

## Legislative Assembly of Alberta

Title: **Wednesday, March 10, 1999** 8:00 p.m.

Date: 99/03/10

[The Speaker in the chair]

THE SPEAKER: Please be seated.

head: Government Bills and Orders

head: Committee of the Whole

[Mr. Tannas in the chair]

THE CHAIRMAN: Good evening.

### Bill 4

#### Surface Rights Amendment Act, 1999

THE CHAIRMAN: Before we get into comments and questions and possible amendments, we'll go to the Minister of Agriculture, Food and Rural Development for opening comments.

MR. STELMACH: Thank you. Mr. Chairman, I have just a short presentation before I introduce the amendments. There were a number of good questions raised in the House with respect to Bill 4.

First of all, I'd like to say that when it comes to oil and gas exploration and drilling for that resource, the farmer has no choice when the oil company makes the determination that they want to drill at a particular location. Even if the farmer refuses or cannot reach an agreement with the oil company, the oil company can make application for an entry order and of course gain access to the land. As a result, we do have protection to ensure that if the surface has not been reclaimed properly, the government of Alberta is there to pay compensation to the landowner for surface reclamation, and then we do whatever we can to recover those costs from the oil company.

Our costs have risen from about \$15,000 in 1984-85 to close to a million dollars in 1998, and as a result we want to tighten up our legislation to ensure that we're able to go back and access compensation from any of the operators that had an opportunity to drill on that particular site.

Of course given the time we've had with some of the stakeholders that have reviewed the legislation since it passed second reading, we've had some feedback not only from our opposition critic but also from the Surface Rights Federation and other people that have a keen interest in it.

I wish to introduce a number of amendments to the bill. I'd like to introduce an amendment as follows: that section 2 in the proposed section 39 be amended in clause (d) by adding "or other energy development" after "well." This is a result of a number of observations by people out there that said: "Well, you know, you're talking about a well, but does this include a gas compressor station? Does this include any other activity?" We're ensuring that it's very clear that it does say "other energy development."

In clause (e) by adding "or right of entry order" after "lease." There are two ways for the oil and gas company to gain access to the property. One is, of course, by entering into an agreement which would be then, of course, the lease. If they can't enter into an agreement, the company can go to the Surface Rights Board and get a right-of-entry order. So we're ensuring that we do include right-of-entry order as one of the ways of gaining access to the site.

Also by striking out subsection (2) and substituting the following:

(2) Words and expressions used in subsection (1)(a) to (e) that are defined in the Environmental Protection and Enhancement Act shall be construed in accordance with that Act.

THE CHAIRMAN: This will be amendment A1. Does everyone have a copy?

MR. STELMACH: It's just following some of the observations made by the members across and also by the Surface Rights Federation and the oil and gas industry. So we'd like to move those amendments this evening to Bill 4, the Surface Rights Amendment Act, 1999.

THE CHAIRMAN: The hon. Member for Lethbridge-East on amendment A1.

DR. NICOL: Thank you, Mr. Chairman. I'd like to just begin by commending the minister on continuing to accept input to make what is a good bill, a bill that was accepted by most of the community, even better and broader in terms of its ability to be used by the communities as they negotiate with each other from either side. This first set of amendments that is going to add a little bit to subsection (1) is going to allow for this bill and the applications of this amendment bill to even further reflect negotiations and agreements that are formed between land title holders and the potential other users of those surface components of that title as they get involved in mining or extraction of their resources. This part of it really helps to identify other aspects of that use besides just a well when they're talking about "other energy development."

Also, I appreciate the expansion of the application of the bill that's in the second part of that subsection by including in it the other potential legal arrangements that could be there to encompass or to complicate those access areas.

Mr. Chairman, I hope everybody realizes that this is a further improvement of a good bill and that they'll support these amendments, especially the redefinition in the way the second subsection of this amendment is going to work. It just clarifies everything with the Environmental Protection Act. It works out really well. On that basis I hope everybody supports it. We can move on to other things where there may be some controversy.

[The clauses of Bill 4 as amended agreed to]

[Title and preamble agreed to]

THE CHAIRMAN: Shall the bill be reported. Are you agreed?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

MR. HANCOCK: Mr. Chairman, I move that we rise and report.

[Motion carried]

8:10

[The Deputy Speaker in the chair]

MR. CLEGG: Mr. Speaker, the Committee of the Whole has had under consideration and reports Bill 4 with some amendments. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

THE DEPUTY SPEAKER: Does the Assembly concur in this report?

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? So ordered.

head: Government Bills and Orders  
head: Second Reading

**Bill 12**  
**Domestic Relations Amendment Act, 1999**

[Adjourned debate March 9: Dr. Massey]

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Gold Bar.

MR. MacDONALD: Thank you, Mr. Speaker. I rise this evening to enter the debate on Bill 12, the Domestic Relations Amendment Act, 1999. This act as I understand it is going to define common-law relationships which qualify for support orders under the Domestic Relations Act. It will also provide the court with the jurisdiction to set aside a support agreement in any cases where the court finds there is unequal treatment. This act gives the court the jurisdiction to grant interim and permanent spousal support orders.

[The Speaker in the chair]

When everyone first looks at this bill you would think it is very necessary. I understand that there was a successful challenge in court recently to the definition of spouse in the Insurance Act, and many members of this House are anxiously awaiting the new Insurance Act. It's going to come forward in the House if not tomorrow I believe next week. We'll see what the Insurance Act has to say, but if this government does not change the definition of spouse to include common-law spouse in a large number of statutes, then we can expect a long parade of court challenges. If this issue, Mr. Speaker, of common-law spouse is not resolved, the issue will remain on the Alberta political landscape for years and years to come.

This bill does not go far enough in dealing with the issue of mutual obligations and the rights of men and women who live in common-law relationships. There is a large number of Alberta laws that we need to consider in the discussion of this bill. I cannot understand why this government is forcing men and women in this province to fight costly legal battles that will last for years and, as I said before, exhaust their savings. If the government-funded Alberta Law Reform Institute can see the problems, I don't understand why this government can't. Now, in order to explore the definition of common-law spouse, it is important to look not only at this bill, which I believe creates an unnecessary distinction because it violates the right of equality.

The promotion of this bill in the interest of common good cannot be made at the expense of limiting equality. There is no justification. Equality is a comparative concept. We cannot pass legislation which causes large social, political, and legal problems. I think, Mr. Speaker, we need to discuss both equality and discrimination in order to understand the full implications of this legislation.

Section 15 of the Canadian Charter of Rights and Freedoms states:

Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Sometimes I think section 15 needs to be read in this Assembly more often just to remind all members of its importance and the consequences of what happens if we forget about it. Now, subsection (1) of section 15 "does not preclude any law, program or activity that has as its object" any conditions that are going to disadvantage

individuals or groups, and we also must consider that in any discussions regarding equality and/or discrimination. These fundamental sets of values stated in the Charter must always be adopted as the norms of society. No legislation should alter our commitment to any of these societal norms, and I'm not sure Bill 12 is going to do that. I don't know if it's going to fit here or not.

To prove discrimination, a person would have to show that unequal treatment is based on one of the grounds that I mentioned earlier. These grounds serve as a system to differentiate various inequities from those worthy of protection under our Constitution. They mirror the overall purpose of the equality guarantee in the Charter, and that is to prevent the violation of freedom and human dignity by forcing limitations, burdens, and disadvantages through the stereotypical application by any presumed group of their characteristics rather than the ideas of individual merit or capacity.

Now, as I look around this Assembly, I can't help but wonder, Mr. Speaker: have the rights of all Alberta First Nations members been considered in the drafting of this Bill 12? The rights and freedoms that exist because of land claims agreements or anything that may be so acquired in the future must be investigated. I question this Assembly: has this been done? Does Bill 12 promote a society in which all citizens can be comfortable in the knowledge that they are recognized in law as human beings equally deserving of concern, respect, and consideration? Does this legislation recognize the persistent disadvantage experienced by certain groups or individuals in this province? We must always have respect for equality, and we must always have respect for each other.

8:20

We must discuss marriage as a fundamental, important institute of society. Marriage has, from the first pages of recorded history, been firmly entrenched in our traditions. Each civilization as it developed has had as a reflection of itself the institution of marriage, and this is usually based on philosophical and religious values. But marriage's ultimate reason for existence goes beyond these values and is firmly entrenched in the biological and social realities that heterosexual couples have. That, Mr. Speaker, is the unique ability to bear children.

Most children are the result of these unions. They are raised and nurtured by those who live in these relationships; we must recognize that fact. In this example, logically one can assume that marriage is by nature heterosexual. One could, however, also assume that it would be possible to define in legal terms a marriage to include homosexual couples. But Mr. Speaker, this would not change the biological and social realities that are the sound foundation that comprise the traditional marriage.

I believe that as the debate continues in this Assembly, we are going to discuss that further, and now is the time for compromise. Now is the time for everyone to be treated with decency and respect as defined in section 15 of the Charter, which is the basic, fundamental building -- it's almost a building block of human rights in this country, in the interpretation and the administration of human rights in this country, and this is very, very important, Mr. Speaker.

With those comments I shall take my seat, and I thank all members of the House for their kind attention. Thank you.

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

MS LEBOVICI: Thank you, Mr. Speaker. I, too, rise this evening to speak to Bill 12, the Domestic Relations Amendment Act, and to add my thoughts to the debate that is occurring in the House at this particular point in time. I listened with interest to the remarks that were made by the Member for Calgary-Lougheed in introducing the

bill, and I must commend her on a thorough overview of the reason for the bill being brought forward, the explanation and outline of the legislation, as well as what brought the government to the policy decisions that we see within this particular bill. I must admit that in fact I was looking for legal counsel, I would have no hesitation in engaging the services of the Member for Calgary-Lougheed, because I found that the argument was extremely logical even though it was flawed. It was flawed in terms of the principle.

I must go back to a lesson that a former member in this Legislative Assembly taught me many years ago. He is an individual that some of the members in this Legislative Assembly remember, I'm sure, with fondness, and that is the former Member for Calgary-*Buffalo*, Sheldon Chumir. What he taught me was that when one looks at legislation, when one looks at policy, what one needs to look at is first principles, and in making a decision, one looks through the barrage of words, one looks through the facility that certain arguments have and looks at the first principles.

So, Mr. Speaker, what I did in looking at this bill was go to the first principles with regards to the Domestic Relations Act. What I found lacking was the principle of equality, the notion of equality amongst individuals regardless of what their sex was. When we look at what the bill attempts to do, yes, it deals with the decision of *Rossu and Taylor*. Yes, it updates an act that is many, many years old and is out of date. Yes, it provides for common-law and members of opposite sexes to be able to share in the responsibilities of a relationship that is brought together under the auspices of marriage. It attempts to deal with providing for the same level playing field, but it doesn't go that extra step. It doesn't go the extra step of recognizing that in fact relationships that are of the same sex may well require the accountability, the responsibility, and the follow-through, in terms of the legality with regards to alimony and maintenance and spousal support, that we do not see evident in this bill.

The reason I indicated at the outset that I found logical but not rational the argument that was put forward by the Member for Calgary-Lougheed was the recognition that at the same time that we are discussing this particular bill, the government is undergoing another process where they will look at defining the relationship of individuals and will look at the issue of same sex. We all know, because it's been well publicized, that on March 18 the government caucus will be having a discussion around that particular issue.

It is hard to understand why the government would not have waited in putting this particular bill forward so they could address the issue once and for all, so they could address the issue in this particular piece of legislation as well as any other pieces of legislation they wish to put forward within the Legislative Assembly. In fact, what we could have in this bill, if the government so desired, is to approach the principle of equality amongst individuals within this bill. There's really no rationale for keeping that principle out of this particular bill. At that point in time we would have a bill that addresses the key issues that need to be addressed in domestic relations.

We've heard the arguments over the past number of days of individuals who cohabit. They may be individuals who are related by blood. They may be individuals who are friends. They may be individuals who are more than friends. But in fact in that process of cohabiting they do make a commitment to each other. They do have some of the same obligations and responsibilities that we see within the so-called framework of a traditional heterosexual relationship.

As a result, in order for this bill to approach that first principle of equality, it would need to have included within it some of the concepts we have talked about. Now, it's interesting. I'm sure that most members within this Legislative Assembly have in their

possession the letter from the hon. Member of Parliament for Edmonton Southwest, who is an individual that I have a lot of respect for. In his letter he indicates -- and it's Ian McClelland -- that

the issue of gay and lesbian rights [is] more than an issue of sexual orientation, but an expression of basic human rights . . . In a pluralist society we do not have the right to cause others to adopt our beliefs by the power of the vote, except to enact laws in the common good that are applicable to everyone.

This indeed is a gentleman, Mr. Speaker, who understands the concepts of first principles.

He further goes on to state that he would

be advocating the position of "Registered Domestic Partnerships." Under this arrangement, unmarried couples who are in a committed relationship may document their relationship.

In our proposal, Mr. Speaker, what we have indicated is that the framework that would work not only within this piece of legislation but any other pieces of legislation that the government may be considering -- and hopefully this will be a topic for discussion at that March 18 meeting -- is the concept of a contract and the concept of two adults entering into a contract that does not need to be registered at one of the registries but where in effect those individuals can make that commitment and then can be recognized within the boundaries of the Domestic Relations Amendment Act.

8:30

This is not an unreasonable position, Mr. Speaker. It is the position, I believe, that a government who indicates that the private sector has all the answers would well understand the concept of contract and obligations and rights that flow from a contract that's signed between two adults. In light of that, this should be no different than any other contract that the government wishes to uphold as an example of what's right with our private sector.

What is interesting is the way the government has realized that in their actions in the past they may in fact have hurt individuals in this province by their lack of acknowledgment of rights. We have, as an example, the convention on the rights of the child. It took the Reverend Desmond Tutu arriving in Edmonton and an international conference on the convention to show the government how much out of line they were with the realities that exist not only within the province, not only within Canada, but around the world. Though the members may say that's not true, I've sat in this Legislative Assembly and heard the former Member for Edmonton-Gold Bar, Bettie Hewes, stand up here and say: why don't you endorse the rights of the child? This government has sat and said that they will not do that.

So if one were to look at events in consequence and the statements that were made following Desmond Tutu's appeal to Alberta and Albertans and the Premier -- the change in attitude occurred. I would hope that we don't have to have another international conference here in order for the government to realize that what they are doing is excluding a large number of individuals from engaging in and being involved in relationships that have not only the ability to bring people together but also indicate that there is accountability and responsibility in any kind of relationships that we have.

The realities are that we see there are a large number of individuals who are living outside of the traditional family structure, that there are a large number of individuals who are in common-law relationships, that in fact there are a large number of children who are in families that are headed by single parents or in fact who are in circumstances that are deemed to be nontraditional. It really baffles me, Mr. Speaker, as to why this government would close their eyes to the realities that exist in Alberta, pretend that those realities don't exist, and say, "We'll deal with them at another time," when in fact they could be dealt with right now in this bill at this particular point in time.

There seems to sometimes be an attitude by the government that if they stick their head in the sand long enough, it may well go away. What sometimes tends to happen -- and we've seen that -- is that though your head may be in the sand, the other part of your body gets kicked to move into action. In fact, this may well happen with this particular bill. The Member for Edmonton-Gold Bar indicated that we will be seeing perhaps further litigation with regards to this bill if it is passed in its current form. We know that there are increasing concerns with the way this particular bill is worded. We will, I am sure, have amendments that will provide for a different approach to the issue of same-sex relationships, and hopefully the government will be able to see that in order to be proactive, in order to truly show they understand the needs of Albertans, the needs of individuals across this province, those changes need to be made.

It would be disheartening to see once again legislation passed in this Legislative Assembly that we know is flawed -- it's flawed not only in its wording, but it's flawed in its intent -- and then to have that legislation come back within six months, within a year to have the situation redressed. The government can redress their oversight. They can do that now. They can do that in conjunction with any other bills that they put forward. They can set up a framework right now of how to deal with relationships that are considered nontraditional, and this would be an appropriate time for the government to do that.

So with those words, Mr. Speaker, I look forward to continued discussion on this particular bill. I look forward to informed debate on this particular bill. I know that sometimes emotions can ride high when we talk about issues such as this. Rather than going the emotional route, perhaps we can look at the needs, what the realities are, and at ways of addressing those needs and realities so that in fact the best situation is provided for all Albertans and we do address the principle of equality for all Albertans as well.

Thank you.

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

MR. GIBBONS: Thank you, Mr. Speaker. In rising to speak to this bill this evening, Bill 12, Domestic Relations Amendment Act, 1999, I have a few concerns and a few thoughts to put forward to this House. Upon reading through the bill, I became aware of the fact that someone other than the presenter wrote it. It is incomplete, lacking in responses.

Most Albertans have realized that we live in the late 1990s and that we'll be going into the next millennium next year. Why would we want to accept the reality that it pits the heterosexual population of this province against other types of relations? In looking at it and looking at some of the headings in it, the meaning that I understand by "spouse" is that a spouse is a married person. A party can be one of a common-law relationship.

"Common law relationship" means a relationship between 2 people of the opposite sex who although not legally married to each other

- (i) continuously cohabited in a marriage-like relationship for at least 3 years, or
- (ii) if there is a child of the relationship by birth or adoption, cohabited in a relationship of some permanence.

It is recognized in my world.

The highlights that I've noticed by reading through this is that it defines common-law relationships which qualify for a support order under the Domestic Relations Act. The act gives the court jurisdiction to grant interim and permanent spousal support orders. It also provides the court with jurisdiction to set aside the support agreement in six cases if the court finds the agreement inadequate. The object is to include heterosexual common-law relationships in the

Domestic Relations Act to comply with the order of the Alberta Court of Appeal.

8:40

The proposed partnership amendment will avoid using the word "spouse" with its historic or religious overtones. The amendment distinguishes the positions of other political parties. The defects outline sectional analysis required amendments. Some of the things I really am strongly going to speak about. It will adversely affect married heterosexual couples who choose to use the Domestic Relations Act because they do not want a divorce, et cetera, for religious reasons, for example.

This province needs family law reformed to deal with the patchwork of family law statutes that the government has erected. Our family law makes as much sense as building a house of cards. It does not deal with the underlying issues of mutual obligations and the rights of men and women who live in common-law relationships in Alberta in large numbers. Why is this government forcing ordinary men and women in Alberta to fight legal battles that will last for years and exhaust their savings? If the government-funded Alberta Law Reform Institute can see the problem, why can't this government?

Some of the items that will be brought forward in statements from our side are: we do not want to change the definition of marriage; we need to respect people who choose to live in mutually supportive relationships; people should be free to enter into an agreement so that the Domestic Relations Act applies to them; our laws should reflect how the people of Alberta actually live and protect their expectations.

Mr. Speaker, what is the purpose of this bill? The Alberta Court of Appeal gave the government until June 16, 1999, to change the legislation, at least the third and fourth items of the legislation, or those offending parts of the act would be struck down. This was from the case of Rossu and Taylor. It's very clear that this government and its bureaucratic system were not proactive and not willing to change with what was actually happening or with the times now. The time wasted reflects the reality that Albertans are more willing to catch up with the times than is this government. There seems to be a note of fear in the items not spoken in this bill and the fear to read into what some think is different in the lives of urban or rural. Believe me; I haven't changed my life from the fact of growing up in the country and living in the city now. Most lifestyles stay very much alike.

I think back to my early years. You know, you go back to the 1960s, the 1970s, and things have changed. When I got married in the early '70s, it was unheard of and I wouldn't even have thought of going into a common-law relationship, but for other siblings in both my wife's family and my family 10, 12, 15 years later, it was a different story.

Community values are changing, and we have to accept that. In our proposal or amendments, that I mentioned before, we do not want to change the definition of marriage. We need to respect people who choose to live in mutually supportive relationships. People should be free to enter into agreements so that the Domestic Relations Act applies to them, and our laws have to reflect the change of the 1990s and the new millennium of 2000. As noted before by others, Mr. Speaker, there is a Danish model where two same-sex partners can register their relationship at a government office like the vital statistics office.

At this time I cannot support this bill as it is written. Bill 12 in its present form is unacceptable from my stance. It might not be the stance of other people in the House, but from my stance that's where I stand. I cannot support it, and the reason I can't is because it does

not treat all Albertans fairly. Are we not here for the fairness and equality of all Albertans? There are so many examples of domestic relationships besides same-sex relationships: brothers baching with each other. On my mother's side of the family there were six boys in the family. Only two married; the other ones bached together. Was that a problem back then? Would it be a problem today? There are sisters that live together. Even if they've raised families, they might cohabit together to save money as they get older. Grandmothers living with their grandchildren, mothers living with their sons and daughters until the sons and daughters are quite aged: is that a problem? Nonmarried men and women, which I mentioned before.

Mr. Speaker, I take leave to sit down, and I hope all members of this Assembly will defend all Albertans. Thank you very much.

MR. MARZ: I'd like to make just a few brief comments in regard to bill 12, the Domestic Relations Act. Mr. Speaker, it's already been mentioned that the institution of marriage has been a bond between a male and a female down through the centuries. That is something that societies through those ages deemed to be something special, worth protecting and promoting. I see in this bill that it neither protects nor promotes the institution of marriage but affords those benefits to other types of relationships.

Indeed if one listens to the debate, it's certainly not over. It appears that there are those that would extend those same societal benefits of marriage not only to common-law heterosexual relationships but homosexual relationships. I feel, Mr. Speaker, that this erodes the special, sacred institution of marriage itself, making it no different than other relationships between two people. I feel that the institution of marriage should be protected and promoted in our society, as it has been through the ages. I feel and I firmly believe that my constituents and the majority of Albertans also support that belief.

Thank you.

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

DR. NICOL: Thank you, Mr. Speaker. I just want to make a few comments on the aspects of Bill 12, the Domestic Relations Act, that I feel my constituents would expect of me and that they would like to see me make comments on. A number of them within the context of Lethbridge-East and the community have talked about the need for changes in this kind of an act.

A lot of them come to me for different reasons. We get the groups that want to see the definition of what constitutes a spouse changed to be either a heterosexual or a homosexual relationship. There are others also that come and want to talk about it in the context of the aspects of basically a common-law relationship. One of the things that comes out of all this discussion is that within the context of our communities we have to start and look at definitions where we're getting blurs, overlaps of problems associated with how we look at them.

The concept of marriage, the concept of the sacredness of that relationship is born out of a lot of our communities and the background that we had in the context of our community religions, the community acceptance, the community morals. As we've changed, we've seen a lot of different definitions. When I was beginning my -- what do you want to call it? -- period of courtship, there were a lot of people very concerned about colleagues or friends that were living together and they weren't married. This kind of raised the eyebrows of a lot of people in the community.

We ended up effectively working through the definition there that common-law relationships, the relationship of commitment, expectation, and the relationship that brought on a need of depend-

ence was the way that we built these relationships into our expectations and the obligation of one partner to some kind of long-term relationship or long-term obligation to the other partner in that relationship who was dependent. Mr. Speaker, more and more now -- and I can speak from one of my siblings' perspectives -- we have one that's not in the normal context of a common-law relationship in the sense that the male part of that relationship is the one who is dependent. I think he would much rather be the stay-at-home spouse as opposed to the go-out-and-work spouse and allow his female partner to be the one who goes out and develops the income for the family. So this kind of creates even a new perspective on what we need to deal with in the context of common-law relationships.

8:50

I look at it in the context of, you know, this three-year time frame. From the feedback that we've had from some of our constituents, I think they would like to see some kind of a degree of dependence, a degree of reliance being part of that definition other than just the absolute three years. We see a lot of situations now develop where one of the partners in a spousal relationship effectively dedicates a period of time of their life to support without income another member that they are living with. When that is terminated, how do they get recognition for the time that they were in a sense supporting someone else, building that other person? To say that it has to be a relationship of three years' duration I think is kind of . . .

AN HON. MEMBER: It's arbitrary.

DR. NICOL: Yes, thank you. Very arbitrary.

What we need to do is make it so that an option exists within this piece of legislation for a couple that have been in a spousal relationship to prove through agreements that they have, through comments that they've made to friends, through relationships that they've bonded. That should be the basis for developing this relationship and the definition of eligibility or the termination of eligibility under the Domestic Relations Act rather than a specific time horizon.

I know I've followed a number of students through the university environment where effectively you have a student who is pursuing an education, working very hard at it, and at home there's a spouse looking after the home front, if you might say it that way, and all of a sudden the student graduates and walks off, leaves the university and the partner. This other individual has committed a year or two years to the support of that individual in the pursuit of their education, and all of a sudden now they're left to seek their own fortune in the community.

Within the context and the meaning of the Domestic Relations Act, where we're talking about compensation and equitable sharing of the benefits received from that relationship, what we want to do is make sure that those kinds of relationships, those kind of commitments, those kind of expectations, you know -- how do we know that that one individual that up and left after they've graduated from university, that also walked away from a spouse: was that their intention in the first place, or did they really, truly mean that to be a lifelong commitment? Nobody can ever judge that, but we have to base it on the way they react to each other, the way they interact, the way they present themselves to the community. I think that kind of definition of spousal relationship needs to be built into this act as much as a time frame.

Three years is extremely arbitrary. I know couples that have effectively cohabitated for three years with very little emotion between them, with very little commitment between them, with very little dependence between them, yet when they leave, they have the option to go to court, to set their case out before the courts, before

the public, to set out an argument for some degree of compensation for past, if you might call it, subservience or dependence. I don't know why we want to exclude anybody from pursuing that kind of relationship under this act.

Mr. Speaker that's the kind of discussion that's been going on in the community with this. Some people are very concerned about how we make these definitions, and they want them to be very closed, very restrictive. Others want them to be wide open. I think we have to look at it in the context of how we can make it so that it applies to the people who see it as being relevant for their situation, rather than saying, "You can be in, and you can't."

Thank you, Mr. Speaker.

[Motion carried; Bill 12 read a second time]

### **Bill 15 Natural Heritage Act**

[Adjourned debate March 4: Mr. Renner]

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

DR. MASSEY: Thank you very much, Mr. Speaker. I'm pleased to have an opportunity to make some remarks at second reading of Bill 15, the Natural Heritage Act. This is an act that many of us have waited for with some anticipation, it bringing together as it does the Willmore Wilderness Park Act, the Wilderness Areas, Ecological Reserves and Natural Areas Act, and the Provincial Parks Act and replacing it with one all-embracing act. I think that as we looked forward to it, we anticipated that it would put in place the kinds of measures that many Albertans have been clamouring for in terms of the preservation of the natural environment and ensuring that the actions we take today in no way mar the enjoyment of the environment for future generations.

As I waited to see a copy of the act, I spent a little time thinking about the kind of principles that one might expect to see in an act such as this, and as we are at second reading, it's a time to consider those principles. I went back to a meeting of November 25, 1992, in Aylmer, Quebec, when our environment minister at the time, Brian Evans, attended and worked with three groups: the Canadian Council of Ministers of the Environment, the Canadian Parks Ministers' Council, and the Wildlife Ministers' Council of Canada. Those three groups came forward in 1992 with a statement of commitment to provide and to complete Canada's networks of protected areas. It seemed logical to me that the kinds of principles that they identified at that time are the kinds of principles that would naturally form the base for an act such as Bill 15.

I think some of the principles that they enunciated at that time are important, beginning with the notion that Alberta's natural heritage defines exactly who we are, or in part defines who we are. We think of ourselves as coming from a vast geographic area that is very unique, that the parklands and the Rocky Mountains and the areas identified in the act are really a part of who we are, and that natural environment helps us to define ourselves as Albertans and unique from other Canadians and other people in the world.

Our natural environment is important in terms of thinking about ourselves as Canadians. I think we realize that we do live in a very blessed environment and that Canada itself has a special responsibility, as Alberta does, to protect the natural environment given that almost 20 percent of the planet's wilderness areas are in our country, that 20 percent of the fresh water is found in Canada, and 24 percent of the remaining wetlands are found in our country. As part of that overall environmental system Alberta has a very special responsibility to protect what others are not in a position to protect for future generations.

9:00

A third principle that I'd hoped might be recognized in the act is that we still have time. Development has not occurred at such a rapid rate and in such a comprehensive manner that we do not still have time to take action to do the preservation work and put into place the preservation laws we require to ensure that the natural environment and the natural heritage will be there for future generations.

I thought we would find as one of the principles on which the act was based that protected areas have scientific, educational, inspirational, and recreational values for people, and that in itself contributes to sustainable development. It's a principle, I think, that is touched on in the preamble of the act, but it doesn't seem to be carried through as far as I can tell in any of the further provisions. So that notion that sustainable development, our economic development is closely linked to us being able to protect particular areas of this province is a principle, again, that I think is important and should be reflected in the elements of the act.

There needs to be recognition that protected areas are essential to Canada's environmental health, biological diversity, and to our ecological process, and that's particularly true in this province, where we have the diversity that's been listed in the act.

One of the areas that is touched upon -- and I don't think you can identify it as a principle in the act -- is that the ecological protection of areas is essential to the surrounding areas, that the health of the protected areas is closely linked to the quality of the surrounding areas. I think it has implications particularly in those elements of the act where they identify land swaps, where land that's required for one purpose can be swapped for parkland. As long as the amount of land is equivalent or more, those swaps are seen as being legitimate, and I wonder if that isn't a violation of the principle that the health of the surrounding areas is linked closely to the health of the protected areas.

I think there should have been some recognition -- and I'm not sure whether it's a principle -- that the opportunities for us to act on protected areas are closing fast. Day by day as development carries on, the chances for us to take action and to set aside pristine areas are narrowed. So the amount of time that action can be taken is not unlimited, and as those of us who saw this act come forward hoped might be the case, it requires a concentrated and comprehensive effort to deal with protected areas.

One of the omissions in the act -- and I read through it; I have to admit I didn't read as carefully as I might have the portions near the end -- seems to be any reference to aboriginal people and their special role, the special place they have in preservation and their concern with protected areas. They play and have always played a unique and significant role in the environment, yet there's no mention of those peoples in this act. I thought it was a rather curious omission in an act that was going to be as comprehensive as I believed it might be.

One of the other omissions is the relationship between the provincial, local, and federal governments, the notion that this is really a comprehensive operation, a comprehensive affair that is really very difficult for one jurisdiction alone to deal with. Yet there doesn't seem to be in the act any mention of those other jurisdictions and the kind of co-operative framework one might expect in addressing something as important as the preservation of the natural environment.

One of the other omissions is the involvement of Albertans as such and the special responsibility each of us has in making sure that acts such as this are successful and the responsibility each of us has as a citizen to make sure those protected areas, that natural heritage is protected for ourselves and for future generations.

I looked through the statement of commitment from the group in Aylmer and then looked at the act and tried to see which of the principles seemed to prevail. There really just seemed to be three of those principles that are in any way reflected in this act: one, that protected areas are essential to our environmental health. There does seem to be some recognition that the natural environment has to be protected through a variety of special areas and regions. Primarily those two principles seem to dominate the elements of the act.

It has a preface, a preamble, that starts off pretty well but is really rather limited. Again, I guess it was an opportunity, at least in the preamble, to lay out a framework for preservation and set out in succinct and I think some powerful language some of those beliefs we have about our environment. So the preamble has some statements of principles, but they don't seem to be consistently acted upon in the elements of the act.

There are some curious pieces that I'm sure the minister will be able to explain when he has an opportunity. The one that is most striking is the one that defines commercial tourism. I know that when we are in Committee of the Whole, we'll have an opportunity to study the elements of the bill in more detail and hear from the minister in terms of those elements. The commercial tourism definition seems to be most curious in terms of what is considered commercial tourism and what isn't. A commercial trail-riding facility or any facility owned by the Crown is not considered a commercial tourism facility, yet for the life of me I can't quite understand why that might be the case.

We've already had flagged for us the elements of the bill that are going to cause the most concern and already have caused considerable upset and discussion in some interest areas, and that's those provisions in the act that surround commercial dispositions for mining and for exploration and for commercial use of protected areas and the interpretation that this act opens to commercial endeavour areas that have been previously protected. It certainly does nothing to protect the kinds of areas that have been defined earlier in the bill.

#### 9:10

One of the pieces of information we had is that we understand the department of the environment has prepared an assessment of public reaction to the elements of the bill in response to questioning. I would ask the minister if he would share that rather important analysis with us, because it seems to me it would be an important document for members of the Legislature to have if, as we've been led to believe, it is reflective of the views of Albertans on the elements of this particular act. So I would ask the minister if he would make that document available to us, particularly before we begin the study of the particular elements of the bill at Committee of the Whole.

Mr. Speaker, with those comments I would conclude -- and I look forward to re-examining the bill at a further stage -- other than just to say that it is time for us to act. For those of us that have had the opportunity to travel in Europe -- if you've been to Poland and Czechoslovakia and East Germany and parts of western Europe, if you've traveled and seen that heavy blue haze that hangs over those countries, if you've been to Greece and seen parts of that country that have been deforested and the aftermath of those commercial activities, it gives you an appreciation of exactly what we have here and also the great opportunity we have to save what we have for the future. This is an important bill, and I look forward to further debate and study at Committee of the Whole.

Thank you.

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

MS LEBOVICI: Thank you, Mr. Speaker. I, too, rise to speak to the Natural Heritage Act, Bill 15, in second reading. In listening to the hon. member who spoke before me as well as in looking at some of the documents I have in front of me, I ask why the government would put forward a major piece of legislation that deals with our heritage, that deals with our natural resources, that deals with that which makes us unique in a sense across the country and indeed the world, that brings people from across the world to Alberta -- why would they put in a piece of legislation that has some of the major groups that you would think the government would want outside opposing the government's bill with regard to preserving our natural heritage?

Some of the groups that have written in shock at the fact that this particular piece of legislation is being put forward in the manner in which it's put forward are the Canadian Parks and Wilderness Society, the Alberta Wilderness Association, and the Endangered Spaces campaign, which is part of the World Wildlife Fund. There are a variety of other stakeholders, I'm sure, that I do not have in front of me in terms of their position with regard to this particular bill. They all indicate that this bill is regressive, that it is, as one of the submissions put it, medieval in its outlook on our natural resources, and that the government has willfully ignored what the recommendations are not only of the environmental groups but also of the petroleum industry and the natural gas industry as well.

In fact, there is a document I have in front of me that is a joint document that was put out by CAPP, the Canadian Association of Petroleum Producers, the Canadian Parks and Wilderness Society, the World Wildlife Fund of Canada, and the Federation of Alberta Naturalists where they do come to some agreement as to the elements of a plan that would see the basics that would be required for legislation of this nature.

I look at some of the comments that have been put forward. For instance, Peter Lee of the World Wildlife Fund indicates that this legislation is retrogressive to the point [as I indicated earlier] of being medieval. World Wildlife Fund is not aware of a worse piece of protected areas legislation in North America. This is enabling legislation, as the Minister of Environment . . . suggests. It enables industrial activity in most of our protected areas.

I look at a letter that all Members of the Legislative Assembly have received from Sam Gunsch, Edmonton chapter, Canadian Parks and Wilderness Society.

The proposed Natural Heritage Act as written will fail to meet the key requirement of protecting parks and other types of protected areas from industrial development . . . We urge that the Natural Heritage Act not be passed into law. It will condemn Alberta's natural heritage in parks and other protected areas to this ongoing assault

There are, indeed, other options that could be looked at, positive options to insure that industrial activity is phased out, but in fact "the Natural Heritage Act ignores these solutions."

I look at the Alberta Wilderness Association, and they also indicate that they're calling on all Members of the Legislative Assembly to: act against a Bill which fundamentally undermines Alberta's parks and would leave us in the future with no legislation to preserve Alberta's beauty and diversity from development -- a future without a clear standard of protection for parks -- a future without the option of preserving wilderness.

I found it rather ironic that here I am, a member for a very distinctly urban constituency, fighting for constituencies that are rural, that are wilderness. You would think the Members of the Legislative Assembly that do represent those areas, the members that represent the areas of Jasper, Banff, Lake Louise, Crowsnest Pass would be standing on their feet and demanding those same kinds of

answers I am demanding from the minister to ensure that there is protection of our natural areas. I just put that out as a thought and a challenge. And the fact that the minister of tourism is not on her feet demanding the same, because ecotourism will be and is one of the growing drivers of our economy.

THE SPEAKER: Hon. member, just please continue with your debate. The chair understands that seven members have participated in the debate on second reading, and who knows, there are 82 other members who may choose to participate.

MS LEBOVICI: Thank you, Mr. Speaker, and that minister will, in fact, be on her feet explaining why this is not a threat to our tourism.

I understand that there is an internal analysis and report that in fact analyzes the public stakeholder feedback and that this was a discussion paper that was provided to the minister in March of 1997. It is important that in order to be able to vote with any more knowledge on this particular bill the minister makes that analysis available to all the MLAs in this Legislative Assembly. I believe that if that analysis is made available, we will in fact find that perhaps there will be a change of heart amongst some of the MLAs on the government side.

9:20

We're well aware, I'm sure, that the bill is a combination of three pieces of legislation and also creates a new classification system for protected areas. One of the major flaws in the bill is that there are no plans for phasing out existing dispositions in protected areas and that the bill allows for renewals. The legislated protection for Willmore wilderness park and three other wilderness areas will in fact be reduced, and the degree of protection in many cases depends on site-specific management plans and regulations. In other words, decisions are made behind closed doors and not in legislation. This is one of the major fears that the environmental groups have.

When the minister indicates that the Natural Heritage Act brings our protected areas legislation up to date, which in fact it may do, by making it more user friendly and enhancing the provincial network of sites, the question at the core of the disbelief amongst the environmental groups is: to whom is it more user friendly? Is it more user friendly to industry and to ensuring that our pristine wilderness is not kept intact? That is, I believe, at the heart of the opposition to this particular bill.

We know that over 93 percent of Albertans favour protecting the full range of the province's landscapes and wildlife by setting aside wildland areas with no logging, mineral extraction, or other industrial activity to be allowed. I'm also well aware that this government at times bases some of its decisions more on polls and what the public thinks. If in fact that is a primary consideration in making legislation within this province, they need to look at the fact that the majority of Albertans, a vast majority of Albertans, want our natural areas to continue to be protected.

The flaws within the bill as well include the fact that subject to regulations the director can issue permits to allow activities that would otherwise be prohibited by the bill. In other words there is no clear legislative outline saying that there will not be activities within a protected area, so the boundaries of protected areas are not in fact safe. We know also that the director may authorize improvements in wildland parks, provincial parks, heritage rangeland, or recreation areas and that in fact there may be no areas, no places left in this province that are safe. There is no real explanation of what those improvements could or could not be.

We have information that indicates that there is a major concern with regards to activities in the protected areas and that there is a

question as to what in fact the vegetation management may or may not be. There is a fear that the government will use the terminology of vegetation management as an excuse for logging. So, in fact, there are loopholes within the bill that allow for these natural areas to be impinged upon.

As I indicated earlier, there are ways of addressing our environment and the sustainability of our environment and ensuring that there is a relationship with economic development. In some cases that may be mutually exclusive, and there have to be some hard decisions made around what those particular areas are. The reality is that there's probably more room for agreement than disagreement. What has always amazed me with this particular government is the fact that rather than seeing a need for government to mediate and bring together individuals and groups to come up with a consensus or position that is agreeable to the majority, what tends to happen is that the government fosters the vision, and this is such a clear example of where that has occurred.

What we have here are the environmental groups and what we have is the government through the Minister of Environmental Protection and the Minister of Energy, who I'm sure is part and parcel of this particular bill, making sure that there is that wedge driven between the producers and the environmentalists as opposed to trying to bring those groups together for the betterment of the province and, in fact, to provide another area of economic development perhaps in tourism in some of those particular spaces.

The stakeholders that the government consulted, interestingly enough, are some of those very stakeholders who now say that this bill will not do the trick, that this bill in fact is exactly what they did not recommend and what they feared most from this particular government. So again we see a process where consultation has occurred, where people of good intention provided their opinion, provided their expert opinion, provided their advice and where the government turned around and did what they wished to anyway.

One note I'd like to end on is that there needs to be a recognition as well that we in Alberta have had a good reputation with regards to our natural heritage, with regards to our special places and that we were seeing over the last three to four years -- and an example is the F report cards that we've received in terms of environmental protection, which I'm sure no one in this Assembly can be proud of or can stand up and say: this is good for us as a province. What we have to go back to is the fact that our reputation is very important and we are losing that reputation.

I'd like to just quote from the government's own special places document, 1995, which indicates:

Reputation is important. The reputation of this province -- already known nationally and internationally for its diverse beauty and rugged individuality -- is important to its future. Special Places 2000 will help strengthen Alberta's standing in the international community on this new front, which can only lead to new and exciting opportunities for Albertans.

If I can leave the Assembly with some thoughts to think of, why would we take that reputation and throw it out the window? When we have had former ministers of the environment who did provide for this foresight in the putting together of Special Places 2000 and ensuring that our natural heritage remained intact, why now do we have a minister of environment that is ensuring just the opposite? Why do we see the great potential we have for the development of tourism, for the development of ecotourism thrown out the window as well?

If, in fact, the government can provide some answers to those questions then perhaps the groups that are so concerned may have some of their concerns alleviated. My guess is that at this point in time there is a concerted effort to ensure that our special places are



anything but special in this province, and I believe there are individuals who are now recognizing that this government cannot be counted on to maintain our reputation in the area of our wilderness areas. The requirement will be to ensure that this act does not pass in its current form for it will be too late to save our special places if it does pass as now outlined.

Thank you.

9:30

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

THE SPEAKER: A point of order.

#### Point of Order Tabling Documents

MR. DICKSON: Mr. Speaker, I cite Standing Order 2 and page 389 in *Erskine May*. My concern is this. There is apparently a document. The last two speakers, the Member for Edmonton-Mill Woods and the Member for Edmonton-Meadowlark, have both identified a document that they feel they ought to have access to. The provision I'm referring to in *Erskine May* is at page 389 where it says:

It is the responsibility of the Government and not of the Chair to see that documents which may be relevant to debates are laid before the House and are available to Members. It is not for the Chair to decide what documents are relevant.

But I'd just quote further.

However, the Speaker has accepted the recommendation of the House of Commons (Services) Committee that a department should supply to the library in advance a list of all older papers which appear relevant to a forthcoming debate, and has accepted a motion for the adjournment of the debate where this did not appear to have been done.

Now, to try and tie that to the facts of what we're debating now, Mr. Speaker, we had the Minister of Environmental Protection say on page 283 -- this is on March 2 -- in moving second reading: "We have listened to Albertans. This legislation is an example of my ministry's commitment to consult with stakeholders and the public." And he went on to say at page 283: "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."

What I understand has happened is this. In March of 1997 the minister's office put out a policy document for public feedback. He's told us that there were 2,000 information packages that went out. What we have seen is a heavily edited summary draft -- I had it here a moment ago -- dated February 1999. Now, if in fact this act "reflects," in the minister's words, "the will and vision of Albertans" and if "the public input provided valuable improvements to the bill," it would be my respectful submission that the statistical analysis that has been done by the minister's department -- I notice he didn't take any objection when both of my colleagues referred to this report and said they felt it was important they have access to it. My respectful submission would be that so this can be a fully informed debate and since the bill is represented to be a reflection of all of this public input, it seems appropriate that the minister, before we proceed further at second reading, should provide us with the statistical report that his department has prepared analyzing the public responses.

The one document that I've seen has no statistical information. So if we're dealing with what Albertans told the minister through his public consultation, shouldn't we know how many of the 200 consultants wanted this provision and how many did not want that provision? It seems to me that that's essential material for all members to have, not just opposition members, so that we can speak to this bill. I submit that because the minister has gone to such pains

to say that the bill is a reflection of public input he had received, surely all members in this Assembly ought to be able to see what that public input is.

My request would be -- Mr. Speaker, this is perhaps somewhat unconventional, but I think there's good reason why *Erskine May* requires that appropriate documents be put before the Assembly, and it seems to me, with respect, that this would be such an appropriate document.

So that's the point of order I wanted to raise. Thanks very much.

MR. HANCOCK: Mr. Speaker, this shouldn't be discussed in the House here. This should be discussed on *David Letterman* under silly Opposition House Leader tricks.

This bill was introduced in the House -- what? -- two weeks ago. Any requests for documents that the members might have wanted to make should have been made. I've made a commitment to the Opposition House Leader that we'll put bills on the Order Paper as soon as they're available. We don't bring them up for debate until they've had an opportunity to look at them, if the schedule at all allows that. That's the commitment that I made to the Opposition House Leader.

This bill has been on the Order Paper for -- what? -- two weeks, virtually one of the early bills introduced in the House. We haven't even debated it. It hasn't been on the Order Paper for debate much. This is probably the second night of debate on the bill. The purpose for that is because we understood that the opposition wanted to have a good look at this bill. It's a significant bill, and it's of significant importance to Albertans, and the opposition should have had time to look at the bill and raise questions for debate. Have they asked the minister responsible for any documentation? No.

Mr. Speaker, to rise in the House and say that it's essential to have all the public consultation documents before they can debate the issue in the House -- every single piece of legislation that this government brings to this House is brought to this House after there has been public consultation. Usually there's been public consultation before we get into the concept of the bill, then there's public consultation after the concept of the bill, then there's usually public consultation after the drafting of the bill. Certainly in a bill of this nature with respect to such a significant issue the public consultation has been long and significant. This bill has been public knowledge for well over a year, two years.

So to raise a point of order on an issue of this nature at this time with no advance notice and without even having asked for the documents ahead of time, as I say, it would be better brought up on *David Letterman*.

THE SPEAKER: Well, the chair really loves this job.

Hon. members may remind themselves that Standing Order 2 deals with decorum in the House and with providing for situations presumably unprovided for. In fact Standing Order 2 says:

In all contingencies unprovided for, the question shall be decided by the Speaker and, in making a ruling, the Speaker shall base any decision on the usages and precedents of the Assembly and on parliamentary tradition.

It's interesting as well that *Erskine May*, the 22nd edition, on page 389, which the hon. Member for Calgary-Buffalo so eloquently quotes from, certainly does deal with "Responsibility for the laying of documents." But, hon. members, is this really a contingency "unprovided for"?

I would direct hon. members to *Beauchesne* 495(3). If a document is "referred to but not cited or quoted" from, it "need not be tabled." Quite frankly, *Erskine May* goes on to say much the same on page 388.

The chair has been listening very, very attentively, particularly to the last several speakers. Certainly there were some references to some documents, but it's not for the chair here to decide what documents are relative.

The chair quite enjoys these interjections, particularly when they come at this point in the evening and spark some interest among all, and would like to commend all hon. colleagues for dealing with these matters and would like to remind all hon. colleagues, too, that the chair, too, reads these books, oftentimes outside of the House, sometimes even on Saturday mornings, just in anticipation, and quite looks forward to these interventions periodically.

Hon. member, would you kindly continue.

### Debate Continued

MR. GIBBONS: Thank you, Mr. Speaker. I guess it has to be my turn to speak on this one. Thank you.

In reading through the bill . . .

AN HON. MEMBER: Ed, you never read it. Come on.

9:40

MR. GIBBONS: But I do find interesting reading clippings from the *Herald* or the *Globe and Mail*, an excellent source.

In reading through the bill, it appears that there is a combination of three pieces of legislation that creates new classifications for the protection of the areas. This combined legislation will revise the three pieces of legislation and currently designates seven different types of parks and protected areas. The legislation now will repeal the Provincial Parks Act. In the classification under that one are provincial parks, wildland parks, and recreation areas. Under the wilderness legislation the three different protected areas are the Wilderness Areas, Ecological Reserves and Natural Areas Act and the Willmore Wilderness Park Act.

According to the minister the Natural Heritage Act brings our protected areas legislation up to date, making it more user friendly and enhancing the provincial network and sites. We're building a long-term management system for all that has been affected by legislation -- enforceable regulations and clear policy directions. There will be some changes to the type of protected areas with the new classification of systems consisting of the five classes: ecological reserves, wildland parks, provincial parks, heritage rangeland -- an entirely new classification, by the way -- and recreation areas. What this actually does is reduce the degree of legislative protection provided to current wilderness areas and leaves four more decisions about the use of the management plan, policy, and regulations.

The bill has no plan for phasing out existing dispositions in the protected areas and even allows for a renewal. The legislation protects the Willmore wilderness park, and three wilderness areas will be reduced in area. My concern is that the degree of protection will be in many cases dependent on the site-specific management plan and the regulations, not the legislation.

As I'm going through this, I'm seeing different items in here. There is need to revise the legislation as each piece of legislation was developed in relative isolation. That is quite concerning. Many of the management guidelines relating to the appropriate activities are left to the regulations. There's a confusion as to what is allowed at a particular type of site.

Strong legislation is needed to ensure adequate protection for places designated under the government's special places program. It should be noted that special places have been designed under all categories of the present legislation so that they have different levels of protection. This will continue, but many believe that there should be no industrial development in protected areas. That is not guaranteed under the legislation.

Bill 15 has some serious problems, and going through it, the bill has a preamble that sets out the purpose: to "sustain Alberta's biological diversity." This is a goal of the special places program. The problem is that the legislation has so many flaws that they won't be able to set any goals. Number one would be: looking at industrial activities; that is, disposition of resources, extractions, seismic lines, railway lines, pipelines, corridors, dams, and other major water managements. Timber quotas will be allowed to continue in protected areas. Current dispositions are not affected by this bill.

Under industrial activities: honouring existing resources commitment. This is a major concern. Is there an update? The government states that the majority view government's existing resources commitment as being incompatible with purposes of protecting protected areas. The government ignores their wishes and states that the existing policy will be maintained. The bill enshrines that all previously existing industrial commitments will be honoured regardless of the ecological values of the site. At present the government allows oil sands and gas wells in provincial parks and wildland parks. Thus oil and gas activities have continued, and new operations have even started in the wildland parks; for example, Fort Assiniboine and the natural area of Rumsey after they had been designated under the special places program.

The boundaries of protected areas are not safe. There are provisions for land to be removed from ecological reserves, wildland parks, provincial parks, and heritage rangelands and even for the designation to be canceled, provided an equivalent amount of land of equal or higher quality is substituted. This means that the protected areas do not have definite boundaries. The government can remove areas for industrial dispositions, logging, et cetera, if they wish. It will be possible to create townsites, cottage subdivisions, commercial and tourism facilities in provincial parks. Is this what we're looking for? Is this one of the items that we want to be able to manoeuvre and shove aside?

Only ecological reserves will be legally protected from camping, the lighting of fires, travel, cycling, horse-riding, boating. Hunting will be allowed in ecological areas where necessary to control wildlife population, as it is at the present.

Looking at different items of recreation, cycling, as in mountain bikes, will be permitted in wildland parks on established routes or trails and at a location where they are permitted and so on. This is one item that is going to be permitted in Willmore and three other wilderness areas unless prohibited by policies. I hope that this is going to be well protected and that we're looking at conserving these areas.

Park rangers will no longer exist as a separate category. Their task will be taken over by conservation officers, who could include wildlife officers and so on. The debate should be, in this actual bill, focused on deficiencies, of which there are plenty. More insights into the deficiencies and the ways in which the government has in some cases ignored public input on natural heritage throughout the next sections of the bill. Does the government still intend to allow so-called protection of areas under legislation such as the Public Lands Act and the Forests Act? This is obviously not clear in the current bill. Forest land use zones under the Forests Act may be satisfactory for designating areas for the use of ATVs, but there are not stringent enough rules to provide protection.

Under reclassification of existing sites it is important to note that a component did not favour existing protected areas being downgraded so they provide less protection.

Heritage rangeland. The heritage rangeland classification could be valued as a new category. It should be recognized that ranching is an acceptable use of parkland and ranchland, which is one of the things that we're looking at. The member from the opposite side is

looking at grazing land in the upcoming items this spring.

Natural areas is another area. The loss of natural area classifications, provided the reclassification of each area is truly based on scientific values -- certainly the natural areas classifications provided relatively little protection in the past.

Sites redesignated and ecological areas will receive better protection than what there's been in the past, but how will the sites be moved into this category? Designation of recreation areas may be satisfactory if there is adequate management control to prevent destruction of the area by off-highway vehicles.

9:50

Roles of protected areas in tourism. This is very, very important to a lot of people, as they hope that tourism is going to be the one item that's going to change within the next year with the present government. We from this side would like to see an endorsement of protection a first priority approach. However, maybe this economic motive -- ecoterrorism will be the best way of encouraging the need for the protection of the government.

We had concerns earlier on, just prior to me talking, and it's interesting when they say that everybody is being interviewed, that they've talked to all the different segments of Albertans. We have a clipping out of a paper from January 13, 1999, from the *Globe and Mail*, and they have a lot of concerns. They had a meeting with the Premier and the minister, and I think this is one item that should be brought in and talked about throughout this whole bill.

At this time, Mr. Speaker, I'm going to take my leave and sit down.

SOME HON. MEMBERS: Question.

THE SPEAKER: I was going to recognize the hon. Member for Edmonton-Norwood.

MS OLSEN: Thank you, Mr. Speaker. I'd like to take a few moments to speak to this bill. I have a number of concerns. In fact, this bill reminds me somewhat of Bill 37. Says one thing; does another. Implies one thing, coming in the back door to do something totally different from the intended or what the communications message is supposed to be out there. So again we have government spin doctors trying to pass off a piece of legislation, another one of those pieces of legislation in disguise. That's my first concern, and when I look at the fact that the government has stated that it consulted with the public, well, I would wonder what those consultations were, because we understand and we can see from here that the hon. minister . . .

MR. MacDONALD: You're driving him away, Sue.

MS OLSEN: I know he's not interested, but the hon. minister obviously has not put on the table who he has consulted with or any of his reports and documents that might relate to this particular debate. So I would challenge that minister. I would challenge that minister to provide for this Assembly, so we can have informed debate, all of the documentation and reports that he consulted and that his department consulted in order to put this piece of legislation together. I think that is the responsible thing to do, because this is a huge change in the way government is going to do business in environmental protection.

I think if in fact we're going to see oil and gas wells, logging, pipelines, and those kinds of things intruding in the special places and pristine areas, then we have to find out how that decision was arrived at. It's very obvious from the amount of feedback we're

getting on this side of the House -- and I know that the Premier and the minister are getting the same feedback on that side of the House -- that there is a lot of concern from constituent groups out there. I'm not going to call these groups special interest groups. The government may want to call them special interest groups, but they're constituency groups that have a right to be listened to.

When we have professionals and we have those folks from the Alberta Wilderness Association saying that this piece of legislation is retrogressive, then we maybe have to listen to those points of view and we have to reflect their concerns in the legislation. I don't see that that is occurring. As a result of that, I would hesitate to want to support something where we can't see the big picture, and the big picture is what has to be seen.

If you listened to my hon. colleague from Edmonton-Mill Woods, he talked about other environments and states around the world where the environmental situation, the park situation, all of those kinds of issues are a huge problem. Where you don't have pristine areas, where pollution is in every ounce of water that exists, where you can't see a blue sky because of the pollution: I think those are really critical issues to deal with, and I don't think we ever want to get to that state in this province.

I'd like to reflect a little bit on the oil and gas industry. I had the opportunity to work for Nova Corporation for two and a half years, and I quite enjoyed that job. That job took me all over the province. I dealt with folks from High Level and Rainbow Lake to Cardston and the border. All of my work was focused around the Alberta gas transmission industry, of course Nova at that time being the only company that transported natural gas in this province. I enjoyed working for that company, and one of the things that always struck me is how community minded they were, how environmentally concerned they were. They were, in my view, one of the good corporate citizens of this province. When I went out to the facilities, I was involved as an adviser to the loss prevention and risk assessment group within Nova Corporation, and every one of our facilities had a scoring. They had to meet certain tests. But I can tell you that not every facility of every other company in this province met those tests. I challenge members of this government to travel those roads and to look at those particular facilities, and you will observe that . . .

#### Speaker's Ruling Relevance

THE SPEAKER: Hon. member, please. The subject at hand is Bill 15, not an endorsement of Nova. Please, hon. member, not an endorsement of Nova Corporation. Please, the bill.

MS OLSEN: Yes, sir. I'm getting right back to that bill.

#### Debate Continued

MS OLSEN: I draw attention to that because I want to focus on some of the industry folks, who in fact have quite a significant role in our environmental protection world. So I have some firsthand experience, Mr. Speaker, and I think that's important. When I say that we need to go and see what's out there and see where our natural gas pipelines and our oil pipelines are flowing and how close they are to park borders and those significant issues, we have to look at that. We have to say: how does that impact our environment and environment protection?

That's part of the problem with this particular act, in that we're looking at pristine environments and we have a very interesting background in natural resources in this province, and it plays a very significant role. We also have to understand that people are calling

for no industrial development in protected areas. What we want is to ensure that those areas that are protected don't fall victim to that kind of development. So I think it's all relevant; it's all important.

We know that our hon. member has made submissions on the proposed bill, and I'm not sure that those were taken and shared in the development of this bill.

10:00

The other thing that we have to look at is the natural habitat, and I think the hon. Member for Edmonton-Ellerslie spoke to that in other discussions. It's not just about the places. It's about the habitat. It's about what exists there now. It's about protecting what's there. We're not seeing that that's happening in this particular piece of legislation.

We talk about zoning and a special-use zone where we're going to be able to create townsites and cottage subdivisions and commercial tours and facilities in provincial parks. We talk about zoning. Well, we just have to look around the city and look at all the urban sprawl that's occurred here. What's going to happen out in those areas? The hon. minister is shaking his head, and he's shaking it in disbelief, Mr. Speaker. But we've already seen what's happened. So when is the province going to stand up and say: "You know what? These are important areas. This is an important issue to deal with?"

I'm concerned about the fact that this bill will allow a director to authorize improvements in wildland parks, provincial parks, heritage rangeland, and recreation areas. Well, what is an improvement? Is an improvement an enhancement in terms of buildings, facilities? What exactly does the government mean by improvement? Is it to make it better by commercializing? Those are discussions that I think the minister owes to this Assembly and to Albertans. Tell us what you really mean by that, Mr. Minister, when you lay that out.

We're also concerned about ecological reserves. Will they be legally protected from camping, from travel, from those kinds of things? I know my hon. colleague from Edmonton-Manning spoke about allowing cycling in certain areas that are pristine areas. Quite frankly, Mr. Speaker, I enjoy cycling on the trails. It's an activity that I can do with my son. We go on our bikes, go camping. We really enjoy that. But I don't want to do that at the cost of the environment. I don't want to do that at the cost of interfering with the natural environment in protected areas. I don't think there are a lot of folks who are mountain bikers who do in fact want to impact the natural habitat, the way things are in the environment. So I'm concerned that these kinds of things will be allowed.

Powerboating. We know already what the impact is of powerboats on lakes and what it's done in terms of pollution to lakes and rivers already, and here we are, Mr. Speaker. We're going to allow that to occur in areas where it is currently prohibited. Hunting. Cycling I spoke about. Off-highway vehicles. There's another issue. Snowmobiles and other off-highway vehicles will be allowed in wildland parks. That concerns me because there's a lot of destruction and damage that occurs as a result of that. So I am not convinced, Mr. Speaker, that the hon. minister has done all he can to ensure that these areas will in fact be protected.

I'm kind of taken aback by the fact that the issues being raised are from the opposition. Those folks who live in and represent areas that have parks and special places environments in them -- I would like to see some discussion and debate from their perspective and what exactly the constituents in those areas are saying. I think that would help us understand the issue a little more.

Mr. Speaker, in light of the hour I will end my debate. I will pick it up again in Committee of the Whole, and hopefully the hon. minister will be as attentive then as he is now.

I'd like to adjourn the debate, Mr. Speaker.

THE SPEAKER: Having heard the motion put forward by the hon. Member for Edmonton-Norwood to adjourn the debate, does the Assembly agree with the motion?

SOME HON. MEMBERS: Agreed.

THE SPEAKER: Opposed?

SOME HON. MEMBERS: No.

THE SPEAKER: Carry on, hon. member.

SOME HON. MEMBERS: Question.

THE SPEAKER: The hon. Minister of Environmental Protection to close debate.

MR. LUND: Thank you, Mr. Speaker. There have been a number of questions raised by the opposition, and when we get into committee, we will deal with those questions. I would urge the hon. members to read the act. Don't just read what your researchers are writing and what has been sent in by the special-interest groups. Read the act. Please do that. I've offered to help the members understand the bill, but they won't accept my offer. So I guess we're going to have to just go through this, and we'll deal with it in committee.

I move second reading of Bill 15.

THE SPEAKER: The hon. Minister of Environmental Protection has moved second reading of Bill 15, the Natural Heritage Act. Does the Assembly agree to the motion for second reading? All in favour?

SOME HON. MEMBERS: Agreed.

THE SPEAKER: Opposed?

SOME HON. MEMBERS: No.

THE SPEAKER: The motion is carried.

[Several members rose calling for a division. The division bell was rung at 10:07 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[The Speaker in the chair]

For the motion:

Amery	Dunford	Lund
Boutilier	Fischer	Mar
Broda	Fritz	Marz
Calahasen	Haley	Nelson
Cao	Hancock	Pham
Cardinal	Hlady	Renner
Clegg	Langevin	Shariff
Coutts	Lougheed	Stevens
Doerksen		

Against the motion:

Dickson	MacDonald	Olsen
Gibbons	Massey	Sloan
Leibovici	Nicol	

Totals:	For -- 25	Against -- 8
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[Motion carried; Bill 15 read a second time]

[The Speaker in the chair]

THE SPEAKER: The hon. Government House Leader.

For the motion:

MR. HANCOCK: Mr. Speaker, I move that we adjourn until 1:30 p.m. tomorrow.

Amery	Dunford	Lund
Boutilier	Fischer	Mar
Broda	Fritz	Marz
Calahasen	Haley	Nelson
Cao	Hancock	Pham
Cardinal	Hlady	Renner
Clegg	Langevin	Shariff
Coutts	Lougheed	Stevens
Doerksen		

THE SPEAKER: Those hon. members in favour of the adjournment motion, please say aye.

SOME HON. MEMBERS: Aye.

THE SPEAKER: Opposed, please say no.

Against the motion:

SOME HON. MEMBERS: No.

Dickson	MacDonald	Olsen
Gibbons	Massey	Sloan
Leibovici	Nicol	

THE SPEAKER: The motion is carried.

[Several members rose calling for a division. The division bell was rung at 10:20 p.m.]

Totals: For -- 25 Against -- 8

[Ten minutes having elapsed, the Assembly divided]

[Motion carried]

[At 10:32 p.m. the Assembly adjourned to Thursday at 1:30 p.m.]

