

Legislative Assembly of Alberta

Title: **Tuesday, March 2, 2004**

8:00 p.m.

Date: 2004/03/02

[Mr. Tannas in the chair]

head: **Government Bills and Orders
Committee of the Whole**

The Chair: Good evening. I'd like to call the committee to order. For the benefit of those who might be unfamiliar with this stage of the Legislature, it's the informal session, where hon. members are allowed to move around quietly from one place to another and engage in very quiet conversations, where we only have one member standing and talking at a time, and they're allowed to take off their jackets. It's the part where we are able to go through either the budget item by item or in this case, in Committee of the Whole, we go through an act and can go piece by piece.

Before we begin this evening's deliberations, I wonder if we might have consent to revert very briefly to Introduction of Guests.

[Unanimous consent granted]

head: **Introduction of Guests**

The Chair: The hon. Minister of Community Development.

Mr. Zwozdesky: Thank you very much, Mr. Chairman. It's, indeed, a great pleasure tonight for me to recognize and introduce some members of my constituency who are here observing proceedings. They are with the Education Watch initiative, which, as many people here would know, is a specific initiative on behalf of education in our province. It's a nonpartisan, Alberta-based parent advocacy group who are advocating for improved funding and better learning environments in Alberta public schools.

Joining us tonight are Lynn Erickson, Terri Tumack, Lori Almborg, Catharine Schoendorfer, Barb White, Trina McCloy, Joanne Abbott, and Roger Abbott. These constituents have young children in Velma E. Baker school and at Kate Chegwin school in my constituency. I've had the pleasure of meeting with some of them before; I'll look forward to probably meeting with them again. I would ask that they please rise, receive our thanks and also the warm welcome of our Assembly this evening.

Thank you. My other introduction, Mr. Chairman, is on behalf of the hon. Member for Edmonton-Glenora. This is a young lady named Linda Inglis, who resides in that constituency, and she's also part of the Education Watch initiative. She has one child at Westminster school and another child at Ross Sheppard school. I would ask everyone to please warmly greet and receive Linda Inglis to our Assembly.

The Chair: The hon. Member for Edmonton-Ellerslie.

Ms Carlson: Thank you, Mr. Chairman. It's my great pleasure to introduce tonight 10 visitors who are joining us in the public gallery who are part of the Mill Woods Youth Council. They are accompanied by Mr. Shane Isfield and Miss Paige Denham. Just to tell you a little about this council, they do a wonderful job helping and supporting youth in Mill Woods. They have a very small budget, but from that budget they will take applications for funds for things like support for sport programs for children who otherwise wouldn't be able to attend due to financial difficulties and things of that nature. They're a welcome addition to Presidents' Council, which we all try to attend every month. I would like you all to very much welcome

them as they rise and receive the traditional warm welcome of this Assembly.

The Chair: Thank you.

Bill 7

Senatorial Selection Amendment Act, 2004

The Chair: Are there any comments, questions, or amendments to be offered with respect to this bill? The hon. Member for Edmonton-Ellerslie.

Ms Carlson: I believe I was speaking to it and adjourned debate, Mr. Chairman, this afternoon.

Yes, I'm happy to finish my comments on this particular bill, which I had hardly started. This is one of the silliest bills I've seen in this Legislature.

An Hon. Member: Silliest?

Ms Carlson: It is. Two lines.

What does it do? It changes the date of expiry for those silly Senators-in-waiting that were elected in one of the lowest voter turnouts we've seen in this province. [interjections] Well, perhaps some of you would argue that all Senators are silly, but that's a different argument. Tonight we're talking about this particular silly bill, which is two lines. It extends the expiry date from December 31, 2004, to December 31, 2010. Who knew, you guys, when you drafted this silly piece of legislation back then, that it would actually expire before your Senators were appointed? Who knew that?

Rather than participate in really effective Senate reform, which is what we need, you wanted to do this: just waste a lot of money on an election to choose a couple of Senators that wouldn't be put in place. Instead, you could have spent that money and spent all of the wind that you expended on this particular topic over the years in really effective reform, which is certainly what we support and continue to support.

We have to see at this time, when we've got two Senator vacancies right now in Alberta and a third one coming up, that we work cooperatively with the federal government to ensure that we get a Senate that's representative for Alberta. That doesn't just mean filling a couple of vacancies. That means giving us some sort of proportional representation out here that's going to actually give us a voice.

Mr. Bonner: Doug Roche.

Ms Carlson: Well, Doug Roche was a very good Senator, and now he's another one who is retiring here very shortly.

Mr. MacDonald: He's an independent Senator.

Ms Carlson: An independent Senator. We could have more like that if we had an effective kind of proportional representation platform that we took here. That's something that both sides of this Assembly would be happy to co-operate and work on together, because there is no doubt that Alberta needs a stronger voice, and that's the only way that we're going to get it. Based on population, as electoral divisions go for at least another 10 years, we're only going to have 26 elected voices in this province. When you think about the over 300 MPs in Ottawa, that isn't a very high percentage. So the best way for us to get a more effective voice in Ottawa regardless of the government in power is through effective Senate reform.

So I urge members to not support this bill, to instead take the money on the development of this and any future conditions and work co-operatively on effective reform. Thank you.

The Chair: The hon. Member for Edmonton-Rutherford.

Mr. McClelland: Thank you, Mr. Chairman. I can understand the Member for Edmonton-Ellerslie's concern and derision of the Senate as a silly Chamber, because most of the present Senators are Liberals appointed, generally speaking, by a Liberal Prime Minister, and that's what makes that body often a seat of derision, that it doesn't often deserve.

In my experience – and I'm sure I reflect the attitude of most members of this Chamber – the people that are in the Senate of Canada are by and large very worthy individuals. This debate is not about the individuals that presently occupy the Chamber although as in all Chambers some are more worthy than others. This is about the kind of country we would want to have.

I would remind our Liberal colleagues here tonight that the first elected Senator appointed in Canada came from Alberta, and it wasn't all that many years ago. His name is Stan Waters, and he ran against Bill Code in the election for Senator to represent Alberta. I'm sure Liberals in the House would not ever want to hear a person of the stature of Bill Code described as unworthy, because he's not.

When the electoral race took place in Alberta that resulted in the Senators-in-waiting that we have now, it's fair to say that political parties were not particularly engaged. The Alberta political parties were not particularly engaged in that election with the exception of the Reform Party. The Senators that ran representing the Reform Party at that time won, and they won handily. They ran under the complete and clear understanding that the chances of their being appointed to the Senate were something akin to remote and zero. They knew that there wasn't much chance of their being elected, but that's not what that was about, and that's not what this is about.

This Senatorial Selection Act and the continuation of the act that we have in place have far more important ramifications than the two people that are presently the Senators-in-waiting or perhaps the new people who will replace those two when the next election is called if they don't run again and aren't re-elected.

8:10

What this act is is a manifestation of the absolute desire, the fact that Alberta will not rest until we as a province achieve balance in the country. Right now it's widely agreed that there is a good deal of alienation in our country from east to west and perhaps to a lesser degree from north to south, but there is no question that there is a great deal of alienation in the country. The Canadian Unity Council in their most recent in-depth polling indicated that alienation is something in the order of 40 per cent throughout most of western Canada. It's certainly centred in Alberta, and one of the reasons for that is that Alberta contributes a tremendous amount to our country.

Alberta contributes not just financially, but we contribute ideas and we contribute spirit. We contribute an ethos that is very different from any other province or region in the country, and we also contribute a substantial amount of money annually, in the billions of dollars. We're a country, and we understand that, but we do not as Albertans or in British Columbia or Saskatchewan or Manitoba have the weight in the centre of the governance of the country, in Ottawa, commensurate with our contribution to the country, with our population, and certainly not with the financial resources that we contribute to the country.

That imbalance is reflected in legislation that comes from the centre of the country, which may be good and may be appropriate for

certain regions, the heavily, densely populated centres of Toronto, Montreal, but in a country as broad and diverse and vast as ours, it doesn't make a whole lot of sense. So the struggle to have a Senate that represents the regions or the provinces of the country as it was originally determined that the Senate would represent has as its core the potential to resolve the alienation problem that our country faces, and that's one of the reasons why this is such an important debate.

Now, just a little over 140 years ago, in 1864, when the founding fathers got together and decided that we had to have an upper House, Sir John A. Macdonald said:

We resolved then that the constitution of the upper house should be in accordance with the British system as nearly as circumstances would allow. An hereditary upper house is impracticable in this young country. Here we have none of the elements for the formation of a landlord aristocracy – no men of large territorial positions – no class separated from the mass of the people. An hereditary body is altogether unsuited to our state of society and would soon dwindle into nothing. The only mode of adapting the English system to the upper house is by conferring the power of appointment on the crown (as the English peers are appointed), but that the appointments should be for life.

So Sir John A. Macdonald understood the problem. They limited the number of Senators that would be in the upper House. I believe it was 24, 24, and a combination of 24 from the Atlantic provinces. They understood that the upper House had to be composed in a manner that would not have deadlock. They didn't want the representatives of the upper House to be popularly elected because they wanted the members of the upper House to have a different political and a longer range view so as to be a check or a balance on the lower House. It wasn't a deeded or a hereditary aristocracy that would be in the upper House. It had to be an upper House of the people.

So how was that to be achieved? This is the elemental difference between what was envisioned by Sir John A. Macdonald and the Fathers of Confederation in 1864, when these debates took place, and today. At that time, the upper House was to be appointed by the Crown so that those in the upper House appointed by the Crown would not be subject to the same pressures, the same responsibilities, the same concerns as the lower House: needing to be elected, needing to be popular to be elected, and therefore perhaps not having as long a range of vision.

Well, as we all know, what has happened over the intervening years is that the upper House has become a resting place for political supporters, fundraisers, bagmen, deadwood from the House of Commons that the Prime Minister wants to move into the upper Chamber so as to provide space for someone else to come in. For Prime Ministers the Senate of Canada is a very, very handy place to have around because it does offer a very cushy and a very warm and nice and prestigious landing spot for ministers, front-benchers, or others that the Prime Minister wants to get out of the House to get other people into the House, to open up a slot and to reward the party faithful.

After the scandals of the Senate in recent years made it a much more visible House, to be fair, there have been some appointments that have brought tremendous credit on the institution of the Senate, but that does not absolve us of the core problem that we have, and that is that we do not have in Canada a House that represents the regions of Canada. There is a possibility that through the Council of the Federation the Premiers will get together and we will have a pseudo-Senate as a direct result of the Council of the Federation, but that's only a possibility, and that's only if the Premiers can get together to make it happen.

What we do have is the reality of a Senate that is at present a final

resting place for friends of the Prime Minister. It does not fulfill its very important function in our country, and it must be reformed.

8:20

Now, whether or not it is reformed as a triple-E Senate, we don't know. Our legislation calls for a triple-E Senate. But it's very, very likely that across the country over the next few years there will be a tremendous increase in the interest of things electoral as another generation takes the reins of political leadership in our country. We all know that political participation across the country is not nearly as high as those of us in this House think it should be or high enough to be good for the future of the country. We have to put our minds to work to figure out how we can get more people engaged in the political life of our country. So this is going to be something that will be considered. I think that at present in Canada there are five Legislatures that have either full-blown or slightly less than full-blown electoral reform commissions in place right now.

The Senate of Canada is a particularly important constitutional body, especially now, it's fair to say, that the Supreme Court has taken on a law-making role not envisioned by the Fathers of Confederation, who designed our parliament after the Westminster model, and we now have the introduction of the civil code through the Charter of Rights interpreted by the Supreme Court. So it's fair to say that we probably do not have a Westminster democracy today as much as we have a democracy influenced by the court. We have to have checks and balances. There are none today. The Senate of Canada offers our country the potential to have a check to the absolute power that's vested in the office of the Prime Minister.

So, Mr. Chairman, although on the surface this bill is not all that exciting, once you get past the surface, this bill and what it means to the potential of Alberta, what it means to the potential of our country to live in harmony, what it means to the potential of our province to be a full partner in this country, to contribute, to be recognized – and not just our province but all of the provinces because we are a federation of provinces. We're not a unitary state. If we have the resolve, the unrelenting resolve to see this through to the end, we have the capacity to change our country and to change it for the better and perhaps even to protect our country.

So with those words, Mr. Chairman, I'm going to take my seat and hope that the members of this body will support this bill and take a renewed interest in the capacity of our province to lead our country once again. Thank you.

The Chair: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you very much, Mr. Chairman. It's with interest that I listened to the hon. Member for Edmonton-Rutherford, a constituency that oddly enough is named after the first Liberal Premier of this province. It's quite interesting to hear the hon. member's historical analysis of the Liberals and Liberal patronage in the Senate. I would have to remind all hon. members of this Assembly and particularly the hon. member of the role that the Mulroney Conservatives played in appointments to the Senate.

Now, the federal Progressive Conservative Party was the party that originally came up with this idea of the GST, and they had to go to extraordinary constitutional lengths to get more Conservatives into the Senate in order to pass the GST.

Mr. McClelland: So let's fix it.

Mr. MacDonald: Yes. The hon. member says, "Let's fix it," and that's a good idea. But for the debate, Mr. Chairman, it would be the right thing to do to make clear to all those that all parties in the past

have used Senate appointments in what some would consider to be an unsavoury manner. So to label one political party and not the other is in my view wrong.

Thank you.

The Chair: The hon. Minister of Justice.

Mr. Hancock: Thank you, Mr. Chairman. I just wanted to briefly enter into debate. I wasn't going to comment, but I heard the comments made by the Member for Edmonton-Ellerslie, talking somewhat derisively about the Senatorial Selection Act and the purpose of the act and the effect and benefit that the act has had.

I have to enter into the debate first of all because I believe that fundamentally Albertans do support the concept of a triple-E Senate – equal, effective, and elected – and that getting there from here is not a direct journey. In fact, having constitutional change in this country, as we've seen, is problematic at best, so we need to have some steps along the way to show that provinces are unalterably set on this course, that want to see it happen.

I also wanted to speak specifically about the Senatorial Selection Act because it provided two purposes. First of all, it resulted in the first appointment of an elected Senator in this country in the person of Stan Waters, so the act, in effect, worked in its first instance because of the time and place and circumstance. But I would submit to the House that the act has efficacy in and of itself in that the quality of appointments to the Senate from Alberta has been far superior, in my humble submission, to those in the rest of the country, and you have to ask why that's happened.

While we don't agree with the concept of appointing Senators, the fact of the matter is that since this act has been in place, not only has Stan Waters, who was elected under the provisions of this act, been appointed to the Senate, but I believe also Senator Doug Roche has been appointed to the Senate. He was a Conservative Member of Parliament who provided exemplary service. Not everybody in the province agrees with his political philosophies, but everybody, I think, has to agree that he provided exemplary service to the province and to the country as a Member of Parliament, and he has continued to provide that service in the Senate.

He was one of the few people who you might have identified as a Progressive Conservative appointed by a Liberal government to the Senate, and one has to ask why. I would submit that when appointments were considered at that time, the Prime Minister looked at Alberta and said, "How am I going to deal with Alberta and Alberta's proposal for an elected Senate and the concept of having this Senatorial Selection Act?" and went out of his way to find an appointment that would be a good appointment to the Senate and would deny all the challenges that people might have, that people were appointed as political hacks or as a patronage appointment or all those other derisive things that people say when Senators get appointed in this country from other jurisdictions.

You can say the same about Senator Thelma Chalifoux. You can say the same about Senator Tommy Banks. You could say the same, I think, about Senator Jean Forest. Alberta has had exemplary appointments to the Senate, unparalleled anywhere else in this country. In my humble submission the reason for the quality of the appointments to the Senate from Alberta is because the Prime Minister, when he's making an appointment to the Senate from Alberta, has to look very, very carefully, has to make sure that the appointment is of outstanding quality so that people don't rise up and criticize the appointment because they don't like the quality of the people.

8:30

So this act has had efficacy not only in putting forward Alberta's position that the Senate should be an elected, effective, and equal

Senate, and until that can be accomplished, we should at least have the opportunity to elect nominees from this province. Not only has it had efficacy in putting that forward, but it has actually offered a very real benefit to the people of Alberta in that we have better quality of appointment of Senators because of this act, in my submission.

The Chair: The hon. Member for Edmonton-Glengarry.

Mr. Bonner: Thank you very much, Mr. Chairman. I want to make a few comments here, as well, on this particular bill, and I want to start off by making it perfectly clear that myself and my caucus colleagues believe very strongly in Senate reform. Of course, it was a Liberal bill – and I believe it was Bill 210 – calling for triple-E Senate reform in this province, and we fully support that same position today. We also feel that this would address the imbalance that does presently occur in the Senate if this were to take place.

But we do have a lot of problems with this particular bill, Bill 7, the Senatorial Selection Amendment Act, 2004. Certainly, one of the reasons that we have difficulty with this is that when elections were held in 1998 and the two members were elected, they were elected by approximately only 25 per cent of the eligible electors in this province. Now, here we have an amendment to a piece of legislation that's going to extend that period another 10 years.

So here we have two members sitting on the sidelines hoping that perhaps the Prime Minister of the day may appoint them to the Senate. We also have two people who were elected by only 25 per cent of the eligible voters, yet we are going to extend the period when they can sit on the sidelines another 10 years. So that will take us to the year 2014. When we see that they were first elected in October of 1998, then we're going to have a 16-year period approximately when we have elected members sitting on the sidelines. I don't know anywhere else in democracy where you can get elected and not have to be re-elected and maintain your position for 16 years. That is certainly not the way democracy works.

So from that very standpoint this is not a very good bill and certainly not an amendment that I can support. Thank you very much.

Mrs. O'Neill: Well, Mr. Chairman, as I understand the bill, it does not point to the extension of the two gentlemen that have previously been elected to the Senate for the period that the Member for Edmonton-Glengarry indicated. This bill is intended to allow the process to continue the availability of the electoral opportunity, if you will, for the citizens of Alberta to possibly elect members to the Senate, who might even eventually be in-waiting should there be the opportunity for appointment. But we would, if this process is followed through, have an indication of those who are willing to let their names stand and, secondly, whom a number of people in this province believe should be vested with this honour and this opportunity.

I just want to be very clear that we can't misread the bill, however brief it is, to be understood that we are by virtue of it proposing that the two individuals, Mr. Bert Brown and Mr. Ted Morton, continue as Senators-in-waiting, if you will, or however people have been referring to them. Their term, if you will, ends this year, expires. So let's be very, very clear on that.

Thank you.

[The clauses of Bill 7 agreed to]

[Title and preamble agreed to]

The Chair: Shall the bill be reported? Are you agreed?

Hon. Members: Agreed.

The Chair: Opposed? Carried.

Bill 6

Income and Employment Supports Amendment Act, 2004

The Chair: Are there any comments, questions, or amendments to be offered with respect to this bill? The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you, Mr. Chairman. Bill 6, the Income and Employment Supports Amendment Act, 2004, certainly is, I think, worthy of debate, discussion, and I would strongly urge all members of this Assembly to have a second look at this and consider supporting this legislation. If they have any questions or if they have any concerns about this, now is the time, I believe, to have them addressed.

Now, we're considering making amendments to the Income and Employment Supports Act, that was originally passed in 2003, and in particular in committee here amending section 49 to allow Human Resources and Employment officials to enforce all child support agreements that cannot be pursued by maintenance enforcement by protecting the privacy of people who provide the whereabouts of the parent who had not paid maintenance. I'm also told that this bill will resolve conflicts between other pieces of legislation. I see the hon. member nodding his head. I would consider that to be an affirmative, Mr. Chairman.

Now, the hon. member earlier said that the intent is mainly to help parents get child support by allowing Human Resources and Employment to enforce all child support agreements not covered under maintenance enforcement. When we look at this bill and we see the amendment to the Income and Employment Supports Act, there is a change here that allows the director to provide employment and training benefits to eligible people with disabilities or an employer, training provider, or other person to be used for the benefit of an eligible disabled person. In section 24 we are substituting for "Minister" the "Director." Hopefully, this will resolve some problems for some people in the province.

That's all I really have to say in regard to Bill 6 at this time, Mr. Chairman, but I would urge all hon. members to consider supporting this legislation. Thank you.

The Chair: The hon. Member for Edmonton-Castle Downs.

8:40

Mr. Lukaszuk: Thank you, Mr. Speaker. I'll take this opportunity to address some of the questions that were raised during second reading of this particular bill and perhaps even some of the questions that were just raised by the speaker who preceded me.

One of the questions that was asked, I believe by the Member for Edmonton-Centre – and I'm just paraphrasing her question – was to the effect that the parents or one of the parents have to be on an assistance program through the government, programs like AISH or supports for independence, in order to be eligible to have the government assist them to seek and obtain child support agreements or court orders. Well, there currently is a structure in place to assist custodial parents to pursue the noncustodial parents to obtain child maintenance and to instigate child maintenance enforcement. This bill does not attempt to change that.

The bill's goal is to basically give the department and those who pursue noncustodial parents – or shall we call them delinquent dads

to drive the point home? – more teeth to allow them to find those individuals, to assess their assets, to ascertain what their income level is, to find out whether they are working or not, and bring them back to the responsibility of raising their own kids, if not in person then at least through financial means.

So at this point the department is of a great deal of assistance to single parents who are in receipt of any benefits from the Department of Human Resources and Employment, be it AISH or the old SFI or, as we currently know it, Alberta Works. But it also extends assistance to those who get off the benefits and become independent yet are considered to be low-income earners or those who are in receipt of benefits such as medical health benefits, be it for adults or for children. It is the goal of this government to extend those benefits to a wider range of Albertans, but obviously there are costs attached, and at this point it is available to the group of Albertans who are in need, who can't pursue those child maintenance orders on their own and require that assistance.

Another question the Member for Edmonton-Centre raised was to the effect of: what is the correlation between Alberta Works and this program? Well, there is a great deal of correlation. As we all know in this House, we passed new legislation in 2003, to which my predecessor just spoke, which basically absolves us of the terminology of SFI, supports for independence, and we have a new global program in place.

It is the goal of this government and particularly of the department to pursue initially the noncustodial parents whose ex-spouses happen to be recipients of low-income benefits. It stands to reason because, after all, if there are children out there who are in low-income families, those children are primarily the responsibility of their parents, not of the government. Government is the last resort to which, unfortunately, the custodial parents have to turn. If the government is to be of assistance to custodial parents in raising their kids, it only stands to reason that we primarily pursue the noncustodial parent and have him own up to his responsibility and contribute to the raising of his or sometimes her children, although unfortunately it happens mainly to be his children. So the correlation is quite large because most of the individuals who are seeking assistance through the department to enforce their court-ordered child maintenance agreements are individuals who are in receipt of additional provincial programs such as Alberta Works.

The third question raised, I believe also by the Member for Edmonton-Centre, was regarding pursuing noncustodial parents for maintenance agreements or support agreements. Her question was: are we just looking for money that would be in fact coming back to the government, or are we willing to pursue this on behalf of court orders where monies would not necessarily be subrogated to the department? It's a good question. However, our main priority is to assist those who really need help to begin with.

There are many families out there who have child maintenance agreements ordered by courts who simply are affluent enough to be able to pursue those court orders on their own and to enforce those court orders on their own by simply hiring a lawyer for a fee or by hiring a private detective or whatever means need to be employed in order to track down that delinquent parent. However, unfortunately, those who are in receipt of government low-income benefits don't have the luxury of being able to hire legal counsel or a detective to track down the delinquent father. In this case, it is the department that has assumed the responsibility of assisting those parents.

Does it have anything to do with subrogation of dollars? Obviously, as a result, it will because if there are monies coming from a father towards a child and the single mother in the meantime is receiving low-income benefits from our province, it only stands to reason that we hold the father responsible primarily for the cost of

raising his children. Then the government becomes a secondary payer and not a primary payer. However, it is not exclusive, because in many cases single parents raising children are not in receipt of any financial benefits from the province. All they're receiving is a medical services card, and then the province will not be subrogating itself to any dollars but will simply be able to assist that single mother with the additional monies that she will now be receiving from the delinquent parent in order to allow her to have more resources available for the raising of the children.

I'm glad to hear that at least the Liberal opposition appears to be in support, and I'm glad to clarify the questions. I would urge all members to support this bill. I think it's a very important piece of legislation. Unfortunately, in our society it is not uncommon to have breakdowns of families, and we accept that. We have learned to accept that in our families.

However, what we accept is the fact that adults do divorce, but one person in your family that you can never divorce is your child. That child, whether there was a breakdown of a marital union, remains your child and your responsibility, not only a parental responsibility but also a financial responsibility. As MLAs too often we see that not everybody concurs with that. There are many individuals out there who feel that the moment their marriage has fallen apart, their financial responsibility towards their children also disappears. Too often those individuals turn out to be quite crafty, shall we say, in their ability to disguise their income or employment to begin with or assets for that matter and, by doing so, make it virtually impossible for the other ex-spouse who happens to be in a financial predicament to be able to pursue them, because to pursue them you have to have resources to begin with, and that's one thing that they don't have.

So I think it's a fabulous step that this department has taken in introducing this bill. What this bill really will do is it will give the department one more tool to be able to track those parents down without primarily worrying about issues of privacy and from where they obtain the information or who reports the information to the department.

As we all know, most Albertans agree that being a delinquent parent is not the proper thing to do, yet because of the fact that if you were to report that person to the department and they were to find out that you did that, that could severely jeopardize your relationship with that delinquent parent, many hesitate to report. Well, with the advent of this bill and with the passage of this bill into law, that is one less concern that Albertans will have to have. They will be able to report the individual or assist the department in locating the individual without having any consideration for the fact that their personal information will be disclosed and perhaps the relationship with the delinquent parent will be jeopardized.

So, again, I would urge all members of this House to support this particular important piece of legislation simply to assist those who are in financial need and to drive the point home that it is everyone's moral and financial responsibility to raise their own kids. Thank you.

The Chair: The hon. Member for Edmonton-Glenarry.

Mr. Bonner: Thank you very much, Mr. Chairman. It is indeed a pleasure to rise this evening and make a few comments on Bill 6, the Income and Employment Supports Amendment Act, 2004. A few years ago I had the opportunity to listen to Senator Jesse Jackson, and he made an interesting comment at the start of his speech. He said: you know, the poor people in the United States today aren't seniors on fixed incomes; they're not our new Americans; they are single mothers with young children. This particular bill, Bill 6, the

Income and Employment Supports Amendment Act, 2004, is a bill that certainly addresses this very situation.

8:50

One of the strengths of this particular bill is that it does indeed show the value we have for children. We do need tougher legislation in this province, certainly, to deal with noncustodial parents who do not pay for child support. The other situation we also have is that even when we do have our legislation, we have to make certain that it is applied to the fullest in order that children and the custodial parent are receiving the dollars that they deserve and the dollars that are rightfully theirs to feed and house and educate those children.

One of the ways that I think we could have done it – and I would have liked to have seen this – is that we have far more interprovincial co-operation between agencies where we can track down the deadbeat parents, the parents who are noncustodial and who are not paying their fair share.

Another issue that we seem to have with parents who phone the constituency office in Edmonton-Glengarry is that in too many cases the money that is coming from the noncustodial parent does not arrive in a timely manner. When parents are trying to raise families and pay rent and buy food and whatever else, they certainly want predictable and stable funding in order to pay their bills.

As well, I think another area that we have to look at when we're talking about parents and particularly the noncustodial parent who is in arrears to the custodial parent and their children is how they can go to court and get this amount reduced and then go on from there, for all the time that they were in arrears and the custodial parent and the children were doing without and they were struggling because of that.

I would have liked to have seen legislation that would address where noncustodial parents hide their assets or perhaps have legislation where we can seize assets of those particular noncustodial parents who are in arrears so that they aren't driving new fancy vehicles, they aren't living a lifestyle that is luxurious in comparison to what their former spouse and children are.

As well, I think we have to have some type of system whereby we can crack down on these people who are in arrears, who work for cash or in some other manner get money. It is a very difficult task for us to trace. So certainly this is one more tool that we can use to address some of these situations.

I think that we can go a lot further in passing legislation which would definitely put more teeth into collecting in a timely fashion the monies that the noncustodial parents owe and certainly forcing those parents who have not made it their number one responsibility to care for their children so that we do pass legislation which will assist those custodial parents and children in getting their money and getting it in a timely fashion.

Thank you very much for the opportunity to make those comments.

The Chair: The hon. Member for Calgary-Bow.

Ms DeLong: Thank you very much, Mr. Chairman. I wanted to speak a few words on Bill 6, the Income and Employment Supports Amendment Act, 2004. When we as the government were first looking at this bill, the question arose in my mind in terms of the balance, in terms of how vigorously we go after these financial debts that parents owe. It seemed to me that we were going after these debts in a manner that was much more intense and put much more of the force of the law behind it than most any other debts that we collect. You know, that was sort of something that struck me at first, and I started thinking: well, how far do we go with this?

I found out that there are many states within the United States where rather than just going after a parent, going after their financial needs, the parent who does not pay their support payments is actually thrown in jail. So in terms of where we are as a government compared to all the other governments, we tend to be sort of in the middle of the road with this.

But it also got me thinking about what a parent contributes to their child's upbringing. I know it's quite difficult for us. You know, we tend to be a little older, and it's hard to remember what it was like as a child in terms of how much we needed our parents. But I think most of us have children ourselves, and we can at least look back that far and remember the really intense relationship with our young children.

So what this brings me to is that even though we work really hard on getting the financial backing of parents for their children, we should be working just as hard at making sure that children have access to both their parents. I think that as a Legislature we should be looking at opportunities for enforcing the access just as strongly as we enforce the financial side of parental responsibilities.

Thank you very much, Mr. Chairman.

[The clauses of Bill 6 agreed to]

[Title and preamble agreed to]

The Chair: Shall the bill be reported? Are you agreed?

Hon. Members: Agreed.

The Chair: Opposed? Carried.

The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Chairman. I would move that the committee rise and report bills 6 and 7.

[Motion carried]

[The Deputy Speaker in the chair]

Mr. Johnson: Mr. Speaker, the Committee of the Whole has had under consideration certain bills. The committee reports the following: Bill 7 and Bill 6.

The Deputy Speaker: Does the Assembly concur in this report?

Hon. Members: Agreed.

The Deputy Speaker: Opposed? So ordered.

head: 9:00 **Government Bills and Orders**
Third Reading

Bill 2

Black Creek Heritage Rangeland Trails Act

The Deputy Speaker: The hon. Minister of Community Development.

Mr. Zwodzesky: Thank you, Mr. Speaker. It's a pleasure to rise one final time here during third reading of Bill 2, the Black Creek Heritage Rangeland Trails Act. In my comments I hope I will be addressing some of the concerns that some of the members expressed as I talk about the general spirit and intent behind the nature of this important bill.

I want to begin, Mr. Speaker, by simply saying that Alberta Community Development's primary mandate with respect to provincial parks and protected areas is to preserve representative examples of the various natural landscapes in the province in order that Albertans can enjoy these many areas for many years into the future. The negative impacts of recreational motorized vehicles on the natural environment, particularly in more sensitive areas within the foothills and mountains, are generally not compatible with the many other activities that occur in provincial parks and protected areas, where Albertans and visitors alike travel to enjoy the peace and the solitude of the great outdoors that our province has to offer.

Now, with respect to protecting this significant area in the Whaleback, a commitment to continue to provide for some level of recreational vehicle access through the heritage rangeland was made to local ranchers and other stakeholders prior to the establishment of the two Whaleback protected areas back in 1999. To put it another way, we needed to do this in order to establish these protected areas.

So Bill 2 provides a unique and specific exception that will allow two short existing trails – in other words, trails that are already there and have been for decades – within the heritage rangeland to continue to be used to access the existing trail system in the adjacent Bob Creek wild-land, where limited recreational off-highway vehicle use is already permitted. These existing trails have been there for many years and have always provided the main access into the Bob Creek wild-land, and that includes off-highway vehicle access.

The monitoring of off-highway vehicle use in Black Creek heritage rangeland and in the adjacent Bob Creek wild-land by my department staff will of course continue. Reports from the local residents and, on occasion, incidents reported by a responsible OHV user also contribute to the monitoring of use in this area. My department staff patrol this area on a regular basis and find compliance to be generally very good.

OHV users have reported that overall the use in the area is relatively low. Most OHV use occurs during the hunting season, and during that particular time of year there are more frequent patrols and enforcement measures that my department staff undertake. Ranchers are in this area on virtually a daily basis during much of the year, and they also provide us with important monitoring information.

Trails such as the ones we're talking about can be closed due to fire conditions and for other reasons such as flooding or wildlife hazards or generally poor trail conditions and so on. But trails will continue to be monitored and closely watched as required.

In the end, Mr. Speaker, we are very mindful of our preservation commitment to this generation and to future generations of Albertans. In fact, Alberta has approximately 12.5 per cent of its total land base already in some form of protected area status, be that provincial parks, wild-land parks, natural areas, ecological reserves, recreation areas, national parks, heritage rangelands, or the Willmore wilderness.

Now, with the Whaleback areas that are part of this bill, Bill 2, that is before us tonight, we made a commitment to continue to provide for some level of recreational vehicle access through the heritage rangeland prior to these protected areas being established, and Bill 2 simply provides a specific exception to allow the two short existing trails that I alluded to earlier within the heritage rangeland to continue to be used by recreational vehicles and to provide access through those two trails into existing trail systems in the adjacent Bob Creek wild-land. This exception was always anticipated in managing these two special areas.

Once this has been addressed, we will also proclaim a section of another important piece of legislation governing our protected areas

to prevent general recreational OHV access. The Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Act is what I'm referring to, and that is the one that defined the parameters for establishing and protecting heritage rangelands, including the general prohibition of off-highway vehicle use in such areas as a means of assisting with their ongoing protection.

Dispositions, as I indicated during earlier stages of debate, are permitted for such uses as grazing and trapping and so on. This prohibition, however, that I have just alluded to has not yet come into effect as we had a very unique situation affecting the Black Creek heritage rangeland, which, by the way, is the first officially declared heritage rangeland in our province. We recognized that this situation was unique, and it had to be addressed before we proclaimed any general prohibition of OHV use in heritage rangelands, which will come into being in the not too distant future.

So that addresses a few important concerns. I just have a couple of other ones very quickly, Mr. Speaker. First of all, I want to reiterate that with respect to the heritage rangeland, the Black Creek heritage rangeland specifically, and the Bob Creek wild-land, both of which are beautiful areas in the Whaleback, no final management plan has yet been arrived at. There has been a draft management plan made available to the public. We've had public consultations in a couple of locations and received a lot of input, but that particular final management plan is still being worked on.

With respect to the issue of alternative access that has been referenced, this too was explored, but as I indicated earlier, the topography, the drainage patterns, the configuration of the heritage rangeland precluded any reasonable access from elsewhere to accommodate the commitments made back in 1999 and to accommodate the unique features that formed the perimeters of these two special areas, so we're going with what already exists in order to provide access into the Bob Creek wild-land.

I want to also emphasize the importance of the local ranching community, the farming community, and the MD of Ranchland, all of whom have requested this particular solution to the unique problem that exists down there. They have been very forceful and adamant in ensuring that the government lived up to the commitments that were made back in 1999, and had we not made those commitments then, Mr. Speaker, we would not have been able to even get to the protected status level of the larger picture which we're trying to serve, so, please, let's keep that in context.

With respect to the monitoring of OHV use, which some others have commented on in the House, I want to say that we will be doing more frequent patrolling and enforcement, particularly during the hunting seasons and so on. Also, just to reiterate that ranchers are there and they are very vigilant, and they, too, report any problems that might be encountered.

The other point is with respect to the additional work that we will still be doing around creating specific strategies to implement the management plan once it's finalized, and that, too, will require the co-operation of all the local stakeholders and others that we've been hearing from.

Mr. Speaker, I think it's important to again emphasize that the Black Creek heritage rangeland is Alberta's first, but we will also be looking at re-establishing as heritage rangelands over a period of the next several years six other heritage rangeland natural areas in the province. Today's bill, Bill 2, is specific to one heritage rangeland only, and it applies only to two short existing trails in that Black Creek heritage rangeland itself.

9:10

The heritage rangeland designation as a classification requires,

however, an understanding of the unique relationship that ranchers play in maintaining native prairie vegetation on these sites through carefully managed cattle grazing. A heritage rangeland designation will sustain the traditional ranching approach to the management of native grassland ecosystems while ensuring the preservation of ecological integrity and biological diversity associated with these sites.

That is the thrust of what we're doing here. We're not opening up the entire heritage rangeland. We're only saying that two short trails will be allowed to carry off-highway vehicles through the heritage rangeland to the Bob Creek wild-land. So the proposed bill does not affect any other provincially protected lands, as some people may have thought. It is very specific, only to the Black Creek heritage rangeland itself.

Mr. Speaker, I think that basically concludes my comments on Bill 2. I hope it also alleviates some of the concerns that some members may have. We fully understand what the ecological benefits are, the economic benefits, the educational benefits, the recreational and health benefits, the scientific benefits, the spiritual and cultural benefits, and so on. We fully realize what those are and how important they are to Albertans and to future generations of Albertans.

So that having been said, I will look for the support of members on this important Bill 2 as we conclude our debate. If there are other questions or concerns that were raised during other parts of the debate, Mr. Speaker, between myself and my staff we will endeavour to get answers out to those members as soon and as quickly as possible. With that, I will take my seat and hope for your unanimous support of Bill 2.

Thank you.

The Deputy Speaker: The hon. Member for Edmonton-Ellerslie.

Ms Carlson: Well, Mr. Speaker, you're not going to have unanimous consent on this bill because the minister's comments have not satisfied the stakeholders that are in contact with me.

The minister himself said that motorized vehicles generally are not compatible with preservation goals, and then he goes ahead and allows motorized access. He knows, I know, we all know that off-highway vehicle and highway vehicle activity is known to have a detrimental effect on wildlife habitat. It disturbs the wildlife. It increases air and water pollution, it causes soil and stream and bank erosion, and it is in direct contradiction with what the initial intent was of having this Black Creek heritage rangeland established. Allowing this kind of traffic into the rangeland sets a dangerous precedent for the protected areas in Alberta, where currently we already have less than 9 per cent of provincial Crown land set aside for nonmotorized access. They made a bad deal, and it's not getting any better with this bill.

Thank you.

Mr. Lund: Mr. Speaker, I just want to get on the record a couple of comments relative to this bill. I think it's really important to recognize that prior to the designation of the Black Creek heritage rangeland and, for that matter, the whole setting aside of the Whaleback from industrial activity and general traffic in the area, there was an agreement with the ranchers and the people in the area that these trails would remain open. Unfortunately, as the act was put together and the designation occurred, these trails were part of the designation.

If people want to have a look, there are other areas where we set aside parcels of land and where trails have been used for ages, and

we excluded them from the designation. Unfortunately, that did not happen in this area, and I think it would be an absolute insult to the people in the area that agreed to work with the government and set this area aside and preserve it into the future. As part of that agreement these trails were going to be open, so now we're fulfilling what we agreed to back in 1999.

The Deputy Speaker: The hon. Member for Calgary-Currie.

Mr. Lord: Thank you, Mr. Speaker. I'd also like to add just a couple of quick comments in support of this bill. Frankly, I agree with my hon. colleagues that this is a pretty big success story overall and that it's very important to look at the big picture and the agreements and what has been in place there for many, many years. From an environmental perspective this is a 98 per cent success, and instead we hear people focusing on the 2 per cent negative portion to this. I would suggest that, in fact, this really has been an overall big success story, and I hope that members of this House will solidly support this bill.

Thank you, Mr. Speaker.

The Deputy Speaker: The hon. Minister of Community Development has moved third reading of Bill 2.

[Motion carried; Bill 2 read a third time]

Bill 3

Architects Amendment Act, 2004

The Deputy Speaker: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. On behalf of the hon. member who sponsored the bill, I would move third reading of Bill 3, the Architects Amendment Act, 2004.

A thorough explanation was given at the time it was moved for second reading of the need for the changes to the Architects Act to bring it into alignment, allowing for the designation of licensed interior designers and bringing them into the scope of the act. I would commend the act to the House for passage.

The Deputy Speaker: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you very much, Mr. Speaker. I certainly at this time in third reading would like to express my gratitude to the hon. Member for Olds-Didsbury-Three Hills, the sponsor of this bill. He went out of his way to explain what was being accomplished here by this Bill 3, and I appreciate that.

Certainly, I have read in a number of publications the efforts that the hon. member has made to discuss this legislation with as many of the 600 practising architects and 60 licensed interior designers as possible. I'm left with the understanding that other people were in discussions also with the hon. member. So with those remarks, I hope that the changes that are proposed here to define "licensed interior designer" and allow for one licensed interior designer to be elected to the council of the Alberta Association of Architects work out.

9:20

I would like to think that now that we have this accomplished with the architects, perhaps it's an opportunity for the government to look at the building code, which certainly the architects work from. I think it's time for a comprehensive review of the building code in this province to ensure that consumers who are buying condos –

condos are springing up all over the province, but one has to make sure that our building code is adequate to not only protect the purchasers of those condos but also to protect the builders as well. Let's make sure that our building code is sufficient to protect all parties here. Now that this has been accomplished, if I could encourage the hon. members on the government side to give themselves another job to do, it would be to have a look at our building code to ensure that it is satisfactory in this day and age and in this marketplace.

Thank you.

[Motion carried; Bill 3 read a third time]

The Deputy Speaker: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. I would move that we adjourn until 1:30 p.m. tomorrow.

[Motion carried; at 9:21 p.m. the Assembly adjourned to Wednesday at 1:30 p.m.]

