

Legislative Assembly of Alberta

Title: **Tuesday, May 18, 1999** 8:00 p.m.

Date: 99/05/18

[The Speaker in the chair]

THE SPEAKER: Please be seated.

May we revert to Introduction of Guests briefly?

HON. MEMBERS: Agreed.

THE SPEAKER: The hon. Member for Highwood.

head: Introduction of Guests

MR. TANNAS: Thank you. Mr. Speaker, I'm pleased this evening to introduce to you and through you to members of the Assembly a friend of our page, who's here on her last day. The friend is a student at Archbishop Jordan high school in Sherwood Park. I'd ask Karin Kossowan to please stand and receive the warm traditional welcome of the Assembly.

head: Government Bills and Orders

head: Third Reading

Bill 22 Health Professions Act

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

MS LEIBOVICI: Thank you, Mr. Speaker. I rise today to speak in third reading of Bill 22, the Health Professions Act. We've had a fair amount of debate in the Legislative Assembly around this particular bill that was introduced. Last night, as a matter of fact, we introduced 16 amendments to try and make the bill better in order to be able to meet the demands of the various professions that are included under this particular bill.

For those who are perhaps unaware of what this bill sets out to do, it amalgamates 30 professional acts that deal with health care professions, amalgamates those 30 acts into one umbrella act. Attached to that umbrella piece of legislation are various schedules that deal with individual professional groups – for instance, nurses, physicians within this province, paramedics, physiotherapists, psychologists, pharmacists – that are addressed within this particular piece of legislation. The list is actually quite extensive.

What we've seen in the progress with regard to this particular bill is the fact that because it is a difficult piece of legislation, there were concerns even during the course of this legislative sitting with regards to particular schedules and how those schedules would affect the workings of particular professions. For instance, with regards to the schedule of paramedics, the municipalities that had integrated fire departments in fact realized, because they had not been consulted throughout the development of Bill 22, that implementation of this piece of legislation would mean there would be additional costs to the taxpayer, as well as an inability of firefighters and other individuals within the fire department and/or volunteers to perform certain activities.

[Mrs. Gordon in the chair]

What occurred was that the government recognized there was an oversight with regards to the legislation and in fact provided an addendum to that particular schedule. What we also saw was a huge concern from the Association of Registered Nurses with regards to

restricted activities. In fact, what we did see again was an amendment brought forward by the government that indicated that the restricted activities could not be performed by unregulated professionals, and while the wording is not perfect, Madam Speaker, it was acceptable to the Association of Registered Nurses.

What we also saw under this piece of legislation was a particular group with respect to psychologists brought forward by the Psychologists Association as well as a group of independent practitioners. In fact, even the College of Psychologists indicated there were problems with the wording of the bill and potential problems with implementation.

All in all, Madam Speaker, comments the Official Opposition have received with regards to Bill 22 were that the legislation is cumbersome. The legislation can in effect have an impact on the ability of various colleges to regulate their profession. The legislation, because of its cumbersomeness and wording within the Health Professions Act, may be difficult to interpret and may be costly to individual professional groups as well in terms of that interpretation. There have also been comments made about the cost to the individual professions for providing and implementing the legislation as it now stands.

I think the saving grace in a sense for this particular piece of legislation is the fact that it has undergone a lengthy process of consultation with the 30 groups. In fact, not everyone is satisfied. However, I believe there has been, from my understanding from the professional groups we have talked with, some goodwill built between the government and the professional groups. There is a hope and a desire by the professional groups that in fact that goodwill and that willingness to bring together the professions will continue as the individual schedules are approved by the government.

There are, I believe, numerous areas where interpretation will have to occur with regards to the omnibus part of the bill. There may well be challenges to the government with regards to the interpretation of certain sections within the bill, as well as some strife amongst the individual associations as they try to come together to understand the exact impact of the bill as it now stands.

As I indicated, the amount of consultation has been fairly intensive. I believe that towards the end, given the push to bring this piece of legislation forward into the Legislative Assembly, consultation right at the end was curtailed. As a result, we have some of the difficulties that we saw within the legislation as it was proposed. Some of those have been addressed through amendments that have been brought forward either by the government or, as well, by the Official Opposition. Some have not been addressed but hopefully can be addressed in the approval of the schedules of each profession.

The most important part, perhaps, that was not addressed specifically within the bill – and it is hoped the government will look at addressing this particular issue – is the role that unregulated individuals play in providing health services to Albertans. This is an extremely important issue that I believe needs to be addressed in a systemic and a systematic way, and it should not be left to chance as to what the roles of the unregulated individuals are within this province in terms of providing health care.

When the nurses brought forward their concern around restricted activities and the potential of the wording in the act to allow unregulated individuals to perform restricted activities, we saw that in fact that issue was not addressed within the legislation, so that needs to be looked at.

8:10

Another important point which I believe the government overlooked in terms of Bill 22 was an amendment that was brought

forward by the Official Opposition that would in fact have closed the door to private, for-profit hospitals in this province, unlike the amendment that was brought forward by the New Democrat opposition, which would only have dealt with overnight stays in facilities that provide treatment or diagnosis. That, Madam Speaker, is very different from closing the door to private, for-profit hospitals, as the amendment from the Official Opposition would have done had the government, in their wisdom, seen fit to approve that particular amendment.

The reason put forward by the Member for Medicine Hat was that the intent of this legislation was not to deal with private, for-profit hospitals, and I recognize that that was not the intent of this member in bringing forward Bill 22. However, I believe the government could have taken the opportunity to address the issue at this point in time. The government has once again decided not to address the issue of private, for-profit hospitals. But given that we have provided a solution to, it seems, a difficult position that the government finds itself in with regards to finding the appropriate wording to ban private, for-profit hospitals in this province, it should be very simple for the government to bring forward as quickly as possible an amendment to schedule 21 under the Health Professions Act, which is the schedule that deals with the professions of physicians, surgeons, osteopaths, and podiatrists, in order to shut the door so that the College of Physicians and Surgeons would in fact not feel they are put into a corner with regards to having to make standards for private hospitals.

I believe it is misleading to continue to talk about overnight nonhospital surgical facilities. In fact, that is not what the issue is in the province at this point in time, nor should it be. What it should be is the issue of private hospitals and private, for-profit hospitals and the willingness and the political will on behalf of the government to shut the door wherever there is an opening. That opening has been shown by the Official Opposition in terms of the College of Physicians and Surgeons, and the way to close that door has also been shown.

So it would have been a very simple matter to do. Unfortunately, the government chose once again to turn its back on all those Albertans who have indicated time and time again, no matter what consultation is looked at, that they want to see a public health care system in this province that's properly funded, that's maintained and sustained, and that is not attacked by private, for-profit forces in the future.

Again, this would have been, I believe, an important inclusion in this particular bill. It could well have changed the nature of discussion around the province around the issue of public health care and whether or not the government is committed to maintaining public health care within this province. But again, as I indicated earlier, the government decided not to accept that amendment. It is unfortunate, and we hope that in the very near future there will be an amendment forthcoming to close the loophole that is within the legislation as I read it now and as the College of Physicians and Surgeons has chosen – and I emphasize the word “chosen” – to interpret it in its most recent deliberations.

The bill itself will be interesting to watch as it unfolds over the next year, year and a half. It will be interesting to see how the various colleges and associations within the professions come to agreement as to what their regulations and bylaws and code of ethics should be. It has been my suggestion that in areas where there is conflict – and we know that in some professions there is conflict – between the college and the association, what might be looked at by the Minister of Labour in conjunction with the Minister of Health is perhaps the appointment of a mediator to sit with the two parties, an association and the college, and come to some kind of agreement as

to the process by which the regulations, bylaws, and code of ethics would in fact be put in place.

The other point I wish to make with regards to this particular act – and I believe credit should go where credit is due – is the willingness of the Member for Medicine Hat to hear what the concerns were of groups who came forward at a late hour to try and deal with the impact that Bill 22 would have on their particular professions. For whatever reason, those were issues that came up at a very late time in terms of the introduction of the bill in the Legislative Assembly. It is to that member's credit that he did try and in the majority of cases did address the issues that were brought forward by the various groups. I know, however, that this will be a challenge to implement in the future.

There is concern still that remains around Bill 22 and its impact on the professions, and the membership needs to be consulted in terms of what that impact is. It would be helpful, I believe, if the Minister of Health or the Member for Medicine Hat would outline a process that the professional groups would need to follow in order to ensure that the bylaws and regulations and code of ethics are in fact implemented in accordance with the wishes of the membership and the needs of the public in terms of public protection. This is a very necessary next step, that I don't believe has been put in place yet but which needs to be put in place so there is a template that organizations can look at as to how they would in fact become approved under Bill 22, a template that is adaptable to the needs of each organization but in fact provides a process that could be followed so there is no doubt that organizations are reflecting what the needs are of both the membership as well as the public they are set up serve.

It would also be useful to know if at any point the government is prepared to provide any monetary assistance to some of the organizations that will in fact have to incur extra costs as a result of putting the organization in place.

The Bill is a massive one that, as I indicated, has incurred much discussion and has many elements to it. The most important element is yet to come in terms of its implementation, and the Official Opposition will be watching closely and is willing to advocate on behalf of any of the groups that may feel they are not being listened to in terms of the implementation of this particular piece of legislation.

8:20

With those words, Madam Speaker, I will take my seat and ensure that if there are any other members that wish to comment on this piece of legislation, they have the opportunity as well. I'm looking forward to what the government's next move will be with regards to ensuring that private, for-profit hospitals are banned in this province as well as ensuring that restricted activities remain as restricted activities and that there are no loopholes in the legislation that would be able to be used for restricted activities by nonregulated members.

Thank you.

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

DR. PANNU: Thank you, Madam Speaker. I also want to speak at third reading of Bill 22 on a couple of matters that continue to concern me about the bill. Before I do that, I want to certainly thank the Member for Medicine Hat for the considerable amount of effort he's put into putting this bill together. It's a complex piece of legislation, and his effort in working with all these professional groups to bring this bill to this stage I think needs to be commended.

I have primarily two concerns, Madam Speaker. One has to do with section 21 of the bill that deals with professional physicians,

surgeons, et cetera. My concern has simply reflected a very widespread concern in this province that the current legislation allows the College of Physicians and Surgeons to allow the development of private, for-profit hospitals in the province. The concern, as I said, is very, very widespread among Albertans. The amendment that I moved last night on behalf of the leader of the New Democrats, the hon. Member for Edmonton-Highlands, was an attempt to address that widespread concern and to assure Albertans that given there's no other legislation that can prevent the College of Physicians and Surgeons at this stage from allowing the development of private, for-profit hospitals, this amendment would serve the purpose of preventing the college from doing what only this Assembly should be able to do.

Whatever that decision is - that is, of the Assembly - whether to permit or to prevent the development of private, for-profit hospitals, my party's position, of course, is that such development must be prevented, must not be allowed to take place.

So I'm disappointed that the amendment we proposed last night to section 21 was not acceptable to the member who sponsored the bill. I would have thought it was a reasonable amendment and would have taken care of the widespread concerns Albertans have with respect to the prospect of the development of private, for-profit hospitals, which could occur simply because the college has certain powers that allow things to proceed in that direction.

My second concern, Madam Speaker, pertains to schedule 22, which deals with professional psychologists. Here again I was disappointed last night that in spite of the fact that a fairly large number of amendments were introduced by my colleague from Edmonton-Meadowlark, none of those amendments received the approval of the Assembly, thereby creating the impression among a fairly substantial number of psychologists that the Assembly doesn't share the fears this group has with respect to what they consider the sanctioning by the provisions of this bill of the development of oligarchic power in the professions.

The development of oligarchies in professions is not a new problem. Anyone who has studied the development of professions in this century knows that since professions represent monopolies of skill and they seek public sanction in order to practise in this monopoly situation, unless specific measures are taken, the councils of the assemblies or the leadership groups can develop into a closed oligarchy, thereby making the organization self-serving, undemocratic, and often unaccountable to its own members as well as to members of the public and to the clients, in particular, that the members of professions are obliged to serve.

So I was disappointed that the sponsor of the bill didn't see much reason to accept some of those amendments that were made last night to dilute, at least, the possibility or tendency that's built into the bill towards the sanctioning of the growth of this oligarchic power at the top of these professions. I had heard from a fair number of psychologists, including some who are my own constituents, who had these concerns. These are well-meaning practitioners whose primary concern is that they should be able to provide services which meet the specific and unique needs of their clients without having to feel they will be coerced by rules and regulations and bylaws in the making of which they had very little say and voice. However, the attempted changes to the bill were not successful last night.

In light of these two serious problems with the bill - schedule 21, which would now still allow the College of Physicians and Surgeons to go ahead and develop accreditation standards and use those in order to allow so-called nonhospital surgical facilities to develop in this province, which, I think, for the right reasons even the blue-ribbon panel called nothing less than hospitals, and the fact that schedule 22 is flawed in the direction of allowing oligarchic control

and power to develop in that particular organization - I would find it difficult to support the bill.

Thank you, Madam Speaker.

THE ACTING SPEAKER: The hon. Member for Medicine Hat to conclude debate.

MR. RENNER: Thank you, Madam Speaker. I just have some very brief comments. As my colleagues have reminded me repeatedly as we've dealt with this bill, I've had more than enough to say on the bill, so further debate from my part is probably not necessary.

I would like to acknowledge, however, the tremendous amount of support and work by the various health professions in the development of this bill. I mentioned earlier that this bill has really been five years in the making, and literally thousands and thousands of hours of time on the part of all the various professions, the colleges, the associations, and the individual members have gone into this bill and not a small amount of financial resources on the part of each of the professions as well as they have sought technical expertise in their submissions throughout the process. So I want to acknowledge the support of the professions, and I want to also acknowledge the fact that throughout the consultation process they have always been more than willing to share their concerns, their suggestions with me and the rest of the staff that has been involved in the development of this bill.

8:30

I also want to acknowledge the tremendous professional staff in Alberta Labour and Alberta Health, who have worked diligently and put in many, many long hours, overtime hours, and weekends in the development of this bill, and finally, the folks in Alberta Justice, who have worked on the drafting. As you can well imagine, with so many different stakeholders the number of drafts that were required for this bill were incredible. So to all of those folks I give my sincere thanks and appreciation.

I call the question.

[Motion carried; Bill 22 read a third time]

Bill 23 Pharmacy and Drug Act

THE ACTING SPEAKER: The hon. Deputy Government House Leader or the Minister of Health.

The hon. Minister of Health.

MR. JONSON: The Minister of Health, yes. That is I.

Madam Speaker, I'd like to move third reading of Bill 23.

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

MR. DICKSON: Thanks very much, Madam Speaker. I was actually prepared to move it as a limited agent for the Minister of Health. The reason I'd be prepared to do that is this is a bill that the opposition has supported. We've had an opportunity to explore the contents of the bill, and we've appreciated the forthcoming explanation and clarification we've received from the bill's sponsor, from Banff-Cochrane. The Minister of Health is always co-operative.

This clearly is, as we said at second reading, a companion bill to Bill 22, and now that Bill 22 has passed, it's appropriate that this should receive similar disposition.

[Mr. Tannas in the chair]

I can't help, though, but make the observation, as we look at the progress on this bill, that I think it was May of 1998 when the discussion paper came out, that wended its way through the legislative process. Mr. Speaker, the Minister of Health is laughing at me. I've not been a teacher, so I'm perhaps afool of creating new words that aren't found in a dictionary, but he knows what I mean.

This is really the culmination of I think a significant process, and I think the bill is reasonably straightforward. But what I was about to say is that I cannot forgo, if you'll permit me, Mr. Speaker, the observation that we're missing one further companion piece. Just as this is a companion to Bill 22, I think back to Bill 218. Now, that's a bill that hasn't come up for debate yet. It's a bill sponsored by this member, and it has to do with a chronic disease prescription bill, a process to open up the provincial formulary and ensure that that expert committee gets some broader input.

Mr. Speaker, you may be wondering how this fits in terms of relevance with the bill in front of us. I was just going to make this observation at third reading, as I'm almost about to take my seat, that we see the government being very mindful of the challenges around prescription medication and how that is managed and how it's dispensed and so on. We're sort of dealing with, to use the language of my friend from Lethbridge-East, the economist, some of the downstream impacts. I'm also concerned about the upstream issue in terms of which medication, which drugs are put on the provincial formulary. I want to challenge the Minister of Health, now that he's addressed the downstream part of prescription drugs, to also pay some attention to how we can do what the province of Saskatchewan and some others have done, which is make sure that the provincial formulary process is opened up, is somewhat more transparent, is somewhat more responsive. I think then that would be a perfect companion to the bill that's about to pass here, in terms of Bill 23.

So thanks to the minister and the MLA for Banff-Cochrane for their explanation and their background material. The debate has been instructive. As I say, as we send this bill on to its great reward and the next stage, we are looking forward, perhaps even in the fall session, to the minister coming back and addressing the gap that still remains in this area dealing with the provincial formulary, the provincial expert committee. He and I have had discussions about this before. He's heard from many, many groups interested on this issue. I hope we deal with that.

Just one other concern. I keep going to sit down, Mr. Speaker, and I keep on thinking of other points. The other one is that we should be mindful, again, as we proceed to vote on this, that prescription drugs are the fastest rising element in our health budget. The Minister of Health is very mindful of that. Perhaps it's time for the provincial government to rethink their perhaps too hasty support of a couple of years ago when the brand-name drug manufacturers wanted extended patent protection. It was the government of Alberta, amazingly, this province, this provincial government, that lined up with the big brand-name drug manufacturers when I thought maybe they'd be anxious to support the development of generic drug manufacturers, because that's going to have a bigger impact in terms of that cost variable than almost anything else. Anyway, that's not really the Health minister's mandate as much as it is perhaps that of the Provincial Treasurer and so on.

Those are the observations I wanted to make. Congratulations to Banff-Cochrane. Thanks very much.

THE DEPUTY SPEAKER: Before we ask the hon. Minister of Health to close debate, I wonder if we might briefly revert to Introduction of Guests.

HON. MEMBERS: Agreed.

head: Introduction of Guests
(*reversion*)

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Meadowlark, please.

MS LEIBOVICI: Well, thank you, Mr. Speaker. It's with great pleasure this evening that I introduce Mr. Fred Powell, who is a constituent of Edmonton-Whitemud and has been a very keen observer in the last at least two weeks. He's been here, I think, every afternoon and every evening, just about, watching the goings-on in the Legislative Assembly. So if he would please rise and receive the warm welcome of the House.

Thank you.

head: Government Bills and Orders
head: Third Reading

Bill 23
Pharmacy and Drug Act
(*continued*)

THE DEPUTY SPEAKER: The hon. Minister of Health to close debate.

MR. JONSON: Mr. Speaker, just very briefly. First of all, I do wish to express appreciation to the Member for Banff-Cochrane for her work and sponsorship of this particular bill.

Since the Member for Calgary-Buffalo could not help but comment on a topic somewhat parallel to this legislation, I just want to say very briefly that the government is very mindful of the need to keep pharmaceutical products to a reasonable cost, and we want to make sure that they are beneficial to the patient as well as attainable in terms of payment.

I think the other thing, though, that we have to always keep in mind is that generic drug manufacturers do not have the major task of investing in the research and the development costs that go with the production of new and effective pharmaceutical products. I think that we, like every government across this country, wrestle with that particular issue, and we make a decision that we think is in the best interests of the best quality of health care in the future. We have a policy which is in place. We have an expert drug committee that examines the effectiveness and the research that goes with each of these products in a way where it's focused on the most benefit for the patient.

With that, Mr. Speaker, I will conclude debate on Bill 23.

[Motion carried; Bill 23 read a third time]

8:40 **Bill 31**
Agricultural Dispositions Statutes
Amendment Act, 1999

MR. THURBER: Mr. Speaker, I would just simply move third reading of Bill 31, the Agricultural Dispositions Statutes Amendment Act, 1999.

Thank you.

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

MS CARLSON: Thank you, Mr. Speaker. I'm happy to speak to third reading of the Agricultural Dispositions Statutes Amendment Act. We've seen some very interesting speeches here in the

Assembly on this bill, a number of members rising unexpectedly to speak to it the other night, and their comments were very interesting.

My comments are going to touch on a part of this bill that we haven't heard very much about yet. We've heard quite eloquently from Lethbridge-East about the government's ability and willingness to break a contract in this particular bill and how they set out to do this step-by-step, but what we haven't heard very much from is from the point of view of the public and the environment. There is a huge aspect here in terms of public access that has yet to be addressed in this bill, and I was hoping that through the course of the debate, in any of the stages, we would have heard some of that from government members, particularly from those members who sat on the committee, Mr. Speaker. But, sadly, that wasn't to be.

MR. DICKSON: Complete silence.

MS CARLSON: Yes. There's been silence, complete silence in that area.

MS BLAKEMAN: I talked about it.

MS CARLSON: From our side, yes. From members on this side of the House there was a great deal of concern raised about the issue of public access. But from the government side we didn't hear information about public access, and there are some concerns there.

Those concerns for me go back to the committee that toured the province asking for input on this bill, Mr. Speaker. I attended two of those public meetings, and I was very concerned about how some of the members of that committee addressed people who were making presentations to them who did not happen to be from the agricultural community. In many cases, in the two public meetings that I attended, they were treated with disdain. They were ignored, and some of the questions were quite rude. Some of that, then, ultimately gets reflected in this bill as we see it in the final analysis, and that for me raises some questions.

There is still a great deal of ambiguity about what will happen with public access in this bill. There are different interpretations of how that should be addressed. We've seen that in the courts, in Paton versus O.H. Ranch. I think that that's something that people need to reflect upon, that there are two points of view when you talk about public access on agricultural dispositions. It's something that needs to be talked about.

In this bill we have yet to see what is meant by classes of dispositions, in terms of whether there will be some dispositions where access is allowed and others where it will not be. Will the class determine the season of access? This is an issue for anyone who uses these public lands for recreational use. It's always a concern about how access will be defined and when it will be determined. Will we have geographical situations occurring? For instance, in northern Alberta we have circumstances where foot access can be permitted without permission in winter when there are no cattle on the land but not in southern Alberta, where cattle graze all year. So that becomes an issue for us that has not yet been addressed in this bill. I have watched closely, Mr. Speaker, through the different readings, and it hasn't happened.

The types of access have not yet been determined. There are many types of access: horseback; snowmobile, which one of my colleagues talked about in her discussions; foot access; and then who and how access by those people through the different types of access will be denied. That's the big question when it comes to grazing leases and the general public and how the environment is managed. Who can deny it? How can they deny it? What's the process that people who want access to the lands will have to go through?

In my reading of this bill so far it looks to me like anybody who's going to want to access these lands in the future as a member of the public is going to have to get written permission from the landowner. That's a problem, Mr. Speaker, because it isn't always possible to do that in a timely fashion, to know who the appropriate leaseholder is, or to get that permission in a timely fashion. It's the age-old dispute that we've seen on these leases forever, and this bill, which should have been the time to address it, is sadly remiss in that regard. So we're going to have lots of discussion about this between now and the time that the regulations are ready, over the debate of the regulations, and I'm sure thereafter, because this government does not seem to be able to take seriously these concerns.

As there is more pressure on grazing leases for public access, which is natural to happen over the course of the years as these public spaces become less accessible for other reasons, we're going to have increased pressure. This government had a wonderful opportunity to address it now, to lay out exactly what the game plan was going to be, what the rules were going to be and the process of access, whether it would be written or not, how long a leaseholder has to respond to the access request, what they're going to do in terms of conflicts. Conflicts are going to arise between people who want access and who either don't get it or think they didn't get it and for the leaseholders who think they got it. Is there going to be a formal process for dispute resolution in this case? Is there going to be an appeal process? These are all questions that haven't been answered.

We hear about these coming out in the regulations, but I have some concerns about that, Mr. Speaker. We saw during the public hearings how people who had public access concerns were treated. I would hope that they're not treated the same way when consideration is given to how these regulations are going to be written.

We don't even have a determination in this bill of what reasonable access is, Mr. Speaker. That in its first initial stage creates a problem. We don't know when these questions are going to be answered. They haven't been answered in debate in this Legislature during the time that this bill has been before the House. So we still need to know when they're going to happen. When are you going to get ranchers and the public together to discuss these issues so that the rules can be hammered out in a manner that is reasonable for all parties and so that the rules are very clear and the dispute mechanism and the appeal mechanism is very clear? Why would you want to go into another decade or two of confrontation? I just don't understand why the government would set themselves up for that kind of a possibility, and that's what's going to happen because through the legislation they have not addressed these issues in a significant way.

Now, there's been lots happening this spring in this Assembly, Mr. Speaker, and many people who are concerned about the environment have had their sights focused on Bill 15 for the spring session because that was the top priority, but when the session is over and the dust has settled, Bill 31 is going to be thoroughly reviewed. There's going to be a number of concerns about this from the perspective of public access. So I hope the government understands that and is going to be taking some steps in the near future to ensure that there is a process where those concerns can be heard and where a process can be established that will deal with them and that the regulations will be such that there won't be any reason for confrontation in terms of access on public grazing leases in this province.

If the government does not do this and they are remiss in their duties, they will be negligent in their duties, and they will deserve the dustup that happens in the fall when we get back into session. They had an opportunity. They had one in writing this bill; they

missed that. They had one during debate on this bill, and they missed that. Let's hope that over the recess when they have some more time, they can focus on righting these wrongs and ensure that the regulations lay out the game plan for now and in the future in such a way that we do not have to waste people's time and increase the level of confrontation in this province on grazing leases.

So with those few words I will take my seat and hope that the government will take a lead in the right direction on this in the near future.

8:50

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

DR. PANNU: Thank you, Mr. Speaker. I would like to take this opportunity to speak to Bill 31 in its third reading. I want at the outset to thank the Member for Drayton Valley-Calmar for doing an excellent job of bringing this bill forward, sponsoring it, and also for the work that he and his committee did as a prelude to the writing up of this bill. It's a good bill. It certainly needed some improvements. I want to just draw attention to some of the amendments that I brought forward last night in the spirit of improving the bill, which I said is already quite good.

The intention of the amendments was essentially threefold. One set of amendments had to do with the grandfathering provisions in the bill, and if my amendments had been accepted, that would have reduced the 10-year period of grandfathering to five years. I think that would have improved the bill, in my judgment and in the judgment of many Albertans, even further.

The second amendment had to do with ensuring public access and reducing the ability of the leaseholders to exercise what we can only call policing powers. I think that's a potentially problematic section of the bill. It could lead to all kinds of disputes. I hope it doesn't lead to unnecessary violence on occasion among parties that might challenge each other's right to use the bill to seek their way one way or another. So I have concerns about that.

I was reading the news release issued this morning I guess by the Minister of Agriculture, Food and Rural Development. The minister does promise in it that one of the matters that will be given careful attention – and I hope it will be open to public input by interested parties – is the issue of defining what is reasonable and unreasonable access and defining the types of access that will be available and the modalities through which permission for access can be received. It's a fairly complex matter, and I hope that the process of drawing up the regulations will be open and fair and public so that interested parties can see that their concerns are addressed and addressed appropriately.

The third set of amendments had to do with enhancing the ability of the minister to promote resource conservation and environmental protection. There's a section in the bill which certainly encourages the minister to engage in that. My amendment would have simply strengthened the obligation of the minister to carry out those responsibilities.

All these three amendments were deemed unacceptable last night by this House. I was disappointed that these amendments were not acceptable. However, the bill in its present form, if the regulations are drawn up sensitively and openly, I think should prove a good bill while we seek improvements.

The last point I want to make, Mr. Speaker, is that the minister's news release this morning was fairly detailed and extensive, and it I think allays many fears that have been entertained over the last week or two by some leaseholders and some ranchers with respect to how this bill might restrict their rights or might lead to an

expropriation. I think those concerns are unfounded, and the minister's background paper here, I think, very clearly shows why.

So with those comments, Mr. Speaker, I sit down and thank you for the opportunity.

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

DR. NICOL: Thank you, Mr. Speaker. Again it's a pleasure to rise and speak to Bill 31. As I said when we began debate in second reading on this bill, it is a bill that has been long awaited. It's a bill that had high expectations. The process that was carried out in leading up to the creation of the bill, the consultations, were kind of broadly participated in and a number of the issues that have been raised by the public over the last number of years – probably as long as I've been involved in agriculture, I've been hearing about the issues that are being addressed by this bill. They really come down to the basic idea of how we share public lands between a primary user under contract to the government and the public and then how we also deal with and share and develop a relationship between that primary user, the grazing leaseholder, and other intensive users of that land for alternative use, not in a public context but in a private context like mineral, like gravel pits, like some of the other mining and forestry or whatever activities.

I want to commend the Member for Drayton Valley-Calmar in terms of the openness and the process that he went through in trying to get input. His initial report released about a year ago – isn't that right? – was again then broadly circulated, and a number of significant changes were made because of the input and the reaction to some of those suggestions.

The final report came out in I think it was early November a year ago and basically outlined what the public was asking for. It outlined the need for a clearer definition of how we share these public lands between the private business users of those lands and the public as a public user of these lands for the multitude of activities that the public wants to undertake in the context of the public part of the province, whether it be hiking, fishing, hunting, berry-picking, snowmobiling, you know, all of the myriad of activities. Those of us that are confined to the inner boundaries of a building for most of our daily activity want to have weekend exercise and weekend opportunities to go out and enjoy nature that the very fortunate Albertans who get to live in that part of the province get to enjoy on a daily basis: the beautiful skies, the clear waters, the fresh air, the trees, the birds, all that. But these are the great things that we want to share with these private users of these public resources. So I guess the expectation was there that this was really an opportunity for us.

We also had a history of some real concerns about: how do we handle other private activities when we already have an agricultural grazing lease covering that area? Over the period of years we've developed a set of relationships that have allowed the grazing leaseholders to develop a set of expectations in some ways, and I think in the public view some of that alternative and that process that has evolved over time has shown to be possibly a little bit overly generous in terms of the control that was given to the grazing leaseholder, a little bit overgenerous in terms of the compensation from the secondary disposition holder to pay for detrimental or impact effects on their operation. So there's been a question raised about how we deal with all of this and the idea that we need to re-evaluate these two areas. How do we as a public share these lands with those individuals who have a private lease? How do we work out a competing objective when we have different private individual users of those lands and the impact that one has on the other? As I said, this has been worked out through a series of activities in the

past in terms of both of those aspects. What we need to do now is look at how this bill addresses the issues. Even though we recognize that the objectives of the bill were good, there are a lot of questions that have been raised about the process that is getting implemented by this bill. Is it a workable process?

9:00

Mr. Speaker, on a number of occasions I've asked people: is this bill going to accomplish anything that couldn't have been done just by working within the legislated structure we've got, renegotiating the leases when they terminate with the agricultural private interest? Is there anything here that couldn't be redone by looking at the relationship that we developed through the surface rights board in terms of compensation calculation? In a lot of cases the answer comes up: well, we don't know; maybe; it's possible. I guess the question then is: if we do have the processes through the structure that's already there, honouring the leases till they are brought to conclusion, whatever time frame that is, then renegotiating the conditions under which both the agricultural individual user and the public share it, and between how we work – an acceptable relationship between the individual agricultural leaseholder and the individual other private user of that land.

I guess the concerns that come up in this context are that in some ways the bill is putting in place a process that is a little bit heavy-handed, a little bit overaggressive, a little bit – yeah, heavy-handed is the right word that I want to use, in the context that it comes out and says that these things are going to happen no matter what, when they could have been done through very congenial negotiation and the process that's already there. You know, in that context you come up to the question of: why is it that we have to come in and say that by mandate these things are happening by law, when we could let them happen through acceptable practice in committee, like renegotiating contracts, instead of giving them a grandfather period and saying that after that they're done?

Then we have to look at how that impacts on the working relationship that develops between those two private users of that land, the two competing users that we're going to have contracts with, in the context of how they get along with each other. If one is suspicious of the other, if one is not certain of how the other is going to respond or how the other is going to be held accountable, the amicable working relationship that has developed over the number of years we've had these lease-sharing or land-sharing processes in place becomes questionable.

With that in mind, Mr. Speaker, this is where we've seen a lot of debate, a lot of questions raised, and in many cases the individuals raising the questions through the public process have not been able to get a clear definition or a clear answer to their question. We haven't had enough public debate on this yet that people are talking a common language. Until they develop that common language so that when we say the new mineral disposition is going to be taken out and there will be a certain set of obligations expected by that mineral disposition holder, that there'll be certain obligations by the grazing lease or agricultural disposition holder, that there'll be certain obligations on us as the public to that relationship, until we're talking the same language, I'm not sure that it's to our benefit to be putting this bill into law.

We've seen a lot of that. I was quite interested in reading the government's press release this afternoon when they announced that yesterday we finished committee stage on this and that they were anticipating third reading sometime today. They go through and talk about a lot of the issues that are still in the public, yet in the process of that release they do not try to help each other on each side in the discussion, in the debate, understand each other better by saying that

this is the definition of these terms we're going to be using. They just go out and say that this is the way it is, that it's going to happen this way and this is going to be the impact, rather than trying to facilitate the understanding that's necessary to make this bill acceptable to the people out there.

When you sit down and talk to them as an individual, one on one with them, all of them agree. I have yet to talk to anybody who doesn't agree that we as a public have a right to change or to redefine and to broaden the public access to these lands. I've also not found anybody, in all of the people I've talked to, who has not said that, yes, there is the opportunity to evaluate the fairness and the equity that comes about in the context of how we make these payments and dispositions. So you've got everybody on every side of this issue saying: yes, we have the right as a public, we have the right as a Legislature to ask for a review and a redefinition, but we have to make sure we do it by the right process, a process that is commonly acceptable.

I was very pleased the other night in a conversation, when we were talking in committee and proposing amendments, to get commitments that this kind of thing will be done and that the regulations will not be done by a majority vote kind of process. They will be done in a spirit of consensus-building so that everybody who's going to be impacted by those regulations will feel comfortable with them. We still have the issue there, Mr. Speaker, where not everybody feels comfortable that their issues can be addressed by the regulations, and this is the real problem with this bill. We have not yet convinced all Albertans that their willingness and their desire to have better access – what will it amount to? When could I be turned down?

It says that there's going to be a lot of discretion left to the agricultural disposition holder. Now, from the agricultural side, right on. You know, I want to be able to control access to promote my agricultural activity. Now, from the public side, we want to say: well, there's got to be a reasonable excuse or a reasonable potential impact to be experienced by that agricultural disposition holder before they can say no. What does it amount to? It may change from one year to the next. You may go out on the 1st of September to an agricultural disposition holder, and they'll say: oh, yeah; sure; no problem right now. You go out another year, and we haven't had rain for six weeks. The grass out there is tinder dry, and you want to go out and camp. You want to go out and run around with your four-by-four. You want to go out and run around with your quad. Mr. Speaker, these things are not necessarily safe in that kind of an environment, on the 1st of September when they haven't had rain for six weeks.

I would like to suggest that that kind of comfort level has not been reached yet in the debate between the individuals who are looking at how we are going to set up the operational patterns of this bill through regulations. Not all of them feel that their issue can be addressed in those regulations.

The degree of conflict that comes up, Mr. Speaker, is quite broad-based. This afternoon in the Legislature I tabled a series of six different letters that I had received from groups who in the last two days have been following the debate on Bill 31 very closely. They are still very concerned even though the amendments were passed last night. They were aware of them, but they're still very concerned about the impact that this bill and the application and the implementation of this bill can have on their relationship. With that, we have to look at it from the perspective of how that's going to impact on this bill.

9:10

Mr. Speaker, with that in mind, may I ask for a clarification on

this? I get the 30 minutes on third reading on this bill; is that correct? Thank you.

In the context of those letters, the first one I'd like to put in the record again tonight is from Energy Advisors. This is an oil industry participant in Alberta, a significant participant in our oil industry. They are saying to the Premier:

I am writing to express my concern and that of many others in the energy sector regarding the above referenced proposed agricultural legislation. I am also concerned by the sponsors' apparent inability to recognize that this bill has no constituency, aside from the sponsors themselves.

The rationale for fundamentally altering the mechanism by which grazing leaseholders conduct operations and receive damages compensation from the energy industry is flawed. As is the wisdom of proceeding with this legislation without a consensus from its stakeholders. And contrary to what is being reported by the legislation's authors, there is no support from either of the major stakeholders for this bill.

I urge you to delay introduction of this proposed legislation, in order that the parties affected by it may develop a more workable solution.

Mr. Speaker, this is signed by Richard Watkins, the director of Energy Advisors Ltd., and it's dated today.

The second letter that I tabled . . .

THE DEPUTY SPEAKER: Hon. member, you're prepared to table this, or did I understand you correctly that you've already tabled it?

DR. NICOL: Mr. Speaker, they were tabled in tablings this afternoon, in that order of business.

THE DEPUTY SPEAKER: And you're reading them again?

DR. NICOL: I'm reading them into the record now, if that is acceptable.

The second letter, Mr. Speaker, is from Renaissance Energy Ltd. It's to the Hon. Ed Stelmach, minister of agriculture, dated yesterday afternoon. It says:

The redefining of the rules of compensation and the handling of operational disputes between our Industry and Grazing Disposition Holders seriously concerns us. Bill 31 removes the affected party's ability to access the hearing process under the Surface Rights Act. In this Act, adverse effect to agricultural operations is set out in the body of the legislation and has come to be defined and understood by those parties over time. Section 79.3 of Bill 31, "Duties to agricultural disposition holders" redefines how our Industry will compensate Ranchers. However, Bill 31 leaves the mechanism for dispute settlements for both compensation and operations concerns to regulation.

The wisdom and purpose of removing the rules for access and compensation from the jurisdiction of the existing legislation into the Public Lands Act regulations is questionable.

We would urge the Government to delay the introduction of the proposed amendments to Bill 31 in order to give the stakeholders time to come up with a more manageable solution.

Mr. Speaker, this is signed by Clayton Woitas, the president of Renaissance Energy.

The next one is from Canadian 88 Energy Corp. Mr. Speaker, these last two are the major drillers of oil in Alberta on a private basis, other than the major conglomerates. This is a letter to the Premier, and it's regarding the proposed Agricultural Dispositions Statutes Amendment Act.

Further to our Company's letter to you of April 12, 1999 and our letter to the Honourable Ed Stelmach of April 12 . . . as one of Alberta's most active oil and gas exploration companies having spent \$185 million in Alberta during 1998 with similar expenditures

currently underway in 1999, Canadian 88 Energy Corp. feels compelled to write you further regarding Bill 31.

Canadian 88 is the leading foothills driller in Alberta and was the second most active company at the Alberta Government land sales last year . . . and we are appalled that the Government of Alberta is still considering pushing through Bill 31 during this sitting of the Legislature when it is the unanimous position of the Alberta Association of Grazing Leaseholders, The Canadian Association of Petroleum Producers (CAPP), The Canadian Association of Petroleum Landmen (CAPL) and numerous other agricultural and oil and gas industry groups and representatives that this fundamentally flawed legislation not proceed.

I only have one question for you. Has this Government forgotten to listen to the People given that the principle stakeholders are saying No to this legislation in its current form and given your word that it would not be rushed?

This is signed by Greg Noval, president of Canadian 88 Energy Corp.

Mr. Speaker the fourth letter is from the Alberta Grazing Leaseholders Association. It's addressed to the Premier. It's with respect to Bill 31.

As you are aware, the continuing controversy and debate surrounding Bill 31 has created a high level of anxiety and frustration in the agricultural community, the resource industry and the government.

Quite simply, the problems inherent to Bill 31 cannot be resolved in the regulation process. The Bill is fundamentally flawed to the detriment of both agriculture and industry and will ultimately create an atmosphere of dissension and discord far into the future.

Our association, as well as others, has worked diligently – and I believe rationally – with your government to resolve this quagmire. However, we have flatly run out of time. This need not be the case. Given the opportunity, we can solve the problems of this Bill and we can get to where the government wants to go. And in so doing, we can arrive at a solution that is satisfactory to all Albertans.

Mr. Speaker, to save some time, I'll just skip down. Basically they're asking here again for a delay.

The next one is from the Western Stock Growers' Association, and it's to the minister of agriculture.

As the final hour approaches on Bill 31, the Agricultural Dispositions Statutes Amendment Act, the Western Stock Growers' Association is joining the voices of the:

Alberta Grazing Lease Association;
Alberta Surface Rights Federation;
Alberta Cattle Commission;
Renaissance Energy Ltd.;
Canadian 88 Energy Corp.;
CAPP;
SEPAC; and,
CAPL

to request that you please delay this highly contentious and, in our opinion, unworkable Bill, until all affected parties can work together to find a way to make legislation that is worthy of all Albertans.

Mr. Speaker, the final one is from two individuals, Clayton and Jean Curry from Square Deal Ranch, and they basically are addressing their letter to the Premier and to the minister. There again, in this – and I'll speed this one up – they conclude by asking that this be delayed until they can clearly understand what the bill is going to have and how it's going to impact on them.

Mr. Speaker, with that in mind, it is my intention now to introduce an amendment to this bill. The amendment, if we can have it distributed at this time and if I can read it at this time while it's being distributed, asks that the motion for third reading be amended by striking out all the words after "That" and substituting the following:

Bill 31, the Agricultural Dispositions Statutes Amendment Act, 1999, be not now read a third time because the Assembly believes

that the Bill does not meet the needs of either the grazing leaseholders or the energy industry and could lead to unnecessary conflict.

I would like to move this amendment into the record.

Thank you, Mr. Speaker.

THE DEPUTY SPEAKER: This is a reasoned amendment and will be known as amendment A1, and the debate that follows is on the terms that are here in this amendment. So we'll take a moment before asking the Member for Lethbridge-East to continue.

The hon. Member for Lethbridge-East on amendment A1 in the time remaining.

DR. NICOL: Thank you, Mr. Speaker. I just want to briefly address the issues of this amendment. I think I covered all of the reasons why I think this amendment is important in my lead-up to it and in the content of these letters. They very strongly say that there is confusion in Alberta, that there is a lack of direct understanding of what the implications will be to the primary agricultural disposition holder, to the mineral disposition holder, and to the public, how they're going to relate to each other.

These letters basically raise the question that we need to have more time to make sure that all Albertans understand the kind of future that they can look forward to that will give them the aspects that are necessary to deal with this bill.

We want you to be able to look at it from the perspective: it's better to make sure that everybody is onside when we get the legislation in place than to have people who are currently very upset threatening to do things that I don't think any of us would like them to do. By essentially getting this amendment into the record today and delaying the bill until fall when we can be sure that everybody is onside and fully understands the implications, we can prevent a lot of the potential downside that may arise in the next few days as we look at how this will be looked at and how it will be reacted to by the individuals who are going to be affected by it. It's one way that we can effectively provide a good environment for Alberta for the next few days, that we can effectively make sure that the communities do understand and do appreciate the fact that we as their representatives want to make sure that, yes, they understand and they feel comfortable with the definitions and the terms and the approaches that we're using in our legislation.

9:20

Mr. Speaker, I think all of us recognize that with any piece of legislation there are people in the end who would rather not have it passed, but we want to make sure that they do understand what the implication is on them and how they can adjust to it fully and make sure that they get that opportunity. On that basis, I would ask for support for this amendment that will give us as legislators and as Albertans the time that's necessary to fully understand the implications of this piece of legislation.

Thank you very much.

MR. DICKSON: Mr. Speaker, given the fact we have an amendment on the table in front of us, pursuant to Standing Order 32(2) and representing a caucus that is always economical in its use of House time, I wanted to propose that we abridge the time for ringing the bells from 10 minutes to one minute.

THE DEPUTY SPEAKER: Having heard the proposal by the hon. Member for Calgary-Buffalo to reduce the ringing of the bells to one minute, all those in support of this motion, please aye.

HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Opposed, please say no.
We have unanimous consent.

SOME HON. MEMBERS: Question. Question.

THE DEPUTY SPEAKER: Just for the benefit of hon. members, if you have an hon. member standing and indeed two standing, to yell "question" at him is intimidating and not a very useful parliamentary tactic.

The hon. Minister of Agriculture, Food and Rural Development.

MR. STELMACH: Thank you, Mr. Speaker. I just want to make a few comments with respect to the amendment. First of all, I'd like to take this opportunity to thank the chair, the Member for Drayton Valley-Calmor, ably assisted by members for West Yellowhead, Little Bow, Lac La Biche-St. Paul, and Calgary-Lougheed, for spending the last two years traveling this province listening to various stakeholders and receiving all of their input into this legislation.

I'd also like to thank the input from my opposition critic: the number of discussions we had in the foyer dealing with some of the issues that came forward from many of the leaseholders and in fact some of the other users.

I want to express very clearly for the record once again that this bill will not be proclaimed until such time as all of the regulations are in place, and that is through consensus. Okay? Now, because the bill will not be proclaimed until all of the regulations are written involving all of the multistakeholders, this amendment is totally unnecessary. There's no sense delaying passage of the bill because the bill will not be proclaimed until the input is gathered. [interjections] I did sit very quietly, listening to your input. Please, give me the chance. You know, reciprocate with the same respect.

Now, with respect to the issues centred around access, there was a comment made earlier that this Legislature should write the regulations on access. Well, I say to every member here: what do you know about access when it comes to lease land? Why not have the leaseholders and those people wanting to gain access sit around the same table and draw those regulations? That is truly the democratic way, and that's going to remove all of this conflict that some people in this House are purporting is going to take place. That is fair and that is very reasonable, and we're going to reach that through consensus.

With respect to the issues over taxes. We've had some . . . [interjections]

THE DEPUTY SPEAKER: Hon. members on both sides of the House, there's only one person speaking to this amendment at a time, and that's the Minister of Agriculture, Food and Rural Development.

MR. STELMACH: Thank you, Mr. Speaker.

Now, there are a number of issues that were mentioned that perhaps the opposition wasn't clear on nor perhaps other members of various stakeholder groups. First of all, the issue of taxes. The province, all of us here and all other Albertans, are the owners of the land, and we will be paying the taxes to those municipalities, one lump cheque. The reason is that, albeit small, there were some cases where taxes were not paid, and because we owned the land, how do you recover your taxes from the province? You can't take away the land as a municipality. So we will be paying the taxes. Those recalcitrant leaseholders that don't pay their taxes: we will have other measures to recover those taxes from them.

Secondly, when it comes to the issue of access, oil and gas and

visitors and this whole issue of liability, we purposely moved the duty of care off the visitor down to that of the trespasser. So unless someone sets a bear trap out there to trap someone after giving them permission to access their land, they'll be liable. But if a leaseholder gave a visitor right of access, right of entry, and said, "Yeah; go pick your blueberries or mushrooms or go hunting," and they happened to run into a mean bull, the liability should not be vested in that leaseholder. We do have a case now where one person on a skidoo happened to come out of a trail that was marked and burned little U-ee on the land, happened to hit a barbed wire and is now suing the owner of the land. Now, is it fair? No, it isn't because the owner gave him permission, access, knowing quite well that whatever happens to you, that's your own liability. It shouldn't be up to the leaseholder or up to the owner of the land.

Now, with respect to trespass we heard many comments from leaseholders. How do we put a stop to numerous issues related to trespass? Well, one way is to increase the fine, and we've done that. That's come a long way in trying to strike that balance between leaseholders, recreational users, oil and gas, and the owner of the land.

So, Mr. Speaker, there's no need to delay the bill. There will be a lot of work done over the summer and into fall and perhaps into next winter to draft the regulations. Those regulations will then go back out to all of the stakeholders. They will be reviewed, and then they will come back to the committee, a multistakeholder committee, that will review those regulations one last time to make every attempt to reach consensus.

Yes, it's going to take a fair amount of work to do that, but as someone from the other side mentioned, it took us years to get to this point. Please, Mr. Speaker, this is the most inopportune time to delay passage on third reading of this bill. Let's get on with it. We've got the foundation in place. We've got people that are willing to work together, will keep our feet to the fire to get this job done once and for all.

Thank you.

MR. DICKSON: On the amendment.

THE DEPUTY SPEAKER: Calgary-Buffalo, did you not speak?

The hon. Member for Calgary-Buffalo was already on record as having spoken to the amendment. If he did not take advantage of that opportunity, the only satisfaction that could be had is to ask for, if you wish, unanimous consent of the House for you to speak.

MR. DICKSON: Well, I wanted to make a couple of comments, and I would ask . . .

THE DEPUTY SPEAKER: You must ask for unanimous consent.

MR. DICKSON: I am asking for unanimous consent to be able to offer some comments on the merits of the bill, not anything to do with the ringing of bells.

THE DEPUTY SPEAKER: The hon. Member for Calgary-Buffalo is asking for unanimous consent to address this amendment to Bill 31 in third reading. All those in support of this motion, please say aye.

HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Those opposed, please say no.
You have it, hon. Member for Calgary-Buffalo.

9:30

MR. DICKSON: Mr. Speaker, thank you very much and thank you

to members. The observation I was simply going to make is this. I listened carefully to the minister of agriculture, and I was mindful of this. When he says that we should take heart that the act doesn't come into force until proclamation, I'm reminded of the Mobile Home Sites Tenancies Act that we saw passed one time, and then in the intervening time before proclamation we discovered there were problems with the bill and it had to be reopened. The Condominium Property Act had been passed a number of years ago. The proclamation was postponed, but what we found was that there were problems with elements of the act. [interjection] Thank you, Mr. Minister of Agriculture, for the assistance, but I'm going to try and shuffle through this as best I can.

The point I simply wanted to make, Mr. Speaker, is that once we vote this bill, if we were to reject this amendment, we're locked into the principles of the bill. We can only then dicker over when it takes effect. Why would we do that when it means we may be in a position of seeing an amendment bill come back in and we're in this what I think is an embarrassing position for legislators where we're amending a bill that's been passed and not proclaimed? I don't think we want to be in that position. I know the Government House Leader doesn't want the embarrassment of having to bring back in an amending bill before the act has been proclaimed.

I take no comfort in the assurance of the minister of agriculture, and I'd encourage other members to take no comfort in that. I think what's required here is: let's give the government a face-saving way to take stock again, and after they do that further consultation that's sought by this reasoned amendment, then we can come back and vote the bill. It would be foolish to vote the bill in principle now when even on the acknowledgment of the minister of agriculture there is as much consultation yet ahead of us.

Thank you very much.

THE DEPUTY SPEAKER: The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Speaker. I won't speak long on the amendment of the bill, but I did want to just bring to the attention of the House and for the record that while the members opposite would have us believe that by moving this amendment it would delay the bill to the fall and allow us to deal with any issues that might come up and make corrections in the bill, the reality is – and they know it – that this amendment kills the bill. The bill does not come back for third reading ever. So it's a fiction to suggest that passing this amendment would allow further debate and amendment of the bill, recommittal to committee, before dealing with the bill at third reading and voting the bill at third reading finally.

The amendment, Mr. Speaker – and I'll explain it to the members opposite if they'd like – would bring the bill back if it put a date certain for a return of the bill to the House for voting on third reading, but it doesn't provide a date certain for the bill to come back. It basically postpones third reading of the bill because the Assembly believes that the bill does not meet the needs, et cetera, et cetera.

It's a hoist amendment, Mr. Speaker. It kills the bill. The bill does not come back, and therefore if we pass this amendment, as they unsuspectingly would like us to do, what it does is effectively kill the bill. The suggestion, then, and the argument of the members opposite that we should be putting the bill aside till the fall so we can go out and consult some more and do all the good things that they're talking about and fix up the bill is nonsense. If that's what they would like to do, the only reasonable thing to do is pass the bill in third reading right now and then take the minister at his word that we'll be consulting on developing the regulations and deal with it.

The amendment should be defeated, Mr. Speaker, for that reason. If there is something so problematic with the bill that it needs to be fixed, then there is absolutely nothing wrong, as we do year after year in this Assembly – the bulk of the bills that are brought into this Assembly are amendment acts. We do it every year. If there’s a problem with the bill, it can be and it will be amended. So we should defeat this amendment now and forget this fiction about postponing it for third reading later on.

THE DEPUTY SPEAKER: Are you ready for the question?

SOME HON. MEMBERS: Question.

THE DEPUTY SPEAKER: The question has been called on amendment A1. The hon. Member for Lethbridge-East has moved a reasoned amendment, known as A1, to Bill 31. All those in support of amendment A1, please say aye.

SOME HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE DEPUTY SPEAKER: Defeated.

[Several members rose calling for a division. The division bell was rung at 9:35 p.m.]

[One minute having elapsed, the Assembly divided]

[The Deputy Speaker in the chair]

For the motion:

Blakeman	Leibovici	Olsen
Carlson	MacBeth	Sapers
Dickson	Nicol	Soetaert
Gibbons		

Against the motion:

Amery	Jacques	Melchin
Broda	Johnson	O’Neill
Cao	Jonson	Paszkowski
Clegg	Klapstein	Renner
Day	Kryczka	Severtson
Ducharme	Laing	Stelmach
Dunford	Langevin	Strang
Evans	Magnus	Thurber
Forsyth	Mar	Trynchy
Fritz	Marz	West
Graham	McFarland	Yankowsky
Hancock		

Totals: For – 10 Against – 34

[Motion on amendment A1 lost]

[Motion carried; Bill 31 read a third time]

**9:40 Bill 35
Government Fees and Charges Review Act**

MR. DAY: Mr. Speaker, I move Bill 35 for third reading.

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

MS BLAKEMAN: Thank you, Mr. Speaker. I spoke at length in second reading on this bill, and I’m pleased to be able to rise again and add a few more comments in third reading of Bill 35, the Government Fees and Charges Review Act.

Now, I will have to admit that I must beg the forgiveness of the Assembly because I made two errors. I have now been corrected. Those errors were that seniors are not presently charged for a fishing licence, but it is presently under consideration, and secondly, that trailer licences are onetime, for the life of the ownership of the trailer. As I mentioned before, I was likely to be corrected by my senior citizens, and indeed I was. I have now corrected that before the Assembly.

AN HON. MEMBER: Thank you.

MS BLAKEMAN: You are most welcome.

However, in third reading in speaking of the effect of the bill, what I’m hoping will be the result of this bill is that either we’ll admit it and call a charge of money a tax, or it will be reduced to reflect the true administrative cost of administering the fee.

[The Speaker in the chair]

One of the areas that I hope, for instance, will be cleared up is something like trying to purchase a migratory bird licence. At this point someone has to purchase a wildlife identification number for \$8.56. So that allows them to then purchase a wildlife certificate. That’s comprised of two charges, an Alberta conservation levy for \$16.85 and a transaction fee for \$6 plus \$1.60 GST, for a total of \$24.45. This now allows you to purchase the game bird licence for a total of \$9.05. So the person . . .

MRS. SOETAERT: That’s a pretty expensive bird.

MS BLAKEMAN: Well, they’ve had to pay \$33.01 through all these various other charges, and I hope this government committee is going to work their way through this. Anybody wanting this migratory bird licence has now paid \$33.01 in order to be able to buy the \$9.05 licence. [interjections] Yeah, it’s an interesting little example of absurdity that I’m hoping will be addressed here.

Well, you know, I just find it really interesting because most of this money is either going to a privatized group, a registry like ISM, Information Systems Management, or to a vendor. The rates are set by the government, so all of this put together, this \$33.01, has been put forward and okayed by the government.

A couple of other oddities I hope are going to be worked out appear to be just inconsistent. For example, why are the various licences to do with motorized vehicles all different? If this is an administrative processing fee, how different is it to process the licence for a car as compared to the licence for a snowmobile? The administrative fee for this should be the same, so why are we charged – has anybody renewed their licence recently? – \$52 or \$54 for a car and \$35 for a snowmobile? If this is an administrative fee, then this should be the same fee.

AN HON. MEMBER: A snowmobile you can only operate three months of the year.

MS BLAKEMAN: Thank you very much. It’s been pointed out that a snowmobile can only be operated for a few months a year, so if we’re going on actual usage, it should be even less than that. Based

on my experience, I think you're lucky to get about 90 good riding days in a season.

What I've spoken about before, and I guess the way I would like to close, is that the effect of all these fees, especially for people on fixed incomes – and that is people that have retired, people perhaps on some sort of disability pension, and if you are willing to be flexible in the definition, it would even apply to students, for instance, who are on a very limited income as they try to save and get their way through college without incurring too much of a debt – is that they really do eat away at your disposable income. Certainly the seniors I heard from were very clear about that.

Now, I've spoken about how, you know, at a certain point so much of your money has gone to paying all the fixed charges you need to pay plus all these user fees, many of them for things that some people would regard as necessary as compared to optional or frivolous or not needed and you can do without. It really does affect people on fixed incomes, and I had talked about that perhaps even affecting a senior citizen's disposable income for food. What I've had back from one of my seniors is that where they're really seeing it is in shelter. The comment I'm getting is that at a certain point they end up deciding to sell their homes. Then they start looking. We've heard the Member for Calgary-Buffalo speaking of people who used to be able to afford a reasonable rate in an apartment building and, as the rents have gone up, now being on the list to get subsidized apartments. I think that is something we need to keep an eye on.

So I ask that this committee of government MLAs and private-sector representatives do a few things as they review all these fees. One is that the user fees be reasonable, and please keep in mind, as MLAs try to figure this out, that you're trying to figure out reasonable for the public, not reasonable for the MLAs or for the private sector. Also keep in mind whether this service requirement or good that you would be purchasing is really optional. Perhaps for many people – and I certainly hope you look into this – it's considered much more necessary in their day-to-day lives. If that's the case, please keep that in mind. Please keep in mind how this affects people living on fixed incomes.

If it's a tax, as I mentioned when I first started to debate this, it's compulsory, and you must pay it. There's a lot of discussion in Canada, particularly in Alberta today, about how low our taxes are, but I really feel that when you add in the number of user fees that are certainly being charged now – and I've very easily been able to raise a couple of very questionable user fees that either shouldn't be charged or if you're going to charge them, then how you charge for the administration has to be carefully looked at.

9:50

So I hope we will see not only that it is a careful, thoughtful, perceptive, honest review but that it is perceived to be that. I urge the government to be as open and accountable as possible in a way that could be judged so by the public in Alberta. I encourage the government to follow through as quickly as possible on this. I know there's a one-year review. I wish that could have been shorter because I for one am most interested in why an administrative fee for a car is much higher than an administrative fee, for example, for a snowmobile. It would sure be nice if I knew that before I had to renew mine for next year's snowmobiling.

With those few comments, I wish the committee the best of luck, and I'll be looking forward to the outcome of what the committee brings forward. Thank you very much.

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

MR. SAPERS: Thank you very much, Mr. Speaker. My caucus colleagues have encouraged me to participate in debate at third reading, so I'd like to accommodate them. They are the wind beneath my wings. Well, you know, it reminds me of what Churchill said after his first experience in parliament. He said: my opposition sits across from me and my enemies . . . But I digress.

On third reading of Bill 35, I just need to set the record straight on a couple of points. When the Official Opposition reviewed Bill 35, it became readily apparent that the bill was deeply flawed in three ways. Number one, it didn't cover all the fees and charges that the government has imposed on the taxpayers of Alberta. Number two, it made no reference to ensuring that cost of service delivery was part and parcel of the review, and that was of course the central element of the Eurig estate decision. The third major flaw of the bill is that it would give the government 12 additional months to prolong the burden of these excessive user fees instead of seeing to it that the fees are reduced as quickly as possible.

I will say that the government has seen the light in a couple of cases. In question period we have the commitment from the Treasurer – and I appreciate that – that all fees will be included, including health care insurance premiums. It will all be included in the review. We take the government at their word. We lament the fact that it's not in the legislation, but it's on the public record, and we'll be vigilant to make sure it happens. Number two, the government last night accepted two amendments, Mr. Speaker, that did insert the concept of cost of service into the legislation. So of the six amendments in fact proposed by the Official Opposition, the government accepted three of them. Two of those dealt specifically with reference to cost of service being part and parcel of a review.

My biggest regret, Mr. Speaker, is that the government was not willing to shorten the length of the review, so taxpayers will have to continue to be burdened with these unjustifiable fees in many cases for up to another year. Some of the fees that I think are particularly troubling are the kind of fees that are imposed on a sliding scale such as some fees under the Insurance Act, where a transportation company or travel company or automobile dealer, for example, has to pay for certain certificates based not on the cost of producing the certificate but on the number of employees they have. So if they are dealing with one to four employees, for example, the schedule allows the government to impose a fee or extract a fee of \$100. If there are 250 employees, it would be \$2,500. That kind of fee doesn't seem to be a tie to any cost of service. Under the Land Titles Act, Mr. Speaker, some of the most troubling fees and fees that almost every Albertan has to trip across are fees that have to do with registering a mortgage. Again, it's not based on the actual work involved in registering the mortgage, but the cost of registering the mortgage is based on the value of the mortgage.

Mr. Speaker, it's these fees that are based on a sliding scale that I think are very troubling. I thank the government for taking up the suggestion that all fees be included. I look forward to seeing the written terms of reference for the committee that the Treasurer has put together. I hope the Treasurer will quickly pass along the 13 points the Official Opposition has produced which are necessary to guide the work of that committee. I encourage the government not to work towards this particular deadline but to try to beat the deadline and to bring relief to Alberta taxpayers as quickly as possible instead of taking the whole 12 months they've allowed themselves.

Thank you very much.

MR. DAY: Mr. Speaker, in closing debate I just will quickly reiterate that we are the only province to launch such an extensive review of all fees and charges. We're the only province to do this.

We look forward to what I think could be a saving to taxpayers of some millions of dollars.

I should add that the Liberals have sent a number of suggestions over, and some of those even at first look I can tell you are helpful. What we have to do through the process if we are to respect each other's credibility in terms of raising the concerns is make sure we raise concerns which are founded in fact. For instance, it's not helpful when the other day, as an example, the Member for Edmonton-Glenora said that we had brought the mapping fee in the backdoor and if it hadn't been for it being published in the *Alberta Gazette*, it would have been totally unknown to all Albertans. In fact, Mr. Speaker, that was in Bill 5, which was in the Legislature. I have the copy of *Hansard* right here. The element was addressed right here in the Legislature. It was addressed here.

10:00

In closing, I thank the member and I also thank the Member for Calgary-Buffalo who on that particular bill and on that particular element said: this bill is a dream come true. This whole process is a dream come true, Mr. Speaker, and I thank you for it and move the bill for third reading.

[Motion carried; Bill 35 read a third time]

THE SPEAKER: Prior to calling on the Deputy Government House Leader, let me simply say to all members: thank you for your determination, your perseverance, your incredibly long hours, and the professionalism in working on behalf of the citizens of Alberta in this session. As you return to your constituencies, may I wish you a restful and fulfilling time in the service of your constituents. Enjoy the brief break.

The hon. Deputy Government House Leader.

MR. RENNER: Thank you, Mr. Speaker. Actually, I'm rising on a very brief point of order. I have been listening to the Member for Edmonton-Meadowlark all night long as she berates me for forgetting to thank her for all her help and co-operation on Bill 22, so at this time I would like to publicly do so.

[Pursuant to Government Motion 7 the Assembly adjourned at 10:02 p.m.]

