

## Legislative Assembly of Alberta

**Title:** Wednesday, March 22, 2006

**8:00 p.m.**

Date: 06/03/22

[Mr. Shariff in the chair]

**The Acting Speaker:** Please be seated.

head: **Government Bills and Orders**  
**Third Reading**  
**Bill 2**  
**Drug-endangered Children Act**

**The Acting Speaker:** The hon. Minister of Children's Services.

**Mrs. Forsyth:** Thank you, Mr. Speaker. I can't tell you how pleased I am to rise today and move Bill 2, the Drug-endangered Children Act, for third reading.

We've had many good discussions about this legislation and what it will do for some of Alberta's most vulnerable children, and I'd like to take the opportunity to address one issue which was brought up during committee. There is some concern that the part of Bill 2 which provides for an emergency apprehension of a child without a court order violates fundamental civil liberties. Mr. Speaker, I'd like to reassure all members of this Assembly that this is not the case.

Apprehending a child is a serious matter and one that my ministry does not take lightly. These provisions are used in situations where clearly a child is at risk. Unfortunately, police and caseworkers aren't always aware of all the circumstances of a case until they go to investigate. They need to be able to respond to what they find, and this may include immediately removing a child from a dangerous situation.

I'd like to thank my hon. colleague for his concern and assure him that the aforementioned subsections are necessary to protect the children in our province who most need our help. These provisions have consistently been upheld by the courts as being constitutional.

Again, I'd like to ask the entire Assembly to support this important piece of legislation and help address this emergent social issue. Your support will put an end to the abuse that these children face. Thank you.

**The Acting Speaker:** The hon. Member for Edmonton-Centre.

**Ms Blakeman:** Thank you very much, Mr. Speaker. I had spoken actually against this bill I think in second reading. I have the same concerns now that I did then. There's been nothing coming from the government side that alleviates my concerns, and those are specifically that all the powers that are needed to apprehend children if they are in danger, in fact, exist now. So the purpose of this bill is unclear.

My concern about it is that it becomes a window dressing. It becomes something that can be waved around that we're protecting children, but in fact the actual resources that need to be in place for this – I don't see them being in place, and I'm a little concerned that we'll see a parallel to what we saw with the PCHIP bill, in which young prostitutes were apprehended and were supposed to go to a safe house when, in fact, there were no resources for the safe house. For the first period of time after the bill was in effect, there was no place to put these young women. I think that program has not been as successful as the government had hoped, but it's much flashed around as proof that somehow the government is doing something, and that's my concern with this bill that I see before me.

Everything that the government claims it wants to do with this bill

it, in fact, can do now, and if it was really concerned about expanding the definition of abuse to include being in a house where toxic drugs are being manufactured or grown, then I question why the current definitions of abuse under the existing child and family act – and I never get that name right; sorry – aren't just expanded to include this additional definition of abuse.

So I, too, have some real concerns about how the effect of this bill ends up getting played out. I don't see the resources in place to make it operational. I question why we're not using the existing legislation, that we're piling on yet another layer here, which, to my mind, is inefficient government, not efficient government.

I share my colleague from Edmonton-Strathcona's concerns about extraordinary powers that are being granted here. I think we have to always strive for that balance, and I know that that's difficult for child welfare workers and for the police that are dealing with these cases. This is not easy stuff. I just have real concerns that this is a bill that's all about grandstanding and window dressing and not about actually doing what the government professes that it wants to do because if it did use the laws that are there, resource them so that they're effective and get on with it.

Thank you, Mr. Speaker.

**The Acting Speaker:** The hon. Member for Edmonton-Rutherford.

**Mr. R. Miller:** Thank you very much, Mr. Speaker. I will keep my comments very brief this evening. It's not often in this Assembly that I find myself changing my mind on a piece of legislation. The other day when I spoke to Bill 2, I gave it my wholehearted support, and I would like to be able to do that still. The Member for Edmonton-Strathcona that particular day gave what I believe to be some very, very compelling arguments about the rule of law, particularly as it relates to sections (9) and (10) regarding the apprehension of a child.

Mr. Speaker, I have to say that upon reflection over the last few days, I share as well the concerns of the Member for Edmonton-Strathcona, and that doesn't mean that I don't believe there's an awful lot of good that is being attempted to be accomplished by this bill. But when we're talking about basic civil rights and civil liberties and in this case perhaps an unnecessary infringement on those civil liberties, I do in fact share the concerns of a number of my colleagues in this Legislature, and I'm not so sure that I'm going to be able to continue to be able to offer my full support of this bill unless we can address those two clauses that the Member for Edmonton-Strathcona addressed in his comments the other day.

Thank you.

**The Acting Speaker:** The hon. Member for Calgary-Varsity.

**Mr. Chase:** Thank you very much. My concern with this bill is that once the children are apprehended, do we have the facilities and do we have the operational budget to support them? Whatever hell we've taken them out of, I want them to have an opportunity to recuperate, to be placed in the care of loving foster families, possibly the opportunity for the parents who went down this wrong road to have an opportunity to receive counselling with the hope that maybe these damaged families can be brought back together.

This reminds me a little bit of what we were trying to accomplish with the children that were addicted to crystal meth. Initially we were talking about a 90-day treatment plan, but over the course of amendments and discussions that was greatly reduced. I guess I'm asking the minister: can you outline some of the support programs – for example, the number of beds, the potential for foster families – that would address my concerns? While we're apprehending the

children, are we putting them in an environment of care and protection where their educational goals, their health goals, their basic needs can be fulfilled?

Thank you.

**The Acting Speaker:** The hon. Member for Edmonton-Strathcona.

**Dr. Pannu:** Thank you, Mr. Speaker, for the opportunity to speak to Bill 2 in third reading. I want to start by bringing to the attention of the House a bill that was passed in this Assembly some 75 years or so ago, to be exact, in 1928. It was called the Sexual Sterilization Act. I just want to remind all members of the House about that bill and the injury that bill did to over 3,000 innocent Albertans who were sterilized because that law was passed in this House. That law was wrong. It was morally wrong. It's a legal abomination. The Supreme Court said so. This government then compensated those innocent victims of that carelessly passed law. I bring this to the attention of the House because it's sobering to think about how Assemblies such as ours get carried away by the argument of the moment or the concern of the moment, not a sound argument but a concern of the moment, and enact laws that are wrongful, that do irreparable injury and damage to innocent citizens.

**8:10**

Having said that, Mr. Speaker, I want to draw attention to the pseudoscience that drove that particular decision by this Assembly in 1928 as yesterday was the anniversary of the passage of this bill in this Assembly under this roof. That bill was driven by the science of genetics and the eugenics movement based on a pseudoscience of theories of genetic inheritance, that somehow imbecility, mental illness, or a deficiency in intelligence were the result of defective genes, and therefore mothers who were alleged to have those genes had to be deprived of their right to have children, hence sterilization.

One of the key figures in the early part of last century, a scientist, a psychologist, and a celebrated psychometrician of the time, was Cyril Burt, who was later on knighted for his scholarship and became Sir Cyril Burt. He was a professor at the University of London in England. Seventy years later Sir Cyril Burt's research was shown to be based on forged and falsified data. The psychological association of Great Britain took away his membership posthumously. His peers 70 years later saw the offence that he committed was so serious that they found it necessary to take away from the already passed away Sir Cyril Burt the honour of being a member of that association.

Now turning to Bill 2, Mr. Speaker, I have had time to reflect after last Thursday's debate in which we argued back and forth about the legal status of this bill, whether or not it's respectful of the conventions of the rule of law on which all democracies are based, and I have been unable to change my mind about my concern that the bill, in fact, does not respect this fundamental principle of the rule of law to which all democratically elected governments must submit their legislation, must use it as a test, as a proof whether or not the legislation is worthy of the support of Houses or Assemblies such as this one.

Mr. Speaker, we either have to accept the first eight subsections of section 2 and say that those are sufficient in themselves to permit the apprehending of children who are defined by this act as being endangered through drug production in the home – they're drug-endangered children. These are not children whose lives are in immediate and imminent and present danger. These are children whose well-being is endangered because they inhale the fumes, the chemicals that are cooked and produced in a residence. The first eight subsections of section 2 allow enough leeway to law enforce-

ment agencies or the child protection agencies to seek legal permission and authority to enter the premises to apprehend those children. Subs (9) and (10) are the exact opposite of the first eight, and if this bill is to allow (9) and (10) to stand, then we don't need the first eight. If we are going to allow child protection authorities or other agencies of the state to go in at will without being authorized to go into a residence, then why do we need the first eight?

So either we have (9) and (10) – and then it's clear that this Assembly is saying to child protection authorities that they don't need to follow the rule of law and to go in and do whatever they want because that's in the best judgment of the Assembly – or we say that the first eight are the ones that we stand by and that these are the only ones that we give approval to. We can't have it both ways.

Mr. Speaker, the state, in my view, without due cause has no place in the living quarters and in the family rooms of this province and of this nation. That is why I find it ironic that the minister is supposed to protect children. When you protect children, you protect them not only in terms of their physical well-being but you also protect them with all the civil liberties and the freedoms that they enjoy now and that they will enjoy when they become adults. You can't pass a law, violate a fundamental principle or rule of law, and then say that you are protecting children. You are not protecting them from anything. You are simply in fact creating conditions in which the legitimacy of the laws that we enact will be undermined, and therefore the laws themselves will be weakened.

There are 516,700 children between the ages of birth to 12 years and 315,300 mothers with such children in that age group. Of these, 60 per cent of the mothers of children in a family where the youngest child is less than three years old work. Mr. Speaker, 71.4 per cent of mothers with the youngest child being between years three to five work. Then 83.6 per cent of mothers with the youngest child being between the ages of six and 12 years work. These are the children who need the protection of and the services of this minister. The minister has been to Ottawa last week to seek such protection, to seek such assurance from the federal government, and these families, hundreds of thousands of children and their parents, are still waiting to hear from the minister. I think she has an appropriate role, a major role as a matter of fact, in improving the lives of our children. This bill doesn't do that. If anything, it undermines the conditions under which our children can grow up as healthy children and become healthy and enabled adults.

Therefore, Mr. Speaker, I would like to introduce an amendment, usually called a hoist amendment, to the act. I have the copies of the amendment with me. I would like it to be circulated before I speak to the amendment any further.

Thank you.

**8:20**

**The Acting Speaker:** Hon. member, you may now proceed.

**Dr. Pannu:** Thank you, Mr. Speaker. I move that the motion for third reading of Bill 2, Drug-endangered Children Act, presented to the House by the minister just a few minutes ago, be amended by deleting all of the words after "that" and substituting the following: "Bill 2, Drug-endangered Children Act, be not now read a third time but that it be read a third time this day six months hence."

Briefly, Mr. Speaker, to speak to the amendment, I argued with some passion Thursday afternoon for the minister to give this Assembly and, more than anything else, give herself some time to reflect on what some of us have expressed as serious concerns with respect to this bill. I was unable to persuade the minister to do so on Thursday afternoon.

This motion gives me another chance to make yet one more

attempt to ask the minister to allow a cooling-off period of six months – and this motion will do precisely that – in which she and her department officials will have the time to weigh the arguments made in this House against subs (9) and (10) of section 2 of this bill. Perhaps it would be possible, then, for the minister on reflection to say: yes, there is some merit to the arguments made in this House tonight and on Thursday afternoon. If she is not convinced, then six months from now she will have opportunity, a full opportunity, to proceed with this bill in its third reading.

All it does is allow the minister six months of time to engage in some further consultation, and she's welcome to consult with us. I'll be happy to walk into her office and spend some time with her and share my concerns again and explain. Perhaps if I haven't explained myself successfully enough now, I'd be willing to work harder on it and see if I can convince her, and if at that moment she still thinks that she wants to proceed with it, she will have the opportunity to do so then.

So I ask the House to support this amendment in order to allow, certainly, the minister and other members of the House to have the necessary time to reflect on the arguments because the arguments are serious. They deal with the essential aspects of the rule of law and whether or not the legislation before us does meet the test of the principles of the rule of law.

As I said in my introductory remarks earlier, Mr. Speaker, legislation passed in haste or in partisan zeal does not necessarily serve the interests of Albertans in the best way possible. The sterilization act of 1928 is one significant example of a law that was passed in that kind of zeal, under those conditions of the limits of our knowledge that prevailed at the time. We didn't ask questions about how limited that science was, how flawed those arguments based on that science were, how unreliable the data that justified that science turned out to be, so unreliable that it turned out to be in fact false, and the author and the principal investigator was in fact dishonoured by his own peers 70 years later.

All of this, I think, draws our attention to be cautious when we move forward with laws which have the possibility of offending and infringing on our fundamental rights. Thank you, Mr. Speaker.

**The Acting Speaker:** The hon. Member for Edmonton-Meadowlark.

**Mr. Tougas:** Thank you, Mr. Speaker. I, too, spoke in support of this bill originally, and I'm having some second thoughts based on what the Member for Edmonton-Strathcona and also the Member for Edmonton-Centre said. They brought up some very good points about the rule of law, about civil liberties. A lot of my concerns about this Bill 2, regarding marijuana grow ops for instance, have not been fully addressed. I know that earlier today the Minister of Children's Services said that this law does not violate civil liberties, but just saying that it doesn't violate them doesn't mean it's so. With all due respect, I'm not questioning your judgment.

I think that the Member for Edmonton-Strathcona has made some excellent points, and a little sober second thought on a bill of this magnitude is certainly something to think about. Removing a child from a home is a last-ditch, draconian measure, and it's not something that can be done lightly. I'm sure it never is. But if we're talking about a bill that can take children out of their homes, it would be worth while to give this more thought. So I'm saying this in favour of the member's amendment.

Thank you.

**The Acting Speaker:** The hon. Government House Leader.

**Mr. Hancock:** Thank you, Mr. Speaker. I do want to spend just a few moments to discuss Bill 2 because Bill 2 is very important legislation. When we talk about the children of this province, we know that around the province, unfortunately, there are unscrupulous adults who will do anything, essentially, without morals or ethics and put their children in danger while they're in the pursuit of making a dollar by cooking methamphetamines in their homes. When they're prepared to do that type of work, it's absolutely amazing to me that somebody would stand up and say that you're putting their civil rights in danger when what you're talking about is protecting the rights of the children, making sure that the children have an opportunity to grow up, making sure that the children have an opportunity to overcome the barriers to success. Quite frankly, children that are in that type of situation obviously have far too many barriers to their success already.

There are appropriate times and appropriate places when one has to go into a home and apprehend a child – there are appropriate times and appropriate places – where a child is being abused, and this is a type of abuse. You need to be able to protect children. I heard one of the hon. members opposite indicate that just by saying that it doesn't violate human rights doesn't make it so. Well, just by saying that it does violate human rights doesn't make it so either. Obviously, what happens when you put together legislation of this nature is that you have to do a very careful consideration and weighing of the relative merits of each case and determine what's appropriate in the circumstances. You need to have legal opinions and legal views of it. Obviously, you need to look at what the respective rights are, but no rights are absolute. Absolutely no rights are absolute. Every right is subject to . . . [interjections] If you want to get into the debate, feel free to get into the debate.

Every right, Mr. Speaker . . .

**The Acting Speaker:** It would really help if the person who is recognized speaks through the chair. If there are other members who wish to participate in the debate, there is an opportunity for the chair to recognize them. Currently the floor is with the hon. Government House Leader.

**Mr. Hancock:** Mr. Speaker, the long and short of it is: when children are in danger, it's in the community's interest and the child's interest to protect that child. Obviously, the question of danger can be a subjective question at times, but when you're talking about people who are cooking drugs in their homes, when you're talking about people who are violating the law and abandoning their duty and responsibility to provide a safe and caring environment for their children, then it is in the interest of society, in fact it's the obligation of society to provide that caring and that protection. That's what this bill is about. The bill is child protection legislation. The provision that concerns us, section 2(9), mirrors the provision of the Child, Youth and Family Enhancement Act. The apprehension of children in urgent situations where their life, health, or safety is in imminent danger is valid child protection legislation. It's not only the right thing to do; it's our responsibility to do it.

8:30

**The Acting Speaker:** The hon. Member for Edmonton-Calder.

**Mr. Eggen:** Thank you, Mr. Speaker. I think it's important for us to recognize and differentiate the intention of my hon. colleague's amendment. An idea of putting some sober second thought into this I believe originates at least twofold, the first being that we have provisions within the Child Welfare Act already to remove children if they are in a situation that is dangerous to their welfare, either

their physical or mental state. So we are just trying to point out that by layering on other more specific things in regard to the apprehension of children doesn't necessarily make it a better way to actually look after the welfare of children. I mean, we're not debating the nefarious activity of people and all of the terrible things that they do while being parents and their responsibility in that regard. I'd think that you would recognize, Mr. Speaker and all members across, the differentiation that we're making.

Important, I think, as well, is the second point that I want to make, that it's so easy to cloak oneself in self-righteousness by pointing out something that happens to be the newsworthy crime of the day. So making crystal meth in people's homes seems to be the thing that everybody wants to talk about, and we seem to be spending an inordinate amount of time here in this House on that one specific place where children can be endangered. I certainly am not showing any disrespect to the intention of looking after children and the welfare of children, but to just to focus on that and to put another layer of law on there when we already have the law in place to look after children if they're in danger I would say has an element of grandstanding.

So I'm saying, Mr. Speaker, that we are simply looking at a sober second thought, and any time we build on layers of apprehension of children or rights in general, we have to be very, very careful. You know, we're speaking across different political ideologies here, from both the left and the right, and we will not look after the protection of children by also putting on extra laws just for the sake of them when we probably have them in place already.

Thank you, Mr. Speaker.

**The Acting Speaker:** The hon. Member for Calgary-Varsity.

**Mr. Chase:** Thank you. We all care about kids. There is no partisan nature to caring about kids, and to attribute accusations that we care less or that because we're Liberal or NDP or Conservative or Alliance, somehow we have a different value for children. I hope we don't go there. To various degrees fathers, mothers, parents, grandparents all have a concern for children. I would think that that's a large part of the motivation of why we're here: we're trying to establish and protect the generation to come.

I was not here in earlier debate, but I did ask the minister – and this was for clarification purposes – are we going to improve the lot of these children? Do we have a place to take them to after we've apprehended them? This would very much help me in my decision-making if laws exist already that make such apprehension possible. If they don't exist, I'd like to hear that discussion as well. What I'm looking for, Mr. Speaker, is further information so that I can make an accurate judgment on the hoisting of this bill.

We dealt with crystal meth in terms of the environment. It was felt that there wasn't sufficient information at that time. We spoke at length, the better part of two hours, on that particular crystal meth-related bill. In the end it was hoisted because it was felt that we could craft a better bill. We also hoisted the bill with regard to, again, protecting children and requiring children who are under 15 to have their parents' permission for any kind of medical services that might be provided. Again, with that particular bill we addressed it; we spoke to it. We did our best, but we found that it was short. It didn't have the strength of recommendation, the strength of legislation to go through it.

This is where I'm at. I need more information so that when it comes to the vote on the hoisting process, I have all the information I need to make a good decision. Thank you, Mr. Speaker.

**Mrs. McClellan:** Mr. Speaker, I had an opportunity to speak to this

bill at the last stage of the bill, and I'm not going to take a lot of the House's time tonight to speak again. As I understand the issue with the hon. member who has put forward the amendment, it really was sections (9) and (10). We discussed that at some length in the last stage of this bill.

When I read section (9), to me it is very explanatory as to why you would do that. It would be in exceptional circumstances. The prior sections of this bill go through all of the procedures that an officer must follow. But in section (9), without reading it all, they say:

may apprehend a child without an order if the director or police officer has reasonable and probable grounds to believe that the child's life, health or safety is seriously and imminently endangered because the child is a drug-endangered child.

Mr. Speaker, the minister has answered that question prior to this amendment being put forward. She has had legal opinions. I have seen the legal opinion; it does not suggest that in this circumstance the rule of law would be jeopardized or somehow gone around. It's the "reasonable and probable" belief that the child is in danger. Now, there isn't any one of us in this Chamber that would sleep very well if we had put this off for six months, which means a year, and a child was lost because there wasn't an ability to apprehend that child.

Now, Mr. Speaker, I don't know all of the circumstances, but I can assure you that the Minister of Children's Services has far more information on this matter than I or any one of us in this House has and, I would suggest, more information than any of us would want to have on this matter.

This is a very, very serious issue. We are concerned in this province about the disposition of the by-products of cooking crystal meth. We're worried about endangering our environment. We are condemning houses that have had drug activities occurring in them because they're not fit to live in. And we are suggesting that we can put off for a year taking a child out of one of those places? I think not.

**The Acting Speaker:** The hon. Member for Peace River.

**Mr. Oberle:** Thank you, Mr. Speaker. I just want to briefly comment. The hon. Member for Edmonton-Calder perhaps explained his colleague's intention to forward this amendment to provide us with an opportunity for sober second thought. I happen to think that's an excellent idea. However, what's requiring sober second thought here is the unbelievable stretch one would make to compare the intent of a bill, which is to save children's very lives, with a bill that was passed in this House 70 years ago that was meant to sterilize mentally handicapped people. That stretch is an absolute insult.

**8:40**

Mr. Speaker, as the hon. Finance minister has just pointed out, our Minister of Children's Services didn't just pluck this one out of the air. It's the product of a lot of thought, a lot of sober thought, I might point out, and a lot of consultation, including legal consultation. We're not talking about children who are the victims of bad parenting here. We're talking about children who are in imminent danger, and we're talking about the ability of someone to go and save their lives.

The argument is absolutely lost on me. I just don't understand why we're having this argument. It seems absolutely logical. Thank you, Mr. Speaker.

**The Acting Speaker:** The hon. Member for Calgary-Egmont.

**Mr. Herard:** Thank you, Mr. Speaker. I think that the hon. member that made this motion – and I'm going to try and stick to the motion – is probably quite aware that there is no legitimate way for a hoisted bill to come back six months hence. There is no legitimate way to bring a bill back six months from now. It was done once in error in our Parliament in Ottawa. I think the hon. member knows that, so he knows full well what he's doing, which is essentially killing the bill. It doesn't give anybody any time to improve on things. It essentially buries it. So if the hon. member didn't know that, I hope he does now.

**The Acting Speaker:** Hon. members, a hoist amendment doesn't come before the Assembly very frequently, so I just want to let you know that there will be potentially two votes. The first will be on the hoist amendment. If the vote on the hoist amendment passes, then the bill drops off the Order Paper and technically dies. If the hoist amendment fails, then I have to put forward a question for the third reading right away. Okay?

[The voice vote indicated that the motion on the amendment lost]

[Several members rose calling for a division. The division bell was rung at 8:42 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[The Acting Speaker in the chair]

For the motion:

Blakeman	Eggen	Pannu
Chase	Miller, R.	Tougas

Against the motion:

Boutilier	Hinman	Mitzel
Cao	Horner	Morton
Cardinal	Jablonski	Oberle
Evans	Knight	Pham
Forsyth	Liepert	Prins
Graydon	Lindsay	Renner
Groeneveld	Lougheed	Snelgrove
Haley	Mar	Swann
Hancock	McClellan	Tarchuk
Herard	McFarland	

Totals:	For – 6	Against – 29
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[Motion on amendment lost]

[Motion carried; Bill 2 read a third time]

head:           **Government Bills and Orders**  
                           **Second Reading**  
                           **Bill 14**  
                           **Health Professions Statutes Amendment Act, 2006**

[Adjourned debate March 7: Mr. Agnihotri]

**The Acting Speaker:** The hon. Member for Calgary-Mountain View.

**Dr. Swann:** Thank you, Mr. Speaker. It's my pleasure to rise and speak to Bill 14, the Health Professions Statutes Amendment Act, 2006, with, I think, much the same feelings as I expressed under the

first iteration, with changes to the application procedures to become a regulated profession, clarification of complaint procedures, changes to the requirements for continuing competence, adding new protected titles for some professions, and amending the scope of practice for opticians. All of these, to my mind, have added strength to the professions act and added to the confidence that the public can have in these professions. I think that while some of it is housekeeping, there are significant parts to this that will give us all a greater confidence that these are going to be professions that will have publicly designated recruitment procedures, standard evaluations, public oversight.

**The Acting Speaker:** Hon. member, the chair needs to clarify something. I am looking at the information that's before me, and it appears that the hon. member has already spoken at this stage before, on second reading.

**Dr. Swann:** I thought it was first.

**The Acting Speaker:** No. This is second reading, and I believe you've already spoken.

**Dr. Swann:** Yes. That's right.

**The Acting Speaker:** I should have interjected earlier on.

**Dr. Swann:** That's fine.

**The Acting Speaker:** Does anybody else wish to speak?

**Ms Evans:** Mr. Speaker, I do have a number of speaking notes to clarify some of the points that the hon. member raised previously, and perhaps that would illuminate it. I will just be very brief and then forward a copy of some of those points so that that could be perused later.

Relative to scope of practice in the issues that the Member for Calgary-Mountain View raised previously, he identified very important issues in the regulation of health professions on which we certainly concur. The Health Professions Act, which is being amended here, sets out the framework within which health professions are regulated. Issues related to scope of practice, the development and enforcement of standards, and the development and evaluation of training programs are addressed in professional regulations and through the ongoing activities of regulatory colleges.

With regard to the complaints section and the reason why there is a reference in one clause to registering complaints in writing with a signature, and then there's a reference to having the ability to take a complaint orally, there are contradictions regarding the complaints process, especially in sections (7) and (8). When a complaint is made under section 54 of the Health Professions Act, the complaints director is obligated to take action as set out in section 55. Thus, if a complainant makes a formal complaint that is a written, signed complaint, the complaints director must proceed with that complaint. But what if the person does not make a formal complaint? They do not want to get involved. They are afraid or whatever. If an individual simply brings an issue to the attention of the complaints director and chooses not to make a formal complaint, the amendment to section 56 allows the complaints director to treat that information like any other information in that section and take action if the complaints director has reasonable grounds to believe the conduct of a regulated member or former member constitutes unprofessional conduct.

9:00

Relative to the consultation for the amendments all of the health professions with schedules under the Health Professions Act were consulted during the development of these amendments. The minister seeks advice from the advisory board on any issue relative to the Health Professions Act but usually seeks advice when there are issues that require extensive investigation and consultation with a variety of stakeholders or a with a variety of concerns. The kinds of issues that the minister normally refers include recognition of new professions, expansions of a profession's scope of practice, and the development of new restricted activities.

Just briefly on why an amendment on assessment of competence. Section 50(2)(a) and (b) is amended by adding "or categories of regulated members" after "regulated members". So it's "or categories of regulated members." The amendment to section 50 allows a college to limit its continuing competence program to certain categories of practitioners. For example, many colleges provide for short-term courtesy registration of practitioners from other jurisdictions in order that they may practise for a short period of time in Alberta, to provide a seminar, for example. To require such individuals to participate in a college continuing competence program may be unrealistic.

On the question of massage therapists, relative to regulating their training, no decision has been made about this. The amendment to the act will allow the minister to initiate the process to determine if regulation is appropriate.

Mr. Speaker, there are a number of other points relative to massage therapists, but I'll just conclude with the fact that the Health Professions Act was passed in 1999, came into force in 2001. These amendments have arisen from issues experienced by the professions and government in administering the act since it came into force.

**The Acting Speaker:** Standing Order 29(2)(a). Any questions or comments?

Anybody else?

The hon. Member for Cypress-Medicine Hat to close debate.

**Mr. Mittel:** Thank you, Mr. Speaker. I've listened to all the debate on this, and certainly the minister of health has answered a lot of the questions. If there are any other questions that do arise, certainly we can look at those during Committee of the Whole.

With that, I call the question.

[Motion carried; Bill 14 read a second time]

### Bill 23

#### Provincial Parks Amendment Act, 2006

**The Acting Speaker:** The hon. Minister of Community Development.

**Mr. Mar:** Thank you, Mr. Speaker. Bill 23 is intended to make the Provincial Parks Act easier to administer by providing more clarity, closing legal gaps, and deleting outdated provisions. Bill 23 clearly defines administrative authority; for example, ministerial authority to issue parkland use dispositions like leases or permits according to the regulations. Where authority to conduct certain practices was implied, they are now instead clearly stated.

Heritage preservation is now stated as a fundamental purpose for Alberta's parks. This authorizes established practices that protect the land. A separate reference to education and experience of the province's natural heritage provides legislative authority for parks education programs.

Bill 23 updates and clarifies the powers of conservation officers. They will now have the authority, similar to wildlife officers, to stop and search vehicles or boats within parks and in an emergency take steps to protect the public or prevent damage to the environment or to property.

Bill 23 also substantially increases the maximum fines for serious violations like those that cause significant damage or destruction. Instead of a maximum \$2,000 fine individuals can now face fines of up to \$100,000. Corporations can be fined up to one-half a million dollars. Under Bill 23 if a person makes money from an offence, like cutting trees in a park and selling the timber, the Crown may recover the costs for damages and the courts may levy an additional penalty for damages.

Mr. Speaker, I seek second reading and move the Provincial Parks Amendment Act, 2006, Bill 23.

**The Acting Speaker:** The hon. Member for Calgary-Varsity.

**Mr. Chase:** Thank you very much. Hon. minister, I am more supportive of Bill 23 than I was of Bill 18. I would like to go through some definitions, points of clarification, and then suggestions on the potential of strengthening this bill even further.

Bill 23 conducts a number of housekeeping changes to the Provincial Parks Act. The Provincial Parks Act along with the Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Act is the main legislation governing the establishment and management of Alberta's provincial parks and protected areas. The highlights of this particular act include updated enforcement, offence and penalty provisions; cleaning up the obsolete provisions; defining the purpose of parks; attempts to provide clarity and remove deficiencies or conflicts; and updates the wording. These are all very positive aspects of it, and of course the minister is very aware of my concern that I brought up with regard to Bill 18; that is, in order to enforce the tougher fines, we have to have more enforcement officers on the ground.

Bill 23 proposes a substantial increase in maximum fines for serious violations. That's extremely positive. We need to be protecting our parks. I've referred to how little of Alberta's land is designated under the protected areas, so anything we can do to strengthen that protection I'm all for.

Under park management the act proposes to move the minister's authority to issue park land-use dispositions like leases or permits from regulations into the act. These include provisions on what you can and can't do in the park, and I'm very pleased to see these moved into the act and out of regulations because it's a more publicly accountable methodology.

With regard to the background part of the problem with some of the legislation associated with parks is that, you know, there are three main acts but eight different categories of parks, and that tends to cause some confusion. I realize this bill is trying to clarify that, but the categories that provide some level of protection in this act are wildland provincial parks, provincial parks, and recreation areas.

Without going into definitions of the various parks, I would like to move ahead with what I see as good about this bill and then indicate my reservations and suggestions.

What is good about this bill is that it makes much-needed improvements to the park legislation. It adds legislative authority rather than regulatory protection for parks. It provides for more ecological protection, and we're all in favour of that beyond a doubt. It makes improvements to the work conservation officers can do in enforcing peace and order in the parks, and again I throw out my usual statement that in order for conservation officers to have a workload that is manageable, we need to have more of them in the field.

The area that I'm hoping that the minister can work towards improving is that this act, from my understanding, still provides no protection for recreation areas. It falls short of making protection the highest priority for the park system, as most other provincial and federal park systems have done. This act sort of equates recreation and preservation.

9:10

The act does not give clear legislation direction on off-highway vehicle use in parks. The bill still allows ministerial oversight in allowing some extraction activities, and of course that became very controversial in Monday's story about the Rumsey areas. The lack of protection and the ministerial oversight also apply to areas like Suffield, the Whaleback, and the reserve land bordering Waterton national park. Obviously, we would like to see these as protected as they possibly could be and in legislation not subject to ministerial approval.

What we'd like to see happen – and this is a direction that I would ask the minister to consider – is complete the system. Restart the special places campaign and start the process of designating new areas as parks in underrepresented areas and in unique places. We need to seek a balance and ensure that there are proper offsets or protected areas to compensate for industrial areas, such as the oil sands in northeast Alberta. I understand that later on, either this month or early next month, the Canadian Parks and Wilderness will be presenting a plan, so I don't want to take away from their limelight. I know that CPAWS has talked to the minister and also to the Minister of Environment and sought input.

Under protection there's no doubt that we need tougher park legislation. Parks need protection from industrial activities that are still allowed to progress in too many categories. The density of oil wells is higher in parks than in nonpark landscapes, and that seems kind of an oxymoron circumstance. Drilling in the Rumsey natural area continues, and it is allowed in all natural areas. We need protectors. We need to restore the number of conservation officers. I would like to see at some point – and I spoke briefly with the minister about returning the number of conservation officers to their precut 1992 level so that these penalties that have been suggested in this bill can actually be taken into account.

Under the planning with regard to Bill 18 I talked about the need for management plans. In Bill 23 I believe we need stronger planning as well. I believe we should enshrine the requirement to maintain current park master plans. Too many park master plans are out of date, and some parks, unfortunately a large number of them, have no plan at all. We need to introduce a requirement that transactive includes public involvement. Park master plans are completed every seven years. These are to be approved by the minister and tabled in the Legislature. In other words, we would like this planning to happen on an ongoing basis.

With regard to infrastructure I've talked numerous times about the need to restore and renew. This means renewing basic infrastructure in the regular run-of-the-mill parks across Alberta, whether it be picnic tables, fire rings, toilets, hiking trails, et cetera. I would love to see the fencing around the parks be maintained so that the parks themselves do not become multi-use – that was not what they were intended for – in terms of grazing cattle.

Four other suggestions I would like to have considered. Why not include in the act a specific requirement to prepare transactive park master plans and submit these? Given that recreation areas are for outdoor recreation, why not include some level of protection to ensure that natural areas remain in a natural state? In other words, the recreation that takes place within these parks isn't detrimental to the natural capital, the value of the park itself.

I would like to see detailed direction on the use of off-highway vehicles in the act. I know that there are a number of quad drivers and four-by-fours and so on who would like to see clarification too. They would appreciate knowing where they're allowed to recreate, and that way we could avoid conflict in these recreational areas.

Lastly, I would like to see an advisory committee for provincial parks and recreation areas established. Thank you.

**The Acting Speaker:** The hon. Member for Edmonton-Calder.

**Mr. Eggen:** Thank you, Mr. Speaker. I'm just very happy to speak on second reading of Bill 23. Again, as with Bill 18, I believe, there's just a myriad of changes and amendments to the parks and natural areas legislation in this Bill 23, although this is specific to provincial parks, of course. Generally, I am on first glance happy with most of the amendments that are in Bill 23.

It's important for us to recognize that provincial parks legislation needs to be updated considering the changes of the population and land use in the province of Alberta over the past years and decades and, certainly, to recognize just how important these recreational lands are, provincial parks specifically, to the integrity, I suppose, of the future recreation opportunities for the population, future generations, and for the natural areas that they cover and seek to protect as well.

I think that in second reading it's appropriate to speak in general terms of what we would intend to see, and for each of the points that I have for us this evening, I certainly have places where I can see the potential for these ambitions to be realized. There are some specific areas that I have outlined, but we will look at those in third reading or Committee of the Whole in terms of specific sections that I think that I would seek clarification for.

Certainly, the focus that we would like to see as a caucus, I think, reflects the interest that Albertans have in their natural environments. You know, we like to identify with the natural world here in Canada in general and Alberta specifically. As we develop and seek energy and forestry and farmland from our natural areas in Alberta, we have to be very conscious of protection while we still can indeed protect the wilderness areas.

I think I saw a map this morning that was showing continuous forestation in the province of Alberta, and it was quite shocking, Mr. Speaker, just to see how much the map has changed since I have been following these things with some interest for most of my adult life. We know that these are the economic realities and the population pressure and the increased economic activity, which is good for the economy and good for everyone. We can see what a robust economic situation we're in from this afternoon, but then we have to remember what our duty and responsibility is, to protect natural areas while we can.

I would like to see provincial park legislation continue to be on the table and to be supported by financial contribution from the province to ensure that more parks are in fact built in each of the ecosystems that are distinct to the province of Alberta. I'm looking as well to hope to see at least 10 per cent of the province under some form of protection in regard to each of these individual ecosystems, together totalling perhaps 10 per cent of the total area of the province under provincial protection.

What we need to do – and we can see some degree of evolution with Bill 23 – is to be very much more specific about land use in protected areas and not to fall into the tendency to sort of either/or with protected areas. I think what we're seeing now are some battleground areas where people want to use motorized vehicles or people want to have a place protected in its pristine state, with minimal human activity. I think it's important for us to consider

both because the first way by which we can protect our natural areas in a real way is to ingrain and educate an appreciation of the natural world in our population.

9:20

The first step is to get people out. We're increasingly urbanized as a population, so just to get people, especially from urban areas, out into any park situation is an important first step. Certainly, I do not preclude the possibility of having special designated areas where people can engage in a wide variety of outdoor activities that, you know, are perhaps going beyond camping and hiking and skiing and whatnot but also bringing some of their other hobbies and interests into the areas.

I guess it's important to differentiate – and this is where I have some specific areas that I've highlighted in this Bill 23 – where we need to make some very clear distinctions so that we don't immediately presume that any given provincial park area, just by designating it a park, is protected in its pristine ecological state. Many of these places are completely fenced in by developed areas, agriculture or otherwise, and that's the first step to saying that it's not a continuous ecological zone. Of course, it's more like a fenced-in area. Then people with varying degrees of intensive land use also sort of undermine, perhaps, the protected aspects of it being a provincial park.

We have provincial parks, of course, as we know, adjacent to urban areas or even in urban areas. My own constituency, Edmonton-Calder, I think has one of the very latest provincial parks in it, of which I am very proud and would like to see. It's adjacent to many hundreds of thousands of people, Mr. Speaker, so of course this would be one of the areas that requires regulation and legislation. Ultimately and first and foremost we want people to get there and to enjoy it and to enrich their lives and to educate them about the natural world because that's, in fact, what the provincial park legislation is all about in the most general way possible.

I would like to put forward just very quickly as well our hope that the level of conservation officers in the province would be considered to be increased. We have just simply too few people to enforce a lot of regulation and legislation in our provincial park areas. There are just simply too few of them, and the area is just so large.

Also, over the last number of years it's become clear that the infrastructure in many of our provincial parks is found wanting, and I think now is the time to make an investment in building up that infrastructure, be it from picnic tables to washrooms and roads, so that people feel as though the province is caring about that place, and, thus, they must care about it as well. Remember that, just as in our society, we don't have a policeperson looking over our shoulder to make sure that we look after and follow the rule of law. Rather, we have it internalized in our own minds through education and training. The same with people's relationship with a provincial park: if it's in a derelict state, it just somehow sends a message that perhaps this is a place where anything goes, with further sort of destructive behaviour. So I believe that as in urban areas, where if we make a point of cleaning off graffiti and fixing that broken window straightaway, it somehow increases the overall level of crime prevention in an urban area, if we fix up and maintain our provincial parks to a proper level, then people are getting the message that this is a valuable place that we invest in, and it's important to take care of that place too.

So, Mr. Speaker, I look forward to pointing out some specific areas for Bill 23 with the hon. minister, and I'm very glad to see some activity in regard to our provincial parks. Thank you.

**The Acting Speaker:** Standing Order 29(2)(a). Any questions or comments?

The hon. Member for Edmonton-Rutherford.

**Mr. R. Miller:** Thank you very much, Mr. Speaker. I appreciate the remarks of the minister as he introduced this Bill 23, the Provincial Parks Amendment Act, 2006, in second reading. I won't spend a lot of time reiterating the very worthwhile comments from both my colleagues from Calgary-Varsity and Edmonton-Calder, but there are two points in particular that I would like to get on the record this evening.

For those members of this Assembly who hang intently on every word that I speak – and really, folks, who doesn't? – you will know that I am not a fan of moving legislation into regulation. In this particular instance, as has already been pointed out, we have the minister actually moving regulation into legislation. So I would like to congratulate you for that, Mr. Minister, because any time we see that, I will speak in support of that move. Mr. Speaker, I think it's a breath of fresh air in this Assembly to see regulations being moved into legislation whereby we all know that in order to change them, public debate is required. That leads to openness and accountability, and for that I am thankful. Again, I applaud the minister for that.

The other comment that I do want to make, Mr. Speaker, is on section 16, which deals with the operation, particularly the takeoff and landing, of aircraft in a park or recreation area. My peers in the foot-launched, free-flight community, particularly hang-gliding and paragliding, would be rather upset with me if I didn't acknowledge the fact that in this proposed legislation the minister is including an exemption for those of us who fly hang-gliders and paragliders as well as parasails and other nonpowered aircraft.

**Ms Blakeman:** What makes you so special?

**Mr. R. Miller:** What makes us so special? Well, I think it is our appreciation for the solitude and the reflection that the two sports in particular that I've described tonight provide us.

I appreciate the fact that the minister is recognizing how special that activity in which I and many thousands of others across this country partake is, so just for the record I'd like to read into *Hansard* that particular clause which says that

a person shall not take off or land an aircraft in a park or recreation area except . . . in the case of a hang-glider, parasail or other non-powered aircraft, in a specific location that is designated, and in accordance with any conditions established, by order of the Minister for that purpose.

Now, Mr. Speaker, I can think of one very obvious example right here in the city of Edmonton, actually, and that would be at – I was going to say Rundle park, but it's across the river from Rundle park – Gold Bar park. No, it's not even Gold Bar park. I'll have to check, Mr. Minister, and get the name, or perhaps the minister might be able to help me out.

There is a west-facing ridge along the banks of the North Saskatchewan River. There's a ski hill there, and there is a provincial park that encompasses this area. Special permission has been granted in the past for hang-gliding activities to take place there. Currently there is a remote-controlled airplane club that also operates out of that particular area in recognition of the special geological features that the ridge along the riverbank provides there. That's one example of where, in fact, this sort of thing currently takes place.

There are also, Mr. Speaker, a number of areas in the province where hang-gliders do not necessarily intend to land in a provincial park, but just by the nature of the geography those activities may be



taking place in proximity to a provincial park. That in itself would add to the possibility that a landing may take place in a provincial park. Again, having the opportunity to negotiate with the ministry to have permission to utilize certain areas of a park or a recreation area where it might fit well with the activities of foot-launched free flight certainly is something that I know my colleagues and my peers involved in those activities would appreciate.

When we speak to Bill 18 later on, I will address similar comments because, unfortunately, unless I'm missing something, I'm not sure that Bill 18 allows the same latitude. As I said, I will be addressing similar issues at that point. Certainly, it appears that section 16 in this particular amendment act does accomplish what I know my colleagues involved in those activities would want it to, and for that I thank the minister, and it will have my support.

Thank you.

9:30

**The Acting Speaker:** Standing Order 29(2)(a)?

Any other speakers? The hon. Member for Calgary-Mountain View.

**Dr. Swann:** Thank you, Mr. Speaker. It's a pleasure to rise and speak to Bill 23, the Provincial Parks Amendment Act, 2006. I, too, am very encouraged by this, and being a frequent user of the parks and other protected areas, I think it's progress. With the provincial debt out of the way it certainly is something that we can begin to look at again. As a province that attracts a lot of people, in which we take a lot of pride, there's a tremendous economic benefit associated with these wonderful areas that are continuing to attract the world population. I think we could start to think about and move toward some new areas.

While this particular amendment deals in a fairly specific way with updating and strengthening some of the regulations and powers of conservation officers, I just wanted to put in a plug for looking seriously at the importance, especially with the heavy industrial pressures on our province, of looking at the possibility of the Bighorn area and the Andy Russell park being proposed in the southwest of the province as being some important additions to our wonderful province.

I also echo the need for the tougher park legislation. With the recreational and the increased load of citizens on these parks, clearly we need to send a strong message to people, and I hope we can move in a constructive way, especially to deal with some of the off-highway vehicles that are a concern for many of us who use the parks. We have to find a good balance. Obviously, people have to have access to many of these places, but some of the environmental damage and some of the obvious noise pollution associated with motorized vehicles are a significant detractor from these pristine places or places that we want to keep pristine.

So there's a lot of work that we need to do there, and I would hope that we could find a balanced way of setting up committees and interest groups and finding some constructive ways to work through some of what appears to be a growing phenomenon that has impacts not only on those of us in the local communities that are recreating but also on our international visitors and, of course, on our wildlife. I guess that would fall into the area of planning. The more we can get stakeholder involvement in that, the more constructive our policies and plans will be.

I think we have a tremendous amount to be proud of in Alberta. We've got some tremendous special places, parks, and wildlands, and I would like to see, as many would, an extension of the protection and an extension of the areas covered under this important ministry.

Thank you, Mr. Speaker. I'll certainly be supporting the changes here and encouraging more in the future.

**The Acting Speaker:** Standing Order 29(2)(a). Any questions or comments?

Any other speakers?

The hon. Minister of Community Development to close debate.

**Mr. Mar:** Thank you, Mr. Speaker. This has been a tremendous opportunity to get feedback from a number of members of this Assembly on the bill. I appreciate their positive comments as well as their constructive criticisms. I should comment that all four members who spoke were members of the opposition, and they spoke in such glowing terms that I was fearing that there might be an amendment for a hoist coming from my own side.

However, Mr. Speaker, it's my pleasure now to move second reading of Bill 23, the Provincial Parks Amendment Act, 2006.

[Motion carried; Bill 23 read a second time]

head:

**Government Bills and Orders**  
**Third Reading**  
*(continued)*

**Bill 17**  
**Libraries Amendment Act, 2006**

**Mr. Mar:** Mr. Speaker, I would like at the outset to make a couple of comments on points raised in debate on Bill 17, the Libraries Amendment Act, 2006, that were made in Committee of the Whole. Library boards are established by municipal councils, and the Libraries Act clearly states that a library board is established by the council of a municipality, and municipalities provide the majority of funding for libraries.

Ninety-eight per cent of Albertans have access to public library service. Many can access their libraries through the Internet, making 5 million virtual visits per year. More than one-half of Alberta's 309 libraries serve communities of fewer than 1,200 people, and municipal library boards are working very hard to meet the needs of all their residents. As an example, the municipal district of Opportunity has just set up library service points in Red Earth Creek and Calling Lake in addition to their existing library in Wabasca.

The role of the Alberta government is to administer the Libraries Act, that governs Alberta's libraries, and to support public libraries with operating grants. About 16 per cent of public library funding comes from the province of Alberta. The government of Alberta provides operational funds to Alberta's libraries: \$16.9 million in operational grants on a per capita basis, \$3 million allocated for SuperNet expenditures and other library-related projects. We also recently announced \$20 million in one-time funding for libraries out of the recent budget surpluses of the province of Alberta.

With those closing remarks, I'm pleased to move third reading of Bill 17.

**The Acting Speaker:** The hon. Member for Edmonton-Rutherford.

**Mr. R. Miller:** Well, thank you very much, Mr. Speaker. Again, my comments will be relatively brief. I would just like to share an anecdotal story about libraries and the importance of libraries. I think I've mentioned in the past that I am a member of a Rotary club, a proud member of the Rotary Club of Edmonton Gateway. One of the great things about Rotary, of course, is that we bring in guest speakers every week that serve to educate and enlighten us about the going-ons in our community.

About a year ago we had a superintendent from the Edmonton Police Service speak to the Rotary club, and we were talking about children and raising children, and that's maybe an appropriate anecdote tonight given the earlier conversation. Mr. Speaker, the comment that the superintendent made was that he can walk into any house in Edmonton and tell you within seconds whether or not those children are going to be in trouble as they grow. Of course, that piqued the interest of the members of the club, and when asked to elaborate, he said that the methodology he uses is to look for books. He said that if there is clear evidence of books upon his entry into the household, that always reassures him that these children are likely to turn out well. I think that's very telling in today's society given the prevalence of the Internet, and I think there are a number of people who sense that perhaps books are losing their importance and that thereby perhaps libraries are losing their importance. Clearly, this was not the feeling of this superintendent.

In fact, I think most members of this Assembly recognize the value of books and libraries. I know that libraries are a lot more than just books, but without question that is still sort of the primary focus and the primary service that libraries provide. I think that anything we can do that will aid in the preservation and enhancement of libraries, Mr. Speaker, is good, so for that reason the Official Opposition has been supporting Bill 17, the Libraries Amendment Act, 2006, throughout, and I appreciate the minister's comments about what we like to think has been constructive criticism regarding the bill.

9:40

I guess that the other thing, because I haven't had an opportunity to speak to it yet, is the whole issue around library fees, Mr. Speaker. That is the one disappointment that I have. I know that the comment has been made by a number of members in this House this spring sitting that when an act is opened, it's opened not just for one purpose but usually to allow for several changes at once. There's one change that perhaps could have been included in this bill, and that would have been the elimination of library fees altogether. That's not here, and it is a disappointment for me because that is an impediment, unfortunately, for some individuals and some families to access libraries. We are one of only a very few jurisdictions that even allow library fees to be charged, and I think that given the current prosperity of Alberta, it would have been a really positive step forward to eliminate the possibility for library fees to be charged, to fund libraries so that that change could have been made. I think all Albertans would be better off for that.

But despite that omission, as I said, I think that overall this is a bill that will improve libraries and access to libraries and perhaps ensure their viability for some time, and for that reason I will be supporting the bill in third reading.

Thank you.

**The Acting Speaker:** The hon. Member for Edmonton-Calder.

**Mr. Eggen:** Thank you, Mr. Speaker. Certainly, I concur with my colleague from Edmonton-Rutherford, and as I had mentioned in second reading, I'm certainly in support of this. The \$20 million that the government recently announced is very welcome, and certainly it's needed as well, but I think what I would like to see is more than just the one-time funding initiative and a sustained commitment on the part of the province to encourage, provide, and fund lifelong literacy.

I find some statistics very disturbing about the illiteracy rate in Alberta. You know, I don't see a clear way by which we are tackling this problem. The completion rate has not improved

substantially since I've been following it in the province. We have many external pressures that interfere with literacy. People are less likely to be reading, young people especially, with other recreation pursuits taking precedence perhaps. Certainly, for high school students who are struggling, there is the temptation of a very positive job market out there to lure them away, so they don't finish high school.

So I see the libraries as a very important component of improving our literacy rates and the capacity of students at a young age to pick up the habit of reading and going with their family to the library on weekends or for a family activity. It's very important. I think that we have an unfair advantage in some of the larger municipalities, where our libraries are just much more accessible and much larger, and I would like to see that wonderful opportunity extended to smaller municipalities across the province and encouraged over a much longer period. I'm wondering how we can do that over time.

I'm looking specifically now at this bill, and perhaps I can just seek clarification from the hon. minister. I'm looking on page 3 at section 8 of this bill, and this section seems to repeal section 11 of the Libraries Act, which allowed for municipalities to levy taxes for their libraries. I'm just wondering why this was decided to be the way that it is and what we might be able to do to replace this option for funding. Mr. Speaker, as I said, smaller municipalities, I really believe, deserve to have libraries that are comparable to what we have access to in our neighbourhood here in the larger cities. We need a way to sustain the funding. If that's a local tax that can be levied for the library, I think that's a first step to perhaps engaging some people to the fact that, "We're paying for it; we might as well use it" in terms of a local library.

I'm just curious about that one section. Otherwise, I'm certainly in support of this bill in general. Thank you.

**The Acting Speaker:** Standing Order 29(2)(a). Any questions or comments?

The hon. Minister of Community Development to close the debate.

**Mr. Mar:** Thank you, Mr. Speaker. I don't have anything further to add other than to say thank you for the comments made by hon. members and to move third reading of Bill 17.

[Motion carried; Bill 17 read a third time]

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

[Mr. Shariff in the chair]

**The Deputy Chair:** Hon. members, we'll call the committee to order.

### Bill 18

#### **Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Amendment Act, 2006**

**The Deputy Chair:** Are there any comments, questions, or amendments to be offered with respect to this bill?

**Mr. Mar:** Mr. Chairman, I'm hitting for the cycle tonight.

Mr. Chairman, I wish to remind members of the House that Bill 18 amends the legislation that governs wilderness areas, ecological reserves, natural areas, and heritage rangelands. Bill 18 clarifies a number of provisions for the different categories of protected areas

that have been added since 1971. It updates enforcement, offence, and penalty provisions. It updates definitions, improves wording and clarity. It deletes obsolete provisions.

Bill 18 repeals the Advisory Committee on Wilderness Areas and Ecological Reserves. For the past 10 years we have been using a completely different and, in my view, improved process that involves local communities and stakeholders in management planning and development of any policies in these protected areas.

Other changes include a substantial increase in the maximum fines for serious violations, up to \$100,000 for individuals and up to one-half a million dollars for corporations, with additional penalties if a profit is being made in the commission of an offence.

In addition, there are four House amendments to improve the wording in Bill 18. The first makes it clear that any reference to the act also makes a reference to the regulations. The second focuses on damage to the land, which would include pollution at a level that causes damage. The third and fourth House amendments simply make a change from plural to singular and substitute the accepted term "individual" for the term "a natural person."

Mr. Chairman, I ask support for the Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Amendment Act.

**Mr. Chase:** Just for the sake of speed I see that the purpose of your amendment is strictly clarification. I support it. Thank you.

**The Deputy Chair:** Are you ready for the question?

**Hon. Members:** Question.

**Mr. Chase:** On the amendment.

**The Deputy Chair:** You have moved the amendment?

**Mr. Chase:** No. I'm just suggesting that at this point I believe we're talking about approval of the amendment that was just made as opposed to the whole Bill 18 process.

**The Deputy Chair:** The committee has before it the bill.

9:50

**Mr. R. Miller:** Did he not just move the amendment?

**The Deputy Chair:** That's right. We have the government amendments to Bill 18 before us, so we are voting on the amendment as moved by the hon. minister, and the amendment shall be referred to as A1. Are you ready for the vote on that?

**Hon. Members:** Yes.

[Motion on amendment A1 carried]

**The Deputy Chair:** Hon. members, the amendments that are before us as moved by the hon. Member for Calgary-Varsity were distributed and should be on your desks. We shall refer to this amendment as amendment A2.

The hon. member for Calgary-Varsity.

**Mr. Chase:** Thank you. I want to begin by apologizing both to the minister and to this House. This is the first time I've brought forth an amendment, and if I'd done things in a proper fashion, I would have approached the minister and discussed the nature of the amendment with him beforehand and sought his input. I didn't do that. I apologize.

What I'm trying to accomplish in the A2 amendment is to reinvigorate, reinstate the advisory committee, and I'll just go through what I'm hoping to accomplish in the amendment. Also, I put forward the amendment as an entire package instead of a series of sectional debate circumstances because I believe that we're either in favour of establishing greater advisory committees or we're not, so I'm dealing with it as a whole matter.

This amendment to Bill 18 reintroduces the advisory committee and makes it more active and more effective at improving the management of all protected areas described in this act. The proposal updates the scope of the advisory committees to make recommendations on the creation, expansion, withdrawal, and management of wilderness areas, ecological reserves, natural areas, and heritage rangelands. The composition of the committee has been changed to allow greater public involvement by reducing the number of government members to three and continuing with six members who are representative of the public at large. So I'm looking for balance on the committee. The chair would ideally be one of the public members.

By requiring that the committee meet not less than twice a year, we've taken steps to ensure that this committee is recognized and valued by the government. The advisory committee will be held accountable to the Legislature as any and all recommendations must be placed before the House immediately when in session or within 15 days of the next sitting of the House.

I propose these amendments because Alberta's parks belong to Albertans, and as such they should have a say in their creation and management. Just in summary, I am trying to empower average Albertans. I want to involve them in the planning and preservation of parks. I want to increase their voice and by so doing increase their involvement and interest in the parks and preserve landscapes.

Thank you.

**The Deputy Chair:** Anybody else on the amendment? The hon. Member for Edmonton-Calder on the amendment.

**Mr. Eggen:** Thank you, Mr. Chairman. I just had an opportunity to read this now. One of the parts of Bill 18 that I found problematic was the elimination of these advisory committees. I think it was part of the housekeeping that was going on with Bill 18. The advisory committees were basically not functional and hadn't been sitting for a long time, but, you know, that doesn't preclude the value of having those there. In fact, this was one of the areas that was pointed out to me by interested groups that were reading Bill 18. They suggested that it would be nice to have these advisory committees functioning or resurrected, so to speak. I would commend the diligence of the hon. Member for Calgary-Varsity to pursue this and to place it into an amendment. I certainly support the spirit of resurrecting the advisory committees and strengthening them too.

I think that whatever we do in a democratic setting, we seek to engage the public through representation, and the best way to do so is to give people the opportunity to actually speak and to act on issues that affect them. Some of the most innovative and interesting new parks that have been created around the world I know employ advisory committees, people who actually live in or around natural areas, and they ask them what they want. Again, it goes back to what we were speaking on previously with Bill 23, this level of engagement and democracy to in fact find out what people want out of their parks. If they're living in proximity to a park, really, I think it will encourage the success and the viability of the park.

I know that there's one provincial park, which name escapes me right now, close to Valleyview which is almost entirely encircled by First Nations. Part of the problem with the park in the past is that

this park was not entirely accepted by the First Nations. Having an advisory committee in that specific circumstance I think would go a long way to creating a line of communication to find out what local people want out of the park and how it might interact with their lives.

I am speaking in favour of the amendment. Thanks.

**The Deputy Chair:** Anybody else? The hon. Minister of Community Development.

**Mr. Mar:** Yes, Mr. Chairman. The hon. Member for Calgary-Varsity did extend me the courtesy of providing me with a copy of this earlier this evening, and I've had the opportunity to read it. I cannot express my support for the amendment because, as I indicated in my opening comments on the bill, we have not used advisory committees for some number of years. But we do agree with what the hon. member said with respect to seeking input from members of the public with respect to these lands. It is our intention to do so, and we have done so successfully over a number of years without using advisory committees but, instead, by bringing about local communities and stakeholders in creating the management, planning, and development of policies in these protected areas.

It is with regret that I cannot extend my support for the amendment, sir.

[Motion on amendment A2 lost]

**The Deputy Chair:** Any other speakers on the bill? The hon. Member for Edmonton-Rutherford.

**Mr. R. Miller:** Thank you very much, Mr. Chairman. I had indicated earlier that I would be asking some questions of the minister in committee on Bill 18, the Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Amendment Act, 2006, specifically as they relate to the operation of aircraft and, in this particular instance, of foot-launched, powerless aircraft in respect of my peers and colleagues involved in the sports of hang-gliding and paragliding.

In the amended act as proposed, item 8.2 under section 15 refers to a person not being allowed to take off or land an aircraft "in a wilderness area or an ecological reserve" or "in a natural area or a heritage rangeland without the Minister's permission." Now, when we were discussing Bill 23 earlier this evening, there was a specific exemption provided for hang-gliders and paragliders, being foot-launched, powerless aircraft. I do not see that exemption in Bill 18.

10:00

Of particular concern for myself is what would be described as an emergency landing. I think most members might be able to appreciate the fact that when you're in a powerless aircraft, that depends on natural lift to maintain flight, if that lift evaporates for whatever reason, a landing is imminent. With all due respect, at that point, Mr. Chairman, a landing is an emergency landing. There is no opportunity to go around and take another try at it. There's no opportunity to fly some distance to make sure that you're outside of an ecological reserve or a recreation area. In fact, quite often a pilot of such an aircraft would find themselves in a situation where they weren't even aware of the fact that they might be overflying one of these areas. So it causes me concern, and it would certainly cause people involved in those activities concern. I think that what I was about to mention was that as I read the new act, section 8.1 actually repeals subsections (4) and (5), which allow for those emergency landings as authorized by the minister.

I'm hopeful that the minister might be willing to address those concerns that I've raised this evening, Mr. Chairman.

**The Deputy Chair:** The hon. Member for Calgary-Varsity.

**Mr. Chase:** Thank you very much, Mr. Chair. I'll be brief. The increase in fines and penalties with Bill 23 and Bill 18 is very positive and a much-needed step for Alberta parks and protected areas, yet this is only a small step in the legal strengthening that needs to be done to ensure that our parks and protected areas are safeguarded for future generations.

With regard to Bill 18 specifically it does clarify that off-highway vehicles are prohibited in three out of the four protected areas under this act. This amendment would be an ideal time to clear up inconsistencies such as the need to prohibit off-highway vehicles in all of the areas in this act.

Bill 18 removes the legislation that would allow for a designated buffer zone around a park. Although this legislation has not been used before, the removal of this section would not allow any new ones to be formed. The whole meaning of the buffer zone is a transition between what is going on outside the park boundaries and within the park itself. Without that transition there is the potential of encroachment. Also, the repeal of this section means that there is no tool for Alberta parks to use to mitigate or restrict activities occurring on adjacent lands that are affecting the ecological integrity of these parks.

The minister recognized that the removal of the advisory committee from the act is going to be addressed with increased public consultation in other venues. I would love to see the word "consultation" become "collaboration" so that it's not just a listening process but actually working with citizens and coming up with the best achievements possible.

It would be good to see a commitment to addressing the lack of conservation initiatives on land adjacent to the parks in response to the repeal of the buffer zones as well. In order for the government to successfully preserve our natural landscapes, steps must be taken to ensure that environmental degradation beside our parks is managed and monitored properly. I'm hoping that the minister in his summation can help me to understand why buffer zones aren't receiving the strength and the support that I feel is necessary.

Thank you.

**The Deputy Chair:** Are you ready for the question?

**Hon. Members:** Question.

[The clauses of Bill 18 as amended agreed to]

[Title and preamble agreed to]

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

**Hon. Members:** Agreed.

**The Deputy Chair:** Opposed? Carried.

The hon. Government House Leader.

**Mr. Hancock:** Thank you, Mr. Chairman. I would move that the committee rise and report Bill 18.

[Motion carried]

[Mr. Shariff in the chair]

**The Acting Speaker:** The hon. Member for Airdrie-Chestermere.

**Ms Haley:** Thank you, Mr. Speaker. The Committee of the Whole reports the following bill with some amendments: Bill 18. I wish to table copies of all the amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

**The Acting Speaker:** Does the Assembly concur in this report?

**Hon. Members:** Concur.

**The Acting Speaker:** Opposed? So ordered.  
The hon. Government House Leader.

**Mr. Hancock:** Thank you, Mr. Speaker. In light of the hour and in light of the wonderful budget that was delivered this afternoon by the hon. Minister of Finance, I would move that we adjourn until 1:30 p.m. tomorrow.

[Motion carried; at 10:07 p.m. the Assembly adjourned to Thursday at 1:30 p.m.]

