brave. Move forward.

Thank you. That concludes my comments to the intent of Bill 203.

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

MS EVANS: Mr. Speaker, thank you for the opportunity to respond on this bill. I had hesitated to rise today, but, as a result of so many comments about the bill, I feel I must.

Clearly the intent of the hon. Member for Calgary-West is an honourable one as it pertains to the environment. But I would like to just remind all of my colleagues who spoke about the need for this legislative amendment to consider again some of the things that we think about when we sit in this Assembly and debate the effects of other levels of government upon us. When people lever to us that which we did not invite, that which we did not ask for without the resources to accommodate it, we take strong exception. I give you the perception that many Albertans have, that there's been significant federal downloading of responsibility to the province. When we without consultation consider discussion about what should pertain to the legislation that governs our municipalities, particularly in the very sensitive areas of planning, I think we tread where angels fear to go.

When I sit with Boy Scouts and talk about what would happen tomorrow if you had to create a new world – how would you structure it? – you know, Mr. Speaker, it's fascinating, but none of them talk to me about three levels of government. They talk about one level of government. In 20 years of being in local government I must tell you that I never felt nor did my colleagues ever feel inadequate to decide for ourselves what should be considered environmentally sensitive and how to plan for it. I think while we can coach at the provincial level, the intent in the Municipal Government Act is quite clearly to give the “natural person powers,” as exemplified in clause 6 and referencing the Constitution of Canada, and recognize them as it pertains to local communities.

Local communities are people just like us. They get elected just like us, sometimes with even larger majorities than we do. The last time I looked at most of those people, they seemed to be quite adequate in addressing concerns that pertain to traffic, that pertain to school authorities, that pertain to all of those circumstances which local government directs.

4:40

Mr. Speaker, I would invite us to participate in consultation. But when we do that, I would invite us to define those resources we think those local communities should have to have in order to perpetrate the legislative amendments that we would bring forward so that we can consider very carefully whether our desires should be something that we ourselves are capable of supporting in and for the greater good of Alberta.

Clearly the intent environmentally I will not question or quarrel with, but I think this type of bill could well be approached to that local council talking, in fact, about those local issues in every community, talking about the environment, and noting, Mr. Speaker, as I do, that across Alberta many communities have significant expenditure for environmental protection. When I talk to the Boy Scouts, they usually assign one person to be a governance body, and I think that that would have certain efficiencies. I do not deny the importance of three levels of government, as we're structured now, but I stand here today to defend the right of local governments under this Municipal Government Act to chart their own destiny.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Castle Downs.

MS PAUL: Thank you, Mr. Speaker. I am going to stand and speak just to the principles of Bill 203. I've been listening to the debate quite closely, and the hon. Minister of Municipal Affairs shed some light which I do concur with in some respect, being a former alderman, but I think this bill encompasses quite a broader spectrum than who pays for what and downloading and so on. The principle and the intent of the bill is very clear: it's to protect the environment. While it's not an in-depth bill – there are not a lot of words written – it's easy to comprehend, and it's very concise in its intent.

When we talk about environment, it conjures up all kinds of thoughts. You talk about air pollution, historical resources, water, whether it be in the form of ponds that have been around forever and there's a habitat of ducks or geese and so on, but we also have to look at the natural geographic landmarks. I think for a committee that is struck who look after their own specific areas in their townships, in their cities, in their towns or whatever, it's important that they have input on a decision that is made to protect some sort of environmental or historical landmark.

Having said that, another sort of forum or another level of hands-on may be something that municipalities may not accept with open arms. But I think local input is what is important because we are the gatekeepers, so to speak, of the environment for our children, for our grandchildren – and hopefully I will have grandchildren. That's a whole different issue; that's not environment. I'm working on it.

We have to be conscious of those decisions that we make in this House. Quite often what I find is that in any discussion or debate that talks about something in terms of environment or well-being or child issues, there tends to be debate focused around money. Mr. Speaker, I do believe that the intent of this bill from the hon. Member for Calgary-West is done with the environment in full view and that the concern she has is dealing with environment issues. The only concern that I have is the concern of: what does the term “environmentally significant area” mean? I mean, it can conjure up, as I've already mentioned, all sorts of areas, and I think during Committee of the Whole that should be better defined.

We can debate that further, but the principle and the intent of this Bill 203 is something that I'm very pleased to see. I think the initiative taken on behalf of the hon. member should be commended. We should perhaps come up with some good, strong amendments. Amendments are always necessary when you debate a bill because it gives a broader perspective from more members in the Legislative Assembly, rather than site specific and the person who brings the bill to the forefront. So as I've said before, any process or any inclusion of local people into a decision which influences that particular municipality is something that I am very, very strongly in favour of.

Mr. Speaker, you can look at lists, which I'm sure we're all privy to, of what an ESA's criteria or identity would be. You can take, for example, the foothills. There are numerous identification landmarks that are identified within the foothills proper, so you can apply those definitions in other areas throughout the province of Alberta. I won't go through the list. I think it's something that could be brought up during Committee of the Whole when we're in full debate, where there is debate going back and forth on, rather than the principles, the merit of the bill: what it will encompass, how it will be delivered, and who is going to be the deliverer.

Having made those comments, Mr. Speaker, I will close now,

and I really look forward to more debate in Committee of the Whole.

Thank you very much.

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

MS KRYCZKA: Thank you, Mr. Speaker. I rise to close debate on Bill 203. I've heard some very interesting, thought-provoking, logical discussion here today on Bill 203, and I guess I should add compliments. I would like to thank my colleagues, in particular, for speaking to the bill: the hon. Member for Fort McMurray; the hon. Member for Calgary-Bow; the hon. Minister of Agriculture, Food and Rural Development from Vegreville-Viking; the hon. Member for Livingstone-Macleod; the hon. Minister of Municipal Affairs from Sherwood Park – did I get everybody? – and everyone else that I missed. I also want to make sure that I thank two researchers, Angela Brown and Lynn Redford, for a very enthusiastic effort preparing Bill 203 in a fairly short time frame. I fully appreciate and acknowledge the comments that I have heard today, and I'm sure they will be given future consideration.

Mr. Speaker, in essence, yes, Bill 203 is really about bringing environmental considerations into the sphere of municipal planning for the sake of our future and quality of life. Having said that, I guess what I just want to say is that we all know that the introduction of any kind of change to a system as we know it tends to create immediate apprehension and a reaction that could be articulated as “Well, perhaps, but not in my backyard, at least not today.”

In the immediate future, Mr. Speaker, I would invite everybody here – if you can find your very own quiet, precious space – to think about your community at large as it is now and, say, in 20 to 30 years from now. Visualize it considering the demands of a very active growth and development, with population increases, probable urban sprawl, and complex transportation systems. Assuming that you've done that, my question is: did you achieve a balance in your vision by retaining enough unique, environmentally significant agricultural lands in your community at large, well managed so that, for me, I can say that my grandchildren and even great-grandchildren can enjoy it by walking along educational nature trails, for example. Bill 203 will help Alberta's communities better achieve such a balance in their vision.

I would like to just add here, from some wise person that works among us, that we should remember that not only are we progressive, but our ideological roots are based on conservatism, and that means to conserve, as with environmentally significant areas. I know I'm speaking to certain people in this room today.

Finally, Mr. Speaker, I'd like to express my interest in participating in any action the government may take to facilitate the protection of environmentally significant areas within municipalities.

Thank you.

4:50

THE DEPUTY SPEAKER: The hon. Member for Calgary-West has moved second reading. All those in favour of second reading of Bill 203, Municipal Government (Environmentally Significant Areas) Amendment Act, 1998, please say aye.

SOME HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE DEPUTY SPEAKER: Defeated.

[Several members rose calling for a division. The division bell was rung at 4:51 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[The Speaker in the chair]

THE SPEAKER: As members are making their way to their chairs, I'd just point out to all hon. members that one year ago today there was an election call in the province of Alberta, and 37 years ago today the hon. Deputy Speaker took a bride. And, yes, he does have the night off.

For the motion:

Amery	Dickson	Laing
Blakeman	Forsyth	Olsen
Bonner	Gibbons	O'Neill
Boutilier	Graham	Paul
Cao	Hancock	Sapers
Carlson	Havelock	Shariff
Coutts	Kryczka	Soetaert

Against the motion:

Broda	Herard	Paszkowski
Burgener	Hierath	Pham
Calahasen	Hlady	Renner
Cardinal	Jacques	Severtson
Clegg	Johnson	Stelmach
Day	Klapstein	Stevens
Dunford	Langevin	Tannas
Evans	Lougheed	Tarchuk
Friedel	Marz	Trynchy
Gordon	McClellan	Yankowsky
Haley	McFarland	

Totals: For - 21 Against - 32

[Motion lost]

Bill 204

Workers' Compensation Amendment Act, 1998

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

MR. HERARD: Thank you, Mr. Speaker. I'm extremely pleased, in fact proud, to open debate at second reading of Bill 204, the Workers' Compensation Amendment Act, 1998.

Speaking to the principles of the bill, Bill 204 addresses two significant problem areas that injured workers and their families face under the current workers' compensation framework. The first issue deals with the bar-to-sue provision in the area of transportation accidents under section 18 of the Workers' Compensation Act. The second problem that Bill 204 addresses is cases where medical opinions are in conflict and the injured worker is cut off WCB benefits. There is currently no section that specifically addresses this provision under the current Workers' Compensation Act.

Mr. Speaker, both provisions of Bill 204 are the result of working with and listening to injured constituents as the MLA for

Calgary-Egmont. To be honest, my constituents' concerns are easily understood. I've found that there are generally only two things that injured workers want. They want to get better and get on with their lives, and unfortunately for some of them getting on with their lives may not be what they're used to. The second thing that they're most interested in is being treated fairly while they are on WCB benefits.

As I mentioned, the second area of concern is with injured workers that are cut off or denied compensation because of conflicts in medical opinion. Mr. Speaker, these are not frivolous cases but rather very serious cases that deny benefits to a small proportion of injured Albertans. I'm sure that many of my hon. colleagues in this House have shared similar experiences with some of their constituents that were injured or with family members of workers that were killed or injured off the work site.

Now, I think there's a need to talk about the history of the WCB, because there are some very important principles that need to be understood. Mr. Speaker, the workers' compensation system began in Alberta as a no-fault insurance regime in 1918. The workers' compensation legislation in Alberta and in all other provinces in Canada, save the Northwest Territories, follows the report by the then chief justice of Ontario, Sir William Meredith.

The principles established at that time are known as the Meredith principles, and I'll summarize them as follows: negligence and fault for the cause of injury are not considerations; workers receive compensation benefits for work-related injuries at no cost; employers bear the direct cost of compensation and in return receive protection from lawsuits arising from injuries; and finally, a system administered by an impartial agency having jurisdiction over matters arising out of the enabling legislation. I want to be very clear about this point. The changes that I am seeking do not - and I repeat: do not - undermine or change the Meredith principles in any way.

For most injured workers the compensation system works quite effectively. I think the WCB should be commended because the great majority of their cases are administered without any problems. I understand by their own numbers that about 97 percent of all claims do not generate problems, and that's an impressive record. It's the other 3 percent of the cases and those involving transportation-related accidents that I seek improvements for injured workers, but these cases are often among the most serious cases that the WCB deals with.

5:10

Workers' compensation coverage provides workers with compensation benefits if they are injured on the job, regardless of whether they were negligent or not. In return for this protection, workers give up the right to take legal action against employers and other workers covered by the WCB for work-related workplace injuries. Employers pay a hundred percent of the cost of the workers' compensation system through premiums that reflect the cost of the claims in the industry and their individual accident record. In addition, employers must establish and maintain an account with the WCB, and the WCB pools these premiums in a WCB accident fund, from which benefits are paid.

Mr. Speaker, as it currently stands, in the event of an accident, the accident employer is originally charged with all costs arising out of the accident. If the WCB is satisfied that another employer under the act was responsible for the accident, the accident employer's account is relieved of all costs and those costs are transferred to the account of the negligent employer. However, in the event that the accident was the negligence of a third party not covered under the WCB Act, the WCB and the injured worker

may take civil action against the third party. This is covered under section 17 of the act, where the board has subrogated to the rights of the worker. If a settlement is received as a result of action taken by the board, the worker may receive 25 percent plus any excess of the settlement after the WCB recovers its legal costs and all additional expenses. I make this point to indicate that there are currently provisions in the existing act to recover damages from non WCB covered third parties. So this is not new to the process.

Mr. Speaker, the problem with the workers' compensation system is that under its current provisions, when a worker is injured off the work site in any form of transportation accident at the negligence of another person also covered by WCB, the injured worker is barred from taking any legal action, and the WCB accident fund bears all the cost of the injury instead of the liability insurance of the negligent party.

An example might be if you and I, Mr. Speaker, were traveling on business on the same plane, train, bus, boat, any type of vehicle. For the purposes of this example, I'm covered under the WCB Act and you are not. Now, if we're both injured in an accident, you would have the right to recover damages by suing the third-party insurance company. You would have that right. I would not have that right because I'm covered by the WCB and so is the carrier that we both are using in our travels. This clearly creates two classes of people in the case of accidents outside the workplace. I don't think this was contemplated by the Meredith principles. I don't think there are good reasons to continue to have these provisions, because for a long time now accident protection has been compulsory in this province.

The current system effectively protects private insurance companies from paying for work-related transportation accidents. This is a strain to the accident fund of the WCB and to employers' individual accounts. In fact, this government recognized a similar fact in the case of recovering medical costs from insurance companies for victims of accidents where in that case the health care system instead of the insurance was covering the cost.

You might remember a bill in the last few years where in fact we passed some legislation to make sure that the health care system was not unfairly penalized by virtue of accidents. Essentially this is exactly what I'm trying to do with respect to this bill. This is essentially the same principle except that in this case the WCB picks up the tab instead of the insurer. Again, this is nothing new with respect to precedent in Alberta. Essentially in transportation-type accidents employers pay out of their own WCB accounts for the rehabilitation or retraining of the injured worker and apparently are not compensated by lower insurance rates from the private insurance companies who should be held responsible.

Mr. Speaker, the first provision of Bill 204 addresses transportation accidents such as planes and the example that I used in which a worker is injured or killed off the work site by the negligence of a third party also covered under the act. The provision would allow the WCB and the individual to take legal action against the negligent third party's insurance liability policy. Having liability insurance of course has been mandatory in Alberta for quite some time. The provisions of the bill also deal with motor vehicle-type accidents in which a worker is injured or killed by a worker covered under the WCB who is not employed by the same employer as the injured worker. So it doesn't create problems in that area.

Mr. Speaker, the original concept behind the Meredith principle was to ensure workers received immediate compensation and that

fault was not a determining factor. However, the Meredith principle predates the advent of compulsory motor vehicle insurance or for that matter any type of liability insurance that applies to planes, trains, boats, and so on. Currently if I'm a worker covered under the WCB and I'm injured or, even worse, killed in a plane or car accident by a negligent third party who is also covered under the act, my family is barred from taking legal action. And while compensation is still guaranteed for workers, the compensation is set out according to the severity of the injury, and in the event that the worker is killed, the survivor is dependent on whether or not the spouse is employable, what the ages of the children are – in any case, the compensation is phased out over a period of 10 years. This is considerably less than would be available under this act. In essence, under the current provisions of section 18 of the act the livelihood of injured workers and their families is seriously compromised.

Mr. Speaker, the provisions of Bill 204 address a major problem area, and I'll use some statistics to illustrate. In 1996 there were 1,124 vehicle accident claims to the WCB, which accounted for 3 percent of the total accident claims. But also in that same year there were 33 motor vehicle fatalities, representing over 36 percent of the total work-related fatalities accepted by the WCB. So this is a major problem. A third of the fatalities are due to transportation-type accidents.

From 1992 to 1996 motor vehicle fatalities have accounted for over 37 percent of fatalities accepted by the WCB. This comes from Alberta Labour information services in June of 1997. We've all been made aware recently of the perceived deficiencies that widows of WCB fatalities currently claim. I think there's been a lot of correspondence about that lately, and I think that if you look at the fact that 36 percent of total work-related fatalities are transportation-type accidents, this is a big problem.

Mr. Speaker, Bill 204 seeks to update the act and allow workers and the WCB to pursue cases of third party negligence in transportation accidents. The Alberta WCB should find merit in this position because the main beneficiary of the immunity in traffic accidents is the private insurer, to the financial detriment of the WCB accident fund.

The WCB found 2,600 potential third-party actions could not be pursued in 1996 because of the bar-to-sue provisions under section 18 of the WCB Act. They estimate that 80 to 85 percent of those 2,600 potential third-party suits were cases of transportation-type accidents, so this is not a small problem. The WCB estimates the amendment in Bill 204 would eliminate the significant number of actions barred and result in about \$4 million or \$5 million in third-party settlement recoveries, or to put it another way, the premiums of every single worker in this province would go down probably by a couple of cents. That would represent \$4 million to \$5 million.

5:20

In addition, Mr. Speaker, the absolute no-fault principles of the WCB of Canada began to change with the advent of motor vehicle insurance. Nova Scotia, New Brunswick amended their workers' compensation legislation in the 1970s so that civil action could be taken against employers other than the accident employer in transportation-type accidents. Yukon, Manitoba, and Newfoundland have followed suit. The five WCBs who have restricted the immunity in transportation industries have concluded that the private insurance industry should be paying the bill for work-related transportation accidents on our public transportation systems and not the WCB accident fund.

Mr. Speaker, I think the provisions in the bill would update the

current WCB Act and put Alberta in line with the five other jurisdictions with regard to transportation accidents occurring off the work site. Incidentally, on this point we've checked with all those jurisdictions as to whether or not this change in legislation has been a problem. We couldn't find any problem as a result.

More importantly, Bill 204 would allow injured workers or the families of workers to recover the loss of wages or seek civil action in the cases of death in transportation-type accidents from negligent third parties who are also covered under the act. I firmly believe this is a good provision, and I urge all members to look closely at the benefits of this amendment to the Workers' Compensation Act, which brings me to the second provision in Bill 204, Mr. Speaker.

Again, I must commend the WCB for their efforts to improve their service delivery. Since I began this consultative process on Bill 204, they have placed in their policy manuals virtually or nearly all the principles that I will be speaking about today that follow, and for that I thank them.

Mr. Speaker, in fact the provisions of Bill 204 have little to do with the majority of the WCB claims that are made but rather with those claims that are most serious and major. They may involve multiple injuries or serious injuries that are complex in nature, such as head injuries and nerve damage.

Mr. Speaker, from my personal experience these claims can drag on for years with no resolution, to the detriment of the injured worker and the worker's family. The problem I found was that in some serious cases the worker's compensation was affected because the nature of the injury was subject to serious differences in medical opinion. Now, that in itself is not a big problem because you'll have doctors that look at a situation this way and doctors that look at a situation that way. That's still a balance. But when the WCB decides to cut off a worker based on a conflict of medical opinion, they tip the scales, and that's not fair. We're not talking about some person who hurt their finger or was unable to return to work but rather serious or multiple injuries where the livelihood of injured workers is dependent upon his or her WCB claim.

There are two major problem areas that I've identified as a result of studying the WCB process. The first was that the current process, in the examinations of the injured workers and the review of claims where conflicts of medical opinion exist, the worker was seldom, if ever, directly involved throughout the process. The second major problem area was that in some cases the injured worker's claim was denied or his compensation was reduced because of conflicts in medical opinion.

Mr. Speaker, while there is an independent appeals commission and ultimately the possibility exists that an appeal can be brought

before the courts, this is a very onerous and cumbersome process for many individuals who are seriously injured. Now, these are people that have been on WCB for a long time usually. They're cut off benefits, they end up on welfare, and they don't have the wherewithal to defend themselves in many cases. The provisions in Bill 204 would go a long way to assisting injured workers in obtaining a fair and proper resolution and due process in cases where conflicts of medical opinion exist.

I don't think anyone in this House, including Sir William Meredith if he were today, would deny that fairness and the rights of the worker should be held paramount in a workers' compensation system.

Mr. Speaker, the provision in Bill 204 . . . [Mr. Herard's speaking time expired]

Thank you, Mr. Speaker. I'll look forward to the debate. I want to thank all of the great work that my researcher, Chris Ghazouly, has done and the co-operation of the WCB and the minister. Thank you very much.

MR. HAVELOCK: Mr. Speaker, I move that we call it 5:30 and that the House do now stand adjourned until 8 this evening.

THE SPEAKER: But I think, hon. minister, we should have an adjournment to this debate, and we'll rise after that.

MR. HAVELOCK: We've had this discussion before. I didn't think we had to . . .

THE SPEAKER: I know. That's why we'll have an adjournment to the debate. The hon. Member for Spruce Grove-Sturgeon-St. Albert.

MRS. SOETAERT: So speaking to Bill 204, Mr. Speaker, I would like to say that I'm glad to see that the member has brought this forward, and there are many things that I would like to say about it. Will I have an opportunity later if I adjourn right now?

THE SPEAKER: Yes.

MRS. SOETAERT: Then I would move we adjourn debate.

THE SPEAKER: Having heard the motion by the hon. Member for Spruce Grove-Sturgeon-St. Albert, do all members agree?

HON. MEMBERS: Agreed.

[The Assembly adjourned at 5:28 p.m.]