

LEGISLATIVE ASSEMBLY OF ALBERTA

Title: **Tuesday, September 16, 1986 2:30 p.m.**

[The House met at 2:30 p.m.]

[**Mr. Speaker in the Chair**]

International Day of Peace

MR. SPEAKER: This is International Day of Peace, and so it is that our hearts and minds can cross many borders as we join with others around this world who long for world peace.

To commemorate this day, the Legislative Assembly of Alberta participated by sounding the carillon at 12:01, after a minute of silence. As we begin this day in the Legislative Assembly, let this be a moment of contemplation and rededication. Let there be a re-examination of the action needed for peace and a new resolve by governments and peoples to see that they are taken.

Let us observe a minute of silence, and then we will have our prayer.

PRAYERS

MR. SPEAKER: Almighty God, from whom all thoughts of truth and peace proceed, kindle, we pray Thee, in the hearts of all people the true love of peace, and guide with Thy pure and peaceable wisdom those who take counsel for the nations of the earth.

O Lord, we ask that true peace may be found in the hearts of all mankind, beginning in each of our hearts and actions.

Amen.

head: INTRODUCTION OF BILLS**Bill 54****Legislative Assembly Amendment Act, 1986**

MR. CRAWFORD: Mr. Speaker, I ask leave to introduce Bill 54, the Legislative Assembly Amendment Act, 1986. This being a money Bill, the Administrator, acting on behalf of Her Honour the Honourable the Lieutenant Governor, having been informed of the contents of this Bill, recommends the same to the Assembly.

Mr. Speaker, this amendment to the Legislative Assembly Act would do two things. One, it would implement certain provisions not previously implemented from the Miller report of 1979. Secondly, it would assign to the Members' Services Committee certain responsibilities in respect to the setting of members' expense allowances.

[Leave granted; Bill 54 read a first time]

head: TABLING RETURNS AND REPORTS

MR. KOWALSKI: Mr. Speaker, I would like to file with the Legislative Assembly today a copy of a four-volume study entitled North Saskatchewan River: Characterization of Water Quality in the Vicinity of Edmonton (1982-83)

and to advise all members that they'll be receiving a package of information on this from me later today.

MR. TAYLOR: Mr. Speaker, may I file two photocopies of documents in reply to the Provincial Treasurer on July 23 in question period when he challenged my statement "Given the government's multimillion dollar investment in North West Trust, both directly and indirectly . . ." I file a copy of the Treasury Branches Act and a copy of a prospectus issued by Burns Fry offering preferred shares of Praesidio Developments, parent company of North West Trust, pointing out that indeed Treasury Branches, and in turn the people of Alberta, are on the hook for \$50 million if North West Trust doesn't pay.

MR. JOHNSTON: Mr. Speaker, I wish to table the following annual reports for the year ended March 31, 1985: Public Service Management Pension Board, Public Service Pension Board, Special Forces Pension Board, Universities Academic Pension Board, and Local Authorities Pension Board.

MR. ANDERSON: Mr. Speaker, I'm pleased today to table the communiqué from the recent annual meeting of ministers of culture held in Calgary September 11 and 12.

head: INTRODUCTION OF SPECIAL GUESTS

MR. HERON: Mr. Speaker, I would like to introduce to you, and through you to the members of this Assembly, four adult students from the Grant MacEwan Community College, accompanied by their instructor Dr. Winston Williams. I am making this introduction on behalf of the Hon. Les Young. I am sure all members of this Assembly join with me in wishing him a speedy recovery. [applause]

I would like to ask our guests in the members' gallery to stand and receive the traditional warm welcome of this Assembly.

head: ORAL QUESTION PERIOD**Small Business Assistance**

MR. MARTIN: Mr. Speaker, I'd like to direct the first question to the minister of economic development. Dun & Bradstreet has indicated that with 167 business failures in July, Alberta had twice as many failures as in August of last year and was one of only two provinces to show an increase in business failures in that month. My question to the minister is: what sort of progress is the minister making on a system of provincial debt adjustment which will assist Alberta small businesses to survive this extended period of economic decline?

MR. SHABEN: Mr. Speaker, as the hon. Leader of the Opposition is aware, we launched the new small business term assistance program on Monday, and the reports I've received to date are that it's being enthusiastically received by the small business community in Alberta. As the hon. member knows, that program provides for fixed rate financing for up to 10 years at 9 percent. The simple, overwhelming response of the business community to that program is an indication that the program was soundly conceived.

The other programs the leader is aware of, particularly the small business equity corporations program — we recently

enriched that program. That total program has injected into the Alberta economy a potential for \$200 million of equity. One of the difficulties Alberta businesses face is the dependence upon debt and the inadequate equity base. Those are just two examples of government actions to assist Alberta small businesses.

MR. MARTIN: A supplementary question, Mr. Speaker. There are a number of avenues to pursue, but let's look at the small business term assistance program that the minister alluded to. I think he said that it was soundly conceived. That's not the information we're getting at this particular time. We're informed that due to phone line jam-ups and bureaucratic foul-ups banks are finding it next to impossible to register their clients for the program. My question is: what steps in terms of installing phone lines or hiring additional staff has the government taken to alleviate these delays? This came from many small businesses right across the province.

MR. SHABEN: Mr. Speaker, we have established 18 phone lines, and we have established a system where when the banks call in, a maximum of six applications can be dealt with on an individual call. We've done that in order that we can have a geographic balance and an opportunity for small businesses from throughout Alberta to have their loans registered in the program. The only comment I would make to the leader is that the response of the small business community to the program has been enthusiastic, and it's not surprising that as a result of that enthusiastic response the phone lines are busy.

MR. MARTIN: Mr. Speaker, enthusiasm is great, but on a first come, first served basis when you can't get through, that's leading to a fair amount of frustration by both banks and small businesses that have contacted our office.

My question is: given that these are some of the same sorts of delays and problems which occurred at the introduction of the farm loan program, why did the government not learn a lesson from experience and develop a more efficient system for processing these applications?

MR. SHABEN: Mr. Speaker, we did use the experience that was gained in the implementation of the farm credit stability program, but the rate of calls has been even greater for the small business term assistance program than for the farm credit stability program. The other thing that the hon. member should be aware of is that after the initial few days the pace of applications and calls had slowed down for the farm credit stability program, and we expect a similar situation to develop with respect to the small business term assistance program.

MR. MARTIN: Mr. Speaker, that's probably true. But there's only a limited amount of money, and those people who are unfortunate enough to get caught in the bureaucratic bungling could be hurt.

My question is: what consideration has been given to establishing a staggered deadline system, as is done with some federal programs, to ensure that all applicants have a fair and equal opportunity to be considered and not simply to receive a loan through luck of the draw, as it now seems to be?

MR. SHABEN: Mr. Speaker, one of the things we've done is open the phone lines from seven in the morning until

seven in the evening. The other measure is the one I described to the hon. member; that is, limiting the number of applications that will be registered per call. I'm waiting for a breakdown of the geographic mix of the applications that are approved, and as soon as I get that information, I'll provide it to all hon. members of the Assembly.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the minister. It's with regard to response ability of the minister or senior civil servants relative to various policy questions that come via the phone lines. What type of mechanism has the minister established to take and react to problems that are raised via those 18 phone lines?

MR. SHABEN: We have toll-free lines available for individuals seeking information on the program, and those lines as well are very busy. We have eight toll-free lines coming in. We would urge citizens or businesses calling on those lines to continue to call in order to obtain that detailed information they are seeking. We recognize that they have been busy and overloaded but would ask that the businesses continue to make those calls. Those lines are also open from 7 a.m. to 7 p.m.

MR. TAYLOR: Mr. Speaker, back to the original question, which mentioned bankruptcies. In view of the fact that these people are in a hurry — it's because they're worried about their bank or their old loan foreclosing on them — would the minister take action to call in the general managers of the main chartered banks and tell them to hold their fire and cool their heels until he has gone through this whole process so that no small business is foreclosed on on short notice?

MR. SHABEN: Mr. Speaker, I believe the kinds of discussions that the Member for Westlock-Sturgeon is urging upon the government have already taken place.

MR. HERON: Mr. Speaker, to the minister. Is the notion that because the government phones are busy, clients will miss on a first come, first service basis, or in fact are the banks not the ones who decide on the lending criteria?

MR. SHABEN: Mr. Speaker, the hon. member is correct in that we as a government have established clear lending guidelines for the financial institutions in order for applications to proceed under the program. The decision as to whether or not a loan is made is made by the financial institution. We welcome, though, questions about the guidelines, and that refers to the question raised earlier by the Member for Little Bow. We will continue to provide that information to those businesses who seek information on the program.

Synchrude Expansion

MR. MARTIN: I'd like to direct the second question, Mr. Speaker, to the Premier. In answering my questions on possible Synchrude extensions yesterday, the Premier indicated once again that Alberta is quite prepared to go it alone — I believe those were his words — if the federal government does not see the wisdom of pitching in with help for this province. My question is a tactical one: why are we telegraphing that message that we will go it alone? Surely this is an unwise approach in terms of negotiation with the federal government, especially in view of the deficit we have in this province.

MR. GETTY: There are two features there, Mr. Speaker. First of all, as I said yesterday, our view is that when you invest in the oil sands, you are not increasing the deficit; you are making an investment in the future of the province. Secondly, these resources belong to the people of Alberta. They will be developed in the best interests of Albertans and Canadians. Canadians will need the resource. We think it's abundantly clear to the rest of Canada that if they need the resource in the coming years, they should participate in support of that resource. Nevertheless, we also want Albertans to know that it won't be Ottawa who decides whether our resources are developed; it will be the province of Alberta, which owns the resource. We think it's abundantly clear that we should be supported by the federal government, but we want the people of Alberta to know that their future is secure and that the resources will be developed.

MR. MARTIN: Mr. Speaker, that's not the point. We all agree with that. The rhetoric doesn't answer the question. It seems to me it was a dumb tactical move again.

My question is simply this: I notice that there seemed to be some sort of consensus among the provincial energy ministers yesterday, which we would say is good. But now that the other governments of Canada seem to know the details of this government's cash stabilization program, I wonder if the Premier will show some respect for this Assembly and the people of Alberta and give us some idea about what is going on, in particular whether a minimum price that we're advocating would be paid for by Alberta public dollars or shared amongst the consumers of Canada.

MR. GETTY: Mr. Speaker, I've said in the House many times that we have been looking at a variety of options, one of which is the cash flow stabilization program. We've discussed it with the federal government. It changes as it is being discussed. We've discussed it with other provincial governments — those in the resource area — and it changes as they look at it. I've told the House that as soon as that program is finalized, we will announce it and make it clear to all Albertans. I don't believe it helps in any way to try and piecemeal it or talk about bits and pieces of it in advance, particularly when it's changing as we go.

MR. MARTIN: Mr. Speaker, I guess information is dangerous for the people of Alberta. We wouldn't want to let them in on it.

Natural Gas Sales

MR. MARTIN: Following up on the energy, my question is to the Treasurer. The Treasurer is well aware that a major conference is being held in Calgary. Most analysts are saying that oil prices will stay low for four or five years — a little different from the Treasurer's claim. Will the Treasurer now undertake to table the studies on which he bases his assurances that prices will rebound significantly this year, or is he unable to do this because he just doesn't have this information?

MR. JOHNSTON: Mr. Speaker, I think this is the 15th time that question has been asked, and my answer is exactly the same as it has been 15 or 16 times before.

MR. MARTIN: Again, Mr. Speaker, that's the total lack of respect they have for the people of Alberta; don't let

them in on the information. Serious things: asking us for \$5.5 billion but they won't let us know what's going on.

My question is to the Treasurer. It appears that the recent agreements that TransCanada PipeLines has signed with eastern distributors could cause this Treasury \$70 million. Given the government studies in preparation for gas deregulation . . .

AN HON. MEMBER: Question.

MR. MARTIN: Do you want to ask a question, backbencher, whoever you are? I like to give the backbenchers something to do: yelling "question."

Mr. Speaker, given the government studies in preparation for gas deregulation, what is the Treasurer's best current estimate of revenue from natural gas and by-product royalties in this fiscal year?

MR. JOHNSTON: Mr. Speaker, I assume that the member is talking about natural gas in this case. In the context of natural gas discussions, I should say that we should not take forecasts from one negotiation which has taken place already. We expect that this is not a key to the entire natural gas sales. Through the bottom of '86 and early '87 we expect the volumes will expand as the winter demand picks up. That's been the fundamental part of the forecast we're using. We do have an early forecast based on the expected volumes and prices through the early part of the 1986 fiscal year. We've now gone through the second quarter of '86 in terms of our cash flow, and we're moving into the strong winter demand season of the fall of '86, nearly '87. That replicates the forecast we have implicit in our estimates in our fiscal plan, which has been tabled in debate of this House.

MR. TAYLOR: Mr. Speaker, to the Premier. It's a supplementary to the question, particularly with respect to the new TransCanada contracts to eastern Canada. Will the Premier exercise the power he has to stop the export permit from going through because of the fire-sale prices and indeed name to eastern Canada what price he expects for his gas and make sure it won't go out of here cheaper than that?

MR. GETTY: Mr. Speaker, as we've discussed so many times in the House already, we have had one of our resources — oil — deregulated, and now we are moving toward deregulation of natural gas. I'm sure all thinking members of the House, and I would include the Member for Westlock-Sturgeon, would know that when you have one source of energy deregulated and it can serve all kinds of markets and competes with another one, it would be foolish to keep the other regulated, because then it can't compete and in fact they lose their markets. Therefore, it's very important, as long as we can establish the best conditions possible, to have both of those sources of energy deregulated.

That's our plan, Mr. Speaker. The prices have been negotiated and presented to the producers. They have two weeks to decide whether they're fair or not. We'll see what they say. I don't want to talk about them too much when they're going through this period of consideration by producers. All in all, I think those on the other side who are forecasting collapse and doom and gloom will be proven wrong once again.

We talk about dumb tactics. I would like to have a nickel for every dumb tactic I've watched across the way in the last three months.

CF-18 Servicing Contract

MR. MITCHELL: Mr. Speaker, the government revealed last week that it was doing very little to assist Northwest Industries Ltd. in lobbying for a federal CF-18 airplane maintenance contract, which would create 125 jobs in Alberta. If we are to be successful in diversifying our economy and in creating jobs in these difficult times, we have to take specific projects like this and do whatever we have to do to make these projects work.

To the minister of economic development: will this minister, who is responsible for diversifying Alberta's economy, report to the Legislature what initiatives he has taken since last week to assist Northwest Industries in obtaining this CF-18 contract?

MR. SHABEN: Mr. Speaker, in terms of the preamble to the hon. member's question, I think all members in this Assembly recognize the importance of job creation in a variety of ways, whether in high technology areas or a service industry or tourism or whatever. The government is aware of that necessity.

We're also aware of the involvement of Northwest Industries with CAE and Canadair in the bid to service the CF-18s. We've been aware of that for some time. We have, as I indicated earlier in the House, taken what we believe are appropriate steps in order to help that contract be awarded to the consortium where the Alberta companies are involved. We think it's important, but as I'd indicated earlier, the actions the government has taken are of a type that I would prefer not to discuss in the Assembly.

MR. MITCHELL: We feel happy about telling Ottawa that we'll go it on our own for a Syncrude project, but we won't discuss the list of things that we might be doing to negotiate a contract for 125 jobs.

Is there some kind of ongoing mechanism in place in the minister's department to assist Alberta firms more generally in obtaining federal contracts, whereby they can utilize some form of expertise in this government for lobbying the federal government to get these kinds of contracts?

MR. SHABEN: Mr. Speaker, the federal government is responsible for a variety of contracts. There is the day-to-day procurement of federal requirements. We work as effectively as we can with the manufacturers and suppliers in Alberta to try and access a greater part of that federal procurement. We're not happy with the percentage that Alberta gets and haven't been for a number of years. One of the difficulties is that the majority of the contracts are bid FOB Ottawa, and manufacturers in Alberta and British Columbia and some of the areas that are more distant from the FOB point have the difficulty of compensating for freight. We've presented a proposal to the federal government, a variety of four different options to change the procurement policy. I haven't yet received a response. My intention is to meet directly with the federal minister responsible for public works in that area.

That's one example of Alberta access to federal contracts. There are a variety of others where we've assisted in other ways and will continue to do so.

MR. SPEAKER: Hon. minister, perhaps you could save something for the supplementary that's likely to come.

MR. MITCHELL: Thank you, Mr. Speaker. We hear so much about the programs; we hear very little about the successful results.

Maybe I should try the Minister of Manpower. When 125 jobs are at stake, we would hope that this minister would be involved directly in the matter. What steps has the minister taken to assist his fellow minister, the minister of economic development, in supporting the Northwest Industries' initiative, whatever that initiative might be?

MR. ORMAN: Mr. Speaker, I think we — and not just myself and the Minister of Economic Development and Trade — are concerned about job creation and job losses. It's a topic we've had in this House, in Committee of the Whole, and during discussions about budget.

Certainly we work together in a variety of ways. The Manpower department works with international trade on a regular basis. We have joint initiatives; we work together in assisting not only on domestic matters but on international matters. We work on trying to procure contracts internationally. I think the hon. minister of international trade could go on at length and discuss the areas where we work together in assisting manufacturers and people who have services for sale abroad. I'm surprised that the hon. member across is not aware of that plethora of programs.

MR. MITCHELL: I'm going to keep trying, Mr. Speaker, until I find somebody who's actually doing something specific.

To the Premier. What steps has the Premier taken to assist Northwest Industries in its attempts to secure this contract? Has he taken the lead of Premier Bourassa, who seems never to hesitate to go to Ottawa and lobby for federal contracts and usually does it successfully?

MR. GETTY: As both ministers have now expressed, Mr. Speaker, the government works in a co-ordinated effort amongst the various ministers to make sure that everything possible can be done to help the private sector in our province obtain contracts such as this. We'll continue to do that. It does not help to go into a litany of the various efforts we are now making, because others who might not have thought of some of the innovative ways our ministers have used would then say, "Well, we'd better do that too to try and compete with Alberta." Far better, I believe, to continue to proceed in the way we are. Many things we've said would happen — we said, "Listen, we have a plan to get rid of the PGRT." Where is it? Our plan is to continue to work, as I've said.

MR. HAWKESWORTH: Mr. Speaker, to the Minister of Economic Development and Trade. Any successful strategy is a two-pronged attack. The background lobby works, but it also has a public strategy to get a decision made in favour of Alberta. Why does the government not have any visible public strategy that will help the federal government decide in favour of jobs for Albertans?

MR. SHABEN: Mr. Speaker, I think this questioning may be useful, particularly for the members of the opposition. Over the past 14 years the government has developed a variety of tools to assist the private sector to diversify the Alberta economy, and those have been immanently successful.

Let me just list some in the high-technology area. The development of the capacity of Alberta companies to compete worldwide . . . [interjection] Would the hon. member listen? It might edify him. The initiatives we have taken in terms of high technology are reflected in our ability to compete for contracts, whether in the United States or central Canada or otherwise. These initiatives are very many, whether it's

the Electronics Test Centre, the medical research foundation which has resulted in significant developments, or Chem-biomed: a whole list of them, Mr. Speaker, which I think it would be useful for members to review, that have resulted in a capability of Alberta businesses to compete with anyone in the world in high technology, in research and development, in the plastics and rubber manufacturing industry, and in a variety of industries, as the result of carefully thought out programs developed by the government.

MR. R. SPEAKER: A supplementary question to the minister. Some of the high-tech companies indicate to me that some of the world consumers of our technology here in the province of Alberta request, make a demand, or would like the government to have some kind of equity position in their respective corporations in order to do business. Could the minister either confirm or reject that assumption as being accurate or inaccurate?

MR. SHABEN: Mr. Speaker, my colleague the Minister of Technology, Research and Telecommunications is, as everyone knows, in the hospital. There is in some markets a desire for government involvement in a particular area of high technology. The government has, for example, been aggressive with respect to attracting LSI Logic to Alberta. That's a worldwide company with bases in the United States, Japan, and Europe. Synerlogic is a company that has been attracted to Alberta as a result of Vencap's investment, which is an indirect result of a government program. We have supported Global Thermo in terms of their research in Bassano, and it's resulted in access to worldwide contracts. So the member does make a point, and we are responding in specific areas when it's appropriate to do so.

Grain Sales

MR. R. SPEAKER: Mr. Speaker, my questions are to the Minister of Agriculture, and they relate to the opportunity to move or sell Alberta grain. The minister in the last few days has met with a delegation from Russia that has toured southern Alberta, I understand. Along with certain views that were taking place in southern Alberta, could the minister discuss the opportunity for a sale of agricultural technology as well as Alberta grain to Russia?

MR. ELZINGA: Yes, Mr. Speaker. We had the opportunity to briefly discuss that, and our officials are furthering that discussion so that we can increase our trading ties with Russia.

MR. R. SPEAKER: Mr. Speaker, a supplementary question. It relates to the question of quotas for farmers in Alberta or western Canada at the present time. Could the minister indicate whether discussions have taken place this week with the Canadian Wheat Board or with the minister responsible to see that quotas can be implemented for Alberta farmers so that they can deliver grain to the respective elevators?

MR. ELZINGA: Yes, Mr. Speaker, I can confirm that to the hon. member. We were in communication with the minister's office this morning. We're hopeful that some action will be taken in the very near future, but we have made representations like-minded to what the hon. member has suggested.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the minister. It relates to the discussions on the General

Agreement on Tariffs and Trade which are initiated tomorrow. I understand preliminary talks are in place now. Could the minister indicate what instructions were given on behalf of Alberta to either the federal delegation or, I believe, the Minister of Federal and Intergovernmental Affairs in terms of Alberta's position in those discussions relative to the sale of Canadian or Alberta grain?

MR. ELZINGA: Mr. Speaker, I can confirm to the hon. member that, as he has indicated, the Minister of Federal and Intergovernmental Affairs is there on behalf of the government of Alberta. We're delighted that Alberta does have a direct role to play in these negotiations that are very crucial to the agricultural sector not only in our province but in all of Canada. As the hon. member is aware too, because of representations by our Premier and our Prime Minister agriculture has an elevated position as it relates to trade discussions, and we want to make sure that agriculture is not traded off for manufacturing or any other sector but that it does receive highest priority. That is what we are pushing for.

MR. R. SPEAKER: Mr. Speaker, a final supplementary question on the movement of grain. Could the minister indicate whether there is any further information with regard to the settling of the strike at Thunder Bay? Has the minister been informed by the Prime Minister or a respective minister that progress is being made and discussions are moving ahead, so that maybe we don't have to have Parliament reconvene?

MR. ELZINGA: As it relates to the strike lockout itself, Mr. Speaker, we don't have anything further to update the hon. member on, but I can share with the hon. member, as I'm sure he is aware also, that the chairman of the task force itself is looking at alternate routes whereby we will have an opportunity to ship our grain to offshore markets.

MR. TAYLOR: Mr. Speaker, to the Agriculture minister. A few days ago I mentioned something about taking the wheat south and got dismissed, so I did some of my own investigations. The crop is coming off faster in Washington and Idaho than it is here. Has the minister looked into using truck transport to have access to the American railroads so that we can get our crop to the Pacific markets?

MR. SHABEN: Mr. Speaker, the Minister of Agriculture had responded earlier to the committee that has been established by the minister responsible for the Wheat Board with respect to alternative methods of moving grain. They are examining five options and implementing some. The first is movement through the St. Lawrence system. For our part, Alberta has agreed to allow the hopper cars to be used to move it through the system. They're also looking at increasing the throughput at the west coast — that is, at the port of Vancouver or at Prince Rupert — and also increasing the throughput through Churchill. The fifth is the utilization of the U.S. system, either the Mississippi or through Seattle or Portland.

At the moment there hasn't been the capacity reached of using the port of Vancouver, Prince Rupert, or Churchill, and the fifth option is still being considered. Mr. Speaker, the difficulty with that is that under the Western Grain Transportation Act, with paying the railways the Crow benefit, the cost to the farmer of moving grain through the U.S. system is much higher than using the Canadian system.

That's one of the reasons the Alberta government is anxious to see changes to the Western Grain Transportation Act.

MR. FOX: A supplementary to the Minister of Agriculture. In terms of contact with the Soviet delegation, did the minister get any indication from them what degree of priority they put on the higher quality of Canadian grain compared to the cheaper price of the subsidized American grain? Are we losing sales here? What's the minister's feeling?

MR. ELZINGA: Mr. Speaker, they left me with the assurance that they wish to continue the close trading ties that have been developed as it relates to our grains. As I've indicated previously in the House, the Canadian Wheat Board itself is going to establish the sale price. I would assume — and I can only assume because these figures are not released — that the Canadian Wheat Board itself will track the grain prices down so that our sales are assured.

North Saskatchewan River Water Study

MR. ZARUSKY: Mr. Speaker, to the Minister of the Environment. Being that the North Saskatchewan River flows through my constituency and water tests were taken downstream, could the minister tell the House what the main conclusion from the study is?

MR. KOWALSKI: Mr. Speaker, today the government released a four-volume study on the water quality in the North Saskatchewan River. The study cost \$350,000, and some 42,000 tests were taken and 700 samples. There are two obvious conclusions. One is that the water quality in the river has improved greatly since the 1950s and, secondly, that water quality in the river is better than we might have expected.

MR. ZARUSKY: Mr. Speaker, a supplementary to the minister. Are there chemicals in the river that may cause health problems to individuals?

MR. KOWALSKI: Mr. Speaker, no traces of most organic compounds were found in the river.

MR. ZARUSKY: A supplementary to the minister, Mr. Speaker. Is water quality in the North Saskatchewan River getting worse as Edmonton's population increases?

MR. KOWALSKI: Today's study is the fourth in a series of studies that have been released in the last year. In 1985 a university professor by the name of Bouthillier issued a report that basically said no to the question being asked. Earlier this year the annual report of the Environment Council of Alberta indicated that water quality in the North Saskatchewan has been increasing in the last 30 years, and about a month and a half ago the Hruddy Report, which talked about drinking water in the city of Edmonton, indicated no to the question as well. The answer is that actually the water quality has improved.

MR. ZARUSKY: Final supplementary, Mr. Speaker, to the minister. How do the conclusions from this study compare with those in the Hruddy Report?

MR. KOWALSKI: Mr. Speaker, the Hruddy Report studied the quality of drinking water in the city of Edmonton. The

reports made public today talked about the quality of the water in the North Saskatchewan River.

Cystic Fibrosis Clinic

REV. ROBERTS: Mr. Speaker, after cancer, cystic fibrosis is the most killing disease of children of Alberta. Much of the work in both research and care delivery has been done by the Cystic Fibrosis Foundation and its volunteer groups. With the recent change in responsibility for provincial support for cystic fibrosis from Social Services to the Minister of Hospitals and Medical Care, could he please tell this Assembly if the government now finally has plans to fully fund the two CF clinics that are currently operating in the province, or is it going to continue to rely on volunteer foundations to raise the money for this medically required care?

MR. M. MOORE: Mr. Speaker, I'd like to analyze *Hansard* with respect to the member's question and get some information for him. I am not knowledgeable about where these are located. In his preamble he didn't say. I'll check into the matter, though.

REV. ROBERTS: One is in Edmonton and one is in Calgary.

Mr. Speaker, because of the committed work of the foundation, more than 30 percent of people with cystic fibrosis now live beyond the age of 18 years. Will this government stop discriminating against these people by forcing them to go on Blue Cross and instead provide for them all medically required drugs, enzymes, dietary supplements, equipment, and so on?

MR. M. MOORE: Mr. Speaker, the last occasion the hon. member made some sweeping accusations in this regard, it was to do with mental health — in fact, in the Royal Alex hospital. I found out later that they were completely wrong. I'd like to check *Hansard*, check what the hon. member has said, and reply at a later date.

REV. ROBERTS: I'd be pleased for that challenge in further debate, Mr. Speaker.

As well as looking into it, would the minister please give the Assembly his sanction to an implementing of the other recommendations which were made to the Department of Social Services concerning expanded programs for cystic fibrosis in the province?

MR. SPEAKER: Final supplementary. Please continue.

REV. ROBERTS: Mr. Speaker, some of us have just come from the opening of the Walter C. Mackenzie Health Sciences Centre, and it's quite embarrassing to me that with all that money and all that space there is no room set aside for a cystic fibrosis clinic in that hospital. Will the minister work with the president of the hospital to ensure that space will become available for the CF clinic, which is now in limbo in the old hospital, before the old hospital is torn down?

MR. M. MOORE: Mr. Speaker, if the hon. member had taken the opportunity to review exactly what is occurring at the Mackenzie Health Sciences Centre, he would, like those of us on this side of the Legislature, the government side, be extremely proud of what's been accomplished there with the Heritage Savings Trust Fund and the kind of medical facilities that exist there.

General Agreement on Tariffs and Trade

MR. FISCHER: Mr. Speaker, my question has been partly answered. It's to the minister of economic development concerning the visit of our intergovernment affairs minister to Uruguay on the GATT discussions. I would like to know exactly what role our minister is playing in those discussions, and what industries and [provinces] he is representing.

MR. SHABEN: Mr. Speaker, we're very pleased that the Minister of Federal and Intergovernmental Affairs is attending the opening of the GATT round. He was invited to attend by the federal government and represent Alberta, British Columbia, Manitoba, and Saskatchewan. With respect to the common purpose, particularly of Saskatchewan, Alberta, and Manitoba and with respect to the importance of agriculture, the government of Canada and the western provinces have been urging for many years that agriculture be a key part of the GATT round, and our Minister of Federal and Intergovernmental Affairs is there principally for that purpose.

MR. TAYLOR: Did he take the editor of the *Medicine Hat News*?

MR. SPEAKER: Supplementary question. The hon. member is out of order.

Rundle Syphon Spillway

MR. YOUNIE: Mr. Speaker, to the Minister of the Environment. Canmore Creek, which TransAlta Utilities now terms a spillway, was flooded in late June of this year on instructions from the Environment department, apparently to test what might happen in the event of a real flood emergency. The action turned a beautiful creek into what someone described as a mess. Given the role of this department in the mess, is the minister prepared to commit resources from his department to assist the efforts of local citizens to attempt to restore the creek to something close to its original condition?

MR. KOWALSKI: Mr. Speaker, I think we'd better clarify right at the outset what this creek is. This creek is actually a spillway. It's known as the Rundle Syphon Spillway. That was mandated in 1949, and it has been a spillway since that time. It's associated with the Rundle power development. The spillway is a safety mechanism in the event of the damaging or collapse of the dam. It's not a beautiful little crick where people can walk hand in hand in the evening and admire the stars and the moon. Nor is it a place that houses should be built proximate to. It is a spillway erected for safety purposes, erected in 1949 as a protection against the collapse of a dam.

MR. YOUNIE: I trust then the minister is saying that the creek is not a natural structure but is an artificial construction of the government of Alberta. I was given to believe, in fact, that it was a natural creek that the government had merely misnamed.

In view of the damage to whichever the minister chooses to call it, a creek or a spillway, could the minister explain what valuable information was in fact gained about the creek's use as a spillway that justified the mess that was made there?

MR. R. SPEAKER: Water runs downhill.

MR. KOWALSKI: The Member for Little Bow says that water runs downhill. But in addition to that, Mr. Speaker . . . The spillway was first operated in 1951. The second operation of it occurred on January 25, 1986. It occurred as a result of an investigation by officials from Alberta Environment that took place in the early 1980s in association with TransAlta Utilities. The question really was: what would happen if this spillway had to be exercised? The answer to that question was found as a result of the spillway overflow that did occur as a result of safety precautions that Alberta Environment took with TransAlta Utilities in June 1986. The spillway works. It also caused some erosion; it also caused some esthetic problems.

MR. YOUNIE: I still don't believe the minister has clarified, so will he please. Is this a natural creek that the department named a spillway, or is it in fact an artificial construction to service the dam?

MR. KOWALSKI: It was a natural creek, Mr. Speaker, but it was not named by this department. This department, Alberta Environment, did not become a legal entity until 1972. The creek was designated the Rundle Syphon Spillway on May 17, 1949, pursuant to the Water Resources Act and the provincial water power regulations that existed in 1949.

MR. YOUNIE: Thank you. I think nature beat the government to it by some time.

In view of the damage done — by the way, if the minister wishes to see some before and after photos, I have some for him — and in view of the fact that the last flood was another artificial one 30 years ago, can the minister indicate why it was deemed necessary at this time? Does the department have some indication that the dam is getting old and there may be some imminent danger?

MR. SPEAKER: The time for question period has expired. Might the Assembly give consent for this line of questioning to be completed?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed?

MR. KOWALSKI: Mr. Speaker, safety is a prime concern to this government, and safety is a prime concern to the two departments that I have the privilege of being minister of. It's required to ensure the testing of a facility. The two tests had not occurred within 30 years of one another. The fact of the matter is that it has been tested in 1986. I believe the people who live in Canmore can take some comfort in knowing that in the event of an overflow in that particular dam, the spillway will work.

MR. STEVENS: Mr. Speaker, to the Minister of the Environment. Has the minister satisfied himself at this time, with his officials and working with the town of Canmore officials and officials of forestry, public lands, and wildlife and transportation, that in addition to public safety, concerns about the fishery and the environment are satisfied?

MR. KOWALSKI: There's absolutely no doubt at all about that, Mr. Speaker. One of the realities in terms of the question that was just asked by the Member for Banff-Cochrane — and it also follows through with a previous

question asked by the Member for Edmonton Glengarry — was that if we were to move at this point in time for debris cleanup on the spillway, in essence what we would do is disturb the fishery in the area. Upon advice and suggestions from Fish and Wildlife officers that no further cleanup should be undertaken at this point in time, I've instructed people not to do it. The result of no further cleanup means protection of the fish, but it seems that it's not good enough in terms of the question being asked by the Member for Edmonton Glengarry.

ORDERS OF THE DAY

MR. CRAWFORD: Mr. Speaker, I move that questions 171, 172, and Motion for a Return 173 stand.

[Motion carried]

MR. SPEAKER: The Chair should check one procedural matter. The Member for Westlock-Sturgeon earlier today made mention of the possibility of a point of question of privilege. Is that now not an issue, hon. member?

MR. TAYLOR: Mr. Speaker, we must have crossed our wires. I had been informed that you weren't allowing it.

MR. SPEAKER: Yes, hon. member, that would probably be the outcome, but nevertheless the Chair must allow it.

Members of the Assembly, the Chair would hasten to point out that indeed the proper procedure was carried out by the Member for Westlock-Sturgeon with respect to a point of privilege. The Chair appreciates immensely his conforming to *Standing Orders*. Upon examination of the matter through mutual consultation, it was determined that it was not indeed a matter of privilege. Nevertheless, the Chair wanted to be absolutely certain in terms of the House proceedings.

MR. TAYLOR: Mr. Speaker, the point of privilege I was raising concerned the failure of the government to respond to Written Question 135. My point of privilege related to the government's failure to provide the details of Mr. Ron Ghitter's contract with the Alberta government to find a private-sector investor. My concern was that the delay was heightened. I was citing *Erskine May*, page 334, saying that the minister should respond to written questions within one week. The mechanics of providing the kind of information being requested is not too complicated, so the delay is unnecessary. After all, the Minister of the Environment answered a similar question practically on the same day that a contract for a dam was awarded. As an MLA I believe we have an obligation to review government expenditures, particularly where they may be questionable.

Lastly, had Mr. Ghitter's work been done by the government department concerned — it is conceivable that it could've been done by it — the information would have been the subject of estimates debate and Public Accounts disclosure. However, since this is a contract to a third party, the government can inhibit the Legislature from reviewing the transactions. I think that's a question of privilege.

MR. SPEAKER: The Chair again listens with respect to the Member for Westlock-Sturgeon. However, as one would

point out, in *Beauchesne* 19(2) it clearly states, "The failure of a Minister of the Crown to answer a question may not be raised as a question of privilege." However, having said that, the Chair also points out that it is appropriate on Thursday afternoons when the House is dealing with questions and motions for returns for any hon. member to raise, as the Member for Westlock-Sturgeon has done, the matter of when a previous question might be supplied to the Assembly. The member has indeed done that. Whether or not the Government House Leader cares to respond at this time is indeed within his purview.

MR. CRAWFORD: Mr. Speaker, various questions and returns take different lengths of time, of course, to prepare and to file. I would undertake, having heard of the question of privilege for the first time just now, to see about the timing of the filing of that answer.

MR. SPEAKER: The Government House Leader, with respect to the business of the day.

MR. CRAWFORD: Mr. Speaker, I've been reflecting upon last Tuesday and the eminent success the Assembly had in its progress through its business. On that day we moved to government business in the afternoon. I would now ask that all members give unanimous consent to proceed with government business this afternoon.

MR. SPEAKER: Having heard the motion by the Government House Leader, all those in favour please say aye.

HON. MEMBERS: Aye.

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

[On motion, the Assembly resolved itself into Committee of the Whole]

head: GOVERNMENT BILLS AND ORDERS (Committee of the Whole)

[Mr. Gogo in the Chair]

MR. CHAIRMAN: Would the Committee of the Whole please come to order to discuss government bills.

Bill 17 Highway Traffic Amendment Act, 1986

[Adjourned debate August 29: Mr. Fox]

MR. CHAIRMAN: The first Bill before the Committee is Bill 17, the Highway Traffic Amendment Act, 1986, with some amendments. Are there any comments, questions, or additional amendments pertaining to this Bill? Hon. Minister of Transportation and Utilities, do you wish to make some comments at the beginning of committee stage?

MR. TAYLOR: In speaking to Bill 17, Mr. Chairman, I want to compliment the minister on the great job he did of overhauling the Act. But I'm sure all of us know that when we talk about the Highway Traffic Act — it has been brought home to us; the police forces have said that the

fatalities on the roads in the last week would have been prevented by the wearing of seat belts.

When you look over the Highway Traffic Act, which is designed, you might say, to outline the rules of the road to people, to get people and vehicles moving along the road at the maximum speed within the safest possible realm, the whole question of seat belts comes up. Consequently, Mr. Chairman, I would like to amend the Bill. I have an amendment here and copies to hand out. The amendment basically is inserting after section 8 a new clause called 8.1. I'll wait until it's circulated.

I'm sure my friend from Calgary who sponsored the private Bill for seat belts will be very pleased to read it, because it in effect adopts the private member's Bill supported earlier and then talked out, but this time it puts it as an amendment to the Act itself, using the exact same words the hon. Dr. Cassin used when he introduced his Bill. Basically, Mr. Chairman, we had to insert it after section 65 in the Highway Traffic Act.

First of all, in clause 1 we establish that no one can operate a vehicle on a highway unless it is equipped with operating seat belts. Secondly, clauses 2 and 3, of course, apply to the very use of that. Section 65, as it is replaced, now mentions that they can't remove or take out seat belts. Mr. Chairman, moving the amendment is a way to do it in a good clean fashion and a way for the Legislature to vote in support of putting seat belts into the Highway Traffic Act, something that's been long overdue. If we need any reminding, in the last week since we discussed it, it's come up in the paper a number of times; the police and others have said that lives would have been saved. Consequently, Mr. Chairman, I would sit.

MR. CHAIRMAN: Are all members in possession of the document entitled Liberal Opposition Amendment to Bill 17? [interjection] Order please.

The Chair is still determining the admissibility of the amendment. We'll proceed with the debate in any event.

MR. WRIGHT: This is the debate on the footing that the amendment's in order?

MR. CHAIRMAN: Assuming the amendment by the hon. leader of the Liberal Party is in order.

MR. WRIGHT: Very well. Thank you.

The arguments have been made at some length in the private member's Bill, so I won't rehash them, Mr. Chairman. Suffice to say that the evidence is overwhelming that injury and death are reduced and the costs of treating injured victims are greatly reduced. The only remaining question is really whether one pays too high a price in the invasion of private rights of action, doing what you want. All that argument has been gone over.

My impression was that not only was all of the opposition in favour of the private member's Bill — in fact, that wasn't an impression; that was a fact. My impression beyond that was that in fact the majority of the government members were personally in favour of the measure but that a majority of them thought a majority of their constituents were not in favour and felt the matter should at least go back to their constituencies for further discussion. I am not sure, Mr. Chairman, whether that really means that we as members are doing our business properly.

I remember the hon. member's quotation of Burke, the classic statement that the role of a representative is not

merely to be a delegate of the constituency — i.e., a conduit of what he believes to be the majority opinion in the constituency — but that he or she has been elected to exercise his or her own judgment on the facts. Given all the facts, as one has at length examined them in the Assembly, and casting aside personal or even, I suppose, religious prejudice, I'm trying to come honestly to the best conclusion. If that conclusion is different from what that member believes to be the majority opinion in his or her constituency, then it is his or her duty to give expression to it.

Admittedly, the constituency's opinion is perhaps the single most important element in the decision, but it is not determinative. Furthermore, the member will have to justify his or her position at the election. Nonetheless, it is one of the harder things that we as representatives have to do. Fortunately, it doesn't often occur, but in this case I believe it is occurring. I earnestly urge members to consider the very function of their role in the Assembly in legislating matters of this sort.

To sum up, it is the exercise of the member's judgment on the facts that counts, not merely his or her perception of the majority opinion in the constituency. That is an important element, but it is not determinative. I believe, Mr. Chairman, if all of us followed that Burkean rule — and Burke was a good Conservative, but he was enunciating a good rule nonetheless — this amendment would pass this afternoon.

MR. CHAIRMAN: Before we proceed, the Chair has been attempting to determine whether or not the amendment proposed by the Member for Westlock-Sturgeon is in order. In looking at Bill 17, which was passed in principle in second reading, it dealt with sections 61 and 66 but not 65. The Member for Westlock-Sturgeon has now proposed to this committee an amendment that we consider opening up section 65. The Chair is in a bit of a dilemma. It's tempted on the one hand to rule the amendment out of order, and yet because the Act is open, the Chair is reluctant to do that. So it would be the view of the Chair to put the question to the committee. This is not to infer a passage of defeat, but is the Committee of the Whole prepared to consider the amendment proposed by the hon. Member for Westlock-Sturgeon? The Chair would perhaps not be interested in hearing arguments but in having an indication by the committee if indeed it wished to consider the amendment.

Would you be in favour of considering the amendment with no indication of support or defeat? All those in favour say aye.

SOME HON. MEMBERS: Aye.

MR. CHAIRMAN: Those opposed say no.

SOME HON. MEMBERS: No.

MR. CHAIRMAN: No; sorry.

MR. WRIGHT: Mr. Chairman, with respect, on a point of order. Admittedly, I'm sure there are many here, perhaps most, with more experience of this than me. Nonetheless, the Bill on the floor is an Act to amend the Highway Traffic Act. Is that the correct description?

AN HON. MEMBER: The Highway Traffic Act is amended by this Act.

MR. WRIGHT: Yes, exactly. With the greatest respect, Mr. Chairman, notwithstanding the opinion of members — if there had been a majority opinion, fine. I rather think perhaps there was a majority opinion. If there had been a majority opinion, that would have set it at rest anyway. But irrespective of the majority opinion, with the greatest respect, because it is a Bill to amend the Highway Traffic Act and this is a further amendment of that Act, I cannot see how it is out of order, Mr. Chairman.

MR. CRAWFORD: Mr. Chairman, perhaps the essence of the argument has to come down to whether or not an amendment can alter the principle of a Bill. For that reason I would submit to you that this amendment is out of order, and one has only to look at the principal provisions of the amending Bill to see that it is indeed out of order. The Bill deals with such things as emergency vehicles, emergency responses, sirens, peace officers, flashing lights, and so on. I would think, Mr. Chairman, that it's incumbent upon the member moving the amendment to show that it is not inconsistent with the principle of the amending Act.

I submit to you, Mr. Chairman, that all of the principles in the Bill have nothing whatever to do with seat belt legislation. For that reason it should be found to be out of order.

MR. TAYLOR: Mr. Chairman, in all due deference to the hon. House leader, I don't know how he could possibly dig in and say that this amendment goes in any way counter to what an amendment to the Highway Traffic Act reads. Section 65 presently states:

No person shall remove or render inoperative a seat belt assembly or passive restraint device . . .

All this amendment does is suggest how it is to be used and how often it is to be used. It doesn't even introduce the idea. Whether the vehicle had a belt assembly and whether it was operable is already mentioned in the Highway Traffic Act. All we're saying is that if that vehicle is moving, you have to use it. How that could be stretched, Mr. Chairman, into saying that that is counter to the trend of the Act just staggers the imagination.

MR. SIGURDSON: On that very point, Mr. Chairman, I would like to point out that section 8 of the amendment Bill repeals section 61. Section 61(1) states:

No person shall drive on a highway a vehicle that is equipped with or that carries or contains a device capable of detecting or interfering with radar . . .

I would suggest that if we can include that in this amending piece of legislation, surely we can accept this amendment. This amendment should be in order.

MR. HAWKESWORTH: Mr. Chairman, just in regard to the point of order, I think the comment has been made that the principle of Bill 17 is to amend the Highway Traffic Act. But in looking at the Highway Traffic Act, I see that the amendment being proposed by the hon. member is under a portion of the Act called "Other Equipment." There are sections 45 through 65, which is the section the proposed amendment would deal with. Inasmuch as other portions of this Bill already deal with that aspect called "other equipment" defined by the statutes under the Highway Traffic Act, it would seem to me that for those two reasons this amendment might well be in order.

MR. WRIGHT: Mr. Chairman, this Bill has no principle except that of amending the Act. There are a number of

disparate sections amended. They run from the prescription against radar detectors, as we've heard, through flashing red lights on a school bus, stop lamps on a vehicle, the height at which lamps are to be displayed, barricades in traffic, sirens, and emergency response vehicles and relief for them — that's the largest single section. Those are all quite unconnected sections of the Act. This is another section unconnected to the other sections. It is obviously within the principle of the Act, which is a Bill to amend the Highway Traffic Act.

MR. CHUMIR: Along the same lines, Mr. Chairman, in the absence of a single controlling feature of the legislation being amended, I would submit that a reasonable approach to assessing the principle in issue would be that of looking at the basic thrust and principle of the legislation involved.

In this case, when we're dealing with the Highway Traffic Act, it's very clear that the primary and basic purpose of that legislation as a whole is to regulate highways for the purposes of protecting the safety of motorists and others. That being the case, you see that each and every one of these provisions for change which appear in the Bill are directed to that very specific purpose of highway safety. That being the case, a further amendment or provision along the lines being presented by the hon. Member for Westlock-Sturgeon would appear to be clearly in order, because if this Bill and the seat belt amendment aren't directed to highway safety, what are they directed to?

MR. CHAIRMAN: It would appear as though all members have spoken. The Chair has listened with interest to the arguments. It would appear, though, that if one looks at Bill 17, it deals with certain specifics to amend the Act. However, the amendment proposed by the Liberal opposition and the Member for Westlock-Sturgeon does not deal with those specifics as proposed by the Bill. Therefore, the Chair rules the amendment out of order.

Are you ready for . . .

MR. TAYLOR: Mr. Chairman, I challenge your ruling.

MR. CHAIRMAN: Order please. You may challenge my ruling, but you'll not challenge the ruling in this committee. The amendment is not in order.

MR. TAYLOR: But the point is that surely I can challenge the ruling. That's a very arbitrary ruling, based on little fact that I can see, Mr. Chairman: nothing more than fear of the power of the front bench. That's the only reason you did it.

MR. CHAIRMAN: Order please. I'd refer the hon. member to *Standing Orders*. Are you ready for the question on the amendments to Bill 17?

SOME HON. MEMBERS: Question.

MR. McEACHERN: If the amendment has not been accepted, why is there a vote on the amendment at this stage? Oh, you mean the government amendment, not this amendment.

MR. CHAIRMAN: Bill 17 as amended is before this committee. Are you ready for the question on the amendment to Bill 17?

[Motion on amendment carried]

MR. YOUNIE: Mr. Chairman, I would like to move that we proceed with a clause-by-clause vote, in view of the ongoing disagreement we've expressed with clause 8. If it were acceptable to the Chair and the minister, I would accept that we vote on clause 8 separately and on the rest as a unit. That would not bother us, but we would like the ability to vote on clause 8 separately.

MR. CHAIRMAN: *Standing Orders* refers to committee study of a Bill as clause by clause, which we refer to as section by section, which is the way to proceed. Our custom and tradition in this Assembly has been to deal in committee study with all sections or clauses of the Bill simultaneously. However, the hon. Member for Edmonton Glengarry has raised a point that we deal specifically clause by clause, and our *Standing Orders* read that way. So the Chair would have no difficulty with the proposal but would like to refer it to the sponsoring member, the Minister of Transportation and Utilities, for his response.

MR. ADAIR: Mr. Chairman, I have no problem with that suggestion.

MR. CHAIRMAN: Hon. Member for Edmonton Glengarry and members of the committee, in view of the sponsor's response, we could go through the Bill section by section, obviously until we come to the section referred to by the Member for Edmonton Glengarry. I don't know of another way of carving it out.

MR. WRIGHT: Mr. Chairman, if I may respectfully make a suggestion, I'm sure that if the Assembly agrees unanimously to this, it can consider the Bill other than clause 8, vote on that, and then consider clause 8.

MR. CHAIRMAN: The hon. Member for Edmonton Strathcona has suggested to the committee that we deal with committee study of the Bill with the exclusion of section 8, and then we'll come back and deal specifically with section 8. Would that be agreed by the committee?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: All those in favour of committee study of Bill 17, with the exception of clause 8, please say aye.

HON. MEMBERS: Aye.

MR. CHAIRMAN: Opposed, if any? Carried.
Section 8, hon. Member for Edmonton Glengarry.

MR. YOUNIE: Mr. Chairman, in view of the minister's generosity, I'll go to the two-minute rather than the 20-minute dissertation on this particular clause. As a caucus we have had very serious reservations about enacting legislation which would allow or legalize the use of a device the only purpose for which is to make it easier for a person to escape punishment for breaking the law. The laws allow for certain speeds, and the radar detectors allow a person to break the speed and escape being caught and punished. If anyone had access to my driving record, he would see that I possibly wouldn't have minded doing that on occasion. Nonetheless, as a matter of principle I must oppose government embodying in legislation that principle of making it easier for people to break the law with impunity.

MR. WRIGHT: Mr. Chairman, I'm torn between the wish to buy one of these things and the wish to do what is right, which is to continue to have them illegal, on the simple grounds that speed kills and this enables you to speed with impunity until the thing starts beeping.

MR. DOWNEY: Mr. Chairman, I did want to bring out the other side of this issue on a number of points. The first is that the law enforcement officers have no objection to the use of radar detectors. In fact, the more modern equipment that they have now renders them essentially obsolete. I think the other argument that needs to be made is that some evidence exists that the very fact that there is a radar detector in your vehicle can quite often contribute to a better awareness of speed limits in effect. For that reason I support this section of the Act.

MR. CHAIRMAN: Are you ready for the question on section 8? All those in favour of section 8, please say aye.

SOME HON. MEMBERS: Aye.

MR. CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

MR. CHAIRMAN: Carried.

MR. TAYLOR: Mr. Chairman, on a point of order. According to Standing Order 62, I would like to make a motion . . .

MR. CHAIRMAN: Order please. The Chair is calling a vote.

[Title and preamble agreed to]

MR. ADAIR: Mr. Chairman. I move that Bill 17, the Highway Traffic Amendment Act, 1986, be reported.

MR. TAYLOR: A point of order, Mr. Chairman. Under Standing Order 62, I would like to appeal the Chairman's decision — not to the Speaker, which you had the right to turn down before. I have the right to appeal to the Assembly. Therefore, the Chairman should "leave the Chair immediately and report in writing the point of order which he has decided." I would move that, Mr. Chairman.

A motion to ask the Chairman to leave the Chair is always in order. The Chairman's decision is final; no appeal to the Speaker. However, I have an appeal to the Assembly.

MR. CHAIRMAN: The Chair has some difficulty in that we're not dealing with a point of order.

MR. TAYLOR: Mr. Chairman, our point of order was just to get up to introduce — the point was that you denied, quite correctly, Mr. Chairman. You were quite correct and said that I could not appeal to the Speaker. You were right. However, it goes on to say that I can appeal to the Assembly. What I am now moving, Mr. Chairman, is that you leave the Chair and we appeal to the Assembly on your ruling of whether or not we could introduce the seat belt legislation, section 65.

MR. CHAIRMAN: The Chair is having some difficulty with the suggestion by the Member for Westlock-Sturgeon. An amendment was proposed to this committee. The Chair

ruled on the amendment, which was out of order. That was not a point of order; that was clearly out of order. The hon. member is now referring to section 62: "From the Chairman's decision no appeal may be made to Mr. Speaker." Now, we're not dealing with a point of order. The Chair is having some difficulty. The committee at any time can move that the Chairman leave the Chair, but I don't know if that is the thrust of the hon. Member for Westlock-Sturgeon. We're in the process of calling a vote on Bill 17. However, the Chair would like to be on firm ground. Unless the Chair hears further arguments, the Chair will put the question to the sponsoring minister to move to report.

MRS. HEWES: Mr. Chairman, the point here is simply a procedural one. The *Standing Orders* point out in section 62 that an appeal cannot be made in committee on a decision of the Chairman, and that's acceptable. So in order to create the situation where the appeal can be made — it must be made to the Assembly — the motion has been put that the Chairman now leave the Chair and that we restore to the Assembly and then the appeal can be presented. Is that not the correct sequence, Mr. Chairman?

MR. CHAIRMAN: The Chair has no trouble with the sequence. The Chair is having some difficulty if the Member for Westlock-Sturgeon has put that question.

MR. TAYLOR: Speaking to it, Mr. Chairman, you were quite right. In my earlier appeal I said I wanted to appeal the Chair's decision; you were quite right and said I couldn't appeal it to the Speaker. However, section 62 allows any member of the committee to appeal to the Assembly, and all I am doing is appealing your ruling that the seat belt legislation amendment I have was out of order. I'm appealing that to the Assembly as a whole. Surely there's nothing lost by that. All you do is vacate the seat, call in the Speaker, and we'll ask the Assembly to vote.

MR. CHAIRMAN: It's not a question of that. You can only appeal a point of order, and there has not been a point of order. The amendment was clearly found out of order . . .

MR. TAYLOR: The point of order was just to introduce the appeal.

MR. CHAIRMAN: Order please. The decision of the Chair that the amendment was not in order was final. The member can move on a point of order, but no point of order was ruled on by the Chair.

MR. STEVENS: Mr. Chairman, I didn't mean to attempt to attract your eye in that discussion. I think you as the Chairman have said — all of us have been listening to the presentation, and I'm sure our Government House Leader is also referring, but I want to refer to the rules that we have developed in history, over time, to allow us to get on with business and to represent our constituencies. My understanding of the rules is clearly as you have just said. The Chairman has made a decision, and that is not subject to appeal.

The second point I want to make: in section 62(6) there needs to be a point of order for the Chairman to make a ruling upon it, which at that time may be delivered or referred to the Assembly. I was going to just make those

observations, but you've already confirmed that, Mr. Chairman.

MR. HYLAND: I would submit that the Assembly has already made the decision on the motion. I think the records will show that the Chairman put the motion on the amendment to the Assembly to see if they wanted to discuss the amendment. That was ruled on, and we're on to the next business.

MR. CRAWFORD: Mr. Chairman, I think one or two of the points deserve some emphasis. It's true that Standing Order 64 provides that the motion that the Chairman leave the Chair is always in order. But that motion is not an appeal to the Assembly. That motion would be in order, but it would achieve nothing. The relevant part of Standing Order 62 is subsection (3):

The Chairman shall maintain order in the committees of the whole Assembly, deciding all questions of order subject to an appeal to the Assembly.

When the standing order goes on to deal with the question of an appeal to the Assembly, it is clearly a matter of a point of order. The order dealt with is referred to in sections (2) and (3) of Standing Order 62. The relevance and the maintenance of order are matters that may be determined by the Chairman. I conclude, Mr. Chairman, by saying that an appeal to the Assembly over a ruling of the Chairman in respect to whether or not the amendment would come within the *Standing Orders* is not a matter of maintaining order.

MR. MARTIN: I'm not questioning the decision, but I don't know what would make up an appeal then. Let me make it clear; I'm not questioning the Chairman's judgment, but if there is disagreement, I think a member has the right to make an appeal. Surely if they don't agree with the decision, that's going to lead to order being affected. So I don't know what else could lead to an appeal then, if it isn't one where the Chairman makes a decision and a member disagrees with that. Surely that member, under these rules, has a right to make that appeal to the Assembly. It says, "In case of an appeal to the Assembly . . ." Quoting what the Government House Leader said,

The Chairman shall maintain order in the committees of the whole Assembly, deciding all questions of order subject to an appeal to the Assembly.

In this particular case, as I understand it, the Member for Westlock-Sturgeon has made an appeal to the Assembly because he disagrees specifically with a ruling by the Chairman. Clearly, he has that right under these *Standing Orders*. I don't know what else there is that would lead to — are we going to deal with a fistfight or whatever in the Assembly? My point is that that's clearly one of the things this member has the right to do under these orders.

MR. CHAIRMAN: Order please. Clearly, a fistfight is a matter of order; there's no question about that. There was no point of order in that the Chair ruled the amendment out of order. That was not then a point of order.

MR. TAYLOR: I challenged that, you said no, and I said I would appeal to the Assembly.

MR. CHAIRMAN: That's still not a point of order. [The Member for Westlock-Sturgeon rose] Order please. If the

amendment is not acceptable to the Chair and the Chair rules it out of order, that's not then a point of order.

MR. WRIGHT: With the greatest respect, Mr. Chairman, I do have to associate myself with what has followed from the leader of the Liberal Party and the leader of my own party. But the problem I'm having is: it's academic, isn't it, because I'm afraid we've passed the Bill. There's nothing left to do.

MR. ADAIR: Mr. Chairman, I'll do that again. I move that we report Bill 17, the Highway Traffic Amendment Act, 1986, as amended.

MR. CHAIRMAN: Moved by the Minister of Transportation and Utilities that Bill 17 as amended be reported. All in favour, please say aye?

SOME HON. MEMBERS: Aye.

MR. TAYLOR: A point of order. You're now voting on something — we hadn't finished the other debate, Mr. Chairman. I think the hon. member, maybe because he is associating with me and got to that high elevated status so quickly, forgot that the Bill hadn't been passed when he made the statement. The fact is that we hadn't finished that debate.

MR. CHAIRMAN: Order please. The voting takes precedence over all arguments. I asked members who were in favour and who were opposed. I'll ask again. Those opposed, please say no.

Bill 17 as amended is carried.

MR. TAYLOR: On a point of order, Mr. Chairman. I don't believe you can take the vote while a point of order is being considered, and the resolution had not been resolved.

Mr. Chairman, back to what the Leader of the Official Opposition said: that we are setting in motion something that could hurt every member of the House. Surely the whole democratic process is that you have a right to appeal to the Chair. Usually you don't make it stick, but the rules here say that you don't appeal to the Chair, you appeal to the Assembly. It affects the right of every person here, no matter which side of the House they're on, because as sure as death and taxes the day will come when the Chairman makes a ruling that you don't like and you want to appeal it. You either appeal it to the people that are gathered at the time or you appeal it to the Assembly, and this is all I'm asking.

If you allow this type of thing to go ahead, it sets a precedent in this House where nobody has an appeal; there's no appeal. Surely the basic right of a parliamentary democracy from the time Iceland put their first parliament through to this day is that the Chairman or the Speaker of the House can be challenged. It may be rare; maybe it should not be done. But the point is that it can be challenged, and then there is a court that decides. In this case the Chairman moves out of the Chair and the court is the Assembly, which decides whether the appeal stands. We take a vote on it.

MR. MARTIN: Mr. Chairman, because we're moving along here, maybe the Government House Leader could. . . So that we could get on with the business, could the Chairman take it under advisement at this particular time and seek

access, if you like, to our legal counsel and the rest of it as to whether it is legitimate. We could move on with the rest of the business of the House and it gives us time to think about it before rulings are made that we would not want made. It would give us all some time to think about it at least until tomorrow and give the Chairman time to consult with people.

MR. CHAIRMAN: The Chairman appreciates the suggestion by the Leader of the Official Opposition, and the Chair before concluding would remind members of the Committee that a vote cannot be interrupted once it's commenced. You can only raise a point of order on a matter of order and not on whether the Chair accepts or rejects an amendment. However, with the kind suggestion of the Leader of the Official Opposition, the Chair will take that matter under consideration and advise the member and the committee tomorrow.

Bill 35
Business Corporations
Amendment Act, 1986

MR. CHAIRMAN: Are there any comments, questions, or amendments pertaining to this Bill?

[Title and preamble agreed to]

MR. ADAIR: Mr. Chairman, I move that Bill 35, the Business Corporations Amendment Act, 1986, be reported.

[Motion carried]

Bill 13
Department of Transportation
Amendment Act, 1986

MR. CHAIRMAN: Are there any questions, comments, or amendments pertaining to this Bill?

[Title and preamble agreed to]

MR. ADAIR: Mr. Chairman. I move that Bill 13, the Department of Transportation Amendment Act, 1986, be reported.

[Motion carried]

MR. WRIGHT: Mr. Chairman, I respectfully request that you be a little slower in calling the question. Although there are calls, I barely have time to find the Bills in my book here.

Bill 32
Water Resources Commission
Amendment Act, 1986

MR. CHAIRMAN: Are there any comments, questions, or amendments arising under this Act?

MR. YOUNIE: Mr. Chairman, Bill 32 makes reference to the Futures Compendium, which is under the auspices of the Department of Economic Development and Trade, I believe. I asked initially whether or not the Futures Compendium had anything to do with marketing commodities and so on. The sponsor of the Bill said that I hadn't talked

about that, that I talked about something else, and really didn't answer my question.

So I did a little digging, and I found out that although it's not related to the futures market as such, in fact its purpose is to look at scenarios for future marketing and possible trends in economic development and to develop long-range planning in terms of marketing and so on. I think that legitimizes my question and concern, which is: to what extent is the inclusion of this person from the Futures Compendium on the Water Resources Commission related to long-range planning for diverting and selling water from Alberta to the United States?

I have as yet gotten no satisfactory answer to that. I think it is a concern to a very large number of people in the province that regardless of what is stated, it is in fact this government's intention to divert and sell water out of the country. It seems to me that until I hear an adequate explanation to the contrary, the purpose of adding this new person to the Water Resources Commission is in fact to make that easier and to allow for long-range planning for that purpose.

Before I could support this, I would certainly like to have an explanation that would answer my concern on that matter.

MR. SHABEN: Mr. Chairman, perhaps I can help the hon. member in responding to the question. The Water Resources Commission has membership from a number of government departments. The hon. member has described the Futures Compendium of a branch within the department of economic development that undertakes long-range planning. There is no extraordinary significance to be given to the fact that the individual from Economic Development and Trade on the Water Resources Commission is also the ADM responsible for the Futures Compendium. He is the person that I have appointed to be on the Water Resources Commission and does not reflect in any way any change in the policy of this government to move water between basins. The policy of the government that we do not agree with the interbasin transfer of water has been made abundantly clear.

It's simply a fact that the person I have chosen to represent our department on this most important commission happens to be the ADM responsible for the Futures Compendium.

MR. McEACHERN: Mr. Chairman, in view of the minister's explanation, it would then seem to me a little bit odd that you would decide to put in the Bill that somebody — the assistant deputy minister — from the Futures Compendium would be the one. You say you chose the person first and not because of his title. Then why do you write into the Bill that the person who fills that title will be the one? Do you see what I mean? Two months down the road you might decide to get rid of that particular person and have a different assistant deputy minister of the Futures Compendium, and then he would automatically be on this board. When you enshrine it in the Bill, it does seem to have to do with the position rather than the person.

In fact, it raises a rather funny problem in my mind. So many times we have complained in this House about Bills where you don't give the minister any guidance; you give him a blank cheque as to who he appoints for what purposes and no guidelines at all. Then here you are denying a guideline that you've put in, in a sense. Do you see what I'm saying? I find that a bit anomalous. You decide on the person and he happens to carry this title. So then you put

the title into the Bill and that ties you to the person who fills that position, even if it's a different person two weeks or two years from now or whenever, when in fact the normal policy is sort of the other way around: to leave it totally wide open. I wonder if you could comment, please.

MR. SHABEN: Mr. Chairman, the member has raised an interesting point. The responsibility of the Futures Compendium is long-range planning. The responsibility of the Water Resources Commission is to undertake planning for the use of Alberta's waters within our existing basins and to optimize policy recommendations to the government through the five various departments and directly through to the cabinet committee on economic planning. In our view, it is appropriate to identify that individual in our department who is responsible for long-range planning in that sector of government, and so it's in the Bill. Should that change, amendments to the Act would be appropriate.

MR. YOUNIE: One very, very brief comment. I think this makes the fifth time this session that in response to questions various ministers have said that this government will not and never intends to sell water outside the borders of Alberta, at least to foreign countries, there being only one logical choice for that anyway. With that explanation and that assurance given, I see no problem with the Bill, but I see so many things happening that certainly look like they're going to make it a lot easier down the road to do what the government continues to say it's not going to do. So with that reservation — I would note that at least five times in this session *Hansard* records them saying "no," and I do appreciate that repeated assurance.

MR. CHAIRMAN: Are you ready for the question on Bill 32?

[Title and preamble agreed to]

MR. SHABEN: Mr. Chairman, I move that Bill 32, the Water Resources Commission Amendment Act, 1986, be reported.

[Motion carried]

Bill 36

Local Authorities Election Amendment Act, 1986

MR. CHAIRMAN: Are there any comments, questions, or amendments proposed to this Bill?

MR. EWASIUK: Mr. Chairman, I rise not to particularly oppose the Bill but to make some comments on what specifically is not in the Bill. A committee was struck by the government in 1984 and I think reported in October or November of 1985, called In Harmony. This particular report was prepared by three distinguished people that are active and participating in municipal governments at various levels, including an assistant deputy minister. In making their recommendations, while they didn't include it in the entire body of the report, they did attach an appendix to the report where they dealt with election contribution disclosures, and it's this area that I would like to briefly address, Mr. Chairman, if I may.

A point can be made that in many cases campaign expenses are quite insignificant in municipal elections, par-

ticularly in small rural communities. However, when you get to the larger urban centres like Edmonton, Calgary, Red Deer, and perhaps others, I think the expenditures of candidates in an election campaign can become quite significant. It is this area that this particular Bill does not cover, in spite of the fact that the committee, in its report to the government in 1985, suggested that it should perhaps consider in the legislation at least some permissive legislation for municipalities to include it as a bylaw, to have some accountability and disclosure of election campaigns in their own area.

In fact, as a result of the civic election that we will hold in the province in October, I notice that some candidates are already saying they will not reveal their funds. It's not that they're opposed in principle to making declarations of where they got the funds for their campaigns; it's simply that there's no consistency in the area. There are those who are prepared to reveal their contributions. On the other hand, others are not.

If you're going to make amendments to this Bill, I think we should at least include the requirements that municipalities can — or at least provisions to pass bylaws so that there is a disclosure of election campaigns by those seeking election.

I think the recommendations or suggestions by the committee that studied this particular issue outlined good procedures. They outlined the amount of money that should be revealed or the amounts under which they would not be required to make the disclosure. They asked that there be the names and addresses of contributors, the amounts of contributions, and so on. I think this would have cleared up the kind of suspicion that tends to exist in some municipal elections that there may be large contributions made to one, two, or any number of candidates.

I think we need a disclosure Act, as the minister is proposing in other municipal government Acts, in terms of conflict of interest. I think this Bill should have included some reference to disclosure relative to election campaigns.

MR. CHAIRMAN: Any further comments on Bill 36?

MRS. HEWES: Bill 38, Mr. Chairman?

MR. CHAIRMAN: Bill 36. Calgary Mountain View?

MR. HAWKESWORTH: Mr. Chairman, I know the sponsor is the hon. Member for Calgary McCall. I'm just wondering, however, whether it might be the Minister of Education or the Minister of Municipal Affairs. There's been a concern raised about this election Act, not the amendment Act, as it might affect persons who would be deemed eligible to vote for separate school boards — or shall I more properly say Catholic school boards? — in the province. It might have been appropriate to have included some of those concerns in this particular Bill if they were considered legitimate. I notice that Bill 36, at least as I read it, makes no reference to that eligibility. I therefore wonder if the government has this matter under review and is contemplating some future amendments or whether they felt some of the concerns raised by the Catholic school trustees about the eligibility and so on were matters that government was not sympathetic to — maybe that's the phrase to use.

Thank you.

MR. CHAIRMAN: The Member for Calgary McCall is the sponsor of the Bill. It may be that he wishes to respond,

or he may refer to either minister. The hon. Member for Calgary McCall?

MR. NELSON: Mr. Chairman, I was only prepared to speak to the Bill itself as presented. The items that have been brought forward by the members opposite do not have anything to do with the Bill before us, and quite frankly those items should and may be considered at another time by the government as the necessity arises. Certainly we're prepared to speak to the principles of the Bill that's before us here today.

MR. CHAIRMAN: Certainly the comments by the Member for Edmonton Beverly on election expenses and so on are not part of this Bill. The Chair probably should have called him on it, but the member is eloquent, and at times I think the Chair enjoys listening to him.

Are you ready for the question on Bill 36?

SOME HON. MEMBERS: Question.

[Title and preamble agreed to]

MR. NELSON: Mr. Chairman, I move that Bill 36, the Local Authorities Election Amendment Act, 1986, be reported.

[Motion carried]

Bill 43
Motor Vehicle Statutes
Amendment Act, 1986

MR. CHAIRMAN: Are there any questions, comments, or further amendments to this Bill? Are you ready for the question on Bill 43 as amended?

SOME HON. MEMBERS: Question.

[Motion on amendment carried]

MR. WRIGHT: Mr. Chairman, the first section that should be amended... I have some amendments before the Parliamentary Counsel right now, and I hope they will be here shortly. The speed that Bills have come on this afternoon and because we expected private members' business would be heard this afternoon have caught us short again.

At any rate, in section 3 of the Bill, which refers to section 3 of the Act, there is a provision that any copy of a document can stand in place of the original, which is fair enough except that where a matter of importance is concerned such as a certificate of disqualification, a record of disqualification, a record of offences, or something on which an important question turns, I think the least that could be done would be to have the word "certified" in there so we know it's certified under the hand of the registrar or other appropriate person as set out in the evidence Act. The evidence Act deals with these things, but I think the words used there are "purporting to be certified." So that word, Mr. Chairman, should be inserted in section 3(2) between "A" and "reproduction." It would read "A certified reproduction" and so on. I doubt whether the Solicitor General would disagree with me on that.

The other matter that we thought deserved consideration and for which we had amendments in course of preparation — they're being done up. Mr. Chairman — relates to the sections toward the end of the Act in which the punishment

for driving while suspended or disqualified is set out. It's section 22 of the Bill, which is section 111 of the Act that is amended. A further sanction should be at the option for an offence subsequent to the first which ... I'm sorry; I'm floundering a little bit because my amendment which specifies the particular section is not before me. It's the punishment section, if I can indicate that to the Solicitor General, for driving while disqualified or suspended, and it reads that in the case of a first offence the punishment is a fine not exceeding \$2,000. It's section 20(c) of the Bill, Mr. Chairman, on page 8. If you read 20(c), it deals with section 106. Actually it's section 20 of the Bill dealing with section 106(c) of the Act. On the first offence ...

MR. CHAIRMAN: Excuse me, hon. member. Are you proposing an amendment to the Bill?

MR. WRIGHT: Yes, I am.

MR. CHAIRMAN: Is the amendment ready for distribution?

MR. WRIGHT: Yes. The principle is easy. We can see the exact words when it's distributed: that there should be an option to the court on a subsequent offence to confiscate or impound for a period of time that could even be less than the suspension. I mean the consideration could be that the man's wife — if it's a man we're talking about — or the family needs the car and it's a hardship on them. That might mean that the court, even though it was a bad case, would not exercise the right to impound the vehicle but might impound it for a lesser period than the time of suspension. It strikes me, Mr. Chairman, that that further option would be a very telling one indeed in an extreme case. Some of these people have been convicted four or five times, even more perhaps, and if the ultimate conviction was loss of their car, that would really be a tremendous sanction.

When one is going after delinquent husbands under the Alimony Orders Enforcement Act, you can threaten them with prison, as you do under the Act, but nothing really gets them until you swipe the car; then they pay up. So in matters of this sort if they run the risk of losing the vehicle itself, even if it's going to be impounded for the period of the suspension, even if it's going to be impounded for a lesser period having regard to the fact that I just mentioned, that would be as tough a sanction as prison itself and in fact a superior one in some ways because it would not necessarily cripple the convicted person as an income earner. It would visit him or her with a severe punishment, equivalent to the value of the car in the case of compensation, and otherwise deprive him or her of a symbol of power or being an important person in society, namely grounding him or her for sure. That is the purpose of the amendment, Mr. Chairman.

I think you have a corrected copy, but if hon. members would just note, it is section 3 of the Bill that is amended, not section 2(3). That's under A. Under B it's section 20, not 2(20)(c). [interjections] Under B in the amendments, it's section 20 of the Bill that is amended. I'm sorry; in the typing here my draft has been altered. It is section 106(7)(b) that is amended by the addition of clause (c).

MR. CHAIRMAN: Order please. There appears to be some confusion. The committee would wait until members are satisfied that the amendment proposed by the Member for Edmonton Strathcona is correct in their eyes. The hon.

member has indicated verbally. We could wait a moment and have the correct version distributed. Or are members of the committee satisfied with the explanation by the Member for Edmonton Strathcona?

Are there any further comments then to the amendment as proposed by the Member for Edmonton Strathcona?

MR. WRIGHT: I see that the Parliamentary Counsel has apologized for leaving the words out of my draft.

MR. ROSTAD: Mr. Chairman, the Member for Edmonton Strathcona has pointed out an amendment which would be acceptable, his amendment A, "certified by the Registrar." That could be an amendment with some merit.

His amendment B is a commendable idea. But without a great deal of study, which in my preliminary remarks to second reading I indicated was being undertaken by my department in conjunction with the Attorney General and the Minister of Transportation, I think maybe we're putting the cart before the horse in this particular instance and would speak against that portion of the amendment. I do admit that the hon. member does have merit in this, but I think we're moving with some haste without putting it together with our more substantial amendments, which I hope to have for the spring sittings.

MR. HAWKESWORTH: Mr. Chairman, I appreciate the comments from the hon. Solicitor General, first that the one amendment indeed is acceptable and improves the Bill. I believe the second amendment would also do the same. I think it should be noted that the key words are "may be;" that is, in the amendment

the vehicle he was driving at the time of the offence
if owned by him or being used by him with the consent
of the owner may be impounded or confiscated by
order of the convicting court.

I think what the hon. Member for Edmonton Strathcona is trying to do with this particular amendment is give one more option to those who might be sentencing an individual found to be guilty of an offence while that licence is suspended.

In that sense what it does is provide one more penalty that could be enacted to make sure that people who find themselves or willingly put themselves in this situation time after time really have the wheels pulled out from under them, if I could use the term — not have the legs cut out from under them, but have the wheels pulled out from under them. It may be harsh in some circumstances, and the sentencing court might decide that's too harsh. I know the Solicitor General is concerned, as every member of the Legislature is, about the numbers of people who keep finding themselves back in the criminal justice system because of impaired driving and have these suspended or cancelled licences. This would be an option a court could use that would cut to a minimum or hopefully really get at the heart of some of these offences that keep getting repeated time after time and deal with them in a very significant way. In some instances a court might be able to exercise such a power or penalty. In some circumstances it would be well warranted. With this amendment the legislation would allow for that option to be fully considered by a sentencing court. In that sense I think it has a considerable amount of merit. It's not a requirement that the vehicle be impounded; it's an option for sentencing. That's the important point.

MR. YOUNIE: Mr. Chairman, some members, especially government members, may be surprised to see a member

of our caucus disagreeing with a suggestion of another member, but I think there's some value in being allowed to have differences of opinion and to disagree. Although I agree with A in the amendment, I have some reservations about B, that specifically being that what it does is give the option to the court not to punish the offender but in many cases where although the car may be owned technically and legally by one spouse, for practical purposes it is the property of both, it is not just the drunk driver who is punished. In fact, by confiscating the car as well as taking away his licence, you are giving him a second punishment that doesn't do anything more. That's like saying you're not only going to cut a man's head off; you'll also hang him. You don't do anything more by it. The person that is hurt is the spouse who is left without a car. In addition to not having a spouse who can drive somewhere, now one is left without a vehicle to drive herself as well. I think on a personal level I could point out that if I were punished in that way for some offence I might have committed and the car were taken away, it would be an onerous punishment for my wife, who may have done nothing.

I would also point out that it is not only dangerous in that case, but for those who might have less economic wherewithal than I do and only own one car, it would be a punishment of those who have less money and therefore probably would not have a car for each spouse. So I would have some reservations that it is not just the wrongdoer who is punished but those who are related to the wrongdoer. I don't know if I could accept that as fair.

MR. CHAIRMAN: The Chair is still attempting to determine the admissibility of the proposed amendment from the Member for Edmonton Strathcona. Please bear with us.

Do members of the committee wish to deal with the amendment by the Member for Edmonton Strathcona in two parts, A and B? Solicitor General?

MR. ROSTAD: Yes, Mr. Chairman, I think that would be a commendable way to proceed.

MR. CHAIRMAN: The Chair would then call the attention of the members of the committee to the proposed amendments by the Member for Edmonton Strathcona, under A which we'll vote and B which we'll vote.

MR. ROSTAD: Mr. Chairman, just for clarification. In terms of the amendment, have we changed the section A amendment? There was some concern. I'm just wondering if "certified by the Registrar" is to go after the words "referred to in subsection (1)" or if it's to be in the line above that. Have you clarified that?

MR. WRIGHT: As printed is okay, unless you have a better idea.

MR. ROSTAD: Mr. Chairman, if you're inserting the words "certified by the Registrar" after the wording "referred to in subsection (1)", I'm just wondering if that should be placed one line higher than where you're indicating.

MR. WRIGHT: Mr. Chairman, if we look at section 3 of the Bill, which refers to section 3(2) of the Act, the amendment would read:

A reproduction of an item referred to in subsection

(1) certified by the registrar

(a) . . .

and so on. Is that okay?

MR. ROSTAD: Yes, that's clarified. I was taking in the other subsection. My apologies.

MR. CHAIRMAN: Are you ready for the question then on the first amendment by the Member for Edmonton Strathcona?

[Motion on amendment carried]

MR. CHAIRMAN: With regard to section B of the amendment to Bill 43 by the hon. Member for Edmonton Strathcona, are you ready for the question?

[Motion on amendment lost]

MR. STEVENS: Mr. Chairman, I just want to indicate to the members of the Assembly that last evening I had the privilege of attending the general meeting of People Against Impaired Drivers. I bring to the attention of the Assembly that at this meeting the president of the association spoke with Bill 43 in hand and reviewed the Bill. It's my observation that the organization wished me to advise the Assembly that they were very appreciative of the efforts that had been undertaken in this Bill to meet many of the requests submitted from time to time to the former Attorney General. So I share that with the members as this Bill was studied by them last night.

MR. CHAIRMAN: Are you ready for the question on the government amendment to Bill 43?

[Motion on amendment carried]

[Title and preamble agreed to]

MR. ROSTAD: Mr. Chairman, I move that the Motor Vehicle Statutes Amendment Act, 1986, be reported.

[Motion carried]

Bill 44

Department of Municipal Affairs Act

MR. CHAIRMAN: Are there any questions, comments, or further amendments to this Act? Are you ready for the question on the amendment?

[Motion on amendment carried]

[Title and preamble agreed to]

MR. CRAWFORD: Mr. Chairman, I move that Bill 44 be reported as amended.

[Motion carried]

Bill 16

Special Waste Management Corporation Amendment Act, 1986

MR. CHAIRMAN: Are there any comments, questions, or proposed amendments to Bill 16?

[Title and preamble agreed to]

MR. KOWALSKI: Mr. Chairman, I move that Bill 16, Special Waste Management Corporation Amendment Act, 1986, be reported.

[Motion carried]

Bill 33
Naturopathy Repeal Act

MR. CHAIRMAN: Are there any comments or questions?

REV. ROBERTS: Mr. Chairman, I would like to ask for some clarification and comment in terms of what's going on with this Act. It seems to have come up awfully quickly, and there doesn't seem to be a whole lot of information pertaining to what's behind it. As we know, the naturopathic doctors' association has been lobbying us all pretty strenuously over the last couple of weeks since its introduction, claiming all kinds of allegations against the government for bringing it in. I'm not in a position to judge those allegations, but I think it would be useful to have on the public record what is going on. Naturopathy, as I understand it, is a system of therapy that treats human injuries, ailments, or diseases by methods of nature, including any agencies of nature it employs as auxiliaries for that purpose, and as such falls into line with a lot of other therapies and forms of health care. Certainly drugless therapy is holistic medicine; even chiropractic medicine is part of what might be going on with naturopaths. They have, in fact, been licensed under the Act in Alberta since 1948 to my knowledge, and although they have been under scrutiny and not a lot of people know what they're about, they do seem to have some history and tradition in the province. To repeal them outright right now I think does beg some more explanation.

The association is not large, but I think they have a legitimate case in asking why the Member for Ponoka-Rimbey in fact brought it in, why the minister responsible for professions and occupations is responsible for this, and what their explanation is in terms of bringing it in at this time.

As I understand it, the association has been negotiating in good faith and feels rather betrayed. I don't know if that's parliamentary language, Mr. Chairman, but they do feel a sense of betrayal by the minister in that they have been working on a new statement and submission to the Health Occupations Board about what they're about and asking for accreditation under the Health Disciplines Board. As I say, I'm not an expert in professions outside of the main or the establishment, but we do have the minister on record saying last week that such groups as acupuncturists and others who are outside of the orthodox forms of medicine are well investigated, looked at, and supported in the Health Disciplines Board and there are enough mechanisms in government to do that proper scrutiny.

I have been concerned that physicians who would refer patients when they are getting to a level of diagnosis or treatment the naturopath couldn't handle would, in fact, refer those patients to physicians who would be able to. I'm assured that they would make such referrals. In fact, often chiropractors and medical doctors as well in smaller communities have quite a good relationship with others in the medical community.

[Mr. Musgreave in the Chair]

As well, their schooling seems to be adequate for what they're about, as it is for others who are accredited under the Health Disciplines Board, although again it is small. They also have accreditation in other provinces, I believe British Columbia and Ontario. They certainly have had their problems, particularly the most noted case of the boy who was fatally treated in that tragic situation in Calgary. I

don't know a lot about the surroundings around that, but it's not an argument in the sense that other physicians have had patients die on the operating table or die under treatments that they thought would be efficacious. In fact, in this case a fatality is tragic and needs to be investigated, but nonetheless they have many supporters, many patients, many people they have treated over the years in the province since 1948, and they are most upset that they are being repealed outright at this point. As I've said, I think we need more answers; the public needs a greater explanation, and we need a more studied review of what's going on here.

I have told them myself that I think they should fall under the Health Disciplines Board and application to that board should be the route to go, and they feel they won't have a case or won't have a hope in creation of passing through the board. Again, I don't know the politics of what goes on there. I've never been to them and I don't know all of what they're about, but I feel persuaded, Mr. Chairman, to ask these questions, to get on the public record some explanation of what is going on for them. I think in an open government, an open democracy, they should have more of a hearing for their case.

With those comments I would conclude. Thank you.

MR. WRIGHT: Mr. Chairman, the government preaches liberty, but sometimes it is questionable whether it practises it in the legislation it passes. In this case we have a group of health care practitioners who are outside orthodox medicine, I suppose, but who have been self-governing since 1948 or thereabouts, and I understand there was one amendment to their Act about 1955 and since then none. They tell me that they were negotiating with the previous minister to get an up-to-date revision of their Act, such as having members of the public on their benches or board of management, and the minister said, "Why don't you bring in your proposals on the Act for your society, and we'll see what to do." And so they did. They tell me that they spent money getting good advice from people skilled in the job of drafting and they brought in an Act. I haven't seen it, Mr. Chairman.

They brought an Act to the minister and inquired from time to time what was happening and got no reply. The first thing they heard was on August 15 of this year. They were told that their society was going to be abolished. I understand they were thunderstruck, Mr. Chairman, and inquired what they had done to merit this. Of course, the easy answer is: "Well, you killed that boy, one of your number."

Mr. Chairman, that's not an answer at all. Doctors frequently kill patients, inadvertently of course, sometimes after exercising the highest care in the treatment of the patient, sometimes after exercising the grossest negligence, but no one abolishes them, and this was one instance over that period of time, nigh on 40 years. There was even argument about whether there was negligence there, and the interesting thing is that the parents of the boy did not complain. That's a bit of a side issue, but it's no answer that there's been an unpleasant case that will mar the record.

The question is: have they been behaving themselves as a self-governing body should, have they been rendering reasonable service, and is there anything wrong in the present setup? Mr. Chairman, as far as I know they do not use public funds. They are not paid by medicare. There is no special consideration of that sort. All the people who use their services do so knowing that they must pay from their pockets and, for the most part, are pleased with the

unorthodox treatments of these people. Everyone knows that no profession has a monopoly of knowledge even in the area that they profess to practise in, and certainly medical doctors do not claim that.

Their fear, Mr. Chairman, is that they will fall under the health services board — I forget the exact name of it — which they believe to be dominated by the medical profession, and since they are continually at odds with this profession, they feel they have been very ill-served by the government in the treatment they have had recently and what is now proposed in the way of treatment. Therefore I join with my hon. and reverend friend from Edmonton Centre in asking for a clear explanation of why it is necessary to repeal this Act and thereby abolish the society of naturopaths.

MR. JONSON: Mr. Chairman, as the Member for Edmonton Centre has correctly mentioned, the Naturopathy Act was passed and last amended in 1955, and as hon. members may be aware, since that time the government of Alberta has introduced a policy on professions and occupations. I won't read through the particular parts of that policy which bear upon this question, but if members would care to refer to the policy, they might look up principles 1, 3, 7, and 8. It has been the intention of the government to review the legislation of various professions and occupations in light of that policy and also in light of putting into effect the Health Disciplines Act.

Mr. Chairman, the current Naturopathy Act does not follow or conform to our current policy on professions and occupations in a number of very significant ways. First of all, under the Act there are two ways in which a person may qualify as a naturopath. One process is through what is referred to as the Naturopathy Appraisal Board and another is through the direct assessment and recommendation of the association itself, and there is considerable basis for conflict in that situation.

Secondly — and this is a very critical area, Mr. Chairman — there are two discipline procedures in the Naturopathy Act: one is provided for under a committee chaired by the deputy minister and another is through the council of the association itself. In the recent case referred to, which has brought some attention to the group, those two discipline procedures found themselves in conflict and unable to rule on a matter that should have been ruled upon.

Thirdly, Mr. Chairman, in the Naturopathy Act there is an extremely broad definition of the scope of practice. It overlaps with physiotherapy, chiropractic, and the scope of practice of the dietitians. There is really, when you consider the overall definition in the Act, no definable limit to the scope of practice.

Fourthly, another way in which the Act does not follow the policy on professions and occupations deals with entry to the profession. The provisions of the Act give the judgment of who should enter the profession exclusively to the control of the association of naturopaths. Also, in our policy on professions and occupations it is supposed to be the case that anyone who is denied entry to a profession has some appeal procedure provided for them, and there is no appeal procedure to a judgment of whether or not you can enter this particular profession.

Fifthly, Mr. Chairman, under our policy there is a stipulation that in various aspects of the conduct of a profession there must be an opportunity for public representation, because overall the purpose of professional legislation is to protect the public interest above all.

Sixth, Mr. Chairman, the setting of bylaws by the association is under the exclusive control of the association, whereas in our modernized professional legislation, if we can refer to it that way, the setting of bylaws is subject to the scrutiny of Executive Council. There are also no regulations set out by the government for the operations of the association within the current legislation.

Mr. Chairman, there has been contact, consultation with the association of naturopaths, and I think another very, very critical point here is the fact that the repeal of this Act will clear the way for representation to the Health Disciplines Board, which is provided for under the Health Disciplines Act, and for the possible recognition and governance of the naturopaths under the structure provided for in the Health Disciplines Act, a piece of legislation, I might add, that seems to be functioning very well. I see that a much larger group, that being the Psychiatric Nurses Association, are being considered for designation and for the putting in place of their procedures under that legislation.

That, Mr. Chairman, is an explanation of the basis for the repeal of this Act.

REV. ROBERTS: Mr. Chairman, just further to what the hon. Member for Ponoka-Rimbey has stated, and perhaps the minister could elaborate. Have they then in fact been told they can apply for status under the Health Disciplines Board, and if they've been given that permission, have they applied? And what would be their chance of making it through? I'm not entirely sure which document — this one to the Health Occupations Board is dated February 15, '85. Could we just get some clarification whether they are negotiating in good faith to come under the Health Disciplines Board, and if they have done so, why have they not only had their Act repealed but had their application refused?

MR. WRIGHT: Mr. Chairman, I listened with interest to the Member for Ponoka-Rimbey attempting to justify the Bill, but I'm afraid he did not succeed in doing so. I could not disagree with anything he said, but it does not follow that this Bill should pass. They are reasons for improving their Act, and the Member for Ponoka-Rimbey said nothing about their proposed new draft Act. I'm certain that some of the complaints he has, which may all be legitimate, were addressed in that draft Act, perhaps all of them, Mr. Chairman. After all, there are certainly matters amiss from time to time with the Legal Profession Act, the Medical Profession Act, and so on. You don't abolish them and cast them adrift; you improve the Act. So the least they can expect is that sort of treatment here. I can hardly understand how it is that in the mind of the government the criticisms of the Act, which, as I say, may all be legitimate, therefore justify abolishing their association.

The second point is: would the logical way to deal with this not be to let them apply to the health services board — I forget the exact name of it — and once they are either accepted or definitely rejected there, then consider abolishing their Act? Because the third point, Mr. Chairman, is that as things stand, they may well be thrown out on their ear and robbed of the right to make a livelihood, since undoubtedly they are practising a form of medicine and undoubtedly they would thereby contravene the Medical Profession Act if they continued practising after their Act is repealed. Now perhaps I'm overlooking something that would take care of this problem; that is, until they were certified under the Health Disciplines Act. That seems to me, Mr. Chairman, an extremely significant point. I hope that I've got it wrong.

that this Act can be repealed. I have my doubts whether it should be repealed. I hope that if it is to be repealed, that doesn't mean that these naturopaths ... [interjection] Yes, I was trying to think of the number of them. I think about 125 or something like that. How many? [interjection] Over a hundred, I think. Fewer than that? All right.

It doesn't matter whether there are 10 or 110, Mr. Chairman; they are entitled to make a living in the way that they have been practising and serving their patients, and it seems to me, with the greatest respect, that this is very high-handed treatment. They come in with an Act which presumably is calculated to address all the points that have been raised about the defects in that Act, and instead they get no reply at all and are simply told, "We are abolishing it." I think that is poor usage, Mr. Chairman.

MR. JONSON: Mr. Chairman, I would like to reserve the right to conclude debate, but there have been some specific references to communication with the minister, and perhaps he would like to reply.

DR. REID: Mr. Chairman, there are obviously considerable misconceptions about what has happened. It is true that the naturopaths met with my predecessor in responsibility for professions and occupations, and I have met as well with the president. The situation is that they have not presented a satisfactory replacement statute for this almost antique piece of legislation. Some 15 months ago I addressed concern to their president and invited him to apply to the Health Disciplines Board for designation, as I cannot make the application myself as minister responsible so long as there is another statute on the books.

In 15 months they have not initiated an application with the Health Disciplines Board. In fact, at that time he indicated that this small number of people, less than one dozen, was quite satisfied with the present statute. The main problems are that the disciplinary function in the present statute is not adequate, and with the present cost of the system that is required for adequate self-government for the protection of the public, it is extremely unlikely that as small a number of practitioners as there are practising naturopathy in the province could support that system. One only needs to look at the architects as an example.

In actual fact, Mr. Chairman, if the naturopathy group themselves do not apply for designation under the Health Disciplines Board, it is my intention to initiate an investigation by the board to see whether or not designation is indeed justified.

I should also clarify that repealing this statute will not prevent anybody from practising naturopathy, and it is indeed interesting that even the present naturopathy Act does not entitle naturopaths to practise surgery, medicine, obstetrics, or osteopathy. So in actual fact we are not going to prevent the present practitioners from earning their livelihood; we are indeed only doing this in order to make sure that an application for designation will go to the Health Disciplines Board either by the naturopaths themselves or initiated by myself.

I think that covers the actual philosophical points that have been brought up, Mr. Chairman.

REV. ROBERTS: On a very specific point then. Is the minister aware of the letter that I have from the president of the association saying that the meeting he left on April 25 ... Can I quote, Mr. Chairman? Referring to the minister, he said that

you told me that the final decision as to whether we would continue to be under a Naturopathy Act, was dependent upon the decision of a special committee of the Caucus, of which decision we would be informed. We had no choice but to await that decision. We are astonished and amazed that 15 months later, we are advised that ... a draft for the repeal ... Act is being prepared.

Did the minister give them the information that it would be dependent on a caucus committee, and if so, why did he not allow them the time to know that the committee had said no before they could appeal that?

DR. REID: Mr. Chairman, I indicated to the gentleman at that time that there really appeared to be only two options available: either that they apply for designation under the Health Disciplines Act or that their present statute would have to be repealed so that I could initiate that application. That was the definite understanding and that was the commitment made to him. Since they had not initiated a request for designation themselves within some 15 months, that was it.

MR. WRIGHT: Mr. Chairman, would the minister consider a provision that the Act would come into force on proclamation so that assent would not deprive them of their association until they at least had a further chance to make application to the Health Disciplines Board in due form?

DR. REID: Mr. Chairman, there are difficulties with the concept put forward by the hon. member, in that I as minister cannot initiate an application for designation so long as the other statute is on the books.

MR. CHAIRMAN: Question?

SOME HON. MEMBERS: Question.

[Title and preamble agreed to]

MR. JONSON: Mr. Chairman, I move that Bill 33, the Naturopathy Repeal Act, be reported.

[Motion carried]

MR. SHABEN: Mr. Chairman, I move that the committee rise and report progress.

[Motion carried]

[Mr. Speaker in the Chair]

MR. MUSGREAVE: Mr. Chairman, the Committee of the Whole has had under consideration and reports Bills 13, 16, 32, 33, 35, and 36, and reports Bills 17, 43, and 44 with some amendments.

MR. SPEAKER: Does the Assembly agree with the report?

HON. MEMBERS: Agreed.

MR. SPEAKER: Those who disagree, please say no. The motion is carried.

MR. SHABEN: Mr. Speaker, I move that the House should now adjourn until 8 o'clock this evening and that when we reconvene, we be in Committee of the Whole.

MR. SPEAKER: Having heard the motion, all members in favour please say aye.

HON. MEMBERS: Aye.

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

[The House recessed at 5:26 p.m.]

[The Committee of the Whole met at 8 p.m.]

head: **GOVERNMENT BILLS AND ORDERS**
(Committee of the Whole)

[Mr. Gogo in the Chair]

MR. CHAIRMAN: Order please. Will members resume their seats, please.

Bill 21
Petroleum Marketing Statutes
Amendment Act, 1986

MR. CHAIRMAN: Are there any comments, questions, or amendments pertaining to this Bill?

MR. PASHAK: I've got to get my act together here.

AN HON. MEMBER: Question.

MR. PASHAK: Don't run things too quickly. I didn't know the order of these Bills until just now.

MR. CHAIRMAN: Are you ready for the question?

MR. PASHAK: My basic questions with respect to the changes to the petroleum marketing statutes have to do with the new role for the commission. It seems to me that the Petroleum Marketing Commission was a very important agency set up by Premier Lougheed to provide some very significant protection for Alberta oil and gas interests. By putting that commission in place, it seemed to me it acted as a buffer that would allow Alberta to regulate the sale of gas and oil in such a way that the federal government couldn't intervene. I think it served essentially that purpose. But as I read this Bill, it seems to be changing the role of the commission. I think it makes the commission into a broker. Just like any other broker in the energy field it has the right, for example, to operate outside Alberta. I think it's almost expected to make some kind of profit and pay for its operation out of the share of the money it might make from acting in that role.

I guess that's the basic concern I have about the Bill. Just what is perceived by the government as the new role for the Petroleum Marketing Commission?

MR. ORMAN: Mr. Chairman, I prefer to take all the questions and then respond.

AN HON. MEMBER: You've got them all.

MR. ORMAN: Is that it? If I answer those, is it the question?

MR. TAYLOR: Speaking to the acting minister, I too am concerned at the petroleum marketing statutes. I must admit, though, that I can't tell whether it's putting more teeth in or pulling the teeth out. It looks as if it's entirely cosmetic. If that is the case, I'll be quite happy to have the acting minister say so. On the other hand, I share the Member for Calgary Forest Lawn's concern that because of the actions of this government in the last year, they may be moving out of the marketing end just when we should be getting into it.

Unfortunately — and I may be at the risk of repeating myself to the point of nausea — I think the question of moving into the free market is absolutely the wrong thing to do. If we were going to move to the free market, we should have moved 10 years ago. Instead, 10 years ago we had fixed and stiff marketing. Now, when we should have stiff marketing or a board — somebody making sure the taxpayers' oil and gas is not sold for less than the long-term need. In other words, using market value to determine the price of what we sell our children's and grandchildren's gas and oil for is not the proper procedure.

You must remember that the consumers of Toronto, New York, or Chicago aren't particularly interested in whether their oil comes from Alberta, Saskatchewan, New Delhi, or Algeria. If one runs dry, just like a gigantic vacuum cleaner they swing over and start picking their oil and gas up somewhere else. But we as producers ... Deep down even the oil companies are probably not really that worried whether Alberta is going to run out of oil or gas. You know, I was in the oil business for some years. If the producer of oil and gas is not worried about whether or not we have a billion or two billion cubic feet or a few million barrels 25 or 50 years from now, and that we are not trapped or enslaved by having to import our oil or gas — or maybe even, if not having to import it, having to use the very expensive oil and gas from the high Arctic or the Beaufort Sea. The point of the matter is that it's not the producers' and not the oil companies' job to determine and make sure that we have oil and gas 50 years from now. It's not the consumer's job to leave within Alberta enough oil and gas so that we can look after ourselves 50 years from now. It's only we the people who own the oil and gas that can make that decision and do it intelligently.

So I submit to the acting minister and to the Premier that by leaving the market forces to decide what price will be paid and the volume they will take out of here is neglecting our duty and our charge. We're the only ones that are responsible for looking down the road for supplies. We can't expect the consumers to do it, and they shouldn't do it. We can't expect the oil companies to it, and they shouldn't do it. To get after an oil company for selling all the oil and gas they find is like criticizing a Doberman for biting a burglar. That's what they're intended to do. That's what they were formed to do: find all the oil and gas they can get and sell it as fast as they can. But we own it, and we have to decide, if we do let the oil companies and the consumers take it out at the accelerated clip — they are now willing to do so — whether or not we have sold our grandchildren and our future out. That is one of the reasons I'm so worried about this petroleum marketing Act. It seems, in effect, to be an abrogation of our duties, a

quitclaiming of our responsibility, and a denial of our responsibility of what we owe future generations.

MR. McEACHERN: Mr. Speaker, or Mr. Deputy Speaker, I guess I should say.

SOME HON. MEMBERS: Mr. Chairman.

MR. McEACHERN: Mr. Chairman — which title would you prefer?

MR. CHAIRMAN: I refer the hon. member to *Standing Orders*.

MR. McEACHERN: Pardon?

MR. CHAIRMAN: I said I refer the hon. member to *Standing Orders*: Chairman of Committees.

MR. McEACHERN: Mr. Chairman, I have a question about section 4.1(2):

- (2) If regulations under section 5(1)(k) authorize the payments of grants relating to the exploration for or the recovery of a mineral,
 - (a) the grants shall be paid from the General Revenue Fund where there is no supply vote for the purpose, and
 - (b) unless the Treasury Board otherwise directs, grants shall be
 - (i) applied to reduced non-renewable resource revenue ...

I don't understand why the minister should be able to authorize grants under the regulations instead of from under the General Revenue Fund. I thought that if we didn't authorize payments out of the General Revenue Fund under the budget, then they weren't to be made. It seems to me it's sort of the old blank cheque thing again. In the other Bills — and I'm thinking of other departmental Bills — where the minister was authorized to make grants, at least it did refer, although not as specifically and as clearly as I would have liked, to the fact that some supply vote had been made to authorize those grants. This seems to be saying that you can make the grants by regulation when there is no money from the General Revenue Fund being voted in supply.

AN HON. MEMBER: What Bill are you on?

MR. McEACHERN: Ah! I apologize, sir. I have picked up Bill 18. We are on Bill 21. I got the two Bills, one on top of the other. Sorry.

MR. PASHAK: Just one very brief question. Mr. Chairman, there is also a change proposed in this Bill, to change "petroleum," wherever it occurs, to "crude oil." I'd just like to inquire into the reason for that as well.

MR. ORMAN: Mr. Chairman, let me first refer to the Member for Calgary Forest Lawn's comment about brokerage. It is indeed true that the Alberta Petroleum Marketing Commission will charge a brokerage fee. The attitude there was that we did not want the Alberta Petroleum Marketing Commission to compete unfairly with other brokers in the business. If the Petroleum Marketing Commission did not charge a fee, it would be putting brokers that did charge a fee at a disadvantage. The spirit and intention of the Bill

outlines that the brokerage fee will be returned to the Provincial Treasurer under the General Revenue Fund.

I think the Member for Westlock-Sturgeon got into an area of philosophy rather than dealing with the strict tenets of the Petroleum Marketing Statutes Amendment Act. I would suggest that we have already crossed the bridge as to whether or not we're going to a free market system; that is, whether the producer has the ability to negotiate sale of his product directly or through the major shippers or through the Alberta Petroleum Marketing Commission. They have the option of taking their petroleum to the Petroleum Marketing Commission rather than its being mandatory for all oil to go through the marketing commission for them to handle it. Now, though, the royalty share is mandatory to the Alberta Petroleum Marketing Commission. I would say that in fact the spirit of this Act is to put into effect the Alberta Petroleum Marketing Commission's new role under crude oil deregulation, as we agreed to in the Western Accord. It's just another step to deregulation as requested by the industry.

Mr. Chairman, the member mentioned the differentiation in the Act between crude oil and petroleum. As I understand it, this is to differentiate between pentanes plus, which are included in petroleum. We're talking about crude oil, which excludes pentanes plus.

[Title and preamble agreed to]

MR. ORMAN: Mr. Chairman, I move that Bill 21, the Petroleum Marketing Statutes Amendment Act, 1986, be reported.

[Motion carried]

Bill 23 Natural Gas Marketing Act

MR. CHAIRMAN: There are government amendments proposed. Are there any questions, comments, or further amendments to this Bill?

MR. PASHAK: We never really debated or discussed this Bill at any length at second reading, so I would appreciate some comment from the acting minister tonight in terms of explaining the reason for it. As I understand the reason for this particular Bill, it comes out of gas deregulation again. I think it embodies within some of its sections a concern that if small producers are just left to negotiate on their own, they could very easily be at the mercy of the buyers, either through direct sales or through the TransCanada PipeLines purchasing company. I think what Bill 23 essentially sets up in part 2, under producer support for downstream pricing, is a means whereby companies can get together to work out an acceptable price. They call it a producer-oriented pricing system, but it's not spelled out how the producers are supposed to get together and arrive at what they'd consider to be a fair price.

So I would like some explanation in terms of how the minister would see that section of the Bill actually functioning and working in terms of providing some protection to Alberta producers to make sure that they do get a fair, reasonable price for their gas and that, in turn, the province gets a reasonable rent or royalty from the sale of gas.

MR. CHAIRMAN: Hon. member, for the committee's information there were eight speakers on the principle of the Bill in second reading.

MR. ORMAN: Mr. Chairman, I also wanted to point out to the hon. Member for Calgary Forest Lawn. If he'd refer to *Hansard* of August 18, he would see that three of his colleagues spoke at length, debating the tenets of this Bill.

For the member's information let me just briefly let him know that there are four parts to this Act, Mr. Chairman. One is part 1, which deals with the Petroleum Marketing Commission's neutrality as a third-party arbitrator on costs of service determinations. In the past the Alberta Petroleum Marketing Commission has played a major role in setting the cost of service between the shipper and the producer. Under the amendments to this Act the APMC becomes a voluntary arbitrator, and they become available at the request of either or both of the shipper and producer.

Part 2, Mr. Chairman, deals with netback pricing. Basically, this is in response to the Member for Calgary Forest Lawn's question. Under this part of the Act shippers become accountable to the Alberta Petroleum Marketing Commission, and they must demonstrate that the majority of producers agree with the shippers, with the pipeline companies, in terms of setting the netback pricing. If they cannot demonstrate that a majority of the sellers to the pipeline companies are not satisfied with the netback arrangements, then it triggers the involvement of the Alberta Petroleum Marketing Commission.

MR. CHAIRMAN: Order in the committee, please. Sorry, hon. minister.

MR. ORMAN: Part 3 of the Act, Mr. Chairman, deals with the absence of the Alberta border price as of November 1. This part of the Act allows for parties to go to the Alberta Petroleum Marketing Commission and set a price in the absence of any reference to the Alberta border price. Members may know that in negotiating past contracts, there was reference to an Alberta border price. In the event there are contracts that have existing references to the Alberta border price, under November 1 deregulation there will not be an Alberta border price. So we have a reference in an agreement to a border price that is no longer existing. Under this section of the Act, these contractors will be able to go to the marketing commission and determine what that price is in the absence of the border price.

Part 4, Mr. Chairman, simply deals with giving the Alberta Petroleum Marketing Commission the opportunity to gather information on natural gas markets and prices.

MR. PASHAK: One supplemental question concerning the business about the majority of producers having to be in agreement with whatever price is established. Is that a simple majority of the number of producers, or would it be based on the volumes of gas that they're responsible for and whatever contractual arrangement they work out? Is there some requirement that when they enter it, those producers will have a meeting to discuss, in fact, whether that price is acceptable? How do you perceive that section of the Bill actually being implemented and working and operating?

MR. ORMAN: Certainly, Mr. Chairman, when we talk about the majority of producers, we also take into account volumes that are a party to that contract. So if one producer has 90 percent of the production, his influence would be significant in terms of the agreement we're referring to.

MR. TAYLOR: Mr. Chairman, to the acting minister. I have a couple of questions. In reading the Act, I'm not

quite clear on the question of the unitization of reserves, or the gas unit. As you know, like most of the western world we use the law of capture. So if part of the field has a gas contract and has decided to sell the gas for what the Premier wants now to Toronto for that newest price down there, \$1.70 or whatever it is, the rest ... Let's say somebody owning another 15 to 20 percent of reserves does not want to sell at that price. It's rather obvious that the fellow that's selling is going to drain from the fellow that is not selling. You know, gas is very fluid, moves very fast in a reservoir. I can't see where in the Act the person not selling has any way of appeal or forcing gas determination, or some way that he isn't being drained by the one with the gas contract. That's the first problem I have. He may be able to point it out. I just haven't been able to find it with a couple of quick readings, and it may be covered some other way. But certainly there's nobody madder than somebody with one gas well that's being drained all around him.

The second area is in section 25, and it bothers me a certain amount. They run consecutively anyhow, so part 5, section 25, is those cute little words that appear nearly anywhere in the English-speaking world when the government wants the right to go off and do something without talking to the Parliament or Legislature. It says, "The Lieutenant Governor in Council may make regulations." Then it goes on:

(d) respecting the exemption of any class of gas or any class of persons or contracts from the operation of any or all of the provisions of this Act ...

In other words, the Lieutenant Governor in Council has a chance to say: "Dominus vobiscum" or "Abracadabra, it doesn't apply to you," or "Respecting circumstances, then any provision of this Act does apply."

In other words, you build yourself a nice free market economy, and then you turn around and give yourself a chance to order some gas producers to sell to your pet hobby, the petrochemical industry, for instance. Or who knows? Maybe supply gas to some other megaproject that the Premier has dreamed up or maybe not be able to sell gas at all. The Lieutenant Governor in Council "may make regulations" with respect of the "exemption of any class of gas or any class of persons." I wonder just why that was thrown in there.

MR. ORMAN: The reason the hon. Member for Westlock-Sturgeon doesn't see any reference to offset provisions in this Act is because the provisions he's referring to are under the Energy Resources Conservation Act. The member may know that if he has a well in an offset section of land to a contracted section of gas, he has the right to go to the ERCB under the forced pooling provisions. And he also has the right to force his way in under those forced pooling provisions into the contract that is draining gas from the offsetting section. So there is provision, Mr. Chairman. I'm sure the member has used it. I used it when I was in the business. It's a very effective section of the Act. I would just like to say that it is not referred to in this section because it is abundantly covered in the Energy Resources Conservation Act.

Mr. Chairman, under the regulations, 25(1)(d), I would simply say that as the member indicated, we are moving to deregulation. We're trying to uncomplicate to the extent we can the marketing of natural gas and, for that matter, crude oil. This section merely gives the Lieutenant Governor in Council flexibility. I think it's important to have that

flexibility anytime we are moving in the direction the Natural Gas Marketing Act takes us.

MR. PASHAK: A further supplementary, back to part 2 of the Bill and this business of producer support. That would require that producers get together and, in getting together, agree on a price. In a way, that's like forming a cartel. Have the department lawyers checked this out to make sure we don't come under federal combines regulations?

MR. TAYLOR: To save him from getting up one more time, I want to pursue a little bit. I'll accept his reasoning that they wanted freedom to do what they want. I just want to draw attention, to flash a red light on it in the Legislature so that maybe next year I can come back and grab the Premier when he's moved out on it. I just want to make very sure that he knows that I know that it is in the Act.

The second part goes back to your question of being able to force yourself into a unit. That was okay in your day and my day. We're talking about a new day now, though. That was when somebody got a gas contract, and everybody wanted a gas contract. Naturally, if you're being drained and you weren't under contract — we went through this idea of compulsory unit and being able to force yourself in. I'm talking about a fellow who doesn't want to sell his gas, who's quite happy to wait. It does him no good at all to be told that he can come in and sell his gas at penny-ante prices; yet if he stands still, he gets drained.

MR. HAWKESWORTH: Mr. Chairman, I'm not sure to what extent the comments made tonight by the Acting Minister of Energy refer to the government amendment which has been circulated in regard to Bill 23. It goes on for four and a half pages, and I presume it's the section related to the Alberta border price. My question is: if the legislation is tabled and then immediately requires a four-and-a-half-page amendment, what change was there from the time the legislation was drafted to the time the amendment was introduced? Were there some changed circumstance? It was obviously not a drafting error in the way the legislation was constructed to come up with a four-and-a-half page amendment. I'm wondering if the minister would explain to the Assembly what circumstances led to this amendment being brought forward.

Mr. Chairman, I also have a question. I don't know whether this is the appropriate Bill at which to raise the question. It's more of a general question surrounding this business of deregulation. I've heard it said in the House on many occasions in recent weeks that Alberta would not allow its natural resources to be sold at wastefully low prices. Somewhere in all of this process there must be a system or procedure to determine what exactly is a wastefully low price for a resource. It may be a little part in this Bill and a little part in another Bill. I don't know where to find that. So if somebody on the government side would point out to me by what means a wastefully low price can be determined — and I'm wondering at what point anybody takes into consideration the replacement value of a resource.

It may be quite easy to produce a particular pool of gas at a particularly low price, but in order to find the replacement for that gas in another pool, it might require a much more expensive exploratory program, a much more expensive drilling program. On one hand, the production of the existing pool can occur at a relatively low price, and a profit can still be made. But in order to find the replacement reserve for that down the road, it is going to

be far more expensive. How is that reflected in any of this legislation? It would seem to me that if you set too low a price, even though you may be able to allow a profit to be made or a producer can make a profit, it could still be a wastefully low price in relation to the cost of producing the replacement. That's my question: in all of this legislation where can I find some some assurances that that is taken into consideration?

Thank you, Mr. Chairman.

MR. McEACHERN: A specific question. On page 2 — and I have the right Bill this time — section (2):

The Minister may by regulation designate a date as the prescribed deregulation date for the purposes of this Act.

With only six weeks to go to November 1, which was the target date, would the minister be prepared to indicate whether or not that date will be kept or changed?

MR. ORMAN: Mr. Chairman, I'm sure that if the hon. member were to review the amendments to the Act, he would see that there have been a number of changes that I think basically clarify the Act. I would say that under 3(2)(d) we see changes that remove redundancy in wording and make the language structure of the clause consistent with the other clause in subsection (2). Section 6, imposing liability on the buyer only is inconsistent with section 1, which allows the regulation to determine who is liable for the Alberta Petroleum Marketing Commission's costs. The amendment to section 6 makes it consistent with section 7.

Those are a couple of examples of the reasoning for the amendments, and it's to make it consistent with other parts of this Act.

Mr. Chairman, I would like to refer to the hon. Member for Calgary Mountain View's comments with regard to price. I guess we have talked about the issue of what is a fair price a number of times, and I should let the hon. member know that having regard to finding costs, a reasonable price in the foothills is much different from in the eastern plains. It is very hard to lay down a price and a position and say, "This price is too low," because the lowness of the price may be significantly different from producer to producer. In the plains, finding costs are in the area of 40 to 60 cents a thousand cubic feet. It may be double or triple that in the foothills. So for us to determine what a bottom-line price is at this particular time would be inconsistent with our move to the free market.

I should also say, Mr. Chairman, that under the Energy Resources Conservation Act we have legislative rights to review all export permits, whether they be small or large. If, in the view of this government, the volumes and price for those volumes are inconsistent with our determination as to fair market value, then we have recourse under that legislation. We have the right to withdraw and review export permits on an ongoing basis, and we will come to that in discussion of one of the later Bills. So I think that basically those are the points that I wanted to make, Mr. Chairman, so back to you.

MR. HAWKESWORTH: I appreciate the minister's comments in regard to the first couple of sections of the amendment. I appreciate that they were to correct some drafting inconsistencies in the original Bill. But it goes on for another three and a half pages: a fairly substantial amendment. Now is all of that related simply to the absence of the Alberta border price? If so, what was it about the original Bill that

did not take that into consideration, or has something changed, since the original Bill was tabled in the House, that requires this sort of alteration or amendment to the legislation?

Mr. Chairman, I don't dispute the minister's or the cabinet's legislative rights to review the sale of these resources. It's simply that we've been hearing for many weeks now that Alberta would not allow permits for wastefully low prices, and I just would like some indication. Is it simply a political determination, or what is a wastefully low price? Is there any requirement from the petroleum marketing agency or from the Energy Resource Conservation Board to assist in determination of what is a wastefully low price or that the price being received is far below the replacement value of the resources? Is there any kind of legislative assistance to the cabinet in making that determination?

Thank you, Mr. Chairman.

MR. ORMAN: Mr. Chairman, I don't know whether I'm not clear or whether the member is not grasping the thrust of the discussions we have when we talk about pricing. I can assure the hon. member that if there are individuals selling for less than their replacement cost or for lower than their finding cost in the marketplace today, they won't be doing that for very long. I just don't agree that at this particular time there is the necessity to affix a price as to what is wastefully low. In my view, we have not seen the dramatic drops in prices for natural gas as we have for oil. We have seen modest declines. We have seen the marketplace prevailing. I must say, Mr. Chairman, that I am somewhat pleased to see the marketplace prevail, because what's good for the goose is good for the gander. We are in a time when it's a buyers' market. I would bet the hon. member my watch that there will be a time when it will be a sellers' market again. We'll be returning to that scenario.

So this Act is consistent with my view and with this government's view in terms of moving to the transition to natural gas deregulation. I think we all agree with the hon. member; I don't think there's an individual in this House or in this province that will disagree with the member. We have to watch very carefully volumes and prices leaving this province. But I don't think it is in anybody's best interest to stand up in this Legislature and say, "Okay, bottom-line price is this, and if there are any volumes contracted at that price or lower, we're going to step in." I don't think that necessity is there. It may be, Mr. Chairman, and I think the Premier has made that abundantly clear on a number of occasions in this Assembly.

So that's our position, and if the member is asking for a price or a volume at which this government steps in, I don't think we're prepared to give that. We are prepared to conduct ourselves in the best interests of the industry and the best interests of the people of Alberta.

MR. GETTY: Mr. Chairman, I just feel I have an obligation to the hon. Member for Calgary Mountain View to give him an indication that if the price of natural gas were dropping dramatically and getting to a point where we felt it was getting close to not being sold at either its replacement value or as it related to competitive fuels, we would fulfill our responsibility and get the assistance the hon. member was seeking by asking the Energy Resources Conservation Board to determine for us whether in fact they could advise us as to whether a price were wastefully low. They would then conduct a hearing, and they would get expert advice

as to competing fuels, replacement value, oil — a variety of matters — and make a recommendation to the Lieutenant Governor in Council. We would then respond. Otherwise, I think it would be a very strong weapon to use on somebody's contract without having it backed up by substantial engineering and economic analysis.

MR. HAWKESWORTH: Mr. Chairman, I'd just like to thank the Premier for taking the time to provide the answer. He understood what question it was I was seeking the information to, and I appreciate his response.

[Motion on amendment carried]

[Title and preamble agreed to]

MR. ORMAN: Mr. Chairman, I move that Bill 23, the Natural Gas Marketing Act, as amended be reported.

[Motion carried]

Bill 50
Gas Resources Preservation
Amendment Act, 1986

MR. CHAIRMAN: Are there any questions, comments, or amendments to this Bill?

MR. PASHAK: I have some real concerns. We dealt with them in part during second reading. My concerns come under section 8(3):

The Board shall not grant a permit unless in its opinion it is in the public interest of Alberta to do so having regard to ...

(a), (b), and then (c), which is the particular item I'm concerned with: "any other matters considered relevant by the Board." That replaces the test in the current Act, which says there should be some "expected economic costs and benefits to Alberta of the removal of gas or propane from Alberta."

I understand that we have to make that change as a result of the gas pricing agreement we entered into. That was one of the commitments made at the time the Western Accord and the gas pricing agreement were entered into. But why we're doing this at a point in time when the federal government has left the National Energy Board with the power to maintain two tests that are substantially in opposition to this whole spirit of deregulation is the problem I'm having with this section. I'm referring to the two tests that the National Energy Board places on the export of gas. First of all, they still have that security of supply provision. They modified it originally, but a lot of the gas producers, as I understand it, feel that no really significant change has taken place with respect to that NEB provision. The other NEB is the adjacent-border test, which they've relaxed somewhat in terms of short-term gas sales into the export market. That's in a sense a minor concern, I think, but I'd like to get some comment on that.

Why are we as a province going ahead with implementing deregulation when the federal government seems to be holding back to a certain extent, in terms of at least maintaining the spirit of that accord and the gas pricing agreement? I think that just points out how frail this whole business of deregulation is, especially when we're looking at an increasing clamour coming up from the United States

from gas producers down there who are almost begging to get back into a regulated kind of environment.

After all the discussion I heard over the last two days at the gas and oil pricing conference, it seems that many producers in Canada are beginning to question the wisdom of going into a deregulated environment, especially when you have a situation of falling prices. It looks like that situation of relatively low oil and gas prices is going to continue for at least the next five years, if not further than that into the future, because there seems to be an incredible supply of readily available gas and oil and other alternatives, such as coal, available on the world energy market.

Just some comment, then, maybe with respect to section 8 of the proposed Bill would be of some help.

MR. ORMAN: Mr. Chairman, I guess I don't understand how section 8 has anything to do with the National Energy Board and the federal government in their reluctance or their indecisiveness, I guess, to move to deregulation. That was his comment, Mr. Chairman. I don't agree with that. I think that in fact the federal government is anxious to move to deregulation. Section 8 says:

The Board shall not grant a permit unless in its opinion it is in the public interest of Alberta to do so having regard to

(c) any other matters considered relevant by the Board.

I think that possibly I should comment, Mr. Chairman, on the overall intent of this amended Act, and it has to do with streamlining and expediting the procedures for removal permits for spot and short-term sales and deleting the mandatory hearing requirements for long-term sales. Hearings will only take place when a party may be directly or adversely affected. As I reviewed *Hansard*, I think that gets into a question by one of the members of the opposition — I believe it was the Member for Calgary Buffalo — who was concerned about the ability to present an intervention to the ERCB in consideration under this Act. That factor is still a part of this Act, and the tenets of this Act are to streamline removal of natural gas, not to reduce our obligations to review the pricing and the volumes; more or less to take away the stumbling blocks to allow industry to make contracted gas sales in a quicker way, I guess, without being delayed before the Energy Resources Conservation Board.

Maybe the Member for Calgary Forest Lawn may want to bring me back onto his wavelength; I'm not quite sure what he's getting at in that point, Mr. Chairman.

MR. PASHAK: It's just that I think one of the most important protections that we had in the Gas Resources Preservation Act was that clause that said there had to be an economic benefit to Albertans before any export of gas could be permitted. That's very specific and it had to be demonstrated, and out of that came an Alberta border price, I think. It's not in this particular Act. But I think removing that specific language and broadening it out to "any other matters considered relevant by the Board," which is in the proposed Act in the Bill, weakens that very specific protection that exists in the current legislation. I think we should be concerned about that, because I see Alberta going ahead with deregulation, but I don't see the federal government going ahead with deregulation.

I mentioned a couple of examples with respect to the National Energy Board regulations, but I could go beyond that and talk about the way in which other governments —

and we've talked before about the government of Manitoba putting on a compressor fuel tax, the government of Quebec putting on an extra 9 percent sales tax, and you get strange situations where you have these gas utility companies in Ontario that charge unreasonably high costs of service to their industrial users for the use of their pipeline. One example is of ... [interjection] No, this is in Ontario, where a firm only has to move gas about eight kilometres through a pipeline. They could build that pipeline for \$800,000, which they may have to do, but the reason they have to do that is because they're being charged something like 19 cents an mcf just to move that gas through that short length of the pipeline. In other words, they'd probably save well over a million dollars a year by building an \$800,000 pipeline.

But the point I'm trying to make here is that Alberta seems to be going full speed ahead towards deregulation, but the federal government isn't, and it looks like a lot of the utility companies and other governments are taking advantage of the fact that Alberta is going into deregulation. With the removal of this cost/benefit test to Albertans, I just fail to see how Albertan interests are really going to be protected in the future. Am I on your wavelength?

MR. ORMAN: Yes, I'm on his wavelength. What he's referring to, Mr. Chairman, is a section in the Act that is being removed that deals with price and incrementality. We felt that to continue to have that wording in the Act would take away from the spirit and intention of moving to deregulation, that if we had reference to price and to incrementality, it would not be consistent with the spirit and intent of the Western Accord.

But having said that — and it's a very good point that the member brings up; that's a very significant point in this Act. I would like to comfort him, though, Mr. Chairman, by reminding him that further on in the Act we do continue to keep control over removal permits. We will continue to approve removal permits, I believe not to in excess of 3 billion cubic metres if the term is for two years or less, or cabinet on all other permits. So even though we are taking away the reference to price and incrementality, we are maintaining the minister's control and the control of cabinet in terms of those very issues. It's just not a part of the Act.

MR. CHAIRMAN: Are you ready for the question?

MR. TAYLOR: Mr. Chairman, you have the quickest draw since Wyatt Earp.

I just wanted to ask the acting minister, when we're talking about the preservation of natural gas, whether or not you've looked at the question of setting up a system and asking the people that export gas who are looking for an export permit to set aside reserves or make available reserves somewhere else in the world, or preferably on this continent, preferably in Canada, to replace those they're selling. I've had to do that in a couple of places in my experience around the world. It was okay to go ahead and sell the gas near a city, but I had to agree to swap gas, in effect, or deliver gas reserves from somewhere else. I think it might be a way for us — actually, in the name of the Act is the "preservation" of gas. I think one of the things that worries all of us is that in this free market economy and the consumers finding a willing and compliant group up here, both the government and the producers, we

could be without gas down the road, or at least without reasonably priced gas.

There are two areas that I would suggest to the minister we think about. I think the Premier touched on one a bit when he talked about the cost of replacement gas. In other words, it should be incumbent upon somebody who wants to export gas to Texas or Chicago or Toronto to prove they can replace that gas for something like that cost: some sort of proof in normal exploration channels or that they have shut-in reserves somewhere that are behind a pipe or that they can negotiate for somebody else's shut-in reserves so that down the road the people of Alberta can expect the gas to be replaced — because, let's say, it had already been discovered — at somewhere close to the cost they are expected to ship it out at today.

The second area I would like to suggest to the hon. minister is the question of a gas swap. These are not wild ideas. For instance, I've had to do it in gas production in Egypt, which may be a little more sensitive about where they sell their reserves than the Alberta government. As you know, you sell the gas reserves you have found connected or next to a pipeline. Quite often there are gas reserves off somewhere else, and it might be wise for this government to say to someone who wants to sell gas next to a pipeline, "Okay, what have you got in the way of shut-in reserves somewhere else in Alberta?" or contract or buy it from someone else that will give us the backup, so you know that after you've sold your gas next to the pipeline, there is this other gas we can connect up to in the years ahead.

Those are two thoughts I'd like to leave with the minister.

MR. ORMAN: Mr. Chairman, I don't know whether we're regressing or progressing into a debate on the economics of natural gas in this province. Certainly it's my view that we replace reserves in this province by encouraging activity. The best way to replace reserves is, firstly, to have a sound economic regime. The second is to have a reasonable price to go out and look for it.

I don't want to get into the discussion of reserve-based contracts to any great extent, Mr. Chairman. As the member knows, a reserve-based contract allows just that. For an individual to produce gas in a particular area, he must have significant reserves in other areas of the province that he can use to take the production from that particular well. In a sense that's what's happening. For instance, if we have a one-for-eight contract, we must have 8 billion cubic feet to support a million cubic feet a day of gas production. Again, I think we're getting into a debate on the economics of the natural gas business in this province. I'd be pleased to share that conversation with the hon. member over a cup of coffee, Mr. Chairman, but I don't think it is relevant to Bill 50.

MR. CHAIRMAN: Are you ready for the question on Bill 50, the Gas Resources Preservation Amendment Act?

[Mr. Chairman declared the motion carried. Several members rose calling for a division. The division bell was rung]

[Eight minutes having elapsed, the House divided]

For the motion:

Ady	Fischer	Nelson
Alger	Fjordbotten	Oldring
Bogle	Getty	Orman
Bradley	Heron	Osterman

Brassard	Hyland	Pengelly
Cassin	Jonson	Reid
Cherry	Kowalski	Schumacher
Clegg	Kroeger	Shrake
Crawford	Mirosh	Sparrow
Cripps	Moore, M.	Stevens
Day	Moore, R.	Weiss
Downey	Musgreave	West
Drobot	Musgrove	Zarusky
Elzinga		

Against the motion:

Barrett	Laing	Pashak
Ewasiuk	McEachern	Roberts
Fox	Mitchell	Taylor
Hawkesworth	Mjolsness	Younie
Hewes		

Totals: Ayes - 40 Noes - 13

[Title and preamble agreed to]

MR. ORMAN: Mr. Chairman, I move that Bill 50, the Gas Resources Preservation Amendment Act, 1986, be reported.

[Motion carried]

Bill 49 Take-Or-Pay Costs Sharing Act

MR. CHAIRMAN: There is an amendment to this Bill. Are any comments, questions, or further amendments proposed?

MR. PASHAK: I think I already made my concerns about the principle known when we were at second reading. Essentially, they were just that it seems to be discriminatory against especially new Alberta producers coming into the system. Just a quick question dealing with section 2(3). It says that levies — and I assume those are the top gas levies — are not payable on

(a) gas delivered by Consolidated into the [TransCanada PipeLines] system within Alberta,

or

(b) gas exempt from the payment of levies by the regulations.

Mr. Chairman, perhaps the acting minister could explain why they're not required to pay the top gas levies. Or maybe I misunderstand something in the Bill. [interjection] It's quite possible, because it's a fairly complex piece of legislation. At least I bothered to read it.

MR. CHAIRMAN: Order please.

MR. ORMAN: He did bother to read it, Mr. Chairman. I must give him credit for that.

As the member knows — and it did come out in second reading, as I recall from reading the hon. Minister of Energy's comments — there are exemptions to this levy, being British Columbia gas and Saskatchewan gas. My understanding is that the exemption for Consolidated Natural Gas has to do with the fact that they use part of the system but are not in the same sense a producer as many of the others that are contracted to TransCanada, Mr. Chairman.

[Motion on amendment carried]

[Title and preamble agreed to]

MR. ORMAN: Mr. Chairman, I move that Bill 49, Take-Or-Pay Costs Sharing Act, as amended be reported.

[Motion carried]

Bill 18

Mines and Minerals Amendment Act, 1986

MR. CHAIRMAN: There is an amendment to the Bill. Are there any comments, questions, or proposed amendments to Bill 18, the Mines and Minerals Amendment Act, 1986?

MR. PASHAK: I would like to commend the government for introducing their amendment. It seems to follow in line with certain suggestions I made during second reading. [interjections] Just one point; I have to score once.

I have a very serious concern with Bill 18. It involves the way in which the cabinet, through the Lieutenant Governor in Council, has power to make grants available to the industry out of the nonrenewable resource revenues of this province. They're fairly significant. This year some \$500 million is being made available, by the cabinet essentially. Partly what this Bill does, as we have discussed, is give legitimacy to the \$200 million program that was announced in June.

In looking at how that came about, I went to the legislative research services and had them do a little paper for me on parliamentary control of the public purse. They prepared a document that I think every member in this Assembly might want to have a look at. It looks at the historical evolution of parliamentary control over the public purse. It's very much related to this Bill, and it's related to an amendment I'm about to propose to it.

The English parliamentary system, unlike other political systems that have been developed in the world, was based on the notion that there should be accountability for funds that are raised by those in authority, whether they're monarchs or parliaments. The research points out, for example — and I quote briefly from it. It says:

Parliaments in most other countries originated as a culmination of movements aiming at political freedom — freedom of speech, freedom of the press, independent administration of justice, freedom of religious worship . . .

And so forth. But the English experience was based on the fact that public expenditure and taxation is at the heart of the political system and that there has to be accountability.

Although the present amendment doesn't really deal with that particular issue, the Bill itself — the original Mines and Minerals Act — does give the cabinet that kind of authority to spend these large sums of money, and it doesn't have to go back to the Assembly for approval or debate or discussion over those expenditures. I think it's important, when we're looking at expenditures in the order of hundreds of millions of dollars, that it should come back to the Legislature. Just as we've seen that some opposition members can make useful amendments with respect to Bills, I think some debate over those spending programs may have been useful. As I understand it, from talking to people in the industry, the original \$300 million program was not all that useful to either the industry or the province. It put some money back into their hands, but it led to an awful lot of

activity for the sake of activity. That was one of the major criticisms of that program.

When we looked at the \$200 million program that was announced in June, it was evident almost right from the outset that a lot of companies would not be able to take advantage of those programs because of their cash flow problems, and indeed, that is the case. Repeatedly in the Legislature we've tried to find out just how much of those programs was actually taken up by the deadline date. Although we never got firm figures on that, from looking at *Oil Week* and other sources, it does appear that very little of that money was in fact taken up. So I think some debate over those expenditures would be helpful and useful in the province.

Because of that and because of the historical emphasis and concern on having some control over public expenditures, I would like to move the following amendment.

MR. CHAIRMAN: I hesitate to interrupt the hon. member. When the Chair asks the question "Do members have any comments, questions, or amendments to this Bill?" it would be helpful to the committee if hon. members would forward at that time a copy of an amendment, if they have one, to the Chair. The member may then move the amendment and speak to it.

MR. PASHAK: May I do that?

MR. CHAIRMAN: Would you, please, if you're ready for distribution . . .

MR. PASHAK: I'm ready for distribution.

MR. CHAIRMAN: . . . see that one comes to the Chair and one goes to the sponsoring minister, plus the House leaders and all other members, in that order. I'm sure the member can appreciate that when there's a money Bill before this committee, it's critically important that the amendment be in order.

MR. PASHAK: I can appreciate that, Mr. Chairman. I would amend Bill 18 as follows. I would suggest that the following be added after section 2:

Section 5(1) is amended

(a) by striking out "The Lieutenant Governor in Council" and substituting "Except as provided in subsection (4), the Lieutenant Governor in Council",

(b) by adding the following after subsection (3):

(4) A regulation made pursuant to clause 5(1)(k) or 5(1)(l) shall cease to be in force 30 days from its commencement, if the Legislative Assembly is then sitting, or if it is not then sitting, 30 days from the commencement of the next sitting, unless it has been previously approved by a resolution of the Legislative Assembly.

(5) A member of the Legislature who moves a motion for the purposes of subsection (4) shall, at least one clear day before he moves the motion, table in the Legislative Assembly

(a) a copy of the regulation which is the subject of the motion,

(b) an estimate of the amount of the payments, grants or credits, as the case may be, that will be effected from the operation of the regulation,

- (c) a statement of the policy objective of the regulation.

The intent here is not to tie the government up. It can make these grants even if the Legislative Assembly is not in session, but it would require coming back to the Assembly to get legislative approval for the expenditures of those sums.

MR. ORMAN: I'd like to respond to the amendment, Mr. Chairman.

MR. CHAIRMAN: Perhaps we should hear further proponents of the amendment. Calgary Mountain View?

Hon. Acting Minister of Energy.

MR. ORMAN: Anytime a government is faced with a situation like we were faced with — the downturn of energy prices, oil and natural gas at the same time, and I guess that extends to the agricultural industry — you must weigh two options. One option is going to the Legislature and debating the principles of a program to assist, in this case, the oil and gas industry. You must weigh that, Mr. Chairman, against the ability of the government to move in a manner that is consistent with the needs of the industry or, in the case of agriculture, agriculture.

I think the member touched on the point that when we conceived our package for the industry, ADAP and other programs, we moved as quickly as possible. In some cases, as the member points out, it may not have been quick enough to help everybody in the industry that was in the state they were in. So I must say that if we had to wait until a certain length of time after we presented or built our programs, Mr. Chairman, I'm afraid some disasters in the energy sector might have gone along with that as a result of government's inability to govern.

I think that's the key, Mr. Chairman. The government must govern, and they must make decisions in their best judgment. That's what happens after every election. Governments are returned based on their ability to convince the populace that they are doing the job they're sent there for. That's the basic principle. Certainly this amendment . . . I appreciate the hon. member's point of view. As I said, you have to weigh that consideration. If you can appreciate that every time an issue came up that involved funds from the General Revenue Fund to assist the agriculture industry through tough times, the oil and gas industries through tough times, small business through tough times, I'm afraid we'd never get around to implementing the program.

So that's my point of view, and I think it's consistent with the point of view of the members on this side.

SOME HON. MEMBERS: Question.

MR. HAWKESWORTH: Did I hear that someone had a question?

Mr. Chairman, what I can't understand in Bill 18 is how money can be expended without a supply vote for the purpose of spending money. That's what this amendment is trying to correct. Bill 18 states that

grants shall be paid from the General Revenue Fund where there is no supply vote for the purpose.

Looking through the Mines and Minerals Act itself, a reference is made to grants and credits. Again, no reference is made to a supply vote. What I cannot understand is how an expenditure can take place without a supply vote; i.e., a vote that's granted by the Legislature, a supply of money

that's granted by the Legislature to the government for carrying out its business, its programs. It just seems so fundamental to me that as far as any kind of fiscal responsibility, review, and accountability, some system or means to ensure that spending does not take place without some review by the Legislative Assembly ought to be in place.

Under what authorization, then, can money be spent or given if it's not through a supply vote? This Bill seems to say that grants shall be paid even where that supply vote is not granted. It escapes me. It's so fundamental to what responsible government is all about. I keep saying to myself that I must be missing something, in terms of the administration of this Act or some other Act, that puts a brake on what government can do in this particular piece of legislation. I don't know where it is. I can't see it; I can't find it. I've been looking for it. It seems so fundamental. It ought to be there, and it doesn't appear to be.

My hon. colleague from Calgary Forest Lawn has put forward an amendment that says that if a regulation is made under sections 5(1)(k) or 5(1)(l), there is a mechanism in place to bring that forward to the Legislative Assembly. If the Assembly is sitting, then 30 days later, or if it is not sitting, within 30 days of when the Legislative Assembly next sits, that regulation would be brought forward for review and ratification. It doesn't in any way limit the ability of the government to respond while the Legislature is not sitting. It doesn't prevent the government or the Lieutenant Governor in Council from making a grant, spending tax credits, or providing assistance to an industry. What it says is that if a regulation accomplishes that end, it must be brought to the Legislative Assembly for review. That seems to be so fundamental to what ought to go on in this place that there shouldn't be any debate at all required on the matter.

I know that a government must make decisions. That's what a government is elected to do. No one is doubting that or questioning its ability to make those decisions. It's simply to state that a responsible government requires review by the Legislative Assembly. It's not the decision-making of spending public money behind closed doors without any opportunity to review or bring it out for some kind of public response or ratification. It seems so fundamental to representative democracy that I feel I must be missing something. This can't be that bad, but unless somebody can point out to me where those brakes, those limits, are placed in other legislation, I simply do not see it in Bill 18.

For example, we had a drought last summer, a very serious problem in this province. Nobody could have foreseen it. The Legislature wasn't sitting. It couldn't have sat without some time being taken to bring that Legislature into session. The government moved on providing a particular program, but from all I've been able to determine, that was reviewed by the Legislature at some later date through supplementary estimates, so that decision could have been ratified. It didn't in any way prevent the Lieutenant Governor in Council from making the decision. It didn't prevent them from implementing something when an emergency required it. It simply said, "If you're spending public money, it ought to be subject to public review, public scrutiny, in the open arena of this Legislative Assembly."

Mr. Chairman, I can't understand how we could be passing a Bill which states that "grants shall be paid . . . where there is no supply vote for the purpose." It escapes me, and I would like some explanation as to how there is a limit, an accountability mechanism provided by this or

other legislation to ensure that it has to be reviewed by the Legislative Assembly. I don't see it. It only makes good sense, in keeping with the kind of democratic government system we uphold, to have this kind of amendment to Bill 18 approved, to put that kind of review mechanism in place. Thank you, Mr. Chairman.

MR. ORMAN: I am of two minds. The first is that accountability is very important in this Legislature, and we do debate the budgetary process on a regular basis. We discuss in many different ways the manner in which we as a government spend money. Why I say I am of two minds, Mr. Chairman, is because I think it's important for the hon. member to put this in perspective. The revenues we're talking about in the main are royalty revenues. We're talking about offsetting royalty revenues, revenues generated by the industry, with money from programs that have been generated by those royalty revenues. So I would say that in principle the member makes a case that I think that has some sense to it, but in this case it's a simple accounting practice, to put in as simple terms as I can. We are using the revenues that have been generated by the industry to put into programs to assist them in their time of need.

I should also point out to the member that the Act at the present time does include geophysical and exploratory drilling incentives. We are amending this Act to bring into the fold the development drilling and the service-side incentive program. I hope that adds perspective, Mr. Chairman, and maybe makes it simpler, in terms the member can relate to. It's money in and money out, and it's really generated by the same industry. I think we have to look at it that way, and certainly that's our approach under this revision in the Act.

MR. PASHAK: With respect to the comments by the acting minister, I think there's a fundamental point involved in this amendment, and it's really this: when we as a province or you as a government collect royalties, which are economic rents from the oil and gas in this province being marketed, who has first claim or first entitlement to those economic rents? Do they belong to the people in the industry themselves, the producing companies, or do they belong to the people of the province of Alberta?

It's the view of the members of this side of the House, at least the Official Opposition, that those economic rents belong to all the people of the province. They don't belong to the oil industry. It seems to me that the government, through the Lieutenant Governor in Council or the cabinet, is taking economic rents that belong to all of the people collectively and handing them back to one segment, an important segment of our society: the oil industry. That is the principle on which we're in disagreement with the government. Implicit in the remarks made by the acting minister, there's an assumption that that is oil industry money coming into the province and going back to the oil industry. Once that money comes in, it's not oil industry money any longer or energy industry money any longer. Those revenues belong to all of the people in the province.

MR. McEACHERN: Mr. Chairman, I would like to add to some of the comments that my colleague has just made. If those revenues are actually collected, then it's easy to see that they belong to the government and are being given back. Even if they don't come all the way in, even if it's tax credits that are given — if you really believed that the royalties or the taxes, if you like, on the oil industry were

too high, then you would reduce them. But you haven't reduced them. You've said: "Here are some tax credits. Here's some of it back again." Obviously, the rent being charged is not considered to be too high, so to give some of it back is the same as giving back tax dollars from any other source.

I want to get back to a more fundamental aspect of this. You said that the government couldn't react to an emergency if it had to go back to the Legislature. But we do know about the use of government warrants, and this government certainly does. You used government warrants last year for some \$800 million, and we had to approve those many months later, after they'd already been used. Most of them were not emergencies. Very few things were emergencies, the flood being an exception — not that it was one of the \$800 million, either. We had to pass a \$5.7 billion interim supply Bill in this Legislature, because you hadn't got around to passing a budget. So we were already spending money without authorization of this Legislature. That is a misuse of the fundamental control of the purse and the power over the purse of this Legislature. We agreed the other day to a 15 percent appropriation of resource revenues into the heritage trust fund, some 10 months late, according to your own legislation. This government is used to spending money first and maybe accounting for it later and maybe not.

To get down to the specifics of Bill 18, it says right in the Bill that no supply vote for the purpose will necessarily have been granted. At least in the departmental Bills we were complaining about that have previously been brought before this House, there was some reference to a supply vote. I don't think it was ironclad enough, it wasn't clear enough, and there wasn't enough purpose given to the direction of the grants allowed by the minister, with the approval, of course, of the cabinet or the Lieutenant Governor in Council. But at least there was some passing reference to the idea that some supply vote had been granted, and then the minister was given all power to spend that money in any way he liked, without even any guidelines so that this House could say, "Did the minister live up to those guidelines or didn't he?" We objected to that, but this goes even further. This says that the minister can spend the taxpayers' money to any extent he likes with no restrictions. According to this, he could give back all the nonrenewable resource revenues and, in fact, some of the tax dollars that aren't even raised out of the oil industry. It's a total blank cheque.

AN HON. MEMBER: Make some reference to the amendment.

MR. McEACHERN: The amendment, of course, would correct that, and that is why we put forward the amendment.

Mr. Chairman, the amendment goes a long way toward addressing this, but the Bill should have very specifically indicated the programs for which the minister could spend money, those programs that were announced in the budget and over the last few months to help the oil industry. That's all that was needed in Bill 18 to authorize those expenditures. In other words, it should have been a Bill similar to the appropriation Bills out of the heritage trust fund for the Agricultural Development Corporation, the Alberta Opportunity Company, and the Alberta Mortgage and Housing Corporation. That's the kind of Bill that should have been brought before this place to authorize those royalty cutbacks or grants, those moneys given back to the oil industry

announced by the government during the election and shortly afterward. It should have authorized those specific programs and set the limits. That's all it should have said. It did not need to give a blank cheque to the minister to spend beyond that, as this does. The principle is totally wrong, and I object strenuously.

If there comes a time when you want another program, for heaven's sake call the House if it's an emergency. If it is a real, genuine emergency, use government warrants, give out the money, and then call the House and approve it afterwards. Nobody has objected to using government warrants the way they're meant to be used if it really is an emergency. If it's not an emergency, it can wait until the next session. So, Mr. Minister, your arguments don't hold water.

MR. HAWKESWORTH: Mr. Chairman, the minister referred to royalty revenues as being money in and these grants as simply money out. Royalty revenues flow to the people of the province. They reflect the economic return for a publicly owned resource. This resource is developed on behalf of the people, and a return on that in the form of royalties comes back to the people of the province.

I'm not going to argue with the minister's point of view that the government has a right, and perhaps at times it's an important principle for his government or any government to provide some additional return to that industry, to assist them if they fall onto particularly hard times, if there's a different economic climate or a different economic situation and they need some assistance. I don't argue with the right or the desirability of providing that assistance from time to time. My only point is that that is a decision that's taken by the government on behalf of the people it has been elected to govern and that there should be a reporting mechanism to ensure that that expenditure and that decision — expending tax dollars, public dollars — is reviewed through the form of some kind of supply vote or resolution in the Legislative Assembly. It doesn't argue that that should not be provided to industry but that it should be reported.

[Mr. Musgreave in the Chair]

Accounting, Mr. Chairman, is simply another way of saying reporting. So when the minister says that it's a disagreement over accounting, it's more than a disagreement over accounting; it's a disagreement over what ought to be the limits placed on a cabinet meeting in confidentiality and behind the closed doors in which cabinets meet and making a decision to provide a program of assistance to an industry or to an economic sector in the economy. There should be a mechanism to ensure that that decision gets reviewed, whether it be through special warrants, the annual budget, or a resolution. There are any number of ways that that can be brought back and receive authorization or endorsement, after a review in this Assembly by the people who've been elected to review the actions of government.

For example, there is the petroleum incentives program. I know that the minister was not necessarily a great fan of this particular program, but the fact is that there was a piece of legislation authorizing that program. At the time it was set up, at least there was a mechanism in place to review a decision to provide a certain kind of petroleum incentives.

Mr. Chairman, surely it is fundamental to the operation of what we do around here that we must have some kind of review mechanism on how cabinet is spending these

dollars. I'm not questioning their ability to make the decisions; simply that the decision must be reviewed in the open Assembly Chamber, such as the one we're in tonight.

MR. ORMAN: As I said at the outset, Mr. Chairman, in many cases I agree with the hon. Member for Calgary Mountain View. I agree that in many cases the principles of Bills should be and are, in fact, debated in this Legislature. I still would like to point out to the hon. member that in our view this is revenue offset. These are revenues. As the Member for Calgary Forest Lawn indicated, it's economic rent by the way of royalties. By accumulating those royalties, we are taking portions thereof and using them to support and assist the industry in their time of need. I don't think anybody disagrees with that. As a matter of fact, royalties flow into a variety of programs to assist small business and agriculture, and those Bills are debated in this Legislature.

I disagree with the member, though, in a budget sense. From year to year each program that this government brings forward in this Legislature is reviewed by all members of the Legislature. We have extensive debate on the programs that are generated. Whether they're approved by this Assembly, they are still reviewed as to their ability to do what they set out to do. In this case, on a budget year to budget year basis, we do review these programs that are a feature of the Mines and Minerals Amendment Act. If the hon. member has a concern about an exploratory drilling incentive program that is a result of a revenue offset, he has the ability to make that case at the next budget year. So we do in fact have the opportunity to review and debate all of the money Bills that are presented before this Legislature, Mr. Chairman. In light of that, I do take exception, particularly when they relate to the oil and gas sector. When they relate to other matters that are not of the same revenue-generating nature, then I do take exception.

MR. DEPUTY CHAIRMAN: Are you ready for the question on the amendment?

MR. PASHAK: One further question to the acting minister, in light of his remarks. When are we going to debate the merits of those programs that were announced in the June budget? When will that ever come before the Assembly, in the sense of having a debate as to whether or not those funds should or should not have been spent? In other words, where is the accountability in the expenditure of these nonrenewable energy resource revenues?

MR. ORMAN: One of the forums for accountability, Mr. Chairman, is an election every four years. I think the people have indicated that they are confident of the manner in which we've handled a number of our programs in 15 years of government in this province.

I wish the hon. members would point out to me one example of a money Bill that this government presents that is restricted on a year-to-year basis from being reviewed or debated in this Legislature. I dare say that there is not one. The timing may not suit the opposition, but certainly the facility is there.

I failed to respond to the Member for Edmonton Kingsway. I want to differentiate between that side of the House and this side of the House in terms of how we view incentive programs. He said that we were giving back resource revenue. That is not in fact the case, Mr. Chairman. Our programs are without exception activity related. We don't give anything back. They are earned back, and they are

reflected in the activity as generated by the industry as a result of these programs. I want to make that very clear, because it is a fine distinction between giving back and earning back.

I would assume that we could go on *ad infinitum* in discussing whether or not these particular programs under the Mines and Minerals Amendment Act are available for these members opposite to debate sometime between now and the next budget year. I think it's there. If they can prove to this side of the House that they don't have that opportunity, I'd certainly be pleased to listen.

MR. PASHAK: That's just the point I made, Mr. Chairman, to the acting minister. These programs were announced. They haven't been debated in this Assembly, and I asked him when we were going to have the opportunity to debate those programs in this Assembly. I think that's a specific example that you asked somebody on this side to present you with.

MR. WEISS: On a point of order, if I may, Mr. Chairman. I'd like to refer to Standing Order 62(2), where it specifically says that "speeches in committees" — and I would debate that it was a speech offered by the hon. member — "of the whole Assembly must be strictly relevant to the item or section under consideration." I find no bearing or resemblance, in what the hon. member is referring to, in the Bill we're debating this evening. In particular, I would suggest that there are two manners in which it might be presented: a motion on the Order Paper or when the minister's departmental estimates are being reviewed. It has no strict relevance to what we're debating this evening.

MR. McEACHERN: On the point of order, Mr. Chairman. That's balderdash. This Bill supposedly authorizes the expenditure of those revenues, some \$500 million, which were announced over the last six months or so, only it doesn't do it specifically and lay them out so that we have some details to debate. It gives one blank cheque to the minister. That's what this Bill is about. Of course all the comments we have been making are totally relevant.

MR. CHUMIR: Mr. Chairman, it seems to me that we as legislators should be dealing with substance in terms of the legislation we approve. When we analyze the substance of the economic relationship between the government and the oil companies which benefit from these grants, the substance of the arrangement is that the royalty amounts which are levied by the provincial government are revenues of the government. We've heard the Minister of Energy supporting the level of royalties in this House time after time. So what we have, on one hand, is substantively provincial government moneys belonging to the people of the province. Following that, the substance of the matter is that these drilling and geophysical programs represent expenditures by the government.

In other instances we see situations where the provincial government is making payments to entities to encourage certain types of activity. One example is the payment being made by the provincial government at the present time to encourage the Husky project, some \$13 million. We see some contribution of the provincial government to the Syncrude project — I believe it's \$85 million — to encourage certain types of engineering studies. These are being made, as I understand, by way of grants, although when we look at the Husky project and the federal contribution, I understand

that the \$36 million going from the federal government to the Husky project is by way of remission of PGRT, which is coincident with a remission or rebate or forgiveness very similar to the types of provisions which are taking place here.

In the Husky transaction we have grants by the provincial government going directly from the province and not being offset by royalties from the federal government being offset by PORT. The substance of the matter is that both governments are making a payment to that particular project but in different form. If the rule in the way of reporting provincial finances with respect to the provincial contribution to the Husky project and by way of the provincial contribution to the Syncrude project is to consider those to be out-and-out expenditures which are reported and dealt with by way of supply motions, what substantive rationale can the minister provide to this House as to why there should be a difference in this particular situation? I fail to see the difference here.

It seems to me that what we have is a triumph of form over substance, and our duty is to deal with matters substantively so that their true essence is understood and made obvious to the people of this province. I would appreciate an answer from the minister as to why this situation should be treated differently from any of those other situations.

MR. ORMAN: Mr. Chairman, again we are back to the philosophy of the economic rent argument. Firstly, I would like to point out to the Member for Edmonton Kingsway that in second reading of this Bill the hon. Provincial Treasurer made abundantly clear the reasoning, from a Treasury point of view, as to why we're going in this direction. He very clearly pointed out that there is no subterfuge or no trick, as he put it, in terms of what we're trying to accomplish in moving funds from the Heritage Savings Trust Fund to the general revenues.

It's important that members understand, Mr. Chairman — and I think it touches on the Member for Calgary Buffalo's point — that the revenues that we receive from oil and gas as economic rent benefit all Albertans. I don't think there's a person in this Legislature that would disagree with the argument that if we have a healthy oil and gas sector, we have a healthy Alberta, and that contributes to a healthy Canadian economy. Certainly we have to understand the principle of revenue offset, and we have to agree that revenues generated from royalties are economic rent.

Clearly, Mr. Chairman, there is a need for a provision to offset granting procedures out of the Mines and Minerals Amendment Act. I can understand the point of view, and I've said that from the outset of this argument. But there is a differentiation in terms of the manner in which we debate and discuss programs in this Legislature in the normal sense as opposed to debating the programs that are a feature of the Mines and Minerals Amendment Act. It's one and the same, and we have many opportunities to debate the actions of this government that are related to the use, particularly of royalty funds and generally of general revenue funds.

So I must apologize to the hon. members. I just don't agree with the point of view. The rationalization of the Member in Calgary Buffalo is quite clear in my mind, and I guess he would say that the rationalization is clear in his. But in this case I agree fully with the moving of these two programs under the auspices of the Mines and Minerals Amendment Act. I think it's a proper way to handle the situation at the present time.

AN HON. MEMBER: Question.

MR. DEPUTY CHAIRMAN: Are you ready for the question on the amendment by the Member for Calgary Forest Lawn?

MR. HAWKESWORTH: As I understand, this legislation affects programs such as the exploratory drilling assistance program, the development drilling assistance program, the well servicing assistance program, and the geophysical assistance program. Will this Legislative Assembly at any time ever have the opportunity to review these particular programs, to review the spending on those particular programs, to ratify the application of public funds towards these programs? Are those at any time ever going to be reviewed and ratified by the Legislative Assembly? I think those are examples of what we're talking about. Significant amounts of money are going into them. Are they going to be ratified and reviewed by the Legislature?

MR. ORMAN: Mr. Chairman, I can't underline — I don't know how many times it's been up; I wonder if any of the hon. members have been counting. But I think for the fourth or fifth time, the answer is an emphatic "yes." That is, during the estimates of the Department of Energy, you have the opportunity to discuss, debate, ridicule, propose, or amend. You have all of those opportunities during the estimates of the Department of Energy. If you're not happy with one of the programs, with the development drilling assistance program, then I encourage you to bring it up during the estimates. You certainly had that opportunity during the debate of the Department of Energy's estimates. Feel free; that's what this Assembly is all about.

If he missed that opportunity, I'd encourage him to do it this spring. It seems clear to me that he has had every opportunity to discuss whatever the heck he likes to discuss, particularly when it comes to money Bills and Bills of this substance. I'm sorry I'm missing the point he's making, or he's missing mine. If I just say, "Yes, during the debate of estimates for the Department of Energy; that's the time," I would hope that he would accept that and take up the challenge in the spring.

MR. McEACHERN: The \$500 million in the programs enumerated just now were not passed in the estimates. They weren't in the Department of Energy; there was no mention of them. This is the Bill that's authorizing the \$500 million, only it doesn't say so. It doesn't spell it out in detail under the four or five programs that it took to make up that \$500 million. What it does is to give one blank cheque to the minister to spend on whatever he likes — not only that \$500 million but any amount over and above that that he wants. This is the year for coming to an authorization of that \$500 million, not the estimates.

You don't understand what your own Bill is about. The principle behind it is wrong; you should have spelled out the \$500 million as ceilings under the four or five programs that make up that \$500 million, not given a blank cheque. That's what we've been trying to say.

MR. DEPUTY CHAIRMAN: Are you ready for the question on the amendment as proposed by the Member for Calgary Forest Lawn? All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

MR. DEPUTY CHAIRMAN: Opposed?

SOME HON. MEMBERS: No.

[Several members rose calling for a division. The division bell was rung]

[Mr. Gogo in the Chair]

[Eight minutes having elapsed, the House divided]

For the motion:

Barrett	Hewes	Pashak
Chumir	Laing	Roberts
Ewasiuk	McEachern	Taylor
Fox	Mitchell	Younie
Hawkesworth	Mjolsness	

Against the motion:

Ady	Elzinga	Nelson
Alger	Fischer	Oldring
Bogle	Fjordbotten	Orman
Bradley	Heron	Osterman
Brassard	Hyland	Pengelly
Cassin	Jonson	Reid
Cherry	Kowalski	Schumacher
Clegg	Kroeger	Shrake
Crawford	Mirosh	Sparrow
Cripps	Moore, M.	Stevens
Day	Moore, R.	Weiss
Downey	Musgreave	West
Drobot	Musgrove	Zarusky

Totals:	Ayes - 14	Noes - 39
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[Motion on amendment lost]

MR. CHAIRMAN: Are you ready for the question on the government amendment to Bill 18?

[Motion on amendment carried]

MR. HAWKESWORTH: Mr. Chairman, I'd like to make some final comments on Bill 18 as amended. If the minister of hospitals wants to spend \$500 million on hospital construction, he has to come to the Legislature to get it. If the Minister of Agriculture wants to spend \$178 million on production assistance, he can get it through supplementary estimates and special warrants, but it still has to come to the Legislature for review and ratification.

If the Minister of Energy wants to provide money to the development drilling programs to assist the oil industry, I don't see how that's any different from these other programs in terms of their willingness or intention to assist important sectors of our economy. But why is it that they don't have to come to the Legislative Assembly for review? It's the same principle; it's the same public money; it's the same spending. But it's not the same authorization. I don't understand it. I don't agree with it. As much as I appreciate that the amendment tried to tighten that up somewhat, there is no accounting to the Legislative Assembly for the review and ratification of that spending. I don't like it. It's not right.

MR. CHAIRMAN: Are you ready for the question on Bill 18 as amended?

[Title and preamble agreed to]

MR. ORMAN: Mr. Chairman, I move that Bill 18, the Mines and Minerals Amendment Act, 1986, as amended be reported.

[Motion carried]

**Bill 34
Health Disciplines Amendment Act, 1986**

MR. CHAIRMAN: There is an amendment. Are there any comments, questions, or further amendments to this Bill?

[Motion on amendment carried]

[Title and preamble agreed to]

DR. REID: I move that Bill 34, the Health Disciplines Amendment Act, 1986, be reported.

[Motion carried]

**Bill 47
Chiropractic Profession
Amendment Act, 1986**

MR. CHAIRMAN: Are there any comments, questions, or amendments pertaining to this Bill?

[Title and preamble agreed to]

DR. REID: I move that Bill 47, the Chiropractic Profession Amendment Act, 1986, be reported.

[Motion carried]

MR. CRAWFORD: Mr. Chairman, I move that the committee rise and report.

[Motion carried]

[Mr. Speaker in the Chair]

MR. GOGO: Mr. Speaker, the Committee of the Whole has had under consideration and reports Bills 21, 50, and 47, and reports Bills 23, 49, 18, and 34 with some amendments.

MR. SPEAKER: Having heard the report, does the Assembly agree?

HON. MEMBERS: Agreed.

**GOVERNMENT BILLS AND ORDERS
(Second Reading)**

**Bill 38
Municipal Government Amendment Act, 1986**

MR. CRAWFORD: Mr. Speaker, I move second reading of Bill 38. I can briefly deal with the main principles.

This Bill introduces the concept of public hearings in respect to the formation of a new municipality. A second provision provides that when part of a municipality comes partly or wholly within the boundary of another municipality, the taxes, when collected, stay with the old municipality if

they are outstanding and unpaid at the time the two municipalities are amalgamated or otherwise joined together so happily.

One of the really important provisions of this Bill, Mr. Speaker, is the enactment of the conflict of interest provisions, and these include an important definition of pecuniary interest, designating the way in which corporations, partnerships, and families will be considered related to the member of the council in respect to any financial interest he may have in respect to dealings with the municipality. When he does have such an interest, he or she is required to disclose, to abstain from voting, and not to be present at the meeting during the consideration of any matter which qualifies under the heading of a financial interest by the member of council.

This does allow certain situations where the member of a council can in fact deal with the city, quite similar in intent to the ways in which the same subject is dealt with in the Legislative Assembly Act. For example, if it's in the ordinary course of business or if after disclosure the contract or arrangement happens to be approved by council, that is a valid way to do business with the council.

I should say in support of the drafting of these provisions, Mr. Speaker, that the conflict of interest committee studied this in consultation with the municipalities and did report some time last year, and it is on the basis of that study that these provisions have been brought forward. The legislation would retain in similar form to existing municipal laws that either a council or an elector can initiate an application to a judge. The council may also pass — and this is new, I do believe — a bylaw requiring the filing of a disclosure statement by council members pursuant to this statute.

There are other provisions dealing with the holding of volunteer offices, the delegation of bylaw enforcement, some provisions dealing with petitions by electors for bylaws, the acquisition by agreement of lands by the municipality to be used basically for public works. As well, the Bill would expand the ways in which a council may fund capital works within a business revitalization zone or for local improvements. Also, Mr. Speaker, the repeal of the bonussing section of the existing Municipal Government Act will support local decision-making by councils in respect to business promotion within the community.

MRS. HEWES: Mr. Speaker, just a few comments and some questions for the Minister of Municipal Affairs. Essentially, I support the Act and welcome the content, but I have some questions where it's unclear what the consequences would be. I'm pleased to see that the minister and the government have acted on the need for greater detail regarding conflict of interest guidelines for municipalities. I think there is some general disenchantment and suspicion in the public regarding elected officials. I suppose it's infinitely preferable that elected officials don't do any business with governments to which they're elected, but that would work a very great hardship and would be too constraining as to who would stand for election.

From my own personal experience I know the difficulties that ensue when that's the case, so I think it's important that we write very clear and detailed guidelines as to what may and may not be done regarding doing business with the city. It becomes infinitely more important as municipal government activities become more complicated, and that is happening particularly but not exclusively in the larger urban centres. I believe it's necessary to be quite specific for members of council, those who would be members, the

electors, the constituencies, and those who do business with municipalities.

In essence, Mr. Speaker, I support those sections on conflict of interest and welcome their inclusion in this Act. Likewise, I agree with section 12 on petitions. I believe it's a lot clearer and is a great improvement over the MGA as it presently stands, and I support that.

I have some questions, Mr. Speaker, about section 11, regarding bylaw officers. If there is anything that causes problems in municipalities, it's what the powers and duties of bylaw officers are. I believe that this particular section does not spell out carefully enough how a municipality should write its regulations. In fact, under section 11 on page 8:

(b) subsection (5) is amended by striking out ", by-law."

As I understand it, that leaves it that a council can simply write the responsibilities and duties that would be assigned to the bylaw officers. My own experience is that it's important that these be enshrined in a bylaw so that not only the officers but the constituencies and publics those officers serve are abundantly clear exactly where their jurisdiction came from. I'm puzzled as to why that particular section was changed.

Mr. Speaker, I don't know whether I even dare touch the section under dogs and cats. In my view, it's impossible to write laws and regulations that will provide for impounding and seizing cats. I can see, and most assuredly would support, the idea that municipalities should have the jurisdiction to license cats, because I think this will go a long way to control the cat populations in our municipalities, and I think that's the intent. But I cannot see giving the responsibility for the impounding and seizure of cats as we have with dogs, because I think that creates an impossible situation. So I would suggest, Mr. Minister, that we leave in the capacity for licensing and prescribing the tariff of licence fees but remove the addition of cats to subsection (b)(i).

Further, Mr. Speaker, the minister has commented on one or two other sections. One that I am still puzzled about is 425. It's puzzling to me why, in a Bill of this kind, the government would wish to remove from the municipality the capacity to recover debts owing to it by an employee. I'm not clear as to why the employees of a municipality would be singled out for protection, unless perhaps the thought is that the court procedure would be a better and fairer one to apply in the case of employees of municipalities, and if that's the case, I will accept it.

The minister has spoken about section 443, which repeals the section that directed that no council had power to grant bonuses, Mr. Speaker. I know I'm getting detailed, but it's the principle here, that we are now freeing up municipal councils to make their own regulations. I wonder in principle what the minister's comments are in regard to that one, relative to the risk there could be to taxpayers at large, in addition to the competitive nature of municipalities that are if not contiguous almost contiguous, where one could attract developers in a different fashion by allowing greater bonuses, depending upon the financial stability in the municipality. In fact, it could set municipalities in competition with one another to attract developers. I am wondering, Mr. Minister, if consideration was given that there should be some constraints in writing up and making those changes to the Act that would be left in and, similarly, the relationship between that section and section 127 of the MGA, which relates to the disposal of land at less than market.

Finally, Mr. Speaker, I'm concerned that in this Act we don't have permission given to municipalities to pass bylaws — in my mind, it's an omission — requiring the declaration of election gifts and donations. I believe that municipalities in our province would desire that they have the jurisdiction to pass such legislation, and I think it might well have been written in as an amendment to the MGA.

Mr. Speaker, the minister has indicated that he's been in discussion with municipalities. I wonder if he would inform us as to whether or not the AUMA have reviewed these proposed amendments and if it has been tested with the AUMA and the AAMDC and conforms with their desires in regard to this. I can see that it would be important to get the amendments through before the municipal election, but I also believe it's very important to have a really comprehensive review by the municipalities as to some of the consequences. Perhaps the minister can reassure me that this is already in place and that he has had dialogue with the municipalities of the province to assure him and assure the House that in fact they are in support of these amendments and will not suffer from any of the consequences.

Thanks, Mr. Speaker.

MR. SPEAKER: Before the Chair recognizes another hon. member, the Chair appreciates the fact that the hon. Member for Edmonton Gold Bar was nervous and indeed corrected herself with respect to the amount of detail that had gone on in second reading. The Chair is going to be very careful of that for the balance of this evening. On Thursday last the Chair allowed one particular member extreme latitude, on second reading, with respect to the detail that was involved, and really felt to some degree that the undertaking taken at that time really was not carried out when the Assembly came back to Committee of the Whole.

MR. EWASIUK: Mr. Speaker, I rise to support the Bill in principle. The Alberta Urban Municipalities Association has for a number of years requested that these changes be implemented in the Municipal Government Act. Specifically, I think the legislation relative to the pecuniary interest of council members is one that has been requested and has really been needed. Again, I congratulate the minister for taking the initiative to bring this legislation forward. I'm sure when this is finally adopted, there will be a collective sigh of relief in council chambers throughout the province, because as I said, the need for this legislation is long overdue.

Quickly, I think the Member for Edmonton Gold Bar alluded to many of the points I wanted to make. In part I agree with most of her comments. I think the cat issue is one that needed to be addressed. As an alderman, I faced many calls relative to the issue. I was quite happy to pass that on to my MLA, because I felt it really was his responsibility at that time. I think he'd call back and say it was the aldermen's responsibility. I'm glad this is going to clear that issue up. I think the Member for Edmonton Gold Bar did raise some of the concerns. Municipalities are still going to have some difficulty in spite of the bylaws they may pass. The application of that bylaw and how it's mechanically going to work is going to be questionable as well. Nevertheless, I think there will be at least some jurisdiction for municipalities to deal with the issue.

My major concern in this Bill, Mr. Speaker, is 443. I will, of course, want to address it in more detail during Committee of the Whole discussions. I think it's a mistake. I think that piece of legislation should remain in the Bill.

It gives protection to the taxpayers. By removing this particular Bill, the common interests of citizens, of taxpayers, could well be abused, perhaps with no particular recourse against the municipality for that abuse.

Although the hon. Member for Edmonton Gold Bar indicated that section 127 does provide some provisions in terms of appeal, I think this particular section does allow citizens the opportunity to initiate action if in their opinion a municipality may have exceeded its obligations or its right in terms of granting bonuses and so on.

With those comments, Mr. Speaker, I will look forward to further discussion in Committee of the Whole debate.

MR. HAWKESWORTH: Mr. Speaker, just a few brief comments. The minister will recall that I said to him, during estimates of his department earlier in this Legislative session, that if he undertook to consult with municipalities, he would be successful in his new portfolio. I believe a significant portion of this Act relates to consultation that has taken place between his department and municipalities and their representative organizations in this province. I think he and all members of the Legislature will recognize the important preparatory work that was done by those parties and the congratulations that ought to be extended to the people who did work on that.

I think what has resulted is some fairly comprehensive legislation that deals with what in the past have been some unclear situations, and I hope it will work as well as I anticipate it will in terms of laying out clearly what the rules are and how to resolve those issues in a way that serves the public interest. So I commend the minister for bringing this forward in this legislation and, particularly, trying to get it in place for all those candidates out there who are contemplating running and are putting forward their names to serve in the next three years.

I suppose I should not mention item 15, which deals with this particular section regarding the licensing of cats. I would just like to point out to the Assembly that all it is is permissive legislation. I had my speech all written up for another piece of legislation on the Order Paper, Mr. Speaker, but we won't go into that this evening. It's simply to point out that it's enabling legislation; it would allow their councils to draft and form bylaws as they best see fit. It's not telling them how or in what way to do it or even whether to do it. It's simply that that opportunity is there to do it in a way that fits their local situation.

I just want to echo some concerns already expressed about the repeal of section 443. It's a difficult section. It wasn't entirely clear what its intention was or how it might apply in individual circumstances, but I can say from experience it was one of those things that kept council out of trouble on a couple of difficult decisions. I know that at times an administration could come to the city council in Calgary, the one I'm most familiar with, and make a recommendation based on section 443, which in my opinion prevented city council from getting into what I might say are kind of discriminatory tax schemes whereby, certain classes of individual businesses for particularly good reasons and individual circumstances might qualify for a special incentive from city council to assist them in some way or another. This section kept city council from getting into those dicey situations.

The other thing that concerns me is that councils might try to outbid each other in order to attract new business to their communities. We've seen this occurring with provinces, and it's now part of the free trade discussions with the United States because of the concern as to what these

kinds of incentives are doing in order to get business to go one place and not another. Good ones get different areas competing with each other to make a decision to attract them to locate in their individual area or province and now, with this section being repealed, in their particular community. I can just see it: Edmonton has offered a particular business so and so tax concessions to locate in Edmonton, and the next week they show up at Calgary city council and say, "What's your bid?" We could get into an auction kind of system or whipsaw situation in competition between communities in the province, which I hope we will not get into. I hope any possible repeal of section 443 will not result in that situation.

Thank you, Mr. Speaker.

MS LAING: I'd like to speak very briefly to the section on cats. I'd like to speak against state control of the freedom and individual initiative of the one free spirit, the creature recognized through time by religions, English common law, and literature: Rudyard Kipling, and the poetry of T.S. Eliot.

More seriously, I think it has been stated that it is hard to control cats and that they do increase the wellbeing of elderly people and children. I can see the licensing of cats and possibly the provision of free or very cheap neutering of cats as a way of solving this problem, rather than sending the dogcatcher off to catch our pets while the wild cat escapes to the trees.

Thank you.

MR. McEACHERN: I hesitate to get into details of the Bill, and I won't dwell on it at length. But it seems we should serve notice at second reading so that we can really get into it in Committee of the Whole. I hope that it rains cats and dogs on all meanminded cat haters. I think aldermen preferred to hide behind the provincial laws, so that means the provincial government now is abrogating its responsibility to protect these wonderful little animals. I don't think dogs and cats are comparable. I think the process should be one of education rather than one of legislation, licensing, and killing.

MR. SPEAKER: May the minister sum up?

MR. CRAWFORD: Mr. Speaker, in closing debate on second reading, I will try to deal with the issues raised as to section 11, and I'll just deal with the principle in respect to bylaw enforcement officers. This was a response to — and I'm sure I'm right in this — a resolution by the Urban Municipalities Association. Those provisions are considered administrative rather than legislative, and the councils could deal with them in a different way than legislation by bylaw.

The reason for the provision in respect to the setting off of debts, whether it be by salary or by other forms of remuneration, perhaps a contract or a commission: the city isn't able to collect its debts from anybody else that way. So the situation was that we thought the employees of the municipalities should be placed in the same position as all other citizens, and if the municipality has to make some collection of a debt, whatever it's for, they could undertake that in the usual way applied to other citizens. I want to say that the repeal of section 443 ...

MR. SPEAKER: Order please, hon. minister. There are a number of conversations in the Assembly. Perhaps members would care to adjourn for coffee.

Hon. minister, please.

MR. CRAWFORD: Thank you, Mr. Speaker.

That is not one of the provisions of this Bill that was asked for by the Urban Municipalities Association. There was concern about that section, and some recommendations were made for change, but the recommendation was not the entire repeal of the section. It think it's debatable. The other side of the debate, of course, is that this is a provision that when repealed really reinforces the concept of local decision-making. I hope we're embarking upon a process by way of legislation that will bring to the municipalities more local decision-making capacity on a consistent and broad basis. That's the reason for that.

I conclude, Mr. Speaker, by indicating that at committee study I can actually detail the provisions in this Bill that were in response to resolutions. As the members who spoke pointed out, many of these are issues that the municipalities have long wanted dealt with.

I conclude further by saying that I have often heard it said, and have even said it myself, that the municipal government is the order of government that is closest to the people. I'm glad we now also have them closest to cats and dogs.

[Motion carried; Bill 38 read a second time]

Bill 51

Municipal Statutes Amendment Act, 1986

MR. CRAWFORD: Mr. Speaker, I move second reading of Bill 51.

The principles in this Bill are not as extensive as in the one just debated. In fact, there are only three straightforward principles in the Bill. One is that in respect to transportation bylaws under the City Transportation Act, the city council will accord with a practice we think more suitable because it would become consistent with the Planning Act; that is, before second reading, notices would be advertised for at least two consecutive weeks in one or more newspapers having general circulation. That is the provision in the Planning Act, and it was thought that should apply to transportation bylaws as well.

The second principle declares that the regional services commissions can now elect the chairmen of their board from among their own members. The previous provision, of course, provided that the Lieutenant Governor in Council would appoint. The last provision is once again fair and clears up one area where there was perhaps some doubt. When the utility service passes from a municipal utility to a regional commission, if there's a allegation of some suit or other proceeding or action that should be taken against the municipality with respect to the municipal utility, then the right of action passes in the hands of the claimant to an action against the regional commission.

[Motion carried; Bill 51 read a second time]

PRIVATE BILLS (Second Reading)

Bill Pr. 2

Northwest Bible College Act

MR. McEACHERN: I move Bill Pr. 2, Northwest Bible College Act, for second reading.

SOME HON. MEMBERS: Question.

MR. SPEAKER: The Chair acknowledges the call for the question. However, we'll wait for a moment so that we might be able to locate certain documents.

[Motion carried; Bill Pr. 2 read a second time]

Bill Pr. 3

Oxford Trust Company Ltd. Act

MR. NELSON: Mr. Speaker, I wish to move Bill Pr. 3, the Oxford Trust Company Ltd. Act, for second reading.

[Motion carried; Bill Pr. 3 read a second time]

Bill Pr. 4

Canada Olympic Park Property Tax Exemption Act

MR. STEVENS: I move Bill Pr. 4, Canada Olympic Park Property Tax Exemption Act, standing in my name.

[Motion carried; Bill Pr. 4 read a second time]

Bill Pr. 5

Alberta Native Business Summit Foundation Act

MR. HYLAND: Mr. Speaker, I'd like to move second reading of Bill Pr. 5, the Alberta Native Business Summit Foundation Act.

[Motion carried; Bill Pr. 5 read a second time]

Bill Pr. 6

Timothy Z. Marshall Bar Admission Act

MR. NELSON: Mr. Speaker, I wish to move second reading of Bill Pr. 6, the Timothy Z. Marshall Bar Admission Act.

[Motion carried; Bill Pr. 6 read a second time]

Bill Pr. 7

The Calgary Research and Development Authority Amendment Act, 1986

MR. SCHUMACHER: Mr. Speaker, on behalf of my colleague the Member for Calgary Foothills, I move second reading of The Calgary Research and Development Authority Amendment Act, 1986.

[Motion carried; Bill Pr. 7 read a second time]

Bill Pr. 8

City of Edmonton and Northwestern Utilities, Limited Agreement Act, 1986

MR. HERON: Mr. Speaker, I move second reading of Bill Pr. 8, the City of Edmonton and Northwestern Utilities, Limited Agreement Act, 1986.

SOME HON. MEMBERS: Question.

MR. SPEAKER: There is a call for the question.

[Motion carried; Bill Pr. 8 read a second time]

Bill Pr. 9

Galt Scholarship Fund Act

MR. GOGO: Mr. Speaker, I move second reading of Bill Pr. 9, the Galt Scholarship Fund Act.

[Motion carried; Bill Pr. 9 read a second time]

Bill Pr. 11
The McMan Youth Services Foundation Act

MRS. HEWES: Mr. Speaker, I'm pleased to move Bill Pr. 11, The McMan Youth Services Foundation Act.

[Motion carried; Bill Pr. 11 read a second time]

Bill Pr. 1
Alberta Synod of the Evangelical
Lutheran Church in Canada Act

MR. HAWKESWORTH: Mr. Speaker, on behalf of my hon. colleague, tonight I would like to introduce Bill Pr. 1, the Alberta Synod of the Evangelical Lutheran Church in Canada Act, for second reading.

[Motion carried; Bill Pr. 1 read a second time]

Bill Pr. 12
The St. John's Institute
Amendment Act, 1986

MR. YOUNIE: Mr. Speaker, on behalf of my colleague from Edmonton Strathcona, I would like to move Bill Pr. 12, The St. John's Institute Amendment Act, 1986.

SOME HON. MEMBERS: Question.

MR. SPEAKER: There is a call for the question.

[Motion carried; Bill Pr. 12 read a second time]

Bill Pr. 14
St. Mary's College Act

MR. SCHUMACHER: Mr. Speaker, on behalf of my colleague Mr. Stewart, I'd like to move second reading of Bill Pr. 14, St. Mary's College Act.

[Motion carried; Bill Pr. 14 read a second time]

Bill Pr. 15
Board of Trustees of the Edmonton
Canadian Native Friendship Centre
Building Amendment Act, 1986

MR. HERON: Mr. Speaker, I move second reading of Bill Pr. 15, the Board of Trustees of the Edmonton Canadian Native Friendship Centre Building Amendment Act, 1986.

[Motion carried; Bill Pr. 15 read a second time]

Bill Pr. 16
Maycroft Insurance Company Limited Act

MR. SCHUMACHER: Mr. Speaker, I move second reading of Bill Pr. 16, Maycroft Insurance Company Limited Act.

[Motion carried; Bill Pr. 16 read a second time]

MR. CRAWFORD: Mr. Speaker, before moving that the Assembly adjourn until tomorrow, I would advise the House that Bill 54 will be moved for second reading tomorrow and, if there's time after that, third reading of as many of the Bills as possible. If there's further time after that, perhaps looking at Thursday now, the next order of business would be committee study of the Bills that have just been read a second time, including the private Bills.

[At 11:07 p.m., on motion, the House adjourned to Wednesday at 2:30 p.m.]