

Legislative Assembly of Alberta

Title: **Monday, February 22, 1999 8:00 p.m.**

Date: 99/02/22

[Mrs. Gordon in the chair]

head: Consideration of His Honour
the Lieutenant Governor's Speech

Mrs. Fritz moved:

That an humble address be presented to His Honour the Honourable the Lieutenant Governor as follows.

To His Honour the Honourable H.A. "Bud" Olson, Lieutenant Governor of the province of Alberta:

We, Her Majesty's most dutiful and loyal subjects, the Legislative Assembly, now assembled, beg leave to thank you, Your Honour, for the gracious speech Your Honour has been pleased to address to us at the opening of the present session.

[Adjourned debate February 22: Ms Evans]

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

MS EVANS: Madam Speaker, having spoken earlier to that request, if it would be appropriate, I would move that we adjourn debate.

THE ACTING SPEAKER: Then possibly we will see if someone from this side wishes to speak. The hon. Member for Edmonton-Castle Downs.

MS PAUL: Thank you, Madam Speaker. I consider it an honour and a privilege to address the Speech from the Throne on behalf of my constituents of Edmonton-Castle Downs, marking the commencement of the Third Session of the 24th Legislature of Alberta. The Premier's television address of about three weeks ago unfortunately set the stage for a generally lacklustre attempt at pacifying the voters of Alberta. The Speech from the Throne continues this tradition. There was, unfortunately, a great deal of ideas without a blueprint of process.

My constituents have told me: we support balancing our fiscal affairs, but where are we spending our money? Why are controls not being placed in our health care system to maximize the return for our dollar? It seems to be common practice for doctors to refer patients to an emergency ward to be examined by them when they are at the hospital. Why is this allowed? Nothing is in place to deal with nonemergency health patients at the emergency wards around our province.

Why does the government continue to neglect the basics of appropriate management practices in lieu of continuing with the same old processes? I find it incredible that the government intends to have a forum or summit or whatever on seniors in late 1999. I realize that this is International Year of Older Persons and that the majority of the government side falls into this category, but let's be realistic. If we were serious about providing for our elders, let's join today and put into practical action the inputs that we already have received from action groups, from committees, our communities, and the seniors themselves from across this great province of ours. The biggest gift that we can give the older person is to stop studying them to death and provide them with the basics of life that they have earned.

Madam Speaker, I am encouraged that the government intends to provide more emphasis on promoting healthy lifestyles. The metabolic screening program for newborns must be considered a priority. The strides that we have attained in this area should be

exploited. After all, this is a made-in-Alberta solution as we have the finest children's hospital here at the University of Alberta. This program will have the potential of reducing our health care costs in the future.

Madam Speaker, I applaud the creation of legislation to give the government further authority to protect our publicly funded health care system as long as this is not, please not, the twin of Bill 37. I encourage the government to create a common language and meaningful legislation through the input of all Albertans, not those appointed by the government to boards, summits, or forums.

Madam Speaker, the government's idea of a forum on children's issues is a great idea as long as those who know and understand the issues, the moms and dads of our young children, are allowed to attend and are the key participants. Let us not waste this opportunity on another group discussing what should be and have real practical-thinking, everyday people involved.

The education system in our province is a major concern and is in real crisis. We have children and young adults who cannot understand the fundamentals of basic reading, writing, and arithmetic. It is irrelevant of ethnic background, Madam Speaker. We are talking about the basics of education. This is enshrined in our Constitution. Let us focus our educational dollars where they will be maximized: on the fundamentals. If this means smaller class sizes than present, then this is what must be done. It must be done for our children and our youth, because they are our most valuable resource. Let us not forsake them during their developing years for a quick fix or this is new and good approach to their education. Let's meet with their teachers. Let us orchestrate one great big parent/teacher interview to determine the best way to work with our youth. Let us try something radical, maybe even talk to some of our youth. Let us find out what their needs are and what they need from us their elected officials.

It never fails to amaze me why this government would invest public dollars to ensure that businesses, homes, schools, and municipalities will be connected to the Internet and to upgrade aging computer systems. This should lie in the hands of the user and not be a government responsibility. When will the government learn that ownership is a necessity to a stable economy? People, organizations, and municipalities must take control of their own destinies. Madam Speaker, technology is in place, and there are many options for individuals and businesses to access. Why does the government feel that they must encourage and be the agent for the Internet when the opportunities are already there? Does this government want credit for the discovery of the Internet? The government's preoccupation with the Internet and computers even extends to their education position for the use of the access fund. Why does the government have such tunnel vision?

Why would the government not include skill shortages that will occur in the next five to 10 years; for example aviation? This province was developed through aviation, but the government does not recognize that there is more opportunity over the next five to 10 years in aviation than there is in any other occupation.

Madam Speaker, the government's preoccupation with Internet commerce is only serving to line the pockets of a few select agencies. The usefulness of contractors and the like receiving information from the Internet at a huge cost detracts from this process altogether and smacks of another tax on small, independent businesses. I would caution the government from viewing the Internet as a panacea to the problems existing today and encourage a more practical view, as the Internet is just another tool to be used in developing our future and our commerce.

Madam Speaker, how can this government boast that this economy is growing when they say in the same breath that they

attract our economic stability in the oil and gas industry, which at this time is in a depressed state, and the forest and pulp and paper industry, which is constantly up and down? The economy, as described by the government, is like holding a pound of fog. You can see this vapour, but besides being a little damp, you really have nothing. The government needs to establish an appropriate benchmark that will include all of this great province's attributes as a platform to prove to Albertans that we are okay. We as Albertans can no longer accept nor should we tolerate the smoke-and-mirrors charade by this government.

The government says that it "will present a new housing policy to address short-term pressures on and the longer term requirements of Albertans with needs." Madam Speaker, did the government run out of things to say? My constituents have no idea what is being said. Who are they talking about, and why does the government only deal with short-term fixes? Why does the government always speak of a four-year or less promise range and a do range of whenever? This is no longer to be tolerated by the people of Alberta. They expect and deserve better. After all, when the government took office they said that things could not happen because the province was in debt. Now that the province boasts that they have single handedly balanced the budget, they say that they still cannot do the necessities because -- well, they just can't. When will this government start saying that this can be done and will be done?

8:10

I am concerned that this session is going to be the same as previous sessions. The government will go through the motions of what has gone on for years. Why would they want to do something different? After all, in six months or so the millennium fun and games will consume everything. Madam Speaker and all members of the Legislature, let us join together and finish this millennium with a bang.

Let us join and give Albertans an opportunity to develop, to grow, and be a part of the finest and proudest province in Canada. Let us all collectively work, let's say, with the small liquor store owner who in good faith mortgaged his home to develop a mom-and-pop store and is now battling the big national box stores allowed to sell liquor by this government. Let us all work with the small business owners -- the restaurant owners, the dress shop owners, the gas station owners, and the convenience store owners -- that have to deal with rising costs and minimum wage issues. Let us deal and work with and support the students and families who need a decent wage to advance and sustain their position in life. Raising the minimum wage is an option, but it is not the solution. Let us as Albertans work together to develop an alternative to relying on a minimum wage scenario.

Madam Speaker, daily I hear from my constituents of their problems that they have met with government. I am in disbelief at what they are telling me. They say, quote, that the delivery level of this government is more concerned in telling them why something cannot be done because of the lack of funds and that the government is cutting more and more, so they cannot fulfill their job obligations, unquote. I have been told by a constituent that when he was in the hospital for knee surgery, the staff was more concerned about why things could not be done, as a result of the cuts, than doing the job. They say that if you want things to get better, call your MLA and complain. This constituent also went on to tell me that the garbage can in his room was changed three times a day, a new bag put in, and the garbage can never had any garbage in it. Go figure.

Madam Speaker, this government does not require a rocket scientist to manage its funds; it needs common sense. On behalf of my constituents of Edmonton-Castle Downs, I encourage the

government to request the assistance of their frontline staff at all levels of their organization to provide adequate guidance. After all, the age-old adage that, quote, management does not have the monopoly on brains, unquote, has significant meaning for this government.

I am disappointed, Madam Speaker, that the Speech from the Throne did not mention in any terms the violence that is being experienced in our community and especially family abuse that is fast approaching epidemic proportions. I placed before this House Motion 515, which, although amended, was passed and endorsed by the members of this House during the fall session. As a member of this Legislature I was proud and humbled to provide this contribution for all Albertans. As a survivor of domestic abuse, I promised to all Members of this Legislative Assembly and to all Albertans that this is only the beginning. We all must join together and stop abuse, whether it be elder abuse, child abuse, or spousal abuse. The government's agenda for the session does not even suggest assistance for this growing social indignation. I, the MLA for Edmonton-Castle Downs, a survivor of spousal abuse, will not allow the government to forsake this issue or these people. I will hold this government accountable for lack of attention and understanding to this tumor in our society.

Madam Speaker, as is customary when I end an address to the House, I would like to close with a poem from *Broken Teapots*. The title of the poem is Grains of Sand.

I am
a grain of sand.
Alone, I am
A mere whisper in the wind.
But, gather us all
grains of sand
and we become
the basin that holds the ocean
And the floor and foundation of the world.

You are
a grain of sand.
And when you shift
and when you fly,
when you gather together,

God Knows
and the world
feels it.

We must Believe.
We must gather together
to end Family Violence.

Thank you, Madam Speaker.

THE ACTING SPEAKER: The hon. Member for Edmonton-Mill Creek.

MR. ZWOZDESKY: Thank you, Madam Speaker. I'm very pleased to rise tonight to comment on this year's Speech from the Throne as delivered last week by our esteemed Lieutenant Governor, the Hon. Bud Olson.

I'll try to address each of the sections in the short time available, beginning with health care, because I'm so very encouraged by what has been said here with respect to health care, especially the issue of predictable funding base, which is being promised for our many regional health authorities. Madam Speaker, I think that's precisely what's needed right now; that is, a solid and predictable source of funds which the RHAs can count on, truly count on, to meet both existing and future demands as our province continues to grow at the fastest economic rate of any province in Canada. It's wonderful

news indeed to hear that Alberta is growing at such a steady pace and that individuals from so many other provinces are moving here to be part of the so-called Alberta advantage.

But it's equally important, Madam Speaker, for all of us to have the solid programs and the necessary services to meet the challenges that obviously arise from having such a robust economy. That is not just looking at people who require health care services right this very minute, but it's also looking at putting more and more emphasis on the prevention of illness, on education that helps Albertans live healthier, happier, and longer lives through health wellness and promotion.

In a few weeks, Madam Speaker, once the provincial budget is delivered, I'm sure we'll see the increased financial support that has been talked about and is consequently being targeted to support these and other very important initiatives, especially as they relate to children's services and to mental health services and to special-needs programs and other exciting opportunities for our seniors, because of course, as we all know, 1999 does mark the International Year of Older Persons.

I believe, as I have always believed, that Albertans of all ages want the safety, the security, and the predictability of a universal health care system with full coverage. Of course everyone realizes that while much of our personal health depends on our personal lifestyle choices, this type of all-encompassing coverage requires a commitment of commensurate dollars to deliver on those expectations. So I was very encouraged by the Premier's commitment to Alberta's health care needs when he said not long ago, in fact in advance of the federal budget, that even though we have as a province restored health care funding to previous levels, Alberta will nonetheless match whatever the federal government provides through its restoration and return of appropriate health care dollars.

8:20

You know, Madam Speaker, I was quite alarmed when I began researching this entire area of health care and health care funding, because as I was digging through the facts and figures, I soon discovered just how serious the federal/provincial transfers were in dollar terms and what the impact was on our province when the federal government made the cuts that they felt were necessary over the past few years. As part of that research I was quite shocked to learn that when the system was initially set up, we were supposed to see and enjoy a 50-50 split between provincial funding for health care and federal funding, and as we all know, that has been eroded down to the point where up until last week's budget we were looking at something in the order of 86 percent being funded by the province and only 14 percent being funded by the feds.

Now, I'm not faulting the feds totally there, because they had to balance their budget as well, and I'm glad they did that, but it was an alarming statistic to realize. So when I saw this priority of health care being mentioned so positively as it was in the throne speech, I was very, very encouraged.

One other extremely important initiative that will grow out of this is the entire area of telehealth services, which I know we'll be hearing more about in the near future. That international conference, by the way, Madam Speaker, will be here in our city of Edmonton in our province of Alberta later on this summer, in August. Telehealth is the way of the future for so many of the problems that we as a populace face and will be facing in the future.

Similarly, long-term care services will also be expanded, and that will greatly assist our seniors. By the way, I know that some members were complaining about the lack of mention of or lack of attention to seniors, so I thought, gee, that was strange, because I recall having heard it. Sure enough, here it is on page 1, where we

talk about government programs for seniors. So whoever was making that erroneous comment might want to visit the throne speech more carefully and notice that seniors are included there. I just thought I'd point that out. [interjection] Well, you know, we have to help each other along here, so I'm pleased to point that out to those who may have missed it.

Madam Speaker, along with these and several other initiatives there are numerous references to more consultations, more round-tables, more forums and, yes, even summits such as this week's provincial health summit, which convenes in just a day or two. These are tremendous opportunities for everybody across the province to speak out, to be heard, and to present their ideas on how Alberta can maintain one of the highest quality public health systems anywhere in the world.

Now, I realize it's not the perfect system. In fact, there is always room for improvement. But I'll tell you that it's sure well ahead of whatever's in second place. One thing I am confident of is that whenever and wherever problems arise, solutions are at hand, and those concerns, those difficulties, and how to solve them is what it's all about.

THE ACTING SPEAKER: Hon. Minister of Energy, I think the hon. member is doing just an outstanding job of doing his own speech, and he doesn't need any props from you.

MR. ZWOZDESKY: I'm also pleased, Madam Speaker, to see that education is receiving the priority status that is referred to in the Speech from the Throne, because that, too, is one of the top recommendations arising out of the Alberta Growth Summit. In fact, as good as our education system is, it too is in further need of attention, and if we're going to continue to develop young academics, young businesspeople and tradespeople to replenish those that are retiring and to replenish the highly educated and highly skilled labour and workforce that is required to meet the demands of such a robust economy and such robust economic activity as we've been experiencing, more and more attention will have to obligatorily go toward education and advanced education in particular.

In fact, Madam Speaker, global competitiveness is now here. It's upon us in many different ways. As I look at our young graduates, who are now no longer competing just amongst themselves in the province, who are no longer competing with others from across Canada, I realize that they are competing for jobs on a daily, on a weekly, monthly basis with young students from around the world. That's how quickly this is all growing. Computer literacy and knowledge-based education are critical to serving the needs of these young people, and they're equally critical for our province to maintain the high status that we already enjoy.

Can it be better? Of course it can, and it will be, but technology is moving so rapidly and there are so many options now to choose from in education, in all other areas, we have to proceed quite carefully, prudently, and cautiously to ensure that we're providing the best opportunities, the best alternatives available for the dollars that are available, and that applies equally to the advanced education scenario, as I mentioned.

Madam Speaker, it also applies equally to all students at all levels at all ages. So it's not just applicable to the young learners but equally so for our adult learners, and I'm confident that once this new initiative referred to here, called Campus Alberta, comes to greater and better fruition, every member of this House will applaud it with vigour, because it will spread the benefits of so-called lifelong learning to those who are most in need.

Madam Speaker, I want to also comment on an area that I have

often spoken about in relation to previous throne speeches and an area that unfortunately was not ever mentioned in the five and a half years that I've served in this House and listened to an equal number of throne speeches. At least it was never mentioned in the throne speeches to my knowledge, and I've scoured those throne speeches to make sure that's so, and that's the area of arts and culture.

Now, to say that this is a throne speech that doesn't address in an inclusive way all sectors of Alberta is simply not true. I have to tell you that I was extremely pleased -- extremely pleased -- to see the comment on page 5 which recognizes that the arts, culture, and library sector is in fact credited with a significant contribution to the economic and social well-being of this province. I don't know if anyone will ever be able to quantify the social impact of these sectors, but on behalf of all those amateurs and professionals who comprise one or more of these sectors, I'm delighted to see it in print for the first time in this very, very important document. I'm even more delighted to see that there's recognition given to the fact that about \$2 billion of economic activity is generated annually by the thousands of individuals, groups, and organizations that are involved in these areas. That's great news.

I've spoken about this very often in this House, and when we were discussing it in various planning meetings, I recall the comments and the commitment of the hon. Minister of Community Development when she announced the \$5 million grant program to support Alberta-based filmmakers, for example. That's great news indeed for them and equally great news for all of us because the dollars get spent right here in Alberta, and the statistics do and will continue to prove that there is at least a return of 6 to 1 for every dollar put into that area, not to mention all the other benefits of employment, entertainment, attraction of offshore moneys, outside dollars, and local economic stimulation in areas right across the province.

What makes a province great, Madam Speaker, is exactly that: the sense of inclusiveness. People look into the throne speech and can see a piece of themselves reflected somewhere in it. That's what makes Alberta such a great province in which to live, a great province in which to do business, and a great province in which to watch our families grow up and enjoy such a high quality, such a high standard of living. You know, as I travel this province more and more each week and each month, I ask people about their impressions of this province and what makes it so great, what makes it so fantastic. As always, the people know the answer, and the people are always right. Bottom line: it's because we provide what Albertans want. Tell us what you want, and it gets addressed. That's how it works.

We're fiscally responsible in this province, always have been. We live within our means. We don't spend more than we take in. We don't overtax anyone. We respond as quickly as humanly possible to every concern. We're always looking for new and better ways of doing things, and we listen carefully to all suggestions, even suggestions that come from opposition members. Everything goes into the mix. Everything goes into the mix trying to arrive at the best answers under whatever circumstances are before us.

Madam Speaker, I'm proud to serve the residents of Edmonton-Mill Creek, who have asked me on numerous occasions why some of these more positive ideas are so seldom featured. Well, I've just enunciated several points, and there are many more, perhaps more than time would even allow to speak to. But I would like to comment on the significant mention of children and child-related services that are in this Speech from the Throne. I know that the Treasurer will likely have more to say on this over the next several weeks as will different ministers in the front rows, but let me just mention the fact that additional support for children in low-income families is highlighted here, and that's great news for several of my

constituents who find themselves in those circumstances of need. So, too, are the initiatives under the children's secretariat, where we see a need to better co-ordinate and integrate preventative services for our most precious resource, that being our children.

8:30

Madam Speaker, Alberta truly has an outstanding and a most enviable track record on so many fronts. No wonder our Alberta is continually the location of choice for so many world-class events: the Olympics, the Commonwealth Games, Universiade, the World University Games, the World Figure Skating Championships, and most recently the World Track and Field Championships. We have to take a look at that and ask ourselves why. Why are we so fortunate with those choices? Well, I'll tell you why. International events' organizers see what we in Alberta have to offer and what we so often take for granted. They recognize the importance of a supportive, knowledgeable, innovative government and a supportive, knowledgeable, innovative people. This is reflected in each and every Albertan in this House and beyond.

These international events' organizers recognize the benefits of having a business-friendly climate, a business-friendly and a people-friendly government that creates and maintains a stable and predictable atmosphere and a government that maintains the lowest overall taxation for all its residents and, equally important, a government that stays out of the business of being in business and a government that does not have a provincial sales tax. Shall I go on? [interjection] Okay. I will. [interjection] Thank you.

I want to comment briefly on a couple of other points here. One of them has to do with the area of the environment. Madam Speaker, I'm very blessed because I have a number of very active environmentalists in my area who keep me very well informed and right up to date on what it is that they feel should be happening or is happening, be it good, bad, or indifferent, in respect to the environment. I know that when I send out this throne speech to several of them, they're going to be very excited to see that the government is going to strengthen the protection of our natural heritage, that there is some follow-up to the Special Places 2000 initiative, that there are more and more areas being protected by the minister and his staff, that there will be a roundtable on climate change to address those issues, that there is going to be a serious cutting of emissions of greenhouse gases, and that the research and technology that's required to bring those things onstream is being looked at by the government as it strives to balance the importance of the environment and what it means to our economy and the energy that goes with it, as well as the natural landscape that we here cherish so deeply. So I'm very encouraged to see that the environment is given a priority mention and so, too, will numerous of my constituents.

One other very important and very exciting initiative here is this issue of the new housing policy, which is going to address our needs as a province in both the short and the long term. I'm delighted to see this because, as you know, Madam Speaker, I'm co-chairing the task force on the homeless, and one of the things that we have identified here are those people who are absolutely homeless, those people who are sheltered homeless, and those people who are soon to be or near being homeless. Now, it's not enough to simply help out some of these homeless individuals. We have to also be vigilant to the fact that they need new housing alternatives so that they don't fall down the last rung of the ladder but they rise up to where they can actually grab onto something that gives them the level of comfort required to overcome the difficulties of homelessness. This is a very broad, wide-ranging area, but I'm very happy to see it here, and I was very encouraged to hear the Municipal Affairs minister comment on it earlier with respect to the Speech from the Throne

and the fact that we're addressing it in such a comprehensive way. I find that very, very encouraging indeed.

I'll also just comment briefly in the couple minutes remaining here in a general sense about the economy. You know, Madam Speaker, I was just delighted here giving a few speeches over the last couple of weeks in particular to various groups both in Edmonton and outside of the borders of our city with respect to what's going on in our economy. I'm delighted to hear, for example, that Edmonton is going to lead not only all Alberta cities but all cities across Canada in 1999 for new job creation. That's going to happen this year to the tune of 24,000 jobs, right here in this city. It's an unheard of bit of good news, and it's tremendous that we have the support, the infrastructure there to help sustain that.

Madam Speaker, that's going to come in those areas leading the charge: construction, manufacturing, and retail trades. We in the Edmonton area are very proud to be making things, to be providing services. We're not just dependent on any single resource or any single sector of the economy, and that's because we have the climate and the atmosphere as provided by the direction of individuals in this House, specifically the government, which maintains a business-friendly climate that helps Albertans and those wanting to become Albertans realize that this is a tremendous place to do business.

It's a wonderful place to work, live, and play, as they say, and when I see that 57,000 jobs -- 57,000 jobs -- were created last year, my heavens, it's an unbelievable growth rate. I'm wishing the same for the coming year, although I understand that economic pressures are such that we may not quite rise to that immediately, but I will bet you that as we turn the century, we will again rise to that same high and very great level. What we're creating here is a proud legacy as we leave this century, enter a new one, and head toward the 100th anniversary year of this great province, and I will be there to do everything I can to push it along and to encourage everyone else to do the same.

With those few brief comments, Madam Speaker, I'm going to take my leave because I know there are other individuals who surely want to add their comments. That must be the bell I hear, so I'll thank you for your attention.

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

MR. WICKMAN: Thank you, Madam Speaker. It gives me pleasure to be able to refer to the throne speech and spend 20 minutes going through it, and that's what I want to do. I want to go through the throne speech and pick out particular parts that I feel are very striking for reasons that I'll outline.

First of all let me say that I've been here for 10 years, and in the 10 years I've noticed one trend that has occurred, and that is that as time has gone by, the importance of the throne speech has started to sort of drift away. The anticipation is no longer there. The throne speeches have become quite frankly somewhat boring.

When I go back, Madam Speaker, to the early days of the '70s, I wasn't part of the Legislative Assembly, but I used to watch the throne speeches. I used to listen to them. It was with a great deal of anticipation that Albertans would sit back -- and this is the day of the throne speech: what is Premier Peter Lougheed going to come down with now, what new programs, what new services, what elements of the population is he going to recognize that we have to put some emphasis on? It was done with great anticipation.

Now what happens when a throne speech comes down? Basically a lot of this particular one is the same script that I heard when the Premier gave his address on TV. When the throne speech came down, I think we already knew ahead of time, all of us, what was

going to be in it. So there was no anticipation. I'm not sure if that strategy is done intentionally because the government doesn't want to find itself in the position where they're sort of embarrassed afterwards when they have to admit that there really wasn't too much in there to begin with, so by leaking it out, they avoid that particular situation.

The first reference on page 1 when we get by the first couple of paragraphs is fiscal responsibility. When I go through the riding of Edmonton-Rutherford and I talk to people, they do recognize that this government has in fact tackled the whole area of fiscal responsibility to a degree, and they'll sit back and they'll say that they can recall in the 1993 election the platform that Premier Ralph Klein presented to Albertans and the platform that Laurence Decore, the leader of the Liberal opposition at that time, presented. They were rather similar; there's no question about it. Sitting back and knowing what I know, it was obvious to me that a lot of the concepts that the Premier picked up on came from Laurence Decore, and that's a compliment to the Liberal caucus of the day, a real compliment to the Liberal caucus of the day.

However, there was a difference in the approach that would've been used. The Liberal caucus would've had a plan, recognizing that there was a debt that had to be paid off and a deficit that had to be eliminated. That was all part of the plan. That would've happened had the Liberal opposition formed the government. I think the striking difference is that there would not have been the same urgency in the sense that we would not have closed hospital beds; we wouldn't see children living in poverty, the degree of homelessness we see.

It reminds me a lot of somebody buying a new house, having a mortgage for 25 years and saying: well, I'm going to pay this house off in five years but in the process allowing the children to starve. [interjections] That to me is not fiscal responsibility. [interjections] Madam Speaker, I'm talking in terms . . .

Speaker's Ruling Decorum

THE ACTING SPEAKER: Hon. members, the hon. Member for Edmonton-Rutherford has the floor. He is the speaker. Under consideration of His Honour the Lieutenant Governor's speech we do allow some latitude. If you wish a debate to take place, feel free to be the next person up.

Please continue, Edmonton-Rutherford.

8:40

Debate Continued

MR. WICKMAN: Going onto my next point, I saw some optimism in some recent statements that the Premier made, and that optimism was in reference to the federal budget. He praised the federal budget. He not only praised the federal budget, but it appeared to me that he praised the federal Treasurer, the Finance minister. He paid him his due and said that it was a good budget. When we look at that budget, it's a reasonable budget. It's a reasonable approach that pays down a little bit of the debt and at the same time restores some services that have to be restored in the areas of health care and such, because it was recognized that in that particular case, what Canadians want is a balance. They want fiscal responsibility. They want programs, but they want a proper balance.

Now, why the Premier would have made a point of being so complimentary of the national Finance minister, I'm not sure. I'm not really sure. Possibly he saw an opening on the other side, and he was already starting to recruit.

THE ACTING SPEAKER: Hon. Member for Edmonton-Rutherford, could we try to contain our comments to the throne speech?

MR. WICKMAN: Madam Speaker, when I go down toward the bottom of page 1, one of the topics that I'd like to speak on the most -- I do recognize more so than most MLAs or a lot of other Albertans that fortunately haven't had that same opportunity that I did, if you want to call it an opportunity, in experiencing firsthand what the health care system is all about. I back up and I think what the health care system was like years ago and what happened when the regional health authorities were set up and were basically told: you've got X number of months to get a plan in place; you're going to have X number of dollars less to spend.

Common sense would have dictated that there were going to be problems, because you had a group of people that were pulled together very rapidly. They had to come up with their own plan, they had to make rapid decisions, and they had to deal with considerably less money than the government had dealt with when the government had assumed responsibility for the health care system itself.

I consider the health care system as probably being the most sacred thing there is to Albertans right now. It is without question the number one concern in my constituency, and I would say that it's the same throughout the other 82 in the province as well. I would say that most Albertans want to be assured that they have a quality health care system, a health care system a little more similar to what we had in the past, not the constant threat, the constant fear of more bed closures, longer waits for surgery, the prospect of further erosion, of privatization of the basic health care system.

Again there are some grounds here for optimism. When the federal government announced of course that there were going to be all these additional dollars provided for health care, the Premier made the commitment that they would be matched. I'm not sure if that commitment was made beyond year 1. Maybe somebody could spell that out for me. I don't understand why it would be just restricted to the first year, because if you restore the health care system to a degree, a year down the road you don't want to start tearing it apart again. There are grounds for some optimism there if the Minister of Health can recognize that the shortcoming in health care is at the bedside, bedside care. We've lost a lot of nurses, we've lost a lot of doctors, we've lost a lot of other health caregivers to places like Texas, places like California, who have sought greener pastures because they felt that their efforts were much more rewarded and recognized in the United States than they were here in Alberta. I understand that other provinces are going through similar concerns. It was pointed out by the Premier, not long ago, some of the problems we see in Montreal, some of the problems we see in Ontario. Nevertheless, let's not dwell on the negative. Let's not dwell on what other provinces are doing wrong. Let's dwell on how we can make it better here in Alberta. That has to be the number one priority, to get that health care system restored so people have confidence in it again. They don't have that confidence in it right now.

The throne speech makes reference to children's services. Again we see an example here where it talks about "enabling students with special needs like occupational therapy to get the health care that they need in their own school." That exact terminology, "occupational therapy," by the way was used by the Premier when he gave his TV address. I don't know if these special needs are going to go beyond occupational therapy, because there are other special needs in the schools that are faced by students with special needs. For example, speech therapy has become a major concern. At one time speech therapy was the responsibility of the Department of Education. It is now the responsibility of the regional health authorities, and they've got to compete for those dollars. There are children within the school system and there are parents that have been writing

to the Premier, writing to members of the opposition, writing to the Minister of Health saying that this has to be addressed. Hopefully it will be addressed.

As I go down page 2, the thing that strikes me -- and the wording on this one here is rather ticklish: "The government will reshape programs to help persons with disabilities participate more fully in society." Now, what do they mean by participating "more fully in society"? The first plan, where we were going to see a new program cutting back AISH benefits to newcomers to \$610 rather than the present \$823, I'm not sure would allow a person with disabilities to participate more fully. To me it would have allowed them to participate less. But because of the good work done by our critic of Family and Social Services and by the groups out there protesting what the Minister of Family and Social Services announced, he did back off.

Again, possibly we can now say that it's not going to be as drastic as we first anticipated. At least I hope, I really, really hope that the minister learned a lesson there and he'll back off that and try to address it from a positive point of view; in other words, job opportunities, retraining. Those are the types of things that people with disabilities want. They want special provisions and programs like AISH that recognize that they need the opportunity to go out there and give it a shot and enter the workplace, but recognize that if it doesn't work out, they don't want to have to go through endless red tape to access the program again. There is some reason to believe that maybe, maybe now this will occur.

I want to touch briefly on housing. The previous speaker spoke on housing. To the Minister of Municipal Affairs: I am encouraged by your reference to a new housing policy to address short-term pressure. There are alternatives to housing. The previous speaker mentioned alternative housing, and there are alternatives.

I was involved in a couple of projects myself with my son, who's an architect. One was initiated by the city of Edmonton where architectural teams were invited to submit proposals where three units would be allowed on a single-family lot, a lot 35 feet by 120 feet, which of course would bring down the land cost per unit. This was done in a single-family neighbourhood, and it worked out very, very well.

Those are the types of things that we have to look at. The minister did host a symposium that brought forward many recommendations in that housing report that we've all had copies of. Hopefully we can see some of those implemented and that we start addressing that there is a need for housing for the disadvantaged, a need for housing for those with limited incomes.

Education. Education of course is another favourite topic when I go throughout the constituency, particularly when I visit schools. I talk to the grade 6 students, to the high school students, the junior high school students, to the teachers and such. There is a concern in education. There is a drastic concern about the classroom size, the way the classroom size has increased over a period of time, and there has to be a reasonable balance. Right now there are classrooms out there with 35 students to one teacher. Acceptable levels, from what I gather . . .

8:50

AN HON. MEMBER: Fifty-seven.

MR. WICKMAN: Thirty-seven? Has it gone up to 37 now? Pardon me?

AN HON. MEMBER: Fifty-seven.

MR. WICKMAN: Fifty-seven? It just keeps going up. A more

reasonable level by professional people is going to bring it down to the neighbourhood of about 18 or 20. Now, maybe 18 or 20 is a luxury that we simply can't afford right now, but we've got to be working towards that, not in the opposite direction where pretty soon now we're into a situation that school boards are even being forced to share a principal between two schools. What's going to happen? Are we going to have teachers bouncing around to different schools trying to teach the same core subject in two or three different schools to stretch out what resources are there?

So, Madam Speaker, we recognize that health care is a problem, we recognize that education is a problem, and we recognize that these have to be addressed and they've got to be corrected. We've got to restore the confidence of Albertans in those two areas in particular, along with other areas.

Now, the last time I was at Louis St. Laurent giving out awards, Rutherford scholarships mainly, the teachers did make a point of telling me to pass on to the Premier and pass on to the Minister of Education that they are very thankful for those scholarships, for those awards, the Rutherford awards and such that do go to eight students. I did say I would pass that on, so I am passing that on. We in the Liberal opposition don't hesitate to give credit when credit is due, and this is an instance when credit is due. However, they did say at the same time to point out that the level of funding of these scholarships has not been addressed for a good number of years. They weren't saying that they weren't thankful for what was there. They're just saying that maybe it's time the government looked at this \$500 maybe not being sufficient in terms of what it was, say, 10 years ago. I think all of you as MLAs that have schools in your riding are going to recognize that the cost of education and other costs have gone up, and sometimes there's a need to look at some of these programs and just add a bit to them.

We talk in terms of other initiatives. I'm starting to run out of time here. I was going to make reference to squirrels and the Minister of Energy, but I'll pass on that one. Agriculture the Member for Lethbridge-East can address. The Premier complimented him today on agriculture, so I won't touch on that particular one.

The one area that I would like to speak on as well: in the throne speech we don't see any direct reference to, although we do see reference to the contribution of \$2 billion in economic activity due to Alberta's thriving arts, the libraries, cultural activities, and such. Yes, that is the case. The arts and culture in the province of Alberta are a real boon to the economy of the province. It's not a drain; it's a benefit. At times people do tend to see the arts and culture as being a drain on the tax dollar without realizing the economic impact it does have, and it is a tremendous economic impact. In fact, a city is not a city unless you have the arts and culture. I do recognize that a good deal of that funding does come from lotteries. Again, that's an area where the recipients of those dollars from lotteries are very thankful for them. They're not saying that they're thankful for the VLTs. They're saying that they're thankful for the dollars that come from lotteries per se.

Now, when we look at the question of lotteries, the Premier had to the best of my knowledge made reference, not in the throne speech directly but has made reference, that lottery revenues from here on in would no longer be part of normal budgeting. In other words, lottery dollars would be spent for special projects, special equipment, that type of thing; for example, additional health care equipment that normal budgeting won't buy. No plan has been put into place, however, to address how that's going to be done, so I imagine when the budget comes down on March 11, we're going to see a big chunk of that go just straight into general revenue. I may be wrong on that point, but without some indication ahead of time

that there are special ways of earmarking these dollars, I don't see what else the government can do.

I do expect that we're going to see the lottery boards get another \$50 million shot throughout the province. We're going to see a continuation of the lottery dollars that go towards the current foundations and such, places like Northlands, the Calgary Stampede and that. But that still leaves, even when you deduct all those dollars -- what? -- \$450 million, \$500 million of lottery money that has to go someplace. I would hope we're not going to get back into a situation where we have a minister responsible to administer those dollars.

There are alternatives. One alternative would be to have all the dollars come into general revenue and then allow the legislative committee as a body to debate that just like we debate oil revenues, like we debate personal income tax, and so on and so forth. I guess another alternative is that if the government is committed to go ahead and disburse these funds other than through normal budgeting, then possibly an all-party committee could be struck to come out with criteria to review methods of disbursing that money. Again I caution the government that we don't want to get ourselves into a situation where the expenditure of lottery dollars is being perceived as being too political, like they once were.

When we get to the last page of the throne speech, we see the reference being made to striking the right balance, and nobody can take exception to that reference, striking the right balance. When we say striking the right balance, we're talking in terms of a mixture of the fiscal responsibility of government . . . [Mr. Wickman's speaking time expired] I know the Treasurer would like to have heard more. Unfortunately, I have to shut it down.

Thank you.

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

MR. COUTTS: Thank you very much, Madam Speaker. It's a privilege for me to rise this evening and to expound something that I think is very, very positive about the throne speech that was delivered by the Lieutenant Governor. But I think in view of the hour I would like to adjourn debate at this point in time.

THE ACTING SPEAKER: Having heard the motion by the hon. Member for Livingstone-Macleod, does the Assembly agree with the motion?

SOME HON. MEMBERS: Agreed.

THE ACTING SPEAKER: Opposed?

SOME HON. MEMBERS: No.

THE ACTING SPEAKER: Carried.

head: Government Bills and Orders

head: Second Reading

Bill 4

Surface Rights Amendment Act, 1999

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

MR. STELMACH: Thank you, Madam Speaker. I'm pleased to move second reading of Bill 4, the Surface Rights Amendment Act, 1999.

Under the Surface Rights Act the landholder is required to provide

access to energy companies for energy development. The same act gives the operator the right to apply to the Surface Rights Board for a board order in the event that the energy company and the landholder cannot agree on the terms of the lease. The act also specifies the elements of the compensation payment that is to be made to the landholder. Recovery of compensation was included in section 39 in the Surface Rights Act of 1972 in response to landowner complaints that energy operators were walking away from their surface lease payment obligations. However, limited legislative authority was put in place to take either preventative or proactive actions to ensure that the responsible parties in the energy industry are held accountable for their obligations to pay surface lease compensation. In fact, there is a lack of penalties for default of payment.

In effect, Madam Speaker, when an oil company walks away from an unreclaimed site, section 39 of the Surface Rights Act then requires the government, through the department of Ag, Food and Rural Development, to pay the landowner the annual compensation. The claims are increasing every year, and unless changes are introduced, these costs will continue to increase. Claims have increased from about \$15,000 in '84-85 to approximately \$550,000 in '94-95 and to \$931,000 in '97-98. In November 1997 a task force was established to analyze section 39 of the Surface Rights Act and to develop recommendations to reduce or eliminate taxpayers' financial responsibility and liability under that legislation.

9:00

The task force has developed a number of recommendations to encourage individual operators to meet their contractual obligations and enable government to take action. Preventative measures do not work. The principles used in developing solutions to eliminate or reduce government's financial responsibility and liability for section 39 are: right of access for energy companies must be maintained; landholders will continue to have assured compensation in return for right of access; individual operators will be accountable for their contractual obligations under surface leases and board orders; and there must be a fair, defined process that demonstrates regulators have done due diligence in preventing and dealing with problems.

Under the proposed changes, landholders will continue to be guaranteed compensation payments while their lease agreement or Surface Rights Board order is in place. The recommendations focus on giving government increased powers to take action against individual operators that are delinquent in making compensation payments to landholders. It's a fair arrangement, Madam Speaker, and all Albertans benefit from resource extraction. The landowner is compensated for the activity on his or her property, and the government has to protect the interests of the taxpayer.

The major value of the recommended changes will be as a deterrent to default, but it also makes effective action possible. It is expected that the recommended changes will reduce the costs of section 39 claims to about one-third to one-half of what they will be if the current legislation is not changed. The amendments we are proposing improve the accountability and responsibility of parties involved in resource extraction.

Madam Speaker, at this time I'd like to conclude my remarks on this bill and invite further discussion and debate. Thank you.

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

DR. NICOL: Thank you, Madam Speaker. It's a real privilege to be able to stand today and address the issues that are facing us with Bill 4, the Surface Rights Amendment Act, introduced by the minister. The issue that comes up here is, I guess, a matter of how we deal with making sure that contracts are honoured, that contracts that are

undertaken between a government and a landowner are respected in the way that the contract stipulates it has to be. What this amendment does is basically provide the government with a means to recover expenses that are associated with the honouring of those contracts. Basically the government says that if a company won't pay for the surface rights payments, the government will undertake that.

This is a unique kind of relationship that has developed here between the government and people outside the government who are involved in third-party contracts. We're effectively becoming the guarantor of those contracts with all of the risk falling back to the government.

So basically the process doesn't change in this bill, but what it does is give the government the power to encourage the companies to make sure they're playing fair and honouring their part of the contract in the sense that they're not going to undertake activities that would allow them to affect their ability to make those payments, like selling their wellhead into a shell company or something like that, where there's nothing in that company except what is now effectively a nonproductive well so that there are no means for the government to go back and say: look; we've made these surface rights payments on your behalf, so you now owe us money.

There's some strengthening of it from that side, but it also helps to deal with the relationship that goes the other way. If it is obvious that the landowner is procrastinating in helping the oil company clear up and essentially re-establish the pre-well site to its original form, then the government has the right to step in there as well and in essence encourage the landowner to be co-operative. So essentially the government is broadening powers in both ways: first, to have a bigger hammer to go after the access holder and also to provide a stronger enforcement for the person owning the land so that they can actually facilitate in the recovery of these well sites.

I guess the interesting thing is that we don't see a lot here in terms of the real way that this is all going to happen. What you end up with, then, is a lot of different questions that come up: what means are they going to use to make sure these companies get or stay viable in the context of being able to pay the farmer for their access and disruption payments? One thing that I don't see where it really might show up that much in here -- you know, there's one thing that we can do: effectively take the burden off the taxpayer, off the public, by requiring the oil companies, when they bid to do oil exploration in an area and then they start to do their drilling, to put up a bond as part of that contract when they take over a lease, and that bond then would cover the recovery of that.

What you'll find is that companies that are honourable in their intentions and that do recover their well sites will be able to go out on the commercial market and buy a very cheap bond because they are not a risk for a bond provider, whereas companies that have a record of not being honourable in their contract will have a risk factor that results in very high premiums on their bond through a commercial bonding agency. This is one way that we can look at in the future. Instead of having the taxpayer take on this burden for what is basically a commercial activity and the taxpayer should not be involved at all, we should have a bonding agency there, where the process is set up within the commercial system to deal with those kinds of payments, those kinds of guarantees. We don't have to have the taxpayer creating this guarantee; we can have a bond agency, whose design and purpose is specifically to deal with risk-taking. So this is the kind of thing that really isn't addressed.

When we look at the changes that are going on in this bill, all we're doing is giving the government a bigger sword on this side and a bigger shield on that side. We don't have any new ideas on how to do this and actually remove the taxpayer from the position that

they are in by being a guarantor. So this is kind of the way it goes, but until we see that there really is going to be a philosophical change in the way government gets involved in this business -- you know we keep hearing that government is going to get out of the business of being in business, yet here we now see a piece of legislation that comes along and says: well, we're going to change the way we do business and the way we support business.

So they've got an option here to take an initiative that could get them right out of it, and this is what they should be thinking about. If we can't get them to start thinking that way, I would suggest that the amendments that are being proposed here by the minister are probably a good thing for Albertans. It'll reduce the risk for the taxpayer. It'll provide the taxpayer through their government with more opportunities to recover moneys and/or to reduce the time length of a commitment that they have both in terms of the government risk and in terms of a corporate payment from an oil company to a landholder as they try to close out and reclaim a well site.

So with that, Madam Speaker, I think it would be wise for us to support this bill but still try and get the government to get out of the business of being in business by putting this in the hands of a commercial enterprise, in the commercial sector, where it belongs.

Thank you.

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

9:10

MR. DICKSON: Thank you very much, Madam Speaker. My comments tonight I think are going to be shorter than I'd intended because it seems I'm missing a page in my bill brief, so I'm simply going to have to wing it. On the positive side, Madam Speaker, I wasn't going to read the thing verbatim in any event.

A couple of concerns or questions I got when I read the bill. I guess we'll start with the one that jumped out at me initially, and that is the proposed new section 39(2), which says: "Subsection (1)(a) to (e) shall be construed in accordance with the Environmental Protection and Enhancement Act." That struck me as being strange, because when you look at the Environmental Protection and Enhancement Act, it's 161 pages long and there are 248 sections. Now, if you say to a court that in interpreting this thing, subsection (1)(a) to (e), the proposed new subsection, "shall be construed in accordance with the Environmental Protection and Enhancement Act," what the court's going to want to know is what part of the act is going to be used as an aid in construction or interpretation of the section. If you had a two-page act, well that would be self-evident, but if you have a statute that has 248 sections in it, you've created an enormous challenge in terms of interpretation and construction.

Now, I suspect there's something missing, and I suspect perhaps the bill draftsman was in a hurry and intended to talk about a division or a part or maybe even a specific section in the Environmental Protection and Enhancement Act. To simply say that the whole act is going to be somehow incorporated by reference in construing subsections (1)(a) to (e) would lead to an absurd result.

When I go through the Environmental Protection and Enhancement Act, I'm not particularly familiar with the act, but I see provisions in here -- division 2 deals with waste, waste minimization, recycling, hazardous waste. There's an enforcement provision. There are things in conservation, reclamation, a section on contaminated sites, releases of substances. I suspect, Madam Speaker, that there are parts that clearly have no application. So if that's the case, then why wouldn't the Minister of Environmental Protection simply advise his colleague the minister of agriculture that there are two sections or one section or three sections in the Environmental Protection and Enhancement Act that are relevant and that should in

some fashion be used in narrowing or construing this proposed new subsection? But to just sort of say that the whole act is going to be used as a tool seems to me to be a really confusing thing.

I say to the minister of agriculture for no other reason -- he may know exactly where he's going, but statutes sometimes have to be interpreted by lawyers and judges and courts. He's making it enormously difficult. I think the minister of agriculture has established a reputation in this Assembly in his relatively short time as a minister as somebody who's direct and unambiguous and who usually responds to questions in a straightforward fashion. I assume he would want his bills to also be represented in a straightforward fashion. I think that this one may just have gotten past his keen eye, Madam Speaker. So I want to particularly draw that to the attention of the minister of agriculture. If there's some specific part of the environmental protection act, then let's either read it in, identify the section, or let's sort of take that test and in some way codify it in Bill 4, because it just strikes me as being a sloppy way of doing it the way it does now in terms of the new section 2.

The other question I wanted to raise, Madam Speaker, has to do with section 2 again, and this is the new subsection (9). There's a provision here that a certificate issued by the Provincial Treasurer can "be entered as a judgment of the Court of Queen's Bench" and then enforced just like an order of the court. Now, I need some assistance from the minister and the mover on this, Madam Speaker. I know that to get a court judgment, there's an elaborate system of safeguards and opportunities for issues and objections and defences to be raised. So you know that when that legal process has been resolved to a judicial determination, it darn well better be enforceable, because we know that all those safeguards are in place. In this act we're going to take the certificate from the Provincial Treasurer. You know, the Provincial Treasurer may have always aspired to have the powers of a judge, and he may in the scheme of things view that the office of Provincial Treasurer is equivalent to a judge, but I'm just not sure there are the requisite safeguards and checks and balances before the judgment can be registered.

So I hold no particular brief for the people that would be affected, and one can say that we wouldn't expect any particular sympathy for operators who became liable to pay money in question and haven't. But we also know that sometimes it's not absolutely clear, Madam Speaker, who's liable, whether there's clear liability or partial liability, and it just seems to me that's something that could be clearer. I mean, I take the advice of my colleague from Lethbridge-East, who says that this is a useful bill and a bill worth supporting, but it just seems to me that the case hasn't been made, and in the introductory comments by the minister of agriculture I didn't hear the justification for allowing somebody to use a certificate from the Provincial Treasurer as the equivalent of a court judgment.

Now, part of that may relate to the fact the Provincial Treasurer's certificate relies on a board process. I expect the argument is that the board process has within it the checks and balances and safeguards and that before the Provincial Treasurer can issue his certificate, that board process has to be followed and complied with. So I guess all I can say, Madam Speaker, is that's something I have to find out more about so I could have a degree of comfort that that board process provides at least a fair opportunity to make sure that when that Provincial Treasurer issues his -- what do we call it? -- written certificate, that's a product of at least as fair a system as would be the case as if it had gone through and somebody got a judgment at the Court of Queen's Bench.

As I say, that's part of my own lack of familiarity with the work of the Surface Rights Board, but it seems to me that in the few cases I've been involved in with the Surface Rights Board, there is a process but it's by no means as comprehensive as the process one

normally would follow to get a Court of Queen's Bench judgment. So I raise that concern. This wouldn't be a reason, I think, to vote against the bill. As I say, I don't want to suggest I'm voting against the bill, but I think we always want to make sure every bill that passes the Legislature is the clearest, most efficient, effective piece of legislation we can provide, and these things I'm identifying are things that to me seem ambiguous or not entirely clear. So I guess I'm inviting the minister, before this bill gets a whole lot further, to provide some further clarification.

[Mr. Herard in the chair]

Now, the other item my attention was naturally drawn to, Mr. Speaker, was section 3 and the regulation provision. I think this is the first time in the Third Session of this 24th Legislature that I've had an opportunity to speak to regulations and the need to do a better job -- oh, the second time. I stand corrected by the ever vigilant minister of agriculture.

The proposal is to make one change to the regulation provision in section 44, which is adding a new provision to establish "any procedural provisions for the purposes of section 39." That on its face may not be offensive and may seem pretty innocuous, but I'd hasten to suggest to the minister that the regulations under the Surface Rights Act and the operation of the Surface Rights Board are of enormous importance to an awful lot of landowners, survey companies, exploration companies. We're talking about the rules that affect one of the biggest kinds of economic activity in this province. The impact just can't be underestimated, and if that's the case, then why wouldn't we want those regulations to be vetted in front of the Standing Committee on Law and Regulations so that they can be tested and there can be the broadest possible public input?

9:20

I'm going to suggest to the minister that here in the early days of the Third Session of the 24th Legislature the minister of agriculture could boldly show the kind of leadership that he's shown us in other areas and in other times and on other initiatives and make his bill the one that's going to be referred. He could just stand up at committee stage or he can send us a note. He could maybe even send a note in a brown envelope and wouldn't even have to sign it, saying that, yes, he's going to be the one that will commit that regulations under the Surface Rights Act henceforth will be reviewed by the Standing Committee on Law and Regulations.

You know, one of my greatest regrets as we see the start of the Third Session is that I remember we have one member in the front row now who used to be the chairman of that Committee on Law and Regulations and that throughout his entire term -- his entire term -- we as legislators never gave him the opportunity to demonstrate his leadership and his legal acumen by calling a meeting of the Standing Committee on Law and Regulations. It's a matter of enormous regret to me, and I think it's a blight, Mr. Speaker, on the distinguished record of the Attorney General and Minister of Justice that he never had that opportunity. I don't want to compound that error in this Third Session of the 24th Legislature by not allowing his successor that privilege and that opportunity.

So, minister of agriculture, I'm gently communicating a challenge to you, a challenge to show your colleagues that you're not afraid of full scrutiny of regulations under this act by an all-party committee. I'd defy anybody to think that if my colleague for Lethbridge-East or the Member for Edmonton-Rutherford or my colleague for Edmonton-Riverview or the Member for Edmonton-Meadowlark sat on a committee, they wouldn't be able to make a positive contribu-

tion to the review of regulations. Any one of those members, of course, any one of those people on that committee, I think, would convince the minister that . . .

Speaker's Ruling Relevance

THE ACTING SPEAKER: Hon. member, I've scanned the bill, and I don't see any reference in there to the Committee on Law and Regulations. It may well be that in committee you may want to bring amendments, but at this stage I think we should be confining our debate to the contents of the bill.

MR. DICKSON: Thank you very much, Mr. Speaker. I appreciate your intervention.

Debate Continued

MR. DICKSON: What I was referring to of course was section 3, which is going to amend the regulation section of the act. I think frankly I've made the comments that I wanted to in that respect.

The other question I'd have for the minister, which I may be able to find out on my own, is just that when I look at section 2, the new proposed section 39(1)(b), I'm trying to understand what other kinds of activities would be carried on. There's a very long list of activities in terms of (a), (c), (d), and (e) that seem to me to be very thorough and very comprehensive, and I'm hoping he's going to be able to indicate at the next stage what other kinds of activities would be carried on. If it's not pursuant to an approval or registration and it's not caught by (a), (c), (d), or (e), he can probably readily identify some examples of what that is intended to catch. It's not apparent to this member as I read the bill. That, again, just may be my own unfamiliarity with the Surface Rights Act, but I'm hopeful he can give us that sort of indication.

I appreciate the opportunity to ask those questions, and I'm going to look forward to whatever responses I get from the minister in due course. Thank you very much, Mr. Speaker.

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

MRS. SLOAN: Thank you, Mr. Speaker. I'm pleased to rise this evening and provide some preliminary thoughts and analysis with respect to Bill 4, Surface Rights Amendment Act.

One of the things I most regret about the process of debate in this Assembly is that the government does not see fit to provide a briefer to all members of the Legislature providing the rationale for why such bills are coming forward. As with many instances, I think this particular bill would benefit from that type of briefer being disseminated to all members of the Assembly.

When I look at what in essence the hon. member is proposing in this bill, it is in essence that the government will be the rescuer of individuals who find themselves at odds with an energy company who has come in and excavated, drilled, et cetera, on their property and then not assumed the responsibility afterwards to do, I guess, the appropriate reconstruction to put that surface back as it was prior to the work being done. The danger in this, I think, is the precedent that it sets, that government will assume the role of Robin Hood, if you will, that they will come and say that if the company doesn't do good on its debts, the government will assume that and then take on the responsibility of chasing down the company to get its debt.

Well, I guess it causes me to think -- and it was the hon. Member for Lethbridge-East that prompted this line of thinking -- that we don't do this in maintenance enforcement. We have many contracts

and arrangements in other programs where individuals and companies default. The government does not come to the rescue of those individuals. Why would we see it as being appropriate, then, that in the area of surface rights the government would be willing to take on that role?

In linking this back to the lack of briefer or background, the members certainly on this side of the House and possibly members on the government side have no information as to what the incidence of this type of thing occurring has been in the last, say, year, three years, five years. How many companies have actually defaulted on agreements over that period of time? What was the average cost? If, let's say, the scenario was that this had been in place for the last five years, what would've been the impact on the general revenue fund had the government assumed the responsibility for those debts? What kind of money are we talking about?

The other question I have. While the government is clear that the money is going to come out of general revenue, where in fact is that going to be recorded? Is it going to be recorded in Alberta Agriculture, or will it be recorded in environment or somewhere else? What if in one particular year it happens that the debts the government assumes are extremely high? What mechanisms, then, does the minister have to reprioritize his budget? Does that mean other programs within Alberta Agriculture are going to be compromised because this bill has come into effect?

9:30

I also thought it was interesting, in the context of Alberta Labour -- certainly we know there are many instances where employers do not make good on their contracts with employees or contracts with suppliers. As government we don't say that we will, for those employees or their suppliers, come to the rescue and pay the amounts owed, but this in essence does set a precedent in this particular sector that we're prepared to do those things as government. I don't understand why we're prepared to do that for surface rights but we're not prepared to do it for employees or suppliers that find themselves on the wrong end of a business deal with a company that doesn't practise ethical principles and pay their bills.

I don't believe this bill concerns itself with Crown land, and I wonder why that is. I may stand corrected on this point, but if the payments are for surface rights on Crown land, I don't believe the bill applies to that. Why would we not be concerned about recouping owed money when it comes to Crown land?

I think also the Alberta lease review committee has suggested that in fact in the future energy companies should pay the government for surface rights access on Crown land, but that doesn't seem to be incorporated in this bill. If that is the case -- and we've had that recommendation made -- why would the government not have included it at this time? It seems to be a perfect opportunity to have put that type of recommendation forward if it was supported by the government.

Those are some of the preliminary thoughts I offer to the minister of agriculture, particularly the precedents that it sets. I would be most curious to know why we are not prepared to do those things under Alberta Labour, like the pine shakes issue. There's another excellent example. You had a supplier that provided something to a large number of people. We're not willing to come to the rescue of those people and say: we'll assume your debt, and we'll go after that supplier. Why are we prepared to do that with respect to surface rights?

I'm not prepared to say that I'll be supporting this at this stage, Mr. Speaker, but I look forward to the debate in this House. Thank you very much.

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

MR. STELMACH: I just move second reading of the bill.
Thank you.

[Motion carried; Bill 4 read a second time]

Bill 3 Agriculture Financial Services Amendment Act, 1999

[Adjourned debate February 22: Mr. Dickson]

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

MR. DICKSON: Thanks very much, Mr. Speaker. In fact, I'd forgotten I still had some time left on Bill 3. The concerns I had with respect to the bill stem from the fact that without a purpose clause in Bill 3 we potentially can go down this road we've seen with the Treasury Branches, that a corporation that's set up for a particular purpose, to enhance Alberta business and the interests of Alberta farmers and farm operators -- we end up in a position where there's not a clear direction in terms of just how aggressive the corporation should be.

I asked the question -- and some people may say it's absurd -- that any opportunity to make some revenue is a good thing for Alberta and who could disagree with that? It is, but if there's not some clear circumscribed limit, some sense of making sure Alberta farmers' interests are always first, is there not a risk that the corporation goes where the easy money is? If in fact we have this expertise, which I understand is in big demand around the country, internationally as well as in other jurisdictions in Canada, is there not a danger that we end up focusing on exporting these services around and that at the end of the day the corporation decides there's more dough in selling their expertise to Taiwan or Argentina than there is in terms of addressing the needs of Alberta farmers? This to me is such a self-evident question. I expect there's an easy answer. I just don't know what it is.

I'm nervous. When I don't see an object clause or a purpose clause, something that gives a reason to the corporation rather than just the operational thing of managing these kinds of programs that they have, I think there's a danger. I suppose it can be managed in different ways, Mr. Speaker, but I'd like to think that when we're opening up the act, maybe this is a time to address that.

I suspect that the minister of agriculture, who may not nominally be the mover of the bill but clearly will be sort of the power behind the bill, probably could tell you, if he had the chance to speak right now, what the objectives of the act are. Well, I am going to challenge the minister again, not in terms of regulations but just in terms of let's have a proper purpose clause or an object clause in the bill, something that makes it real clear that when business activities are done in other jurisdictions, it's not to the prejudice or not at the expense of Alberta farm operators. It's really as simple as that. I think it would be an easy thing to build in, and I think it would be really a very positive thing to see in the bill.

Now, there was another question I had, and that was section 4, the proposed section 17(a.2). I just say that I think this gets back to regulation lawmaking power. It reminds me of -- was it the Railway Act we saw last year? The regulation was so broad it allowed the Lieutenant Governor in Council to do anything by regulation, which even included expanding the scope of the act because it wasn't limited. This isn't as broad as that in terms of the

new (a.2), but it seems to me we're getting into what, I'll say respectfully, is lazy lawmaking.

It takes some work to be specific in a statute, and there are some risks involved. But if you believe in parliamentary sovereignty, it's vastly superior to set some limits in the statute than just to turn it all over to the minister and some selected stakeholders and say: we're going to make regulations which can change the powers of the corporation. I just think that's very dangerous. If there are other powers that are needed, then I challenge the minister to tell us what they are, and we'll debate them. If they're needed, we'll pass them, and then it's in the bill, and that's where it should be. But to do this thing we see in section 4 and just say that the corporation's powers can change by regulation just seems to me to be offensive and excessive, just too broad.

9:40

I understand again from my colleague from Lethbridge-East that there are many positive elements in the bill, and I'm not speaking in opposition to the bill as much as trying to flag for the minister's attention some concerns I have that just appear to me in a quick reading of Bill 3 and just to tell him that I'll be back at the committee stage, Mr. Speaker, to see what sort of response he's able to provide to me and if there are any other members that share some of those concerns. I'll be interested to see what those responses are.

Now I think there may be some other comments by other colleagues, so I'll conclude, then, by identifying those concerns specifically in the new section 2, section 4, and look forward to some speedy response from the minister.

Thanks very much, Mr. Speaker.

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

MRS. SLOAN: Thank you, Mr. Speaker. I'm pleased to rise and offer some analysis with respect to Bill 3, the Agriculture Financial Services Amendment Act, 1999. The premise of the bill as I understand it is to privatize, so to speak, this institution. Previously my understanding is the Agriculture Financial Services Corporation existed primarily to lend and to offer protective insurance. I believe the minister in his remarks talked about some of the other programs that it offered: the hog assistance loan and compensation for wildlife and fowl damage, et cetera.

As I read the bill and gave some consideration to the things that were being incorporated into this act, I read words like "market," to "provide any service related to the business of the Corporation," and I guess I wondered. I thought this government said they'd gotten out of the business of being in business, and in at least the preliminary review that I've done of the bill, it seems as though this is placing this corporation directly into the market.

It seemed odd to me that we would be proposing to do this with an agricultural entity when there are all kinds of suggestions that this government wants to off-load the Alberta Treasury Branches in some type of private or public share offering or some alternative arrangement. So again I wondered why we would be suggesting that another entity be formalized that would act very much like a banking institution to some degree in the agriculture sector.

My concern was further heightened when I read that one of the sections being repealed is in relation to the minister having the power to make regulations, and I wondered why we would be proposing that the minister's powers be removed or reduced in this case. Would it be to create the impression that this entity is going to operate at arm's length from the government? I know that the government is somewhat sensitive, but that was the premise of what

they said the ATB's whole restructuring a couple of years ago was to be about, that it was to be at arm's length from government. We now know that it wasn't quite as long an arm as the government led the public to believe in relation to the West Edmonton Mall financing.

There is further reference in the amendments proposed that speak to the corporation being empowered

to act as a trustee for persons who lend money, or establish funds to provide money, to persons engaged in an undertaking or enterprise to which the Corporation might otherwise provide a financial service under this Act

I thought: well, is that like the Alberta Opportunity Company? What's the relationship between the Alberta Opportunity Company and what this institution would be proposing to offer as their services under that section? If in the instance that there is some overlap between those two, why are we proposing that that overlap occur?

Just an administrative point, Mr. Speaker. It seems to me that the bill suggests that section 47 is being repealed in its entirety. Then the bill goes on to suggest that amendments be added to section 49, but they don't say what's happened to 48, and they don't say whether or not the subsequent sections are going to be renumbered. So I would just point out that some renumbering of those sections may be required with section 47 being removed.

The removal of that particular section 47 is somewhat of concern. It says as it currently reads that

the Government of Alberta, as represented by the Minister, may, with the approval of the Lieutenant Governor in Council, enter into an agreement with the Government of Canada or any other government or person with respect to insurance or compensation programs.

I thought: why, if we're talking about disaster, would we want to restrict ourselves from not being able in the future to access or partner with the federal government or the provincial governments with respect to disaster relief, and in fact that's exactly what we're saying. We're not going to do any partnering on those types of programs because we're taking the section that speaks to that entirely out.

I think the government has said on more than one occasion that we don't have an endless supply of resources in this province. However, it seems to me it's very short term to be suggesting that there couldn't be a disaster of some magnitude in this province that we wouldn't be wanting to seek the federal government's support. If I'm interpreting that incorrectly, I'm more than prepared to be corrected.

The bill also uses a term that I have not been familiar with before. It talks about reinsurance, and it talks about the entity

reinsuring the liability that may be incurred by the Corporation with respect to an insurance program or plan or a compensation program or plan operated or administered by the Corporation.

I guess what that meant to me was that they would offset their liability by finding someone in a secondary capacity to share in that. So who would that secondary entity be?

We don't have the minister in any way able to make regulations about what would be an appropriate institution for the financial services corporation to go to. There are certainly entities out there that I don't think would be appropriate to be sponsoring or sharing liability in that respect, and I just wonder if we aren't setting ourselves up for more grief by giving that totally untethered power to the corporation with no scrutiny by the government or the Legislative Assembly.

Finally, there's a reference that the corporation may "6 years from the day that the debt became payable commence an action against that person to recover that money," and I guess I wonder: why any time within six years? Now, there is a reference in the bill that says

there is a period of six years with respect to actions being commenced, but doesn't that give the corporation a lot of power to just all of a sudden pull out of an arrangement and say that maybe 12 months, 18 months into the agreement they're going to pull their stakes out and go?

9:50

Why again, given the fact that we have no briefing analysis, are we suggesting that that is appropriate business practice? It would seem to me that if this corporation is going to treat its primary customers, which in my analysis are going to be the farming communities, the farmers of this province -- is that how we want to be treated? We're giving the corporation, it seems to me, a significant degree of power without corresponding appeal processes that the individuals who are also parties to the contract can access. Granted, in the free market, in a privatized system those kinds of structures don't exist, but that is not the case with this entity. We're debating it in this Legislative Assembly, and I don't understand why

in the interests of our constituents we are not bringing that kind of provision forward.

So we have those questions, and we hope at some stage that they will be answered.

I would at this time, Mr. Speaker, be prepared to adjourn debate on Bill 3.

THE ACTING SPEAKER: The hon. Member for Edmonton-Riverview has moved that we adjourn debate on Bill 3. All those in favour, please say aye.

HON. MEMBERS: Aye.

THE ACTING SPEAKER: Those opposed, please say no. Carried.

[At 9:52 p.m. the Assembly adjourned to Tuesday at 1:30 p.m.]

