

## Legislative Assembly of Alberta

Title: **Tuesday, March 2, 1999** 8:00 p.m.

Date: 99/03/02

[The Speaker in the chair]

THE SPEAKER: Please be seated.

head: Government Bills and Orders

head: Second Reading

### Bill 15 Natural Heritage Act

THE SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you very much, Mr. Speaker. It gives me a great deal of pleasure to rise this evening to move second reading of Bill 15, the Natural Heritage Act.

This legislation will modernize, streamline, and improve our protected areas legislation. Most importantly it will provide enhanced tools for the effective management of Alberta's current and future protected areas.

This is a strong piece of legislation, Mr. Speaker, that demonstrates the government's solid commitment to protected areas. It reflects the values that Albertans place on sustainability, heritage appreciation, recreational use, ecological preservation, and economic viability.

Mr. Speaker, I could speak at length of the virtues of Alberta's environment. We are proud of our clean water and clean air. We value our space, our room to live, work, and enjoy. We are blessed with a biological diversity of landscape and a wealth of Crown land, comprising six natural regions and 20 subregions. Alberta is a true ecological mosaic.

Albertans have had tremendous foresight. Mr. Speaker, I know that you as minister of the environment contributed a great deal to this foresight in establishing protected areas and protecting our environment. Today through Alberta's special places program thousands of Albertans have engaged themselves to better that legacy for future generations.

In the last few years an area larger than Prince Edward Island has been added to our protected areas network. As our program reaches its conclusion during the year 2000, this government no doubt will at least double that amount of area. So one would ask: why change anything?

Well, Mr. Speaker, Alberta's existing legislation is a bit of a patchwork. As three separate acts they contain gaps and deficiencies that do not allow for the full implementation of the special places program. Some protected areas allow activities that are not consistent with other similarly classified areas. Other areas have no management plan and rely solely on legislation to determine activities.

In a province as diverse as Alberta flexibility is needed to achieve maximum protection. Activities in one protected area may be seen as traditional and acceptable but may destroy the ecosystem in another. In response to suggestions we heard from Albertans, this legislation will outline a new, simpler classification system. It has been designed to reduce confusion and increase public name recognition.

Mr. Speaker, some single interest groups have accused this government of not listening to Albertans. One suggested that we kept the Natural Heritage Act a secret. Others have proclaimed the end of parks in Alberta. Can you imagine? How absurd. The sky

is not falling, nor is it going to fall. We have listened to Albertans. This legislation is an example of my ministry's commitment to consult with stakeholders and the public. It has been everything but a hidden agenda.

The pending Natural Heritage Act has been a vital component of our business plan. Last March I released a policy document for public feedback. Essentially I asked Albertans: this is what we are thinking of doing; tell us what you think. Over 2,000 information packages were requested by Albertans. The Advisory Committee on Environmental Protection, municipalities, the Special Places Coordinating Committee, and environmental groups were all consulted and informed. From our stakeholder consultation a summary draft was compiled complete with recommendations, and each participant received a copy. The public input provided valuable improvements to the bill eventually read in this House. Mr. Speaker, this act reflects the will and vision of Albertans.

Now, I would like to briefly outline a few of the features of this act. The Natural Heritage Act will establish five classes of designated areas to ensure better management of the provincial network of recreation and protected areas. These classes will be on ecological reserves, wildland parks, provincial parks, heritage rangelands, and recreation areas.

One classification, the heritage rangeland, is an entirely new class. It does not exist in the current legislation but will now enable the more efficient application of traditional ranching for management of the biological diversity of Alberta's natural grasslands.

These classes clearly distinguish for Albertans the function to be served by each site within the recreation and protected areas network. The act is a benchmark or a backstop. These are the legislated bare minimums of protection which can be applied to a protected area.

Because Alberta is so diverse, from the Canadian Shield in the northeast corner to our vast grasslands in the south, protective legislation must be flexible. Each area's needs are different. Albertans do not want complex legislation specifying what can happen on each site. They want a system that is easily understood and sets a minimum bar for each area. Finally, they want the opportunity to develop management plans locally that enhance protection with the best fit for their area. This is one of the strengths, Mr. Speaker, of the Natural Heritage Act. It is locally enabling: meet the benchmark; then exceed it as your community sees fit.

Single interest groups have criticized this local involvement, but I defend it very vigorously. It is local Albertans who have managed these areas for centuries. It is their wisdom we seek in devising a plan for future management. I take real offence to suggestions by single interest groups that the government should dictate a management plan. Local Albertans will continue to be consulted. I will insist on that. The act requires it. They live there, they work there, they understand the area, and quite frankly they understand this much better than others from far away.

Those who are paid to scare Albertans have spoken. Oil and gas facilities will be allowed in the Ghost, in the Siffleur, and in the White Goat. How silly these kinds of accusations and scare tactics. There are no dispositions in these areas, and there will not be any issued in these areas. There just simply are no existing commitments in those areas.

Now, these same groups have said that hunting may occur, for example, in the Willmore. Well, if they'd done their homework, they would know and should realize that in fact hunting and trapping are historic activities in the Willmore, and they will continue. Management plans will be devised that will listen to the protection provided in these areas. These management plans will be reviewed a minimum of every 10 years to ensure that they are working.

8:10

Some critics have suggested that this legislation will make it easier to withdraw land from protected areas. Nothing could be further from the truth. In fact, the Natural Heritage Act makes it mandatory to replace any removal with equivalent land of equal or larger size and an equal or higher ecological contribution.

Best efforts toward environmental protection are limited unless there are effective enforcement tools. The act updates identification of offences and provides provision for penalties to bring them in line with other departmental legislation. Maximum penalties have been increased to reflect the value that Albertans place on protected areas.

The act will establish a legal basis for conservation officers which will build on the strengths of the fish and wildlife officers and the park rangers to better integrate service to Albertans at the community level. Park rangers and fish and wildlife officers experience different peak seasons. Rangers are busiest in the summer, while wildlife officers experience the heaviest burdens during the fall hunting season. Cross-training will increase the enforcement capability of Alberta Environmental Protection significantly.

Another unfounded concern expressed by special interest groups is whether our current wilderness area will receive the same level of protection under the Natural Heritage Act, and of course it certainly will.

So, Mr. Speaker, I believe it is clear that the Natural Heritage Act is a significant contribution to the legislative tools available to effectively manage our protected areas efficiently. The ultimate benefit will be a legacy of spaces protected today and managed effectively for the future.

Thank you, Mr. Speaker.

THE SPEAKER: Hon. members, before I call on the hon. Member for Edmonton-Ellerslie, might we revert briefly to Introduction of Guests?

HON. MEMBERS: Agreed.

head: Introduction of Guests

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

MR. DICKSON: Mr. Speaker, thank you very much. It's my pleasure this evening to introduce to Members of the Legislative Assembly a guest from the city of Calgary. That's Elizabeth Galatiuk, who's in the gallery opposite. She's a prominent educator long associated with Viscount Bennett and a resident of Calgary-Bow, and we're delighted to see her in the Legislature. I invite Elizabeth to rise and receive the customary warm welcome of the Assembly.

head: Government Bills and Orders

head: Second Reading

**Bill 15**  
**Natural Heritage Act**  
*(continued)*

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

MS CARLSON: Thank you, Mr. Speaker. I'm happy to respond to the minister's opening volley of shots on this bill, the Natural Heritage Act. When I read through it, the term "a wolf in sheep's clothing" comes to mind. I think this is what we're dealing with in this bill. In fact, if we could take at face value what the minister has said not just here today but what he has told the other people in his

caucus and what we have seen through the press releases and the work-up that they've done to this bill, everyone in this province could be happy. But unfortunately what the government says and what they intend to do with this legislation -- and this is based on precedent in terms of what they've done in Environmental Protection and in many other ministries in this government -- are two completely different things, and this bill is a perfect example of that.

Let's take a look at something the minister said. This is a quote from a recent talk that he gave about this bill. He stated: the Natural Heritage Act brings our protected areas legislation up to date, making it more user friendly and enhancing the provincial network of sites; we're building a management system for the long term that has effective legislation, enforceable regulations, and clear policy direction. It sounds wonderful, and if that's what you were doing, I would applaud every effort that you have made.

You know, those Albertans out there who just hear this statement and don't have an opportunity or any reason to look below it to dig at the substance of what is being said here would say: this is a wonderful province. But the fact is that when you start to analyze the segments of the statements he's made and to match the actions that they have taken with the policy statements made, you find that the real story out there, Mr. Speaker, is really quite different.

Brings our protected areas legislation up to date: this is the part of his statement that is accurate, Mr. Speaker, and very good. There is no doubt that we have had a series of piecemeal existing legislation that has been developed, I would say, in relative isolation from each other over the years, and a move was needed to be made to bring the legislation up to date. Too bad this is the way they're doing it, because I think they had an opportunity that they have missed in really organizing the environmental protection legislation in this province in a way that would facilitate both users of the environment from a recreational and a preservation perspective and people in industry. They had an opportunity to bring all of those players to the table and to make some very strong legislation that would avoid conflict in the future in this province. Instead they did this.

The minister says: more user friendly. But the question is: more user friendly for whom, Mr. Speaker? We're not seeing more user-friendly legislation being brought in in terms of environmental protection for anyone in this province other than facilitating the government's own mandate. It isn't user friendly even for industry, because user friendly for them would mean that they wouldn't be getting into protracted litigation or conflict with people in the province over the uses of these various areas. Instead of doing the right thing, bringing people to the table, resolving conflicts in an open and agreeable, long-term kind of measure, we see a different kind of process being facilitated in this province. So we're not sure who it's user friendly for. It isn't industry. It isn't environmentalists. It isn't users of environmentally friendly space in this province. By users I mean people, animals, or vegetation. So I don't know who that leaves.

Then he talks about enhancing the provincial network of sites. Well, once again, we don't have a specific definition in terms of enhancing. What does that mean by the minister's interpretation, and what does that mean by everybody else's interpretation in this province? There seems to be quite a wide variance in what the minister says and interprets in terms of enhancing and what other people's expectations are. So we don't get a clear definition of that.

Enhancing the provincial network of sites in this province has meant closing down roadside parks. It means privatizing parks. It means cutting people out of the use of areas that used to be very user friendly in this province that aren't any longer. That is not enhancing through the eyes of the people of this province or the people who have previously used those systems or tourists who have come to the

province to enjoy what has previously been a very high level of recreation areas in this province. So enhancing . . .

MR. DICKSON: Not acceptable.

MS CARLSON: It isn't acceptable. It's very true. Many of my colleagues are saying that it isn't acceptable, and we know it isn't acceptable not only from our own use but from the many, many phone calls and visits that we have had from people across this province who are very unhappy with the way the parks system has recently been redesigned.

So enhancing: once again, we don't know which users the government has in mind when they put this statement in.

In the last part of this statement the minister talks about a clear policy direction. Well, a clear policy direction again is just not clearly defined here. What they're saying is not what they're doing, and we have numerous, numerous examples of that. Special places is a prime example where the government will take local committees' recommendations when it meets whatever their mandate is and not accept them when it doesn't meet their mandate. So there's nothing clear about that kind of policy direction, Mr. Speaker.

There is nothing clear about a policy direction where the Minister of Environmental Protection can stand up and say to people: well, if we don't like the boundaries in Lakeland, we'll just move them to facilitate whatever it is we want to do. It's unbelievable. It's unbelievable that that could happen in this province. If that's clear policy direction and not policy made behind closed doors to facilitate somebody -- and we don't know who that somebody is . . .

MRS. SOETAERT: What is?

MS CARLSON: That's right. What is?

When this minister talks about the management system that's long term, that has effective legislation, then we need to know when they're making that legislation, how they can expect it to be considered to be effective when there aren't any cumulative impact studies done in any of these areas.

We have a very fragile province that has a lot of competing interests for its use, and that has a cumulative impact factor that isn't being properly assessed in this province. How many oil wells are too many? What happens when you allow all kinds of industrial development in environmentally sensitive areas, Mr. Speaker? The oil companies are recognizing this. We have considerable documentation from all kinds of industry leaders in this province who are saying: we need to know exactly what the process is; we need to know what the cumulative impact is of our going into an environmentally sensitive area so we know when to back out or we know when to go to the government and say that this isn't going to work here and we need to talk about what the options are.

8:20

What has this government repeatedly said to large companies like Husky, like Amoco, like many companies in the forest industry? They have said that they will not consider any kind of options for them to move out of environmentally sensitive areas that they are asking to move out of. This government, particularly the Minister of Energy, will not even consider discussing that on the table. He says that he doesn't want to set a precedent in this province.

Well, Mr. Speaker, that is proper management. That is taking a look at situations, taking a look at the total cumulative impact in those areas and deciding that this is the criteria when enough is too much and you need to back out of an area. Industry is asking for this. CAPP is asking for this. The Minister of Energy and the

Minister of Environmental Protection have letters on their desks indicating that CAPP has repeatedly worked with environmentalists to come up with a set of criteria to acknowledge where the areas are that they disagree on and to ask the government to intervene and to put both parties at the table to discuss it. What happens? Has this government taken that kind of action? No, they have not.

MS OLSEN: They're not leaders; that's why.

MS CARLSON: They're not leaders; that's true. Because a government who leads would consider that we do have a fragile province.

We have a province here that is worth protecting, not just for today and tomorrow but for generations to come. To protect that province for generations to come, one of the most important criteria that they could be looking at is the cumulative impact of all the varieties of uses that we're placing on the land in this province. They would take a leadership role in that, and they would work with all concerned parties to find solutions that are attainable and that deal with the long-term strategic well-being of this province for generations to come. Instead we get a bill like this. Like I say, it is really a wolf in sheep's clothing.

What does this bill actually do? It reduces the degree of legislative protection provided to current wilderness areas and leaves far more decisions about use to management plans, policies, and regulations. So every time they need to change a boundary like in Lakeland, instead of bringing it to the floor in legislation and dealing with it in an open process so that people from all over the province could hear, could listen, could bring their concerns in and participate in a full and open debate, this government has brought in legislation where they can make the kinds of policy changes they want by regulation. That means that it's over and done with before the public has a chance to hear what's going on, to find out what's going on, or to have any say in what's going on.

The minister talked in his opening comments about the 2,000 people who participated in feedback on this bill. That's the numbers we have too. I confirm that 2,000 people contributed. In fact, that's a very small percentage of people, and it is not at all the kind of open and accessible process that this government participated in in 1992, when they were initiating the special places program. In fact, that was a very open consultative process that had a great deal of input from people all over the province and was a far more representative sample. The minister glossed over a number of the concerns that were brought up by those 2,000 people who participated in the survey, concerns from both industry and the general public and environmentalists.

I am assuming that when the minister talked about special interest groups, he was particularly aiming at environmentalists, and I would like to remind the minister that many of those, quote, special interest groups, unquote, are people who work in industry all the time and are multiple users of the resources, not single interest groups, Mr. Speaker.

I would say that the minister also labels all of us in the Official Opposition as a special interest group. But, Mr. Speaker, we are here on behalf of many, many, many Albertans who have serious and significant concerns about this bill and who will not let it rest. They will not let it rest for a minute.

The minister talked in his opening comments about how great the special places program was and how they protected an area the same size as one of the smaller provinces in Canada. Well, the fact is that a lot of the land that they count is federal land. It's federal land that they didn't have any . . .

MS OLSEN: Stealing from the feds, Ty.

MS CARLSON: Well, he takes from the feds when he wants to, and he doesn't when he doesn't want to. So, you know, it's a two-way street.

A lot of the land that is currently protected in Alberta is federal parks. A lot of that land is ice and rock, ice and rock that is not habitable by either plants or animals.

So if you take out the federal land and you take a look at what this government established as their very own targets in special places, we see that in fact the end result is woeful. It's embarrassing, Mr. Speaker, for a government after this length of time in a program that's, by the minister's own words, nearing its completion to have only protected 5 percent of their own target so far. That does not speak very well for this government.

We have to wonder how it is that, in fact, this could happen. How could it be?

MR. DICKSON: Neglect and incompetence.

MS CARLSON: Neglect, incompetence. Yeah, those are some. Don't care, had a different mandate. I think there are all kinds of reasons.

MR. DICKSON: Reckless disregard for the environment.

MS CARLSON: Reckless disregard for the environment. Yes, I think those are all very good points about how it could be that after this many years, after this government and this minister and other ministers before him have stood up and said, "We will enact this special places program, and we will protect this much land in this province," after all these years to have only met 5 percent of their own goal is absolutely appalling. To see them stand up in this House time after time congratulating and patting themselves on the back for something that is a woeful target is a very interesting sight to see from this side of the House.

We know that even if they were to undertake today to process every application that they have in the special places program -- of course we know that'll never happen. They won't even do the top 10 as they've been repeatedly asked to do by a number of people in the community. They won't even do the top 10. They're not even going to get anywhere near their target by the end of the day. So when you see that kind of action happening . . .

AN HON. MEMBER: By the end of the year.

MS CARLSON: By the end of the year. Well, does the minister commit tonight to at the very least -- at the very least -- take those 10 top priorities that have been brought to your table and the Premier's table and approve them before the end of the year? I don't hear anything, and that's what the people in the province have been hearing, Mr. Speaker. Nothing.

MR. LUND: They're already being worked on.

MS CARLSON: They're being worked on. They've said for all these years that they're working on it, they're working on it, they're working on it. Here we are very close to the end of the target, and we still only have 5 percent of protected areas.

MR. LUND: We believe in public consultation.

MS CARLSON: The public has been trying to get to the table, and

what the minister says about those people when they say something that he doesn't like is that they are a special interest group, and they get written off. They don't actually have a voice. Let's talk about a voice that this government and this minister is supposed to be listening to, that he says he listens to in fact. Let's talk about the voice of CAPP.

Last year three Alberta environmental groups, again three of the special interest groups according to the minister's interpretation, reached an accord with the Canadian Association of Petroleum Producers. In that accord they called on government to develop a set of tools for fair compensation of companies holding industrial leases in areas under consideration for protection. A similar approach had recently been publicly suggested by a spokesperson for the Alberta Forest Products Association. We heard again from that person today about this. The Natural Heritage Act, however, contains no provision which would allow for the phasing out of industrial dispositions.

So in spite of what the environmentalists said, in spite of what CAPP said, in spite of what the Alberta Forest Products Association said, we see legislation coming to the floor of this House that contains no provisions whatsoever which would allow for the phasing out of industrial dispositions. Why? Because the Minister of Energy says he doesn't want to establish a precedent. So I'm wondering: what is the Minister of Environmental Protection doing in this regard?

In fact, we see with this bill that mineral leases are explicitly allowed to be renewed within protected areas. It's amazing. Who else is there? Who isn't a special-interest group to this government? We've got forestry. We've got CAPP. We've got three large environmental groups in the province. We have many people in the province individually coming forward and saying: please, just take a look at this. In these environmentally sensitive areas, the companies want out. Is it reasonable for them to expect fair compensation? Yes, it is. Trade them land. Do what it takes within reason to have them out of those areas, and allow those environmentally sensitive areas to remain protected.

8:30

MR. DICKSON: Excellent idea.

MS CARLSON: It's a great idea. It comes from industry, Mr. Speaker.

What does this government do? It refuses to even discuss it. The Minister of Energy sends back a one-word letter to one of the companies. "No," he says. How does that become a reasonable government? It isn't a dialogue at all. It doesn't even start to begin dialogue. It ends dialogue.

AN HON. MEMBER: Their way or the highway.

MS CARLSON: In fact that's true. It is their way or the highway.

They do not want to encourage dialogue. They do not want anyone to sit at the table and discuss these matters. What they want is confrontation. Why? We don't know. But we would expect the minister, when he brings in new legislation, legislation that is supposed to be enhancing environmental protection in this province but in fact does not -- we would have expected better from this government, and I'm sure that industry expects better from this government. Unfortunately, they've had an opportunity to do that and it just isn't happening. It's too bad, because at the end of the day we all lose. We lose big time. The vegetation loses. All Albertans lose. All of the animals in this province lose. We are losing a future that may not be repairable, so that's really too bad.

We saw the minister in his opening comments talk a little bit about the Willmore wilderness area. That's an area that has particular concerns around it in this bill, and as we move through second reading and into committee on this bill, the minister will have an opportunity to hear what those concerns are in some detail. Generally, right now I will just indicate that it removes a level of protection currently afforded, and it won't be replaced.

I'll be back, Mr. Speaker. I'll be back.

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

DR. PANNU: Thank you, Mr. Speaker. I rise to speak on Bill 15, the Natural Heritage Act, which the minister calls one of the most significant pieces of legislation, in the present session I suppose. I think it's obviously significant. The people of Alberta have been waiting to see what's in this bill. The bill was expected to address some of the fundamental concerns that Albertans have had about the lack of protection provided by existing pieces of legislation and the resulting damage to the very areas of the province which were supposed to be protected by these pieces of legislation.

The background to the present bill of course is dissatisfaction, very widespread, and I think the minister recognizes this in that he did engage in some public consultation. He says he sent out 2,000 packages of material for people to respond to and received back, I guess, 200. A ten percent response. Out of those, his department was unable to tell us how many were submissions by certain groups and how many were submissions by individuals, so we don't have that information.

When that information was sought, of course, the department spokesperson simply said that he's not going to go back and count how many were groups and how many were others. When asked, "Exactly what was the percentage of briefs and submissions that expressed a great deal of concern and opposed the proposed Natural Heritage Act?" the spokesperson again refused to give any accurate estimate of that. He simply said the majority did. Of course, when you don't give the information to the public, then people begin to speculate. According to some press reports, those who responded negatively constituted as many as 80 percent of the 200. Clearly the minister's public consultation and the responses it produced leave lots of doubt about whether or not the present Bill 15, Natural Heritage Act, addresses those very concerns that the minister set out to do.

The background to this bill of course was the growing concern among environmentalists, whom he calls single-interest groups. I'm surprised that the minister will use such language against groups who have nothing to gain but the protection of important areas of the environment for all Albertans. At least these groups cannot be said to have a special economic interest in what they're doing. Most of them are doing this work as volunteers. Most of them are doing this work as dedicated public spokespersons, and the minister simply dismisses them as someone that shouldn't be listened to because they have dared to express disagreement with the minister's proposed act. I don't think this is the right way to deal with public concern. I don't think it's the right way in a democratic society to deal with dissent and disagreement.

Nevertheless, Mr. Speaker, the backdrop to this bill, of course, is the concern about what's happened to our natural areas in the past. Let me give a few examples. Lesser Slave Lake provincial park is the most intensively drilled protected area in Alberta. This 61 square kilometre park contains a total of 100 well sites. The density of this landscape-fragmenting activity is greater than in the rest of Alberta's boreal forest or foothills. Another example, the four largest provincial parks in the foothills -- Crimson Lake, Carson-

Pegasus, William Switzer, and Lesser Slave Lake -- are all highly fragmented, are in the process of becoming ecological islands, and the habitat effectiveness has been severely compromised. Yet another example: the density of oil and gas wells is greater within all legislated natural areas, in the foothills and boreal forest, than in the rest of these regions outside of the legislated natural areas.

Lakeland provincial park and recreational area. This protected area has a linear surface disturbance density greater than 1 square kilometre of area, and only 5.1 percent remains roadless, roadless meaning no linear disturbances in the area. There are almost 500 kilometres of linear disturbances in the 165-kilometre area. Clear-cut logging has removed almost one-half of Lakeland's original old-growth white spruce forest. Approximately 40 percent of Lakeland's forested land surface area is leased for oil and gas development. Lakeland is more highly roaded and disturbed than the rest of Alberta's boreal forests.

So there are all kinds of reasons why people are looking with some expectation for the minister to bring this bill so that there will be some ironclad guarantees or protection of areas where they're being threatened by industrial activity. What does the minister do? The first thing that he does is tell us that the existing leases will be respected, that dispositions that presently exist are sacrosanct.

That was the problem with the Special Places 2000 program, and one hoped that with this bill the minister would address that very serious problem that led to the failure of the Special Places 2000 program. I'm disappointed and I think most Albertans are disappointed that the minister didn't move forward to provide new protections, which are absent in existing legislation, in this new piece of legislation.

8:40

So, Mr. Speaker, it's a bill that seems to clearly give priority to economic development over environmental protection. It's not that economic development is not important, but to put one against the other and then choose to give priority to economic development over and above the protections badly needed for natural areas is, I think, a very shortsighted policy. It's a policy which doesn't make sense to most Albertans. It's a policy that might make sense to some oil and gas companies, but even some oil and gas companies are somewhat embarrassed that the dispositions that they presently have they can't trade off in negotiations with the government of Alberta.

The minister in this bill has clearly failed to indicate that his government and his ministry will be willing to even purchase back some of these dispositions in special areas if the holders of these leases, dispositions, are willing to do so. I don't see why the minister is unable to even indicate this in this bill, to include in this bill that the government with fair compensation or at least at cost to these companies will be willing to enter into negotiations to purchase back from the leaseholders these areas which exist right in the middle of highly sensitive ecological regions that need public and government protection.

MR. LUND: Because they can't afford to pay your pension and buy off multinationals at the same time.

DR. PANNU: That's precisely the point, Mr. Speaker. Somehow there's a concern for spending a little bit of money to recover these important parts of the ecological heritage, while the government is spending hundreds of millions of dollars to bail out the very companies that are doing this business. You know, whether these are pulp and lumber companies, whether these are some other companies, the government has not hesitated in giving away to them hundreds of millions of our public dollars in order to safeguard their

interests. When it comes to safeguarding environmental interests in the name of the people of Alberta, then the minister is concerned about wasting money and starts counting pennies in a way which is highly disturbing.

On the industrial activity side in the bill, the bill, of course, honours existing leasehold commitments which are related to industrial activity. The majority of respondents in his own survey see that as unwise. They in fact say that this policy of honouring existing resource commitments is incompatible with the purpose of protected areas. In spite of the fact that the minister, on the basis of consultations initiated by his office, receives this advice, he proceeds to ignore it in this bill. That's one of the most serious flaws, in my view, of this bill. The minister, when he stood up to introduce the bill this evening, talked about how strong this bill is. I don't know what he meant by strength. It's certainly strongly flawed; there's no doubt about that. Albertans have told him that they have these concerns, but he has clearly chosen to ignore those concerns.

Since the bill before us, Bill 15, does really not move forward very much in terms of providing protection for natural areas, it means that the species that are presently endangered or threatened will continue to be endangered and threatened. Albertans may lose some of the most important species, species that we hold in trust, as it were, for not only our own children and their children but also for the rest of the world.

The literature on the threatened and endangered species is produced by the minister's own department. There is the peregrine falcon, burrowing owl, woodland caribou, swift fox, white pelican. I can go on to talk about plant species and amphibian species and animal species. The government and the Department of Environmental Protection is well aware of the fact that these species are seriously threatened and endangered unless the serious disturbances in their habitats are stopped forthwith. But there's no indication in this bill that such protection will be available, that such activities will indeed be stopped in order to address the problem of the danger in which many of these species find themselves at the moment. So if we don't act, clearly it seems to me that we'll be blindly walking into a situation where we'll find 50 years from now or 100 years from now that many of those invaluable species are gone forever. It will be a shame if that happened because of the failure of this government to act and act seriously on this matter now, and this bill certainly does not.

I would urge the minister -- he certainly indicates in his bill that he will be willing to commission or call for special public consultations on special issues as they arise. My hope is that the minister will listen to us, listen to Albertans and will in fact not proceed with the bill immediately. He should perhaps strike a blue-ribbon panel of scientists who are independent of the government and ask them to engage, first of all, in fitting the areas that need protection into five categories. He now has five classes that he has developed. It shouldn't be done in-house, in his own department. Such a panel of independent scientists should also be asked to then go beyond this to review the bill as a whole, to consult the public, and to recommend changes to better achieve wilderness protection and protection of endangered species.

I was quite fascinated this afternoon when I asked a similar question of the Premier. He invited me to meet with the co-ordinating council which I guess worked for some time on the Special Places 2000 program to assist the minister. I began looking at who the members of this council are, and at least according to my information, many of those people who were at one time members of the council decided to step down, to resign as a matter of fact, in protest because they were highly dissatisfied with the government's actions. The words and the action did not match, and consequently

they said: we are wasting our time, and we are going to step down. So I certainly would have been happy to meet with members of this co-ordinating council, but I guess most of them are no longer members of the council.

8:50

To conclude then, Mr. Speaker, I think Bill 15 is fundamentally flawed because it allows existing dispositions for drilling, mining, and logging in all protected areas with no provision for the government to repurchase these dispositions. It also allows commercial tourism developments, including hotels and golf courses, to be established in special zones in provincial parks. It opens the door to new users, such as hunting and all-terrain vehicles, in wilderness areas where this is currently prohibited.

In the name of vegetation management I read something, a rather peculiar statement that many of the people who were consulted claimed to have been confused about what it means. They misunderstood what vegetation management means, yet the document which is produced by the minister's own department doesn't clearly say what this misunderstanding was about. What was the substance of this misunderstanding? So this vegetation management provision in the bill is also a cause for concern because it will allow for selective logging and other intrusions in even the most highly protected areas.

In my view, really sound environmental legislation, Mr. Speaker, would start from the perspective of asking the question: how can this piece of legislation provide the needed protection for these areas that we must protect, and how can it help us preserve biodiversity, which is absolutely essential? Then design legislation that will help achieve that purpose. But the minister has started, in fact, by accommodating economic interests, as he perceives them, not necessarily all Albertans' economic interests but economic interests of some of the leaseholders who presently hold dispositions for development in these areas. He proceeded to protect them regardless of whether or not the protection needed by endangered species or the protection needed by the wilderness areas can be delivered by the legislative instrument that he has put before us.

Mr. Speaker, I would urge the minister to rethink, to look at my proposal to engage in consultation with the public by way of appointing a blue-ribbon panel of scientists who are independent of the government. Only after full consultation has been completed should he then proceed to make changes in the bill in order to satisfy legitimate concerns that his so-called single-interest groups have about the bill. I think in the long run he'll be a happier man if he does that, and the government would be appreciated for having listened to people who seriously disagree with the direction that he has taken.

I will conclude, Mr. Speaker.

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

MRS. SLOAN: Thank you, Mr. Speaker. I'm pleased tonight to rise and provide some comments with respect to Bill 15, the Natural Heritage Act. There has been, as previous speakers have stated, significant discussion, debate, and differences of interpretation with respect to the intent and the application of this act. I think it's important in the context of the minister's speech as he was introducing this bill to give voice to some of the very well-articulated and documented concerns from groups who are not in any respect, in my opinion, attempting to scare people but rather providing to Albertans a nonbiased analysis of what in fact this act will do.

The Alberta Wilderness Association is one such group, and they have published an analysis of the Natural Heritage Act which provides the following areas that, from their perspective, they

believe are fundamentally flawed within the act. They cite that the public's basic right of foot access within a protected area would be taken away for those areas which would now be classed as heritage rangelands even though the lands remain as public lands.

Further, they cite that wilderness areas would be downgraded to wildland parks. Basically they say that the new act would provide no assurance that they won't be opened up to hunting, fishing, trapping, off-road vehicles, helicopters, float planes, negating assurances in the present act of their scientific usefulness as benchmarks and their sanctuary status for plants and animals. They further note that there would be no future option to set aside other such ecological benchmarks.

The association also points out that the act downgrades Willmore wilderness park to a wildland park. Under the present law Willmore is maintained as a wilderness landscape and provides solitude and a variety of backcountry nonmotorized recreation. It is expressly off-limits to roads, recreational aircraft, helicopter landings, and resource development. There would be no future option to preserve the wilderness such as provided for by the present wilderness park designation.

Further and most disturbing, Mr. Speaker, new surface disturbances for wells, pipeline and utility corridors, logging, and other industrial activities would be allowed inside the protected areas after they've been established in this act. [interjection] The minister of environmental exploitation is saying that's not true. If he wants to comment, he can go on the speakers' list.

Further, the association said there's no obligation to phase out existing surface disturbances despite the fact that many of those industry groups have already told the minister that they're willing to withdraw. Rather, the law would now stipulate that any industrial or resource commitment which existed at the time of designation would be permitted to proceed through to full development. Such commitments or leases now blanket Alberta and were issued without public consultation. Zip. No provisions encouraging negotiations for the removal of such leases or commitments are in place in this act, Mr. Speaker.

The provisions for logging inside all protected areas under the guise of vegetation management and protecting timber values of adjacent lands is cited by the Alberta Wilderness Association as a further fundamental flaw.

The minister in his remarks also failed to note or reference what I view as being a significant statement of consensus on outstanding issues that was achieved by the Canadian Association of Petroleum Producers, the Canadian Parks and Wilderness Society, the World Wildlife Fund, and the Federation of Alberta Naturalists in February of 1998. That statement was publicly released and broadly circulated, and I'd like to highlight this evening, to give voice to these organizations' concerns, some aspects of that report.

The groups agreed

that a process needs to be in place which will facilitate the transition of . . . Special Places sites designated for protection from having existing activities or existing but undeveloped tenures, to sites having no industrial activity.

They agreed that there should be a variety of tools that can be used to make this transition happen. Furthermore, in order "for the Special Places initiative to meet its goals, the Alberta Government must consider various forms of compensation for existing tenures in Special Places sites."

The groups, in affirming the vision, committed themselves "to the Special Places vision of a network of protected areas representative of Alberta's environmental diversity." They affirmed the vision of the special places initiative as follows:

- a network of protected areas representing the environmental

diversity of the province's six natural regions and 20 subregions;

- intensive land use activities and industrial activities and development (including oil and gas exploration and development) are incompatible within sites designated for the Special Places preservation goal and should be prohibited by legislation;
- boundaries of Special Places will be clearly defined by legislation . . .

Not defined to be changed at some later date or whim.

- Special Places sites will exist in perpetuity; and
- [They] are created to preserve ecological integrity, environmental diversity, and the integrity of wilderness experiences.

9:00

It was significant, I think, and should be noted on the record that all of these groups agreed that special places sites designated to achieve the preservation goal were not compatible with oil and gas exploration and development. Further, they said:

- Where subsurface mineral tenures are issued or renewed after a Special Places site is designated, surface access to these tenures will be prohibited by legislation.
- For each site, all infrastructure and facilities will be phased out. Transition plans and timetables will be developed to manage activities and the phase-out of industrial activities during the 'transition period.'

My analysis of the bill thus far, Mr. Speaker, says that this bill has no plans for phasing out any existing dispositions in protected areas, and in fact it even allows for renewals. Further, the degree of protection that this legislation will offer in many cases depends on site-specific management plans and regulations, not on legislation. In essence on a day-to-day basis, depending on who's drafting the management plans or who's interpreting the regulations, we could have any variety of protection or exploitation occurring, and it would all be, according to this government's bill, appropriate.

This government, I think, in many respects is suffering from the same issue or problem that they are suffering from in many of our other public programs, and that is the lack of public trust and credibility. After we've had our lands ravaged by development, drilling, logging, cutlines, and all-terrain vehicles, people do not feel a sense of trust in this government that they will provide the necessary protection in legislation. I guess that's really a problem, Mr. Speaker, that we can't address in this Legislature. That's something that the government needs to be alive to, and it's unfortunate that they have an opportunity to bring something forward that is substantive and to reinstate the faith of the Alberta public but have chosen to do the exact opposite in this bill.

Certainly I've heard ministers of the Crown talk about the degree of economic activity with respect to tourism in this province, how attractive the province is to foreign visitors, and certainly, Mr. Speaker, I have had the privilege many times of showing people from other countries our province. It always reinstalls a sense of pride to take someone to the Rocky Mountains for the first time or to go into the Lac La Biche region or even into the Drumheller and badlands area and experience, through them, seeing the diversity of environment and landscape that we have in this province. I generally, though, in my provincial tour don't go into our track record on environmental protection because I'm, frankly, ashamed of it.

I think, though, that sometimes we need to reflect on the fact that we have a responsibility to preserve, protect, and maintain the sanctity of these sites during our tenure and life span. Somehow I think we have lost sight of that in the whole race to achieve deficit elimination and debt reduction and fiscal . . .

MRS. SOETAERT: We've forgotten quality of life.

MRS. SLOAN: Well, we've sacrificed all those things because this government has a one-mind mentality, which is fixated on fiscal economic deficit elimination.

MR. DICKSON: And no vision beyond that.

MRS. SLOAN: And absolutely no vision beyond that.

The further thoughts that I would have with respect to this bill. I would ask the Minister of Environmental Protection what he has done, aside from publishing I guess a bit of a summary of the consultations, what actions he has taken to address the variety of serious concerns that have been raised by the public and organizations and stakeholders about this act?

I recall that in 1994 there was a poll by The Dunvegan Group that showed 93 percent of Albertans favoured protecting the full range of the province's landscapes and wildlife by setting aside areas where no logging, no mineral extraction, or any other industrial activity was allowed. The bill doesn't do this. I'm not sure why. But going back to the minister's comments and the way he attempted to characterize or minimize the concerns that have been raised thus far, I would ask him to at some time in the debate outline for the members of the Assembly what in fact he has done in concrete steps to address those concerns. I'd be most interested in receiving it, and I know there are a number of people in my constituency who would very much like . . .

MR. LUND: I introduced the bill.

MRS. SLOAN: They have concerns about the bill, and they want to know: what have you done to address the areas of the bill that they believe will promote further industrial development and activity within the special places? They want to know what you've done about that, and I'd like to see that in writing. I'd be prepared to distribute it to them.

It would have helped, I think, Mr. Speaker, as well if the minister had been able to circulate a draft of the bill before it was introduced. That was done, I believe, in the case of the water act, and I think it has been done in transportation at one time, with the traffic safety act. But it seems as though somehow we want to try and rush through this bill for some reason. Certainly it would have been helpful in my constituency to have been able to have contacted the people who I know have a keen interest in the environment, shared the draft legislation with them, and got some feedback. Unfortunately, this isn't singular to the minister of the environment. It is quite a commonplace practice that the government doesn't share draft legislation, even if there have been years of consultation. They wait until the last minute. It's introduced, and then everyone is forced to scramble to attempt to provide feedback and debate.

One of the comments that has been made I'll restate for the minister just to refresh his memory and ask what his response has been. Peter Lee of the World Wildlife Fund, who is a partner in the statement of consensus and outstanding issues, has stated with respect to the Natural Heritage Act that this legislation is retrogressive to the point of being medieval, that the World Wildlife Fund is not aware of a worse piece of protected areas legislation in North America, that this is enabling legislation, as the minister of environment suggests, that it enables industrial activity in most of our protected areas. How has the minister of the environment responded to that statement? If he hasn't responded to it, why is that the case? Certainly the World Wildlife Fund is well recognized and respected for their activities continent and worldwide in protecting not only the environment but wildlife, birds, and other species.

9:10

I think those are the types of things, that type of concern, that type

of analysis, that are brought forward. When the government doesn't address those types of things, it makes it very difficult for the opposition to be in a position of providing any support to this type of legislation. I guess in this case there are multiple flaws, so it would be difficult to even pick what area might be able to be supported. It would seem that in this case we haven't done perhaps as much. Our marketing, our communication, our disputes resolution, the depth that we've gone to to not only understand the concerns but respond to them I don't believe, Mr. Speaker, have been adequately addressed by the government with respect to this act.

I've already mentioned the fact that the level of protection that's currently afforded to Willmore wilderness area through its own act will be reduced. That actually applies to three other areas also. Part of these areas could receive extra protection if the cabinet designates a special preservation zone, but this is a policy decision and not a legislated one, and we all know that governments can change. In fact, we're looking forward to that day. But it really leaves it in the hands of the cabinet. We know that this cabinet has provided for legalizing motorized access and logging, other development, expanded hunting, fishing, and horse traveling in other areas so that that protection has really been reduced. There is not a track record, again going back to the credibility and trust factor, that would give us any sense of assurance that this cabinet would do the right thing and afford that special designation on such areas.

We are also questioning, apparently, the provision that a director will be able to issue permits to allow activities that would otherwise be prohibited by this bill. We're not really sure what the intention is here and can only guess what it might be, for most of that, Mr. Speaker, will be outlined in the regulations. We could speculate, however, that such things as permits to log diseased trees or trees that might be considered a fire risk in these areas would apply. There is a current concern according to . . . [Mrs. Sloan's speaking time expired]

MR. HANCOCK: Mr. Speaker, I move that we adjourn debate.

THE SPEAKER: Having heard the motion by the hon. Government House Leader, does the Assembly agree with the motion?

SOME HON. MEMBERS: Agreed.

THE SPEAKER: Opposed?

SOME HON. MEMBERS: No.

THE SPEAKER: The motion is carried.

### **Point of Order Speaking Time**

MR. DICKSON: Mr. Speaker, I'd refer you to Standing Order 29(c), that provides that the time for a member to speak is "limited to 30 minutes" when the member speaking is "a member other than the mover, speaking in debate on a Bill proposing substantive amendment to more than one statute." If you look at the statute in question, Bill 15, and if you look at section 81, there are three different acts being repealed. I can imagine no more substantive amendment to a bill than to repeal it. This isn't tinkering with some elements of three different bills; it repeals three different bills. This, therefore, surely would qualify as the type of omnibus bill that was contemplated by the draftspeople of Standing Order 29(c).

Mr. Speaker, I recognize that we've dealt with an adjournment, but we're going to be back dealing with this bill again. I had already



given advice in fact to my colleague that I believed she'd be entitled to speak for 30 minutes, and I want to raise the concern in this fashion, sir.

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

MR. HANCOCK: Yes. Mr. Speaker, if that was legal advice, I don't believe his client should pay for it because in fact it's bad advice.

Clearly Standing Order 29(c) refers to amending more than one bill in a bill. Sometimes we've had bills, which have been referred to as omnibus bills, which purport to deal with a number of associated bills and bring in substantive amendments. This bill is a brand-new piece of legislation dealing in its entirety with a broad issue of parks in the province. It's a total rewrite of the law in this area. It is in no way an amendment of any specific law and therefore shouldn't be dealt with in that way. Certainly it repeals the laws that become redundant as a result of this bill being passed, but it is not amending those bills in any way, shape, or form but rather enacting new legislation to deal comprehensively with the issue of parks in the province.

THE SPEAKER: Well, as coincidence may be, I was one of the authors of drafting that thing. We made major revisions in 1993, as some hon. members may remember, at which point in time there were some 85 amendments, changes, made to the Standing Orders, the most complete overhaul in the history of the Legislative Assembly. I humbly suggest to you, hon. Member for Calgary-Buffalo, that that certainly was not the intent in terms of 29(c).

### **Bill 6 Child Welfare Amendment Act, 1999**

THE SPEAKER: The hon. member for Innisfail-Sylvan Lake.

MR. SEVERTSON: Thank you, Mr. Speaker. I'm pleased to move second reading of Bill 6, the Child Welfare Amendment Act, 1999.

A child's world is enriched when he or she is adopted and becomes part of a family. Adoptive families provide care and nurturing that help a child grow into a responsible adult. More and more adoptive families want to share information about birth families with their children, and more birth families are seeking information about adopted children. Through the postadoption registry Albertans told us they want better access to adoption information. Changing societal attitudes about adoptions have resulted in less secrecy about the adoption process and an increasing number of open adoptions. Relaxing the rules for access to these records reflects this increased open philosophy.

For all adoptions granted after January 1, 2000, these amendments will give the adult adoptees at age 18 or birth parents access to any information from the adoption records. However, if an individual does not wish to have their information released, a veto may be registered. This provides a balance of individual rights for information with the rights of privacy for those who request it.

These amendments will allow adoptive parents on behalf of their minor adopted children, minor adoptees living independently, and family members of deceased adoptees to register with the postadoption registry, request nonidentifying information, and conduct a search for family members through licensed adoption agencies. It will enable the minister to release adoption information in special circumstances; for example, if an adoptee is critically ill or a birth parent is deceased.

9:20

These services will be provided by the postadoption registry,

which since 1985 has stored confidential information about adoptions in Alberta. The registry provides postadoption information for adoptees, birth parents, adult siblings of adoptees, and interested persons. It also reunites individuals separated by adoption who have registered with the registry. The registry services are free.

These amendments are positive changes, changes that have been sought by the adopted children of families and by professionals working in the field. I strongly encourage members to adopt these amendments. Mr. Speaker, there's an article written in the *Calgary Herald* -- that doesn't happen very often -- that says that this bill strikes the right balance, and it protects both the people that want privacy and also the ones that want more information.

I know there are some people in the adoption community that aren't happy with this. It hasn't gone far enough; they want wide-open records. I feel it strikes a balance. This is the third time since I've been in the Legislature that I've brought forward amendments to the Child Welfare Act in reference to adoption. Each time it opens it up a little bit more as people and as society change. At this time I feel that this is what the majority of people would like, and I urge support of the whole Assembly.

Thank you.

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

MRS. SLOAN: Thank you, Mr. Speaker. I'm pleased to rise this evening and provide some preliminary remarks with respect to Bill 6, the Child Welfare Amendment Act. The general premise of the bill as proposed would appear to be around increasing access to adoption records or removing some of the barriers that exist within the older legislation.

By way of just a preliminary review, it is unfortunate, in my opinion, that the legislation as proposed in the bill this evening really only address one aspect of the barriers that exist and has regrettably ignored the barriers that relate to the privatization of the adoption registries and the monetary barriers, the fees that are imposed in order to access records.

Fees that are currently in effect in the province, it's my understanding: a minimum of \$350 in order to have a search conducted. While the ministry has some administrative exemptions that apply to seniors and AISH recipients, we have not seen those broadened to include people who might be in low-income situations or on welfare. So it is regrettable that we don't have an opportunity to debate some of the monetary or financial barriers that exist to families being reunited that have been adopted in the past.

To speak to the administrative barriers, I guess the background is that there's been a history where adopted persons and family members have wanted to access records and have not had the ability to through the legislation as it was previously. Now, the province has had some examples to go by, and I've taken the opportunity to look at and in fact was able to visit and hear firsthand about the new Adoption Act that was introduced in British Columbia in 1996.

In some respects the bill proposed this evening does follow the model that B.C. adopted. I thought, though, that they took an interesting approach when they brought in their new Adoption Act. They built it on the following principles. They indicated that children should have a greater say in their adoptions, that all adoptions would be regulated, that birth parents and adoptive parents will have more options for openness, that aboriginal birth parents, bands, and communities will have greater opportunities to plan for their children, that a registry will be established to assist birth fathers to become involved in planning for their children, and that adults who were adopted in B.C. and their birth parents will be able to get identifying information about each other except where a disclosure veto has been filed.

Also, in hand with introducing the legislation, B.C. developed and implemented quite an extensive communication campaign around the application of the new act, including a web site that chronicled how the old legislation differed from the new legislation. I'm not sure whether or not the ministry has planned for that type of education campaign to be implemented following the passage of this act, but I would suggest it might be of assistance to people who are attempting to determine how in fact the new legislation is applied.

Just going back for a moment to the fiscal barriers, in some cases I question whether it should be required that individuals pay to access information. I will speak to the access that's been broadened in further amendments to the act allowing for other age groups, siblings, et cetera, to be able to access adoption records. I would question whether there are not some circumstances in which the requirement to pay should be vetoed.

I have in fact advocated for a young woman who was separated from her two siblings when she was six years old. She doesn't negate the fact that at the time there was a need for child welfare to be involved because of neglect, but the reality is that she is now an adult. Through activities on her own accord she was able to be reunited with her younger sister. She has been able to be reunited through her birth parents, all outside of the adoption registry, but she has not been able to find her brother, and the reason is that he was adopted. Her sister and she were not.

Actually I have been involved in this case for over a year. I've advocated to the minister. I've advocated to the Ombudsman. She is not in a position to pay the adoption registry fee, which is a minimum apparently of \$350. There is no provision for her to be vetoed that expense, so as a result, while she would very much like to be reunited with her brother, she has no ability to access information that might be within the registry on his adoption because of that financial barrier. Unfortunately this evening we're not debating an act that will make any difference for her.

To speak to some of the positive, the supportable aspects of the bill, it does certainly balance the rights and interests of the parties, and it places the search for family members into the hands of the family members themselves, which I think, Mr. Speaker, is a supportable position. The veto clause which the government has incorporated is also supportable. They have also included consequences if such a veto is disregarded or not respected, and I think that is a demonstration of the government's seriousness with respect to the right of privacy of the affected individuals.

In general terms, I think Albertans' views surrounding adoption have changed. We've seen both through research and experience that many birth parents never forget children that they've given up for adoption. Many adopted people have a desire to know about their birth families, perhaps sometimes for valuable medical information or just for their background.

9:30

More and more people are in fact choosing an open adoption process, or private adoption as it's more commonly referred to. I have personally witnessed on a couple of occasions now families that in fact, through private adoption agencies, have actually met the birth mother and have been able to achieve, in both party's respects, a very successful adoption arrangement for the children. That is significantly different from the patterns that were in existence in the province years ago. I think the legislation that is being proposed by government will further modernize our approach to adoption and the reuniting of families that would like at some point later, at some time after the adoption has occurred, to be reunited.

As I look through, one of the other major themes in the act as it is proposed is a significant shift of responsibilities from the director to

the minister. That is evident throughout section 66. It goes through to 66(11). One of the questions I had is: how administratively will the minister be planning to manage these responsibilities? I'm not sure whether or not there's been consideration of allocations, resources both from a human resource perspective and a physical resource perspective, in ensuring that this transition occurs in a smooth fashion. The minister is, though, assuming fairly significant responsibilities in relation to the act. The specifics as to how that will happen have not been outlined in great detail.

I would, though, also state for the record, Mr. Speaker, that we have had on this bill somewhat of a historical gesture in the Minister of Family and Social Services providing a briefing note on this act upon my request, albeit the briefer was only provided this afternoon just hours before the bill came up for debate. Nonetheless, I think it was a gesture of good faith, and it is of assistance to the opposition in analyzing the act. I would suggest to other ministers that it should perhaps be a process that they adopt more often. I would express my appreciation to the Minister of Family and Social Services for extending that courtesy to us.

We are certainly looking at all aspects and are awaiting some feedback from a variety of groups that are direct stakeholders in the adoption area. At this stage we have not completed that survey, but at some point later in the debate on this bill we will be planning to attempt to provide that feedback to the Assembly. I would hope, in hand with that, that if the minister or the hon. member who's sponsoring the bill has feedback from stakeholder groups, whether that be in support of or additional areas for consideration, that he would also provide that to the Assembly for consideration.

At this point, Mr. Speaker, I would like to adjourn debate on Bill 6.

Thank you.

THE SPEAKER: On the motion put forward by the hon. Member for Edmonton-Riverview, would all those in favour please say aye?

HON. MEMBERS: Aye.

THE SPEAKER: Opposed, please say no. The motion is carried.

### **Bill 11 Public Sector Pension Plans Amendment Act, 1999**

MR. DAY: Mr. Speaker, in introducing Bill 11 for second reading, the Public Sector Pension Plans Amendment Act, I'd like to remind members that it was in 1993 that the government enacted significant pension reform. At that time we put in place new rules to set our public-sector pension plans on a solid foundation. If you recall, there was a significant degree of unfunded liability attached to those particular plans. The rules then required that service after 1991 had to be on a fully funded, ongoing basis so that we could begin to actually pay down that unfunded liability. Also there were rules put in place for additional contributions from both employers and employees alike to pay down that pre-1992 service on the unfunded liabilities.

The reforms worked well, as we had hoped, and today, Mr. Speaker, one of the largest plans, the local authorities pension plan, is in fact fully funded. We announced that just last year. Recognizing and being aware that fully funded status is one of the main reasons for Bill 11, which is the Public Sector Pension Plans Amendment Act, a number of things will be accomplished by this particular act. We will be removing references in the legislation to the Crown's payment of additional contributions to the unfunded

liability because in fact that particular portion has been taken care of. The savings to Albertans are in the order right now, this year, of \$11 million a year in terms of those extra contributions that are no longer required to be made by the government and in fact no longer required to be made by the employees. So there's also a reduction for them.

Bill 11 also allows public-sector employees to move with greater ease from one employer to another without giving up their earned pension entitlement. So there's a greater degree of portability. That's something that had been petitioned for for some time, and this bill will accomplish that. That also, of course, helps in human resource planning and development and gives greater flexibility and fairness to employees in terms of their own career paths. So employees are certainly seeing that as a positive move. This also protects pensions of employees who have been affected by government restructuring.

Mr. Speaker, greater flexibility is also going to be given to employers in terms of enabling them, should they so choose and if they have the agreement of their members, to leave the management employees pension plan and establish their own pensions under the Employment Pension Plans Act. Again that's with agreement of their own members, and it lets them set their own compensation arrangements to meet the needs of the particular group that they're in. So there's greater flexibility. We anticipate two employers and employer groups doing that. The Alberta Treasury Branches and also the Workers' Compensation Board are two that have indicated interest in that particular move at this time, and there could be others.

Also the bill is forward looking in terms of looking to the time when the other pension plans have that pre-1992 unfunded liability, in fact, eliminated. That is happening. That day is approaching for the other plans as they continue to be paid down. This, then, will clarify in statute that once those plans are fully funded, the government in fact has no future liability for the plan.

The legislation also protects the Crown by stipulating that additional contributions made after a plan has become fully funded are to be treated as excess contributions and then refunded. That in fact is what is happening with the LAPP. It now puts that in statute. So that will be the normal course of business as other plans reach that stage of being funded. Sometimes when you're doing the actuarial assessment, the additional contributions keep getting paid even though the plan itself is funded, and there needs to be a means for that funding to be in fact returned to both employers and employees who are making those excess contributions.

**9:40**

Mr. Speaker, the act will also allow the Treasurer to request a pension board to perform an actuarial evaluation. Right now legislation requires actuarial evaluations every three years on the plans, but there may be times when the numbers are indicating that a plan is nearing a fully funded status or there may be some concerns with the funding levels of the plans themselves, and a three-year wait or a year and a half or a two-year wait may not be prudent. This allows, then, the Treasurer to have the fund itself and the plan associated with it perform that actuarial evaluation and at the cost it's assumed by the fund. So it gives that flexibility to make sure that we're monitoring properly and have the ability to really come to grips with the status of a plan at a particular time should we have to do that.

There will also be minor amendments clearing the way to move the universities academic pension plan and the local authorities pension plan out of statute, and it also confirms the statutory status of the Crown's payments toward that pre-'92 unfunded liability.

So overall, Mr. Speaker, this legislation is welcomed by both employee and employer groups. It gives that greater flexibility and portability and makes for a more flexible system while still giving the assurance for the contributors of the plan that indeed the plan is there, it's going to be funded, and it will be there for them when they need it.

As I move second reading, I would hope that we will find favour and agreement on this particular legislation.

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

**MRS. SOETAERT:** Thank you very much, Mr. Speaker. I'm pleased to speak tonight to Bill 11, the Public Sector Pension Plans Amendment Act, 1999. You know, the protection of public-sector pensions for retiring employees is very important. Pension policy to facilitate the transition plans by the local authorities pension plan and the universities academic pension plan to establish new and fully independent pension plans in 2000 and 2001 respectively is also very important.

The object of Bill 11 is to facilitate the movement of employees among public-sector pension plans. The government will make regulations allowing employees who move within the public service to take their full pensions with them. I like the idea of the increase in the portability provisions for pensions, and I think it's a necessary adjustment to reflect the growing trend in workforce mobility. In fact, a constituent of mine phoned the other day. He's been teaching at a high school and has been offered a job at NAIT, but he is very worried about the portability of his pension plan. I don't know if that issue particularly will be addressed. It may be, and I'll leave that question with the Treasurer. In fact, I think I forwarded on his concerns, and I know they are going to be . . . But that kind of issue comes up, and I think that the way the world is changing, it's a very real issue.

This proposed legislation will allow specific employee groups, such as Alberta Treasury Branches, the Workers' Compensation Board, Alberta Vocational Colleges, to opt out of the management employees plan with the concurrence of their employees.

Bill 11 also recognizes that pre-1992 service has become fully funded under the local authorities pension plan and that the government has no future financial obligations to the local authorities pension plan. This is a feat of significance. The LAPP no longer has an unfunded liability based on an actuarial evaluation conducted as of December 31, 1997. This means that the plan has marketable assets to back all pension promises plus a surplus. As of December 31, 1997, actuarial assets totaled \$6.862 billion and accrued pension benefits totaled \$6.324 billion and resulted in an overall surplus of \$538 million.

Now, as a result of the LAPP being fully funded, additional contributions made by employers, employees, and government to pay the unfunded liability are no longer required and were eliminated as of September 1998. This elimination will save employers probably \$12.8 million per year and employees \$12.8 million per year.

This legislation is consistent with Alberta Liberal policy that was outlined in the Legislative Assembly in May of 1993 during debate on Bill 68. In fact, one of Mr. Laurence Decore's first of many excellent and appropriate questions in this House was on the unfunded liabilities of public pension plans. During the debate on Bill 68 in the spring of 1993, it became clear that the autonomy and the independence of the public-sector pension plan in which the government is not the employer is the most appropriate governance mode. One of the goals of the local authorities pension plan is to have sound governance. Bill 11 achieves this by establishing a

pension plan governance and management structure that will effectively discharge stewardship responsibilities.

Under the pension reforms implemented in 1993, it was clearly understood and agreed that the government should get out of the business of administering the public-sector pension plans as the unfunded liabilities were eliminated. Alberta Liberals believe that the role of administering the funds should be placed in the hands of the representatives of employers and employees. It's rewarding to see the issue of unfunded public-sector pension plans resolved, 11 years after the Alberta Liberal caucus brought the issue to the attention of the government.

Safe, secure public pensions depend on reliable funding to remain on sound financial ground. Stable contribution rates must be maintained. The development of a sound investment structure for the independent plan is essential to fulfill the board's investment policy, and I believe Bill 11 will provide these.

The boards of the public-sector plans requested the provisions in Bill 11. These provisions relate to portability of reciprocal transfer arrangements, transferring of assets and liabilities, exit withdrawal, and termination of provisions.

There are, Mr. Speaker, some items which I find not entirely clear, and I would be grateful for some explanation. I have some concern about the changes in the Employment Pension Plans Act. Will the changes provide the authority for the LAPP and the university academic pension plan to establish a joint governance model for their new plans? The local authorities pension plan board and stakeholders have agreed that the new local authorities pension plan should be a jointly trustee plan. Employers and employees would have equal representation on the board and share in eliminating unfunded liabilities in any contribution reductions or contribution holidays. The current Employment Pension Plans Act does not provide for a jointly trustee local authorities pension plan. I understand these are exemptions required with respect to the EPPA, under which the local authorities pension plan will be regulated when out of the statute.

The most important is the joint funding of the local authorities pension plan. I hope the Treasury officials and the Labour department will determine whether this joint governance will be provided under the EPPA or through regulation.

Another issue of concern for me regarding Bill 11 is in the area of the reciprocal transfer arrangements. Government will prescribe the terms and conditions of the transfer of assets and liabilities between plans through regulation. I have just a few more questions regarding these reciprocal transfer arrangements. The first would be: what impact would the potential transfer of the assets and liabilities of 6,000 employees from the public service pension plan to the local authorities pension plan have on the cash flow position of each of the plans? Second, what changes to the actuarial assumptions would be required? Third, would the public service pension plan become a more mature plan and have to become more prudent in its investment strategies? Fourth, what impact would the transfer have on the employees of the local authorities pension plan? Fifth, what impact would this have on contribution rates? And sixth, how does the government mandate the transfer of an equitable amount of assets and liabilities between pension plans when the plans use different actuarial valuations?

I am looking forward to responses to my questions and the response from the Provincial Treasurer at the appropriate time. Right now, Mr. Speaker, if I may, I would like to adjourn debate on Bill 11.

THE SPEAKER: On the motion put forward by the hon. Member for Spruce Grove-Sturgeon-St. Albert, would all those members in favour please say aye.

HON. MEMBERS: Aye.

THE SPEAKER: Opposed, please say no. The motion is carried

#### Bill 14

#### Municipal Government Amendment Act, 1999

THE SPEAKER: The hon. Member for Leduc.

MR. KLAPSTEIN: Thank you, Mr. Speaker. I take pleasure in moving second reading of Bill 14, being the Municipal Government Amendment Act, 1999.

Mr. Speaker, the Municipal Government Act is one of the most important pieces of legislation in Alberta. It authorizes the operations of municipal authorities and therefore affects the vast majority of Albertans. The government acknowledges the key role of the Municipal Government Act and is firmly committed to ensuring the act's continued viability and relevance. To that end, after an extensive review of the previous act and the other acts affecting the operation of municipalities, the current act was passed in 1994 and came into effect on January 1, 1995.

9:50

As part of this government's responsiveness to the needs of Alberta municipalities and their residents, further amendments to address these needs were made after consultation with stakeholders in each of the years from 1995 to 1998. Various stakeholders have raised further concerns related to the act, and the government has concluded that a number of changes are appropriate to maintain the Municipal Government Act's effectiveness in meeting the present and future needs of Alberta municipalities and their residents.

The purpose of Bill 14, the Municipal Government Amendment Act, 1999, is to improve the act by streamlining administrative processes, enhancing equity and efficiency, and responding to procedural gaps within several general theme areas including municipal governance, derelict properties, assessment and taxation, assessment complaints and appeals, tax recovery, mediation, and streamlining legislation.

Let me begin in the area of municipal governance. A number of financial and administrative issues have arisen which can only be resolved legislatively. For example, amendments have been prepared to allow municipalities to bill the costs of residential and commercial street lighting directly to those who benefit from these services, to allow municipalities to tax third-party utility providers on the electricity carried for those providers, and to allow municipalities to add the costs of restoring municipal land to the tax rolls of licensees of that land when those licensees do not restore the land to the appropriate condition at the end of the license.

Mr. Speaker, the Municipal Government Act contains provisions addressing the problem of derelict buildings and properties and allows municipalities to order owners to fix problems or to fix the problem itself and charge the property owner with the cost and to prosecute owners who do not comply with orders.

Municipalities have requested some legislative assistance in enforcing these provisions. Amendments to the act will guide municipalities with definitions of certain terms such as "emergency," "unsightly condition," and "detrimental to the surrounding area"; as to when they can issue orders to property owners to remedy derelict properties, provide minimum penalties if the owners do not comply, and allow municipalities to add costs of remedying the properties to the tax rolls of other properties or businesses of the owner; to reduce the time periods that derelict property owners have to apply to council or the court for a review of orders to remedy the derelict property; and then to clarify that municipalities, subject to the act or

other enactments, are not liable if they take or do not take actions authorized by statute, including taking action to remedy the problem of derelict properties.

In the area of assessment and taxation the amendments will clarify and streamline processes that will allow Municipal Affairs the option to use information filed with the Alberta Energy and Utilities Board to prepare pipeline assessments; clarify that a municipality must designate as its assessor a properly qualified person as outlined in the qualifications of assessor regulations; clarify that in cases of machinery and equipment and industrial lease sites the land supporting the improvements is assessed to the owner or lessee of the improvements, not the landowner; clarify that tax rates for nonresidential property and machinery and equipment must be the same for the purpose of raising revenue for municipal expenditures and transfers; add the ability to assess businesses based on net annual rental value; change the application of special taxes from parcels of land to property, which includes improvements to land; specify that when costs of a local improvement have increased, the local improvement tax rate can be raised, but only once over the lifetime of the local improvement, and that landowners can file a complaint about the amended rate in the same way that they can when the local improvement bylaw is initially passed; clarify that when a council has passed a bylaw to withdraw an exemption from taxation for a property, it must notify the owner in writing.

The amendments dealing with assessment complaints and appeals were requested by a number of stakeholders. The proposed changes will streamline the complaint and appeal process and make it fairer by refusing to accept an assessment complaint or appeal if the required fee has not been paid; setting maximum fees for assessment complaints through ministerial regulation power; requiring the return of a fee paid to the municipality for filing a complaint if the complainant's appeal to the municipal government board or the assessment review board's decision is successful.

Mr. Speaker, to clarify matters for municipalities taking tax recovery proceedings against land, a provision will be added to note that tax recovery liens filed under the Rural Electrification Long Term Financing Act will remain as an encumbrance against properties acquired in the tax recovery process.

Also, because of the addition in the spring 1998 session of a tax recovery process for designated manufactured homes similar to a tax recovery process relating to land, certain matters need to be clarified to assist municipalities in using the new process. These include the following: clarifying that a municipality must send out a warning of sale for designated manufactured homes in each year by August 1 following the March 31 deadline for preparation of the tax arrears list; making it an offence if manufactured-home community owners do not report as specified on the ownership and movement of all manufactured homes within the community.

Mr. Speaker, this government feels strongly that all possible methods of resolving disputes should be used by the affected parties before they embark upon the hearing process. To that end, amendments will be made to require parties to attempt mediation in cases of intermunicipal disputes, annexation disputes, and other planning disputes as a condition of proceeding to a hearing before the Municipal Government Board.

Mr. Speaker, this government is committed to the ongoing review of legislation to eliminate unnecessary statutes. The Border Areas Act is one of the department's acts slated for review this year. It applies to municipalities and approved districts bordering the provinces and territories. It authorizes the making of agreements with co-operating authorities in the neighbouring provinces and territories to provide or receive the benefits of services and institutions. The formalities of applying for government approval of a

scheme, as described in the act, respecting the financing of the services under the agreement have never been used, to the government's knowledge.

Although the basic idea is sound, the Border Areas Act is overly complex and somewhat inconsistent with this government's philosophy of giving local governments as much autonomy as possible. Therefore, the Border Areas Act will be repealed and provisions added to the Municipal Government Act to allow municipalities and regional services commissions to provide services to municipalities and provinces or territories adjoining Alberta; allow municipalities and regional service commissions to acquire land in the adjoining province or territory; continue any agreements made under the Border Areas Act that are in force before these sections come into effect.

Finally, Mr. Speaker, there are some amendments of a miscellaneous nature to maintain consistency of wording and intent within the act and with other acts. I want to highlight two of these.

Municipal roads and road rights-of-way are ordinarily located adjacent to property owned by someone else. Occasionally, the municipality allows this property to be used, such as for overland drainage, in a way that may affect the municipality's road. The use of the property under such an agreement is subject to conditions that are not in the nature of a development permit per se. In other situations the owner's property encroaches onto the road. There is no effective mechanism to record the municipality's interest on the landowner's title and thereby give notice of the agreement to people who may be interested in the property.

The following amendments would allow these interests, flowing from an agreement between the owner and the municipality, to be recorded as a notice of interest and allow a municipality to register a caveat on the landowner's title in respect of a restrictive covenant or an encroachment agreement granted by the landowner in favour of the municipality.

10:00

Mr. Speaker, that concludes the major areas of change that Bill 14 proposes. The bill is evidence of the government's determination to respond to the changing needs of Alberta municipalities. It is important to emphasize that the proposals have been developed through a lengthy process of consultation with Alberta local governments and many other stakeholders. The amendments enhance the operation of the municipal government by streamlining or clarifying certain procedures and addressing some uncertainties about the powers of municipalities. The collective result is that the province's municipal authorities will be better placed to continue providing the high quality of service that Albertans have come to expect from the level of government closest to them.

Mr. Speaker, this bill addresses the needs of Albertans and will help maintain the Municipal Government Act as the model of municipal legislation in Canada. It is commended to members for their support.

Thank you.

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

MR. GIBBONS: Thank you, Mr. Speaker. I'm pleased to stand and speak to Bill 14, the proposed amendment to the Municipal Government Act. We recognize and appreciate the fact that the amendments contained within Bill 14 are a product of an extensive consultation process which affected stakeholders, which began with the red book in July 1988 and continued through to the amber book in December 1999. I commend the Member for Leduc and the department personnel for the time they gave to introducing and briefing myself and thank them.

Mr. Speaker, as I follow through the history of the MGA, starting

in May 1994 the government introduced Bill 31, the Municipal Government Act, after extensive consultation with municipalities, the AUMA, the AAMDC. The MGA was widely supported by municipalities who had been waiting for a number of years for a revamping of the MGA. In the 1995 spring session the government repealed the planning act and added new planning legislation to the MGA.

Municipalities in the province are still in the process of understanding the implications of the MGA. Changes are requested on an annual basis and extensive consultation takes place between the province and affected stakeholders. As a result of the process, at each spring session there are amendments introduced to the MGA. Bill 14, the Municipal Government Amendment Act, 1999, continues in the same trend.

The amendments contained in Bill 14 clarify and add provisions in the areas relating to governance, administration, assessment, including complaints, appeals of taxation, taxation recovery, planning and development. In addition, provisions contained in the Border Areas Act are consolidated into the Municipal Government Act, and the Border Areas Act is repealed.

Some of the items that I think are the main portions of this amber book in relationship to Bill 14 are related to clarification and adding provisions in the areas relating to governance, administration, assessment, including complaints, appeals, taxation recovery, and planning and development; enhancing the enforcement provisions regarding derelict buildings; adding another method to determining business value assessments; establishing maximum fees for assessment complaints; and adding mediation to the prerequisite to dispute hearings.

I support the amendments outlined in Bill 14 consistent with the principle that municipalities should have more decision-making powers and responsibilities. We have a few questions and concerns about various provisions within Bill 14 that we'd like to address before approving this in legislation.

The number one item that is of concern -- and it's one item where we haven't got complete confirmation from municipalities around the province -- is street lighting. The second item that I'd like to bring forward and question is the regulated electricity supply and third-party seller. The third is: establish a maximum fee for assessment complaints. The fourth is: add mediation as a prerequisite to dispute hearings.

For the most part Bill 14 is consistent with the principles that municipalities should have more decision-making powers and responsibilities. However, with more decision-making power and responsibilities for municipalities in the MGA there should also be an adequate, appropriate, and predictable funding framework. This has not occurred during the past six years under the present government.

According to Statistics Canada, total general and specific grants from the province to the local governments in Alberta have fallen by \$390 million, or 46 percent, between 1992 and 1997, the second highest decrease of any province in Canada. According to the MASH sector report at the Alberta growth summit, total provincial transfers to municipalities fell by \$533 million to \$239 million between 1992 and 1996. The reduction of provincial funding commitments has resulted in increasing constraints being placed on local governments to provide the resources needed to respond to the pressure of growth. I believe that this is the time to forge a new deal with municipalities based on the principles of accountability, responsibility, efficiency, fairness, and equity.

Mr. Speaker, I go on to the questions around this bill. Under street lighting, residential and commercial street lighting is included in definition under public utilities under the MGA. By adding

residential and street lighting to the definition of public utilities, municipalities are now able to recover their costs for providing the services.

Municipalities are generally in support of this amendment, but we have received some negatives to it. I'd like to ask some questions around this. There are concerns that the amendment does not provide sufficient information on how or what costs may be recovered by municipalities in providing residential street lighting. Also, there is no definition of the terms street lighting, lane lighting, user, commercial, and residential contained within the amendment. Does the street lighting include lane lighting? How will the cost be recovered, and what costs can be recovered? How does the municipality identify a user, especially along an arterial roadway or in an area where there are both residential and commercial businesses? Some municipalities want consideration given to using terms . . .

### Speaker's Ruling Decorum

THE SPEAKER: Excuse me, hon. member.

It's okay, hon. members, to have discussions back and forth, but some voices are pretty loud, and this is really interesting stuff, talking about this street lighting stuff. The Speaker really wants to pay attention to it.

### Debate Continued

MR. GIBBONS: Thank you, Mr. Speaker. It's all part of the MGA.

Some municipalities want consideration given to using the term lighting in the municipalities' right-of-ways as opposed to street lighting in the public utilities definition. This would allow for inclusion of street lighting in both urban and rural areas. Municipalities also want government to consider placing street lighting in section 382. This would have the effect of adding street lighting and lane lighting as a service that can be supported under special taxes.

The third item, regulated electricity supply and the third-party seller. I understand that there might be some changes coming on this particular item. This has actually been generally supported by most municipalities.

Number 4, restoring right-of-ways cost to the tax roll. This is an item that municipalities have generally supported but have some concerns with. One of the concerns around this one is that amendments do not address the issues of how municipalities can add restoration of the right-of-ways to the non tax roll licensees. Should it be expanded to include the costs of the tax roll of the licensee when the licensee does not restore so that municipalities do not tax themselves?

Another item that is not clear to the municipalities is what property is intended to bear the restoration costs. Is it intended that the restoration costs could be added to any property owned by the licensees in the municipalities? How does this amendment affect the traffic safety act, which prohibits the collection of fees for use of a roadway right-of-way?

10:10

The enforcement provision regarding derelict homes is an item that I commend the department for bringing forward. Amendments to the MGA have provided for more effective enforcement of municipal bylaws ordering property owners to clean up, repair, or demolish dangerous and unsightly properties or structures; for example, derelict homes. This has been suggested, and when the question was asked before -- this is mainly an urban issue. It's not a 1930 farmhouse which is used as a granary every few years when there's a bumper crop. I hope that is going to be passed along within *Hansard* on this one.

Some of the items around this are setting a minimum penalty of \$300 for contravention by the owner of an order by the municipality to clean up, repair, demolish a derelict home. Municipalities support this new section but want some clarification on a number of matters. There's no indication that this amendment gives municipalities the authority to regulate the user in question and to hold an owner responsible for activities on his or her property even though the owner is not party to the activities.

Another item of concern is that problems with derelict housing are often user problems. When a house is vacant, vagrants often enter the house and cause trouble. Illegal activities such as prostitution and drug dealing are part of it. The failure of the owner to secure the building can often lead to these activities.

Another point that was brought forward: there should be some mechanism for a community to have some input into the matters of derelict housing, meaning that if the community league or community organization around it had concerns, they can have a process through the local government to bring this forward. Matters could be brought to city council, and evidence could be presented. The owner and the neighbouring owners would then have the opportunity to make submissions. Council could then make decisions on this.

Under the item modifying pipeline assessments process, there is general support from all municipalities contacted.

The item around clarification of appointment of municipal assessors is an item that we had a couple of questions on. This is around amendments to state that the assessor who is appointed to prepare an assessment on property meets the required qualification. There is a concern among some municipalities that this amendment would not provide the ability for a designated officer, CAO, to delegate and subdelegate the assessment function to individuals who are qualified. Amendments could specify that the individuals who prepared assessment should be under the direction of a qualified assessor to carry out work. This would allow flexibility for designated officer positions to be administrated. This is not supported by others unless it is clear that the assessor may be delegated by a designated officer.

The item around assessed sites under machinery and equipment is supported by all municipalities. This proposed amendment would treat sites containing M and E, such as battery sites, in a similar fashion to well sites.

The item around expansion property assessment of municipalities' leased sites. This proposed section would provide that the property include buildings and improvement use for the purpose of battery and compressor sites to be assessed to the licensee and is supported by all municipalities that I have approached.

The next item: clarify tax rate for nonresidential machinery and equipment assessment classes. This amendment would ensure that the machinery and equipment, the M and E, and nonresidential tax rates to raise revenues used towards expenditure transfers set out in the municipal budget would be the same. There is a suggestion from some municipalities that this section, 354(3.1) of the MGA already requires a municipality to set out the same tax rate for nonresidential and machinery and equipment assessment. Is this the case? This amendment could be redundant. This is one place where I'd like an explanation from the deliverer of this bill or the minister.

The next item. Adding another method of determining business assessment value. Municipalities support the amendments overwhelmingly. They've determined that this is a very good amendment.

The next item. Change parcel of land to property special tax provisions. Municipalities overwhelmingly support this amendment.

Vary local improvement tax rate. Municipalities support this amendment because it would reduce the financial loss due to

conducting a local improvement. My understanding is that affected ratepayers would pay the cost of the local improvements, with no costs attributed to the taxpayer at large, and in my understanding that can only be done once.

The next item. Deny assessment complaints an appeal if required fees are not paid. This is under sections 26 and 27. It is generally supported by municipalities. Currently the MGA does not make the payment of fees a prerequisite of complaints being heard.

The next item is the established maximum fees for assessment complaints. On this one there are established maximum fees that can be levied by the municipalities for assessment complaints. The maximum fee would be established for each assessment. Taxpayers have protested that the fees set by councils are too high. If the assessment review board confirms the reassessment, the taxpayer cannot get a refund but can still appeal to the Municipal Government Board, the MGB. The fees paid to municipalities are not refundable. We're getting a consensus on this particular one that most municipalities are in favour of this one.

The next item. The reporting requirement for designated manufactured homes. The municipalities support this amendment. I'd like to ask the minister a couple of questions to come back to on this one. How has the new tax recovery process introduced in 1988 reduced the problem of municipalities being unable to collect taxes on manufactured-home parks?

Another question. Some municipalities have developed a reporting relationship with the owner/manager to advise them of a move-in, a move-out, and changes. Has this been a consistent item that's been working? That's a question to the minister.

The next item. Add mediation to prerequisite dispute hearings. Supported by municipalities who believe that the joint mediated attempt to resolve an intermunicipal dispute should be a prerequisite for applying for the MGB appeal hearings. Municipalities have the following suggestions for enhancing the provision. The provision of the MGB will not be accepted as an application without a statutory declaration. It could give one party the ability to halt the process without any resolution of the dispute. The MGA could pay greater attention to identifying appropriate steps in the communication process, could identify problem areas before they become a contentious topic; for mediation and appeal, the preventive medicine provision. The 30-day time window between the passing of the offending bylaw and the filing of the notice of the appeal with the MGB may not allow enough time to complete a mediation process.

With respect to the disputed annexation, the legislation seems already designed to ensure that municipalities attempt to reach an agreement before the hearing is set. One suggestion is that the annexation be initiated by one municipality serving notice to the other that it wishes to engage in a joint review of boundaries. The detail for notice of annexation would be worked out jointly by two municipalities. If two municipalities have an intermunicipal development plan, the IDP, the dispute resolution process under section 631(2) of the MGA could be expanded to include a consistent annexation as a dispute within the IDP dispute process.

Now, the last item under this is the consolidation of the Border Areas Act, BAA, into the MGA, sections 45, 38, and 39. I have nobody responding to it or any discontent with it, so in actual fact this is probably a good part of the bill to proceed with.

#### 10:20

There are 12 affected areas, in my understanding, and they're around major water items, irrigation along the borders. The following provisions are being placed in the MGA that extend the authorization to acquire and improve sites to local and regional co-

operation. I feel that around this border situation there is nothing I've got any concern about.

At this time, Mr. Speaker, I'd like to adjourn the debate on Bill 14.

THE SPEAKER: Having heard the motion put forward by the hon. Member for Edmonton-Manning, would all those in favour please say aye?

HON. MEMBERS: Aye.

THE SPEAKER: Opposed, please say no.

Hon. member, you had nine seconds left in your speaking time.

Before I recognize the hon. Government House Leader, might I say, hon. members, that it was a real treat to be in the House tonight. The high level of politeness, civility, and decorum I think has led to a great deal of progress on behalf of the public tonight. So I want to say thank you to all and good work.

The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Speaker. I'll take that as praise for the good work of the House leaders in achieving this. With that, I would move that we adjourn until 1:30 p.m. tomorrow.

[At 10:22 p.m. the Assembly adjourned to Wednesday at 1:30 p.m.]