

LEGISLATIVE ASSEMBLY OF ALBERTA

Title: **Tuesday, June 9, 1987 8:00 p.m.**

Date: 87/06/09

[The House resumed at 8 p.m.]

[Mr. Speaker in the Chair]

head: **GOVERNMENT BILLS AND ORDERS**
(Second Reading)
Bill 149

Tax Statutes Amendment Act, 1987

[Adjourned debate June 8: Mr. Young]

HON. MEMBERS: Question.

MR. SPEAKER: Questions? Summation and concluding remarks, Mr. Treasurer?

HON. MEMBERS: Question.

[Motion carried; Bill 49 read a second time]

Bill 46
Hotel Room Tax Act

MR. JOHNSTON: Mr. Speaker, we have before us another leg of the fifth leg of the tax regime which has been put forward by the budget of March 20. We have also had some amendments to this particular piece of legislation, which in a broad way are responding to some of the concerns or recommendations raised by those people in the industry, and I think I made all members of the Assembly aware of those changes. In effect, Mr. Speaker, this tax is on the room taxes, on hotels, and those kinds of temporary lodgings which are less than a month, and this tax will be collected at the rate of 5 percent.

There are the exceptions in this piece of legislation, Mr. Speaker, and of course it is our view on balance that this tax will not to any great extent deter from the expansion of that vital tourism industry. To the contrary, the tax will likely be paid by those people who are traveling through the province as opposed to those people who are traveling within the province. This is a tax which is found in most other provinces of Canada and a tax which I think will assist us in meeting the downsizing of government and to provide additional funds for this government over the next fiscal year.

Therefore, Mr. Speaker, I move the second reading of Bill 46, Hotel Room Tax Act.

MR. SPEAKER: Is there a call for the question?

SOME HON. MEMBERS: Question.

MR. SPEAKER: Edmonton Kingsway, could I beg your indulgence for just half a moment, please. Might we have unanimous consent to revert to Introduction of Special Guests?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed? Edmonton Mill Woods and then Edmonton Kingsway.

head: **INTRODUCTION OF SPECIAL GUESTS**

MR. GIBEAULT: Thank you, Mr. Speaker. I'm pleased this evening to introduce to you and to members of the Assembly, three special guests in the public gallery. I'd like them to stand as I mention their names. With us this evening is the president of the Kerala Cultural Association, Mr. Isaac Thomas, and as well Mr. K. Johnny, another active member of the association. With them is Mr. George Mathew, the principal of the Kerala Cultural Association Malayalam Language School. I'm very pleased to have them with us tonight. If the members would please give them the warm welcome of the House.

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

Bill 46
Hotel Room Tax Act
(continued)

MR. SPEAKER: Edmonton Kingsway, speaking to the Bill.

MR. McEACHERN: Thank you, Mr. Speaker. Just a couple of comments and questions. The 5 percent tax on the purchase of accommodation is in some senses a sales tax. I suppose that's a way of looking at it. Certainly it's a flat tax, and in that sense it's somewhat regressive. It would seem to me to be better to look at raising one's money from the corporate sector through corporate taxes rather than through flat taxes on individuals. It of course may to some extent hurt the tourist industry in this province which we are just trying to get going, and so I'm sure the minister considered that fairly carefully.

A particular question I have is from page 3, section 2(3). It says:

If the Crown in right of Alberta is a purchaser, it shall pay an amount equal to the tax it would pay if it were a natural person, which amount shall be treated as an amount [of tax] paid under this Act.

I'm wondering why you'd have said to sort of tax ourselves if we purchase accommodation, that is, we as a government purchase accommodation. Why would we want to pay a 5 cent tax, have it collected, and then have it paid back into the coffers of the Alberta government? Or is it just too inconvenient to have hotel owners, for instance, collect it from some people and not others? Is that perhaps why you would do that? Perhaps the minister could give us some thoughts on that.

Other questions could really wait, I guess, until Committee of the Whole. They are more on details than on the principle of the Bill, and so at that stage I will sit down.

MR. FOX: Talking to Bill 46 at second reading, the Hotel Room Tax Act, one thing I think needs to be clarified. First, I would like to acknowledge the fact that the Provincial Treasurer has made some attempt to recognize concerns that were expressed by the Member for Edmonton Belmont and the Member for Banff-Cochrane about the unfairness of one part of the taxes that applied to bookings that were already made -- oh, the Member for Peace River and the Member for Macleod as well -- about the punitive aspect of this in terms of bookings that were already made. The minister did make some corrections therein, and I think that's notable, and we recognize his consideration in that regard.

But I'm wondering with this Hotel Room Tax Act, the addi-

tional five percent: how does that place Alberta in regard to other potential destinations in western Canada for American or overseas types of tourists? Will this be punitive to our tourist industry in the province of Alberta by making our rates generally higher, or do we fit somewhere still in the middle of the pack with these additional taxes?

That's the only question I would have on this Bill, Mr. Speaker.

MR. SPEAKER: May the minister sum up?

HON. MEMBERS: Agreed.

MR. SPEAKER: Provincial Treasurer.

MR. JOHNSTON: Mr. Speaker, in concluding debate on the hotel tax, one of the problems that we face as a government in imposing taxes is the usually difficult constitutional requirement that is under the BNA Act, the one that we are somewhat familiar with, under section [125], that fairly explicitly stated that in fact one government shall not tax another government, or variations on that point, which essentially means that there is a provision for exemption as between governments. Of course, this legislation, both this one and other ones that we will be dealing with over the course of the next few days, has certain provisions which deal specifically with the question as to whether or not a government can collect tax from another government. In fact, in the case of taxing yourself, I guess that isn't provided for in the Constitution on reflection. Of course, if you're collecting the dollar yourself, I suppose you're not concerned about it.

But the Member for Edmonton Kingsway is in fact accurate. Rather than get some kind of complex administrative formula with deductions and add-ons for a provincial government -- the Crown, at least -- in fact we'll simply collect the tax, not a large problem in terms of the revenue flows, and we'll adjust, I guess, later. However, it is a significant point -- significant in the sense that it is an administrative problem, not significant in terms of the principle of the Bill -- that the Crown in the right of Canada is exempt, but the employees who are working for the government of Canada in fact have to pay that tax.

I'm not yet certain as to whether or not we can face a constitutional challenge over whether or not we can collect the tax from employees of the government, but we will take the risk, and I don't think it's worth their hassle to get us before the courts to adjudicate that particular problem. But that in fact is the problem we're facing.

Contrary to other provinces, such as Ontario, where the tax is collected only by residents of that province and in fact remitted to all others outside of the province, this tax is essentially directed to those people who are traveling through the province and is a somewhat different aspect of the revenue base. I think we will probably generate a few dollars over the next year which will, I think my estimates show, add about \$9 million to the provincial revenues.

So, Mr. Speaker, I think on principle this tax is well known. I can't be specific as to its comparability with other jurisdictions on the rate base, because I haven't got that data in front of me. Yet I can confirm that we were conscious of that variable when in fact the rate was set. So I am sure, but I can't give a specific fact today, that the rate is very comparable to other provinces. In that context I don't think it will be a deterrent to the travel to Alberta. There are so many attractions, so many events, and so many natural advantages that far outweigh any limited tax im-

pact in terms of the consumers' choice in these matters.

Mr. Speaker, those are my concluding comments, and again I move second reading of this Bill.

[Motion carried; Bill 46 read a second time]

Bill 47 Fuel Tax Act

MR. JOHNSTON: Mr. Speaker, this is an important part of the revenue base of the province over the forecast period, a tax which is directed to the consumption of gasoline within the province. It does not apply to farmers, it does not apply to off-road vehicles, but it does apply to all other forms of gas consumption within the province. The other exceptions or exemptions of course apply to propane and the use of natural gas within a car or a vehicle. Therefore, there are those other exceptions which, for reasons of administration, were fairly difficult to impose by way of taxation.

Now, Mr. Speaker, this Act, because of its complexity and because of the need to ensure administrative control over the use of the so-called exempt fuel and to provide some administrative mechanism to control the use of that special fuel or that tax exempt fuel, to some extent is replete with those administrative and enforcement sections, not sections which I personally am convinced are the best to pursue. Nonetheless, because there is a substantial opportunity for abuse with respect to the exempt fuels, that in fact must be necessary in any piece of taxation of this order.

To some extent it's a user tax, Mr. Speaker. Now, I'm not going to make those large arguments that some will make, that other economists have suggested, that tax on gas consumed in your car should be substantially higher. I know my colleague from across the way in his financial pro forma essentially agreed with this form of taxation, some variations as to its impact and variations to its rate. In fact, if we're moving into a conservation mode again, and I think we will be doing that certainly by 1989 or 1990, then in fact reduction in consumption of fuel in our cars must be an important policy consideration. That wasn't the core or the intention of the legislation. It was in fact to generate revenue and to provide an access to a revenue base which will assist us in terms of the revenue profile for the province over the near term.

The province of Saskatchewan does not have that tax at the present time, and my colleague from Lloydminster has already reported to me the difficulty that he is facing with respect to the interjurisdictional question as between Saskatchewan and Alberta. I am not at all going to predict what will happen in Saskatchewan over the near term, but at least before we make any changes or consider any recommendations, we would like to see the shape of the Saskatchewan government budget. I understand that may well be forthcoming over the course of the next month.

Mr. Speaker, the administration of the marked fuel system has been in place already. What we have here is a process to collect the tax. What we have here is a process to exempt certain users of the tax, and this will become a revenue generator for the province, as I've indicated, over the next period. Unfortunately, in this control Bill, Mr. Speaker, is the need for seize and search and seizure of records, in particular audit. Those kinds of steps are necessary to enforce compliance.

Mr. Speaker, that's the essence of this Bill in terms of its principles, and therefore this evening I am moving second reading of Bill 47, the Fuel Tax Act.

MR. MARTIN: Mr. Speaker, just a couple of comments, more dealing with the principle of the Act. It's something I think we should all think about. The Treasurer has alluded to this Bill 47 being one way to move towards conservation, and he's correct. I think of the examples in the United States. I think there was some impact that had to do with lowering the speed on the roads too at that particular time, and I think that's an important consideration with a resource that's certainly finite. We should consider that.

The other consideration, Mr. Speaker, without taking a great deal of time, is that I would like us to think in the future about the particular use of energy. I think it's one thing to use energy to drive around in a Winnebago and use it strictly for pleasure. I think it's a very different thing if you're, for example, a gravel trucker or somebody that makes your living on fuel. It seems to me some thought should be given to the types of use that we do in energy and a different tax put on that use. Now, I know it's not a simple and easy and straightforward thing to break apart, but I think there should be a way to do it. It seems to me when we raise the fuel tax, and having spoken to the provincial gravel truckers -- and there's something I have to admit that I hadn't thought particularly clearly through when we talked about it before -- it certainly has a bigger impact on them than it does on many of the rest of us.

So, Mr. Speaker, I think there has to be way that we can do this in a fairer sense if your living is determined on energy. I think you've recognized this in some ways in the rural areas dealing with farmers. Surely there should be a way that we can look at other people that have to use a large amount of energy in terms of their everyday living. I think that is a different use. We can all say it stimulates the economy because if we drive a car around, I suppose it stimulates the tourist industry. We can carry it all the way through. But I really do suggest that this particular tax has had a significant impact -- at least I'm told -- on people like gravel truckers, and truckers, and these sorts of people, that they at least consider unfair.

Mr. Speaker, I would agree with the Treasurer that there is an element of conservation in this particular tax. I think it's also one that I talked about, as the Treasurer is well aware of, that we thought we could see some more revenues in. I have to admit -- and I said that to the gravel truckers' association -- that I hadn't thought it through in terms of their case.

I throw that out perhaps for a thought in the next budget, that we take a look at that type of use, if it's possible or not. I would throw that out to the Treasurer as something for the budget, to think about in the future.

MR. SPEAKER: Calgary Forest Lawn, followed by Westlock-Sturgeon.

MR. PASHAK: Mr. Speaker, I'd just like to enter into the record some facts about the shares of the gas that are being sold at the pump that go into various provincial governments. My figures are some two month's old now, but I would assume they still hold.

As of two months ago, the provincial government of British Columbia took 9.1 cents out of every litre of gas that was sold there. Alberta and Saskatchewan, as of two months ago, had no provincial tax on the sale of gas. Manitoba took 8.9 cents; Ontario, 8.3; Quebec, 13.7 cents; New Brunswick, 7.7; Nova Scotia, 8.9 cents; Prince Edward Island, 9 cents; and Newfoundland, 9.8 cents. So I think it's not unreasonable that Alberta should impose a 5 cent a litre tax on gasoline.

However, my concern largely is that when we add that 5 cents to the price of gas at the pump in Alberta, on the average at that time it comes to almost 45 cents, which is all that people in Ontario were paying for their gas at the pump. The industry in Ontario was netting 22.8, whereas in Alberta, 24.9. Yet Alberta is the source of that oil. Why should Ontario consumers be in effect getting a relatively lower price than consumers here in Alberta? I would hope that the Treasurer would be able to address that.

I'm also really quite concerned about the fact that other governments are taking so much more money from Alberta energy, if you want to look at that way, than Alberta is. In Ontario at that time, the federal government was taking 9.7 cents out of every litre of gas that was sold. As I pointed out, the provincial government was taking 8.3. Here in Alberta we were only getting 4.3 cents out of every litre of gas that was sold in Ontario. So why is it, from the point of view of this government, that Alberta is really getting so little in revenue from gas that's being sold in other provinces in this country?

Thank you.

MR. SPEAKER: Westlock-Sturgeon, then Edmonton Kingsway.

MR. TAYLOR: Yes, Mr. Speaker, just a couple of short points on the tax. One has already been mentioned by the Member for Calgary Forest Lawn, and I wanted to put maybe another touch to the same side of that same problem. I'm afraid that it's just possible the minister and the government may be taken for a ride for being too nice a fellow. In other words, the question of gasoline tax, the retail merchants when they go to price their gasoline out at the pump have a tendency to compare what it is across the country. You will note that when the government had no tax at all -- it didn't even have the 5 cents on -- we were still about 3 cents of what you are now. So although the tax has come on, the price has moved up at the pump but not a full 5 cents.

Really, I think what's happening is that there being no competition, Mr. Speaker, in the sales of gasoline across this country -- I think there are only three refineries in Alberta, if you take the Turbo, the small one, out. They all buy their gasoline. I used to be in the business for a long time. You buy it from the same place. You just change the labels. You buy your gasoline from the closest refinery and of course use a swap arrangement. If you have a refinery over near somebody else's service station, they buy there, and you swap back and forth. And you put little signs on it saying what additives you have, put a tiger in your tank or a lion in your radiator or a pussycat in your carburetor, whatever it is. They go on from there.

Nevertheless, the competition that you should get, Mr. Speaker, in the gasoline marketing thing is only -- if you can change the ownership of the service stations to be different from the ownership of the refiners, then the owner of the service station can shop about for a tank-wagon price that is the best, and maybe that competition will pass on.

But I think right now what's happening, Mr. Speaker, is that the refiners owning the service station to a large extent are setting their price at what they think the traffic will bear. The traffic has a tendency to compare prices, much as the hon. Member for Calgary Forest Lawn mentioned. If you had no tax, you'd still be within a couple of cents of the other provinces that may have as high as 10 cents or 15 cents tax. Now, I'm suggesting to the minister that he has two courses of action available to him: raise his sales tax to be roughly equivalent to what the

other provinces are getting, in which case he will be surprised how close his price will stay the same as the other provinces, or establish a practice where real competition takes place in the gasoline marketing section.

This government has shown that kind of thinking at times, and maybe it was the predecessor government that decided, Mr. Speaker, that no brewery could own a beer parlour and no distillery could own a bar. If it's important enough for what you put inside your own tank, it maybe is important enough to decide to make that separation of powers for those that are marketing gasoline. I believe we have other areas too -- I think in egg marketing. I forget; there are a few areas. It's not unusual to break up vertical integration in our western societies, and the government may be giving some thought to that. But I think, Mr. Speaker, they have to do either one or the other and make sure there's competition in the gasoline marketing sector --

which there isn't now -- or secondly, move up their tax to where it is equivalent to the other provinces and thereby balance it out across the way.

Secondly, Mr. Speaker, I think the government has missed -- not think; I know -- a wonderful opportunity to send a message out with respect to the environment. Now, I know this government has many weak points, but probably the weakest of all is its attitude towards the environment. Nevertheless, we could have sent a message out here in saying that unleaded gas was exempt from the tax, even to the extent that maybe it wouldn't have cost us anything. I'm sure they could have some demon with a computer back there calculate out the use of leaded gas and unleaded gas and raise the tax on the leaded gas enough to make up for the no tax on unleaded tax. Consequently, I do believe, Mr. Speaker, we've missed an excellent opportunity to send a message out to the public as well as make Alberta a much safer place to live in, particularly in the large metropolitan areas of Calgary and Edmonton where there's entirely too much lead still coming into the atmosphere.

Thank you very much.

MR. SPEAKER: Edmonton Kingsway.

MR. McEACHERN: Thank you, Mr. Speaker. Just a few questions to the minister. On page 6, a definition didn't quite strike me as fully explained. What is the definition of an "occupation road?" Also, from page 6 -- and I think you touched on this a minute ago in the other Bill, but perhaps you could explain a little more fully -- why in section (g) does it say that:

fuel oil purchased in Alberta for its own use by a country or state other than Canada, a political subdivision of that country or state, an agency of that country, state or political subdivision, or an accredited person representing that country, state or political subdivision in Canada;

In other words, why should those people be exempt from paying this tax just because somebody belongs to another country? I mean, we all do belong to another country, maybe not to the government of that country. It did seem to me that there's no reason why the ambassador from Norway, for example, shouldn't pay the same tax as anybody else.

But of more interest I think perhaps is part 2, page 9, on section 8 (3):

The allowances under subsections (1) and (2) shall be in the amount per litre prescribed in the regulations.

Why isn't that specified in the Bill? I mean, you specify a tax in another part, so why shouldn't the farm fuel distribution allow-

ance be specified? Why do we have to ask what the regulations are or ask to see the regulations? I know you mentioned the number in the budget, and I assume that's what it will be, but it would seem to me there's no reason why it shouldn't be in the Bill.

I guess the other question: are we to assume that the rebate to farmers is the same for domestic heating oil allowance, that the rebate is the same amount, namely 9 cents now instead of 14 cents? Those are a couple of the questions that I wanted to ask the minister.

There was another part. As you pointed out, you have to set up some problems for penalties. I guess people try to use the cheaper fuels. But I'm wondering on page 20, section 36, the general offence, it says:

A person who contravenes a provision of this Act or the regulations for which a penalty is not otherwise provided is guilty of an offence and is liable

(a) for a first offence, to a fine of not more than \$1000,

(b) for a 2nd offence, to a fine of not more than \$2500, and

(c) for a 3rd or subsequent offence, to a fine of not more than \$5000.

Would they have to be charged in court, or is this something that the Provincial Treasurer in right of the Crown has some right to set those penalties? Does it have to be a police officer that makes the charge, and does it have to be done in court? I'm sort of assuming that, but it doesn't really specify there.

Those are just some of the questions I had on the Bill if the minister would be kind enough to answer them.

MR. SPEAKER: Vegreville, Calgary Mountain View.

MR. FOX: Thank you, Mr. Speaker. I have a couple of concerns with the Fuel Tax Act. My concerns about what the government is doing with the farm fuel rebate have been stated many times in this Assembly, and it's clear to members. While I'm not sure this Bill discusses in any detail the amount of the farm fuel distribution allowance, it does make reference to such an allowance. I guess it wouldn't be appropriate in the context of this Bill for me to criticize the way in which the government has handled that. But I am concerned that in the context of this Bill there has not been enough consideration given of how fuel is used.

If I might use an example, farmers are able to purchase a number of things besides fuel that don't have taxes applying. If you can have yourself registered as an end user or a bona fide producer of agricultural products, you can buy many pieces of equipment and goods that are sold to you tax out. I think what we need to be doing in a Bill like this is doing that a little more with fuel. The government in its wisdom has recognized that farmers ought not to be paying fuel tax, recognizing that they're using the fuel in a very productive and useful way. I think there's not been enough consideration given in this Act to other people that are in the same situation. The Leader of the Opposition has referred on several occasions to gravel haulers: a number of people living out in the country who make their living hauling gravel. It's getting to be a pretty tough and competitive business. The rates at which they haul are steadily being reduced, and it's more and more difficult for them to keep it going. I think there are groups of people like that who are going to feel the impact of the Fuel Tax Act hikes much greater than other people.

Perhaps during the committee stage the minister might be open to an amendment or two that would allow us to take a close look at the impact of this tax hike on average Albertans and perhaps differentiate between someone who, like a gravel hauler, uses fuel to generate income and provide sustenance for his or her family and someone who drives a Winnebago back and forth to Head-Smashed-In Buffalo Jump three or four times a year. I think there is a definite difference to be made between fuel that's used for productive purposes and fuel that's used for recreation purposes, and this Bill hasn't taken that into consideration. I surely hope that the minister will take some time to look at that and maybe consider a reasoned amendment or two in committee stage.

MR. SPEAKER: Calgary Mountain View.

MR. HAWKESWORTH: Thank you, Mr. Speaker. I'd like to make reference to another group that has been, as I read the Bill anyway, not considered. Or if considered, their needs were rejected in the drafting of this legislation. That is, as I read the Bill -- again, I'm not a lawyer -- but as I understand the drafting of this Bill, municipalities and school boards, except for certain limited instances, will not be eligible to receive a rebate of this fuel tax.

Now, they are mentioned in one of the sections of the Bill in which, if they use vehicles off the highway, on private roads or Crown lands, on a highway under construction or not accessible to the public or not on a highway as defined in the Highway Traffic Act -- for vehicles which fall under that particular section, they can apply to the Provincial Treasurer for a rebate. But by and large most of the use of vehicles by municipalities and school boards would not be covered, as I read it, by that section of the Act, which means therefore that the school boards, for example, and particularly our rural school boards, have very high fuel consumption in order to bus students. Now they will be paying an extra 5 cents per litre towards the cost of providing that transportation.

Our municipalities as well, whether it be the large cities -- the one I'm most familiar with -- in their transit systems or the large fleet that they operate to service their essential services such as sewer and water systems or police forces and fire departments, consume a tremendous amount of fuel over the course of a year, any given year, and on the basis of that consumption, they will now, as I read the Bill, be forced to pay an extra 5 cents per litre because those kinds of vehicles are not covered under this rebate section.

Now, perhaps the provincial government finds it a little difficult to understand why this is of concern to the municipalities and the school boards. For the provincial government -- I don't read it as being exempt from this tax either. But on one side of the budget the provincial government will pay this 5 cent per litre tax but will also, on the other side, collect that tax on the revenue side of the budget. So the net cost to the provincial government is canceled out in that sort of transaction. So the net impact on the budget, it would seem to me, is nonexistent. But municipalities are not in that situation. I know they get grants and so on to a certain extent from the provincial government, but by and large they depend on property tax.

For example, we heard last night that the Member for Lethbridge West was very concerned about the escalating costs of school property taxes. He was thinking it might be worth while to introduce legislation to prevent the school taxes or property taxes being increased above a certain percentage in any

given year, because what he perceived was that cutbacks and reductions from the provincial level were in many cases being passed on to those taxpayers in the local jurisdiction. And that's quite true. It is in a way a safety valve for municipalities and school boards to have the property tax to go to make up these expenditures, but they don't like doing it and they don't want to do it and they're sensitive to the needs of their local electors as well. So when they're preparing their budgets at the end of the calendar year for their fiscal year coming up, they take into account certain things like what their rate of consumption is in that fiscal year, and they try and look ahead into the future and plan what sort of budget to present to their councils.

In the middle of that process -- in fact, many of them maybe had completed the process by late March when this announcement was made that a 5-cent increase per litre was being proposed by the provincial government. For these municipalities that represents a very, very significant increase in their cost, one that they had not anticipated, one that they had not budgeted for. If they had known in advance, at least to the same extent as the announcement that they were going to be receiving a 3 percent reduction in grants from the provincial government -- they received that information early in January of this year -- then they could take some steps early in the process to accommodate for that change and start making the adjustments. But as I read this Bill, these costs were not taken into account. It kind of hit them unexpectedly.

It represents a cost of many, many hundreds of thousands of dollars, as I understand it, for example, to the city of Calgary. For the two school boards in that city and indeed every school board across the province it had an unexpected impact on their budget for which they were ill prepared to respond and to make plans ahead of time. So they were left scrambling to fit this unexpected cost into this year's budget. It represented a significant increase far and above what they had planned for and in many cases is having to be absorbed and accommodated by a much higher increase in property taxes than they would otherwise have liked to do. So when these suggestions or proposals are being considered by the provincial cabinet I think it would be a good idea for them to take a look at the groups like this and our municipalities. Let them know ahead of time. Say that "Look, starting in June or whatever, five months from now into your fiscal year, plan on this kind of an increase."

Now, reference has also been made to the gravel trucking industry, and I don't need to repeat those concerns because of the increase in the cost to those businesses. But as I understand this rebate of tax section in the Bill, if an applicant uses fuel oil in a motor vehicle for commercial purposes and operates it off the highway -- on Crown land, on a highway that's under construction, on a private road, and so on -- they too could apply for an exemption. Now, that would seem to me that people who are involved in heavy construction, heavy equipment operations, would be eligible for a rebate but those who are in a very similar allied industry, that being gravel trucking, are not. So it seems to me there is perhaps a bit of discrimination in that section, as I understand it.

This whole section has to do with those categories of people that can apply for this rebate. I understand that consulates or the people who are consulate representatives residing in Alberta can apply for a rebate, and then I come back to our school boards, who are a jurisdiction within our own province, and are not eligible for that rebate. Again it leaves the impression that there's some discrimination there that's taking place, or some discrepancy at any rate, in the way in which the rebate might be

applied.

There is a final category -- that other purposes could be determined by regulation -- for which people could also apply for a rebate. I would presume that's something that the Provincial Treasurer can address either when he closes debate or it's dealt with in committee. I'm certainly not objecting to that being there. I think it's one of those categories of legislation that sometimes acts as a safety valve so that when certain things were not thought of in the drafting of the legislation, it provides some opportunities there, although I would like very much if the Provincial Treasurer would table or indicate what other purposes he might have in mind in terms of those regulations.

So in summary, Mr. Speaker, my concern is that this particular fuel tax is hitting another level of government. There was not much advanced warning given to that so that people in those local levels of government could do the planning for this fiscal year. It's going to impact even more on our property taxes throughout the province, at least as I understand it. Particularly I'm concerned that it just compounds the effect of the 3 percent reduction in the grants that are available as a result of this year's budget. So it's kind of a double whammy, and the cumulative effect to school boards and municipalities is quite strong.

Thank you, Mr. Speaker.

MR. SPEAKER: May the minister sum up? Little Bow.

MR. R. SPEAKER: Mr. Speaker, I wanted to just talk about the principle, in a very short period of time, in terms of the Fuel Tax Act and the response of Albertans generally with regards to the price of fuel in Alberta. As I listened to them in the last month, I heard them enunciating a very clear principle, the principle that the price of fuel in the producing province -- that is, Alberta; and I'm talking about the gross amount not necessarily the taxes we are referring to here -- should be less than that per litre or per gallon in Montana or adjacent provinces such as British Columbia or Saskatchewan. I hear that principle enunciated over and over again.

As the minister well knows and I know, that comment -- when the people perceive that our price is higher in Alberta than in other provinces, it certainly reflects on the administration of the province and the way we as legislators are handling our responsibilities. They believe very strongly, as I say, that our fuel costs, in a gross amount, should be less than that in adjacent jurisdictions.

I would suggest to the minister that when we are looking at fuel taxes and implementing them in this province, that should be a principle that should be adhered to in many ways because that's an expectation of Albertans. It's an expectation similar to the fact that a sales tax is unacceptable at this point in time, even though it may be the fairest tax and would cover a broad base of Albertans in terms of contribution towards the public administration of the province. But I think that's an item that should be recognized, Mr. Speaker, and certainly the minister and the government should be cognizant of that as they're following through, even with regards to this 5-cent per litre tax on fuels at the present time.

MR. SPEAKER: St. Albert.

MR. STRONG: Thank you, Mr. Speaker. I guess I will be very blunt. Bill 47, the Fuel Tax Act is nothing but another piece of a tax grab perpetrated on Albertans by billion dollar Dick there and his government.

MR. R. MOORE: Just like union dues.

MR. STRONG: No, I wish this was union dues. Then we'd be able to fight against you guys a little bit harder.

But as I said, Mr. Speaker: just a small segment of the billion dollars that this government ripped off the citizens of this province. I can certainly stand in this Legislature and tell the Provincial Treasurer and his government that the constituents of St. Albert and Albertans are opposed to this nickel-a-litre tax increase.

I can look back 18 to 24 months, Mr. Speaker, when the price for regular unleaded gasoline was about 47 cents a litre. Now, we heard today in this Legislature that the price of crude is up; it's about \$20 a barrel. When this nickel a litre comes in, gasoline prices in the province of Alberta will be right back up to almost 47 cents a litre for regular unleaded gasoline. Now, the question to the Provincial Treasurer is: how can it be that when the price of that commodity is still down 30 percent from where it was, gasoline prices are almost back to where they were? Now, how can that be?

You know, I've sat in the Legislature, as many of the other members here have, and listened to our government promote tourism. Mr. Speaker, how are we promoting tourism when we're charging everybody an extra nickel a litre, almost 23 cents a gallon, more for gasoline? And certainly some of the tourists that come into the province of Alberta recognize that. Perhaps many of them won't come. It's almost as bad as this hotel tax.

Mr. Speaker, I believe in cost-effective and cost-efficient government. Perhaps if this government had been a little more diligent and a little more frugal in their past actions and saved a few of those dollars they had coming in rather than giving away to the oil industry interest free loans, grants, royalty write-downs -- I think Suncor is what? 12 percent to 1 percent? We gave away all of these billions of dollars here, there, and all over the place. Now we come back as a government, led by the Provincial Treasurer and the tax grabbers -- it's almost as bad as the revenueurs -- and take that money out of poor Albertans' pockets at a time when we're in one of the worst depressions in the province that we've seen here for many, many, many years, an economic downturn.

But why are all these things? Why are we cutting back here, there, and all over the place, bringing in nickel a litre gas tax increases? The Provincial Treasurer can stand up and say that we don't have a provincial sales tax. Well, what is a gasoline tax? That's a sales tax. Anybody who's got a car, anybody who stops at a service station, anybody who fills his car up now: they're going to pay. But is it fair?

Looking back at this government's past performance, it was pretty shoddy. That's why they're bringing in all these tax increases for Albertans at a time when Albertans can ill afford them. Now, Mr. Speaker, on behalf of my constituents in St. Albert and on behalf of Albertans, this tax is to be condemned. Let's get efficient not just keep on picking the pockets of Albertans to subsidize you, your government and your spending habits.

MR. SPEAKER: Can the minister sum up? Provincial Treasurer? Edmonton Mill Woods. In the debate perhaps they could be a bit more energetic.

MR. GIBEAULT: Mr. Speaker, I have to say a few comments on this particular Bill because my constituents are just appalled at all of these tax increases and in particular this one here be-

cause it is an unfair tax in the sense that we're charging an extra five cents a litre no matter what the person's ability to pay is. What really annoys many of the people in my constituency about this proposal under Bill 47 is the fact that so many of my constituents now are looking for work. There's so little around, but they're required to determine that they are in fact seeking employment, so they've got to consume an awful lot of fuel just driving around trying to find jobs that don't exist there.

[Mr. Deputy Speaker in the Chair]

Now the Treasurer has just insulted all of these people and made it a lot harder for people to try and find jobs. He's just made it more expensive to try and find the jobs that don't exist there because of the mismanagement of this economy generally. So really Bill 47 to my constituents is nothing more than an insult to an injury that has already taken place. They don't appreciate it, Mr. Speaker, because they can see the fact that so many people in this province are getting away . . . [interjections]

MR. DEPUTY SPEAKER: Order please.

MR. GIBEAULT: . . . with very high incomes, paying no tax. And here they are; they've got to pay an extra 5 cents on a litre of fuel every time they fill up. A lot of them haven't got jobs; they're spending fuel trying to find work, and it's not there.

This kind of a tax to many of my constituents just shows how out of touch this government is with the problems facing people in this province, the average Albertans. I mean, the members over there don't care about 5 cents a litre on the tax, Mr. Speaker. They've got the government credit card; it doesn't make any difference to them. It's the exact example of an arrogant tax as we could have. The members in the Assembly here are completely insulated from the effect of it, yet their constituents and our constituents are going to have to pay the burden of that. My constituents don't appreciate this tax. We would ask the Treasurer to reconsider the regressive nature of this tax, to come forward with something that is fair, something that would be paid for more economically by people according to their ability to pay.

I would only reiterate as well, Mr. Speaker, the comments of my colleague from Calgary Mountain View in terms of the school boards and local authorities that are going to be penalized by this. I can tell you again that when we have the situation, as we do in my constituency in Edmonton Mill Woods, of several neighbourhoods that haven't even got a school and we're proposing a tax here on top of the cuts that he has introduced generally across the board, making it impossible for the Edmonton public school board to build schools in neighbourhoods where they're needed . . . On top of the cuts of 3 percent across the board, even greater cuts in capital budgets, he's now got the gall to introduce these new additional taxes that are going to make dollars that are already stretched past the breaking point even less useful.

So in closing, Mr. Speaker, there's not much positive I can say about this tax. Again it's the kind of tax that has been brought forward by a government that likes to live on charge accounts and expense accounts. They have insulated themselves from these taxes, but average Albertans are not going to forget about this come the next election.

MR. DEPUTY SPEAKER: Does the hon. sponsor wish to conclude debate? The hon. Provincial Treasurer.

MR. JOHNSTON: To tax and be fair any more than to love and be wise is not given to men. [interjections]

Well, someplace when you're debating tax legislation you have to have a quote from Burke. Really that explains essentially what we're dealing with here. I admit that . . .

AN HON. MEMBER: Render unto Caesar what is Caesar's.

MR. JOHNSTON: Yes, yes.

I admit of course that in defining a tax of this nature, one does not always have total understanding of the impact of the tax on the various sectors who are asked to pay the tax. And it is quite a complex, controverted argument as to whether or not a tax itself is paid at the first level or is passed on to some subsequent user of the tax. I think that is a reasonable test of any tax: to see where the burden of the tax does in fact finally rest.

I'm not saying that I have complete information, because to some extent this is a new tax, or at least a tax which has not been imposed in this province for some time, and I do appreciate the comments on certain sectoral questions which have been presented to us this evening in debate on the principle. Yet I must say that in most cases when it's the private sector, when somebody is in a revenue-driven sector, there is a significant opportunity, although over a significant time in some cases, to pass that tax on to the consumer of the product. I'm sure that in the case of the citation here, particularly the gravel truck case, that may well be the case. I recognize the very competitive nature of that industry, but also we should recognize that in fact the cost is deductible for tax purposes, and therefore there is both an impact to pass on and there is some impact which is absorbed by the government in terms of the tax regime. My colleagues have made the case to me, including the minister of transportation, that there is an impact on the gravel industry, and I am aware of that.

If in fact we continue with this tax, we will look at ways to redefine or to explain or even change the administrative process for the application of the tax. But in dealing with the administrative processes, I think this piece of legislation -- and certainly all tax legislation in my view is usually administratively cumbersome. But to go on to segment the users of these taxes, as the Member for Edmonton Norwood has just suggested, as between pure wreck or ultimate wreck or luxury wreck and commuting to work or private-sector business operations I think would lead us down the street of heavy administrative responsibility, one which I'm not too sure any government can in fact apply equitably, if equity is in fact the test of this legislation. Moreover, I'm not too sure if the cost of collection may in fact outstrip the revenues produced by a tax of this order. But if there can be some way in which we could focus it, as I understand some provinces have done, then of course we would listen to those recommendations.

Well, Mr. Speaker, there have been some recommendations to me. Yes, I understand and recognize that in fact this tax applies to all on-road vehicles, vehicles which are licensed. That is a fair process, because if we recognize that there's a difficulty with the gravel truckers who are in the private sector who are competing with the municipal gravel truckers, in some cases for the same contracts, surely it is equity that is being satisfied if both of those vehicles are charged the same kind of input costs; that is to say, if the taxes apply equitably between them. Of course in some cases government agencies or governments themselves are in fact competing with the private sector, and therefore that was one of the rational reasons that I thought was

fair in applying that tax to all on-road vehicles, notwithstanding their ownership. That in fact is the case. The Act does speak to those exclusions. The exclusions are clear. It does not apply to fanners, as my colleague from Vegreville has noted. It does not apply to off-road vehicles, including construction vehicles, as others have noted. And there is a list of exemptions, including no tax on clear fuel for export outside of the province as well.

What has not been noted, however -- and I must say that I received a very significant representation from the airline industry -- is the impact on that industry. I might say that if I have concerns about my own legislation -- and I'm not giving away any of my own weaknesses or secrets -- I think it would be in this area. Because there is a tacit understanding, I guess, with respect to international travel that the tax does not apply to fuel used for that purpose. I received a very significant representation last Friday from the airline industry, including international carriers and domestic airlines themselves, as to the impact on their sector. I'm looking at and considering the recommendations they have given to me. So I'm not saying that the Act is perfect, and I understand the concerns raised.

Now, with respect to some of the comments raised, I should say that I know it's late in the evening and I'm now on my 11th or 12th hour, as are all my colleagues, but I was surprised when the Member for Edmonton Kingsway was reading this on a section-by-section basis. I can only assume that he's giving me notice of the questions he will raise in committee, and I'll take it as such, and I appreciate the forewarning on that question. However, if he wishes to allow us to go through committee at the same time, I'll also allow that to happen right now as well, but I don't think that was his intention.

AN HON. MEMBER: Good try.

MR. JOHNSTON: Yes. Thank you.

Moreover, Mr. Speaker, I should say that without being too critical, I think there is a slight misunderstanding within the socialist caucus as to their own position on this tax. I would only hope that if I'm attempting to establish harmony with respect to this tax itself, it may well be a suggestion -- gratuitous I agree -- that in fact harmony should be brought to your own caucus with respect to your position on this tax. Enough said on that point.

I understand the particular consequences that you have brought forward, and I know it's easy to criticize these taxes when in fact you do not have the responsibility for making the decisions. We do have that responsibility. We have accepted the responsibility. We recognized our obligation, and we brought forward those decisions. Those decisions have in fact been reflected in this tax legislation which I have presented here this evening, among which is the fuel tax legislation, Bill 47, which at this point Mr. Speaker, I move in second reading.

[Motion carried; Bill 47 read a second time]

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

head: **PRIVATE BILLS**

(Committee of the Whole)

[Mr. Gogo in the Chair]

MR. CHAIRMAN: Would the Committee of the Whole please

come to order.

Bill Pr. 19
Calgary Assessment of
Annexed Lands Act, 1987

MR. CHAIRMAN: There is an amendment by the Private Bills Committee and, I understand, another amendment being proposed.

The hon. sponsor of the Bill, the Member for Calgary North Hill.

MR. STEWART: Thank you very much, Mr. Chairman. Two amendments have indeed been circulated, I believe to all members, one from the Member for Edmonton Strathcona and one from the Member for Edmonton Gold Bar. Just in passing, may I say that I'm pleased to lend support to both these amendments. I think they're both appropriate in the circumstances of this particular Bill.

MR. CHAIRMAN: Hon. members, there are two amendments proposed, one by the hon. Member for Edmonton Gold Bar and an amendment by the hon. Member for Edmonton Strathcona. Could we deal with the amendment by Edmonton Gold Bar prior to the hon. Member for Edmonton Strathcona?

MR. WRIGHT: Yes, just on that, Mr. Chairman. We haven't been circulated with that. Was that an amendment in committee? I see.

MR. CHAIRMAN: Are hon. members in possession of the amendment dated June 3 by the hon. Mrs. Hewes? Hon. Member for Calgary Mountain View.

MR. HAWKESWORTH: Thank you, Mr. Chairman. I don't have that amendment in front of me, and I would appreciate . . . If there is an amendment I'm not aware of it. I was only aware of the one, Mr. Chairman, and not the second.

MR. CHAIRMAN: The Chair has two. We'll see to it that it's distributed. Is there any explanation, hon. sponsor, Calgary North Hill?

MR. STEWART: It was my understanding, Mr. Chairman, that it had been distributed.

MR. CHAIRMAN: Hon. members in possession of the amendment are you ready for the question on the amendment by the Member for Edmonton Gold Bar?

[Motion on amendment carried]

MR. CHAIRMAN: The amendment by the hon. Member for Edmonton Strathcona. The Chair recognizes Edmonton Strathcona.

MR. WRIGHT: Yes, thank you, Mr. Chairman. Last night on second reading of this Bill, I made the point that the provisions of the Bill were good, albeit extremely unusual since the second clause deals with the retrospective removal of accrued legal rights potentially worth very many millions of dollars according to the city. It was the procedure that I objected to, which in my respectful opinion amounted to a substantial denial of natural

justice to the persons whose rights were being taken away.

There were a number of speakers last night to the principle of the Bill who spoke in favour of the Bill and two, of whom I was one, who spoke against it -- not on the substantive provisions, I'd say, but because of the way we had gone about it. There was one member, the hon. Member for Calgary McCall, who spoke against the Bill, except he said he was going to vote in favour of it. So there were two really against and the rest for. I believe I spoke very convincingly, Mr. Chairman, but I don't believe I convinced anyone but myself. Recognizing that, one faces the probability of the passage of this Bill. That being so, I do see something that will add to the justice of it, in that the Bill does purport to take away accrued rights, including those on which action has been commenced.

I believe there are three actions afoot. On the face of it, at any rate, these actions will grind to a halt once the Bill is passed, because their cause of action will be taken away, taken away by an end run around the courts, and that might conceivably leave the court in a puzzle as to whether they even have jurisdiction to continue. I think they probably would anyway, but to put it beyond doubt, the question was asked in the Private Bills Committee of the city whether they would object to a clause clearly giving the court power over costs in respect of these aborted actions. The city said they would have no objection; they felt that was perfectly in order. So the amendment wasn't made below in the committee but is proposed here. The exact form of the amendment has been checked, I'm assured by Parliamentary Counsel, with this list for the city and he agrees with it, and as the hon. member whose name is on this Bill has said, it is agreed with thereto. As I say, it simply allows the court to take into consideration the fact of the enactment of the Act, having stopped the Bill and any other circumstances it considers relevant in disposing of the costs of actions so aborted.

Mr. Chairman, as I say, the city certainly deserves this Bill. I'm afraid there is considerable question about the way they've gone about it, but that aside, there should be this amendment to fix up some justice with regard to costs.

MR. CHAIRMAN: Speaking to the amendment? Are you ready for the question on the amendment as proposed by Edmonton Strathcona?

SOME HON. MEMBERS: Question.

[Motion on amendment carried]

MR. CHAIRMAN: Hon. Member for Calgary McCall.

MR. NELSON: Thank you, Mr. Chairman. I indicated last evening that I would again rise to take a few moments to offer a few comments relevant to this Bill that is here before us.

I have spent the last two or three days trying to put together a few pieces of information and certainly some items of fact. There have been a number of items that have been discussed over the last number of weeks by both the city and some of the opponents of this Bill that I think need to be clarified. Some of the statements made by parties, including the city, have not been totally correct or fair in assessing the whole picture of this. In any event, I think I took my shots at the city last night in a manner that I'm sure some members of the city are used to or used to be used to when I was a member of city council. I don't usually try to pull my punches too much. I'm sure they got the message on behalf of those constituents of mine that feel they

haven't been dealt with fairly and so on.

So this evening, Mr. Chairman, I'll try to tone down my comments a little bit and deal with some of the items regarding here in as quickly a manner as I can. I'd just like to say that especially the amendment that was just passed, offered by the Member for Edmonton Strathcona, certainly will assist those people that are finding some difficulty.

I'm sure that each member in the Legislature here tonight is very much aware of my strong feelings regarding Bill Pr. 19. The fact of the matter is that the questions raised by this particular Bill are wide-ranging, important, and could possibly have some serious repercussions. In the discussion of this Bill, there has been a lot of talk about the nasty people who want to enjoy unfair tax advantages at the expense of all other Calgarians. I would suggest that this kind of perception of the situation is both shallow and misleading.

First of all, Mr. Chairman, the people who have come forward in opposition to this Bill are also Calgary citizens, Calgary taxpayers that have as much right to fair taxes as anybody else. Secondly, the people who are opposed to Bill Pr. 19 have every right to continue the kind of taxation promised them under the original board orders until such time as the circumstance changes under the triggering devices that have been offered by the city under the previously passed amendment to the board order 25860.

I am a Calgarian too, and I speak honestly when I say I am no more anxious to see great tax hikes in Calgary than anyone else. But it does absolutely no good at all to try to ignore the serious mistakes that have been made. We have to consider several of the cases involved in this issue. We have to consider the fact that some of the assessments of land in the annexed areas have been incorrectly and maybe even illegally taxed by the city of Calgary. Certainly, the Cirrus land development case showed us that. If a court of law could rule that Cirrus have half a million dollars returned to it because of the city's unfair and illegal taxation, then certainly we have to admit that not all the assessments of land in the areas covered by these board orders have been correct -- maybe fair, but not correct.

Bearing this in mind, we look particularly at section 2 of Bill Pr. 19. That section of the Bill seeks to make all the assessments of the 1985 taxation year and all previous assessments incontestable. We will be enacting legislation to entrench assessments that could be very faulty, some of which have been proven to be unfair and seriously flawed. And I again stress the term "unfair" or "fair," because I think that where there has been a suggestion of unfairness, in fact it may have been a correct decision insofar as fair and equitable.

One example I am thinking about involves a person's completely undeveloped land. This land was originally classified as agricultural land but has since been classified as vacant residential and then, finally, plain residential. I am hopeful the city will examine these lands to ensure that they are placed in urban reserves so the mechanisms that can be used in the future will trigger any future taxation that may be correct in the end. This person's land is part of the original parcel of land annexed by the city of Calgary and assured also under the original annexation order that his land would not be able to be taxed wildly above his normal rate of taxation except for the expected annual increases in taxation that everyone faces albeit under the venue of the municipality of Rocky View.

Now, this person has certainly not and is not opposed to facing tax increases that are normal, reasonable, and fair. Nevertheless, Mr. Chairman, this Calgary taxpayer saw his as-

assessment jump in one instance from \$200 in 1980 to \$64,470 in '81 and from \$440 to \$96,330 on another part of his land, also in the same year. Since that time, this person has had to fight one long, never-ending battle with the city of Calgary simply to find some reasonable and lawful explanation for the dramatic assessment hikes he experienced and to have those tax hikes reviewed. In fact, Mr. Chairman, in a 1983 court of revision decision they refused to hear them, and in November 1984 Queen's Bench ordered a new hearing to AAAB.

The amazing thing about this case, Mr. Speaker, is that no one can spout on and on about the changes in assessments stemming from improvements to the land or the construction of extra services or some such thing. In fact, this person has not changed the use of his land one iota. He was even refused a permit to build a house on the land because it was deemed too small and, of course, was not serviced. So it's hard to see even how it had begun to be considered residential land. Even with all this aside, however, I think it is plain to see that there have been considerable problems with the assessments on the land in question today, assessments that appear to rely only on the whim of the city assessor at various times.

Well, what we all have to think about as we consider this Bill is that we are about to entrench decisions about assessments which, even if they are not this year's, even if they are a couple of years old, may be incorrect. Another important thing to consider, particularly regarding section 2 of the Bill, is that contrary to some of the things said in the debate of this Bill, not everyone has been able to have their past land assessments properly considered and viewed and appealed. As I indicated last night, Mr. Chairman, I have appeared as a witness at some of the hearings that have come up on this issue, but by no means have all the problems on this issue been resolved. There are appeals that have been refused to be heard, and there are also appeals that have been refused at the very first stage. How much recourse does a person have when the court of revision refuses to receive a particular request for appeal? So when the argument comes up that everyone who is affected by this legislation has already had the chance to make their case, this is not exactly correct.

Another inaccuracy on the debate on this Bill has been that the intervenors or rather the people who are opposed to this Bill and have every right to voice that opposition -- in case some members have forgotten that -- want to roll the clock back to 1961. This, Mr. Chairman, is simply not true. Those who are against Bill Pr. 19 do so on the grounds that they want fair or correct taxation, the correct taxation they were promised under the original board orders. Anything above and beyond that has been collected illegally. We may not now agree with having these particular areas taxed as if they were part of the municipal district of Rocky View, but then that is another separate and unique problem.

If the rules are set up one way, then if you don't like them, you change the rules. You don't suddenly go collecting the taxes you would get if the rules were different. Any time the people who are opposed to Bill Pr. 19 are labeled opportunistic or selfish, I wonder how the people doing the labeling would feel if they were in those situations. We cannot blame citizens for trying to ensure they are assessed and taxed no more than they would have been if they had been told they had to. If there are loopholes in something, people will find them, and that is a fact of life, not some terrible and unheard of sin. The role of the government in such cases should be to close the loopholes, as we admittedly are trying to do with this Bill, but we cannot place blame on the wrong shoulders.

The problem with this whole situation, as I have stated several times before, stems from certain areas of the city of Calgary's bureaucracy. Had the city of Calgary handled the matter of annexed lands even just slightly more carefully, this whole problem would have been and could have been avoided. No one should be harassed simply for trying to get the city to live up to certain commitments. No one should be made to fight for years on end just to find out why their assessment and taxation has jumped to unreasonable and incredible heights. Furthermore, when appeals have gone in favour of those voicing complaints and the city has been asked to refund certain amounts of taxes collected, then surely the city should know better than to go on and try to collect the same amount found excessive and illegal the following years. What this shows is how arbitrary some of the assessments have been. The city has made a very poor showing here and we all suffer for it: those who have had promises broken and who have had to fight over taxes to know they'll lose, and the rest of us lose through the passing of this kind of Bill, which seeks to entrench some things in the second section that present more than a few moral problems.

Mr. Chairman, it is always a very dangerous thing to say that the end justifies the means, yet that is what we are trying to do with this Bill. Most unfortunately of all, it looks like the city of Calgary has left us no choice. One whole matter of the handling of these annexed lands is questionable, and the result is a very messy situation.

Mr. Chairman, as I said yesterday, I feel I am forced to, in some cases very reluctantly, support this Bill, simply because I don't want Calgary taxpayers to have to pay for a few of the city's very expensive mistakes. In actual fact, the cost to the city is still debatable. Without this Bill the city's mistake could cost nothing or it could cost, by their estimates, up to \$42 million. Not many of us here, Mr. Chairman, would want to take a chance on presenting a cost like that to Calgarians or any other municipality in the province. But let's make no mistake. The fault of this situation lies with the city, not with those who have been trying to live within the rules as determined by annexation board order 25860.

Mr. Chairman, I thank you for the indulgence of the committee and all my colleagues in allowing me to present the case and some information relevant to this Bill in the manner I've been able to here today. I think it's been just excellent that the members have taken time to listen.

Thank you very much.

MR. CHAIRMAN: Are you ready for the question? Hon. Member for Edmonton Glengarry. Bill Pr. 19, as amended.

MR. YOUNIE: Thank you, Mr. Chairman. After having sat through many, many hours of study in the Private Bills Committee and trying to come to grips with all the implications of this Bill and all the background, I was amazed that the last speaker reflected so accurately the sentiments of one single intervenor with whom he is quite close. I would like to give another interpretation, and as he pointed out, I guess it's open to interpretation. I'd like to give an interpretation that I felt the committee came to over a fairly lengthy discussion of a lot of things mentioned by intervenors and a lot of things mentioned by the city.

One was that the avenue of appeal and even the whole cause for appeal that the city was faced with did not have to do with anything the city did wrong, insofar as the city attempted to re-

sonably and fairly interpret the rather ineffective wording but fairly clear intent of the original orders under which these annexed areas were governed. For that reason -- the reason being that they were not worded very clearly -- a court decision gave a very legalistic interpretation that did not match very well with what, to most, seemed to be the obvious intention of the orders. It was the precedent of this legal opinion or legal interpretation that left the city open to many appeals. It wasn't that they had made any nefarious grab for people's taxes and intentionally tried to unfairly overtax them.

The matter of fairness was mentioned, and I think we have to look at two angles of fairness. In the city of Edmonton, for instance, I pay \$1,300 a year in property taxes on a fairly modest bungalow. It would be unfair of the city to tax a person in a very similar bungalow \$1,800. It would be very unfair of the city to tax a person in a very similar bungalow \$800. Under the legalistic interpretation of the board orders that neglected to follow the intent of it, many people were getting an unfairly lower assessment when they saw the opportunity to force the city to give them that unfair assessment.

I would point out that if someone were to call some of the people wanting to feel opportunistic, I would not consider that an insult or a denigrating comment. Opportunity, if it knocks at all at our door, knocks very lightly, and if you don't get your hand out quickly and grab it, it goes on to another door. Some people saw an opportunity to reduce their taxes, and I would say it is not a bad thing for them to try to do so. The city's job is to make sure that that doesn't allow them to have an unfair tax bill compared to others, whether it's unfairly lower or unfairly higher for a very similar type of property. That is what the Bill tries to redress and I think will do.

With the amendment introduced tonight by the Member for Strathcona, I feel much more comfortable voting in favour of it in fact, because it redresses what was a serious problem, that being that not only were some legal actions afoot going to be squashed but those who had begun those actions were going to be hit with substantial costs without any chance of recovering them through a successful suit. I think it is only fair that they may be spared at least those costs even though we may decide that those suits should be squashed through this Bill.

I think it's very important to keep in mind that what the city originally did was not intentionally unfair. It merely violated an overly legalistic interpretation that they had not given something, that they had tried to follow the intent and found themselves in some trouble when it was interpreted in another way. So I would urge members to look at it from that point of view. Thank you.

MR. SHRAKE: Mr. Chairman, I'd like to say a couple of words on Bill Pr. 19. I don't think there are any blacks or whites in this Bill. It's not all right or all wrong. It's just some shades of gray we've got here. But I do have some concerns, because some of the land that's affected here -- and these are not some of the ones who are going to litigation at present. But going back to the annexation, on the edges of Millican there was land annexed. I think it was quite clear in the board orders when they annexed that they would not receive the urban taxes until services were provided. We would presume that these services would be going to the property line provided at the expense of the city, and in return the city of Calgary can raise the taxes to urban taxes, collect their money back, because they provided the usual city services. Of course, that's the reason they allowed the city of Calgary to annex this land from the district of Rocky

View. That was fair game. But then later when they did make some slight changes, it was not fair.

One of the people in the area -- in the early days there was so much money being made by the land developers, the various companies in the city, nobody squawked; they just paid the taxes, except for one. One did take them to court, Cirrus land, which was mentioned earlier. They won the law suit and got their money back because the city was wrong and the developer was right.

I've heard two arguments here in the last few weeks which give me a problem. One is that the amount is so high that we couldn't afford not to pass Bill Pr. 19. That always does give me a problem, because if the electrical company told you, "I'm sorry, we overcharged you on your bill so much that we really can't afford to refund your money", you'd say, "Wait a minute, this is not logical or fair." That does give me a little bit of a problem. And I really don't like clause 2, because the Tax Recovery Act at present does spell out that there's a time limit. When the time limit runs out, you cannot go back and try to claim back the overtaxation. So now we have in here as well another clause which they cannot go back, and I think that's like wearing your belt and then you wear suspenders as well. But the logic in here is in: we can't really afford to allow you to go to court to have this matter decided because the court might decide in your favour. That does give me some problems.

I think the majority of the large companies in the city of Calgary affected, some of the shopping centres and some of the landowners, have no intention of contesting it. They would be ashamed to go to court and say "We want a reduction" or "We want some of these taxes back." It's basically some of the shopping centres which are charging \$20 to \$25 a square foot. Now, that's fair game. I think Standard General and CFCN were borderline cases, which I have a lot of sympathy for. I only wish there had been a way you could compromise out on this, but it's just a little too big for us to start compromising.

The city of Calgary has one of the finest city administrations in Canada. They've got a team there with a group of commissioners . . .

MR. CHAIRMAN: Order please. Calgary Millican.

MR. SHRAKE: . . . an excellent set of department heads. And as we look to the future I do hope they don't look on Bill Pr. 19 in the future that we can have any variation on this annexation. Let us hope if they take the annexed land under a certain set of conditions, they will live with those conditions. No more varying in the future, I sincerely hope. But anyway, I think this Bill does do one thing: it gives the greatest good to the greatest number of people. My sympathy goes out for a small minority that perhaps are losing a few rights here, but I guess in this situation we have to support this Bill.

MR. CHAIRMAN: Hon. members, this Bill has been passed by the House in principle. We're dealing now with the Bill as amended at the committee stage.

Hon. Member for Edmonton Strathcona.

MR. WRIGHT: Yes, I do realize that, Mr. Chairman, but I can't let some remarks pass by the hon. Member for Calgary McCall.

He pointed out that the city of Calgary had messed up in its vetting of the Public Utilities Board orders in 1957 and 1961 and, if I can paraphrase his plaint, ought to suffer for that were it

not that the effects would be too extreme for the city of Calgary to tolerate, and therefore, with reluctance, he supports the Bill. I'm very loosely paraphrasing what he says. But the hon. Member for Calgary McCall is youthful, and some of us who are not so youthful can remember -- and have looked up, to be more to the point -- the performance of the city of Calgary on other occasions, and it is by no means unique for them to have to come to this Assembly to fix up defective bylaws.

If we look in the list of Acts omitted, in the statutes, we can see seven cases in which the city of Calgary has had to come to us to validate bylaws, which by themselves it seems were defective. In 1891 "An Ordinance" then, of course "to legalize the Purchase by the Corporation of the Municipality of the Town" -- the town of Calgary, that is -- "of the Lands hereinof particularly described and for other purposes" to legalize the purchase. In 1894 "An Act validating and confirming certain By-laws" of the city -- now a city -- of Calgary. In 1907 "An Act to validate and confirm certain By-laws" of the city of Calgary, and so on in 1910, 1911, and 1912; in fact, three Acts from 1911 to 1912.

Now, this is not entirely academic, Mr. Chairman, this correction by this Assembly of invalid bylaws of the city of Calgary, by ordinances or Acts of this Assembly, because it is to be noted that they were all, after the formation of the province, public Acts. And that is what -- if they're going to do the same thing -- should have been done on this occasion, so that the route would be more public, more open, and receive more publicity. That was not done, and so the minimum requirements of advertising for private Acts is totally inappropriate to the subject matter, although technically possible where tolerated.

One cannot, I suppose, blame the city of Calgary itself for accepting that which the committee found sufficient, Mr. Chairman. Perhaps there should be blame that we in committee did find it insufficient and thereby were able to validate clause 2 in the Bill we're considering.

MR. CHAIRMAN: Does the hon. Member for Calgary North Hill want to close debate?

HON. MEMBERS: Question.

MR. CHAIRMAN: Are you ready for the question on Bill Pr. 19 as amended?

[The sections of Bill Pr. 19 agreed to, as amended]

[Title and preamble agreed to]

MR. STEWART: I move that the Bill be reported as amended, Mr. Chairman.

[Motion carried]

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

Bill 9
Highway Traffic Amendment Act, 1987

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

The sponsor of the Bill, the hon. Member for Calgary North West.

DR. CASSIN: Yes, Mr. Chairman. Bill 9 has already been debated in the House, but during the committee we'd like to also outline some of the proposed seat belt regulations, and I will ask the minister to supplement some of these remarks. It is proposed that the exemptions be established by regulation, and I would suggest that the final exemption established at the time be revised in six months for any changes considered necessary at that time.

The proposed contents and intent of the regulations are as follows. It is proposed that a section set out the standards for child and infant seat assemblies. Children weighing less than nine kilograms are required to be secured in a certain seat assembly, and children between nine kilograms and 18 kilograms require a higher standard seat assembly. Two, it's proposed that a section set out the conditions where certain motor vehicles are exempt from the Act. Certain multipurpose vehicles, for example motor homes and vans manufactured today, are not equipped for seat belts. Any front seat passenger . . .

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

DR. CASSIN: . . . would be equipped for seat belts. Large trucks were not considered as passenger vehicles and were not equipped with seat belt assemblies until much later than the ordinary passenger cars.

Point three: it's proposed that a section exempt certain vehicles in the use of child and infant safety seats; this section recognizes the difficulty in ensuring that a seat belt be available in every instance. Point four: a section exempting a taxi driver while transporting a fare is proposed; it is believed by some taxi operators that the seat belt can be used as a weapon in the event of an attack. Point five: it's proposed that a section will allow an ambulance attendant to be unbuckled in order to attend to a patient.

Point six: it is proposed that a section would exempt prisoners who are being transported. Most if not all police vehicles used to transport prisoners are equipped with security shields between the front seat and the rear compartment; a seat belt buckle can be used to open a handcuff. Point seven: it is proposed that a section exempt persons for medical reasons on the authorization of a qualified medical practitioner.

Mr. Chairman, these are recommendations that have been derived from looking at seat belt legislation in other jurisdictions. I'm sure that there will be other regulations. What we're attempting to do is to set aside certain sections to deal with those individuals and those circumstances that require special consideration.

MR. CHAIRMAN: Hon. Member for Cardston.

MR. ADY: Thank you, Mr. Chairman. I'd like to make a few comments on Bill 9. During second reading I spoke at some length about concerns that I had with the function of seat belts as it pertains to: will they release when they should? Are they too high or too low? And what about those that can't be buckled in? I'd like to congratulate the minister, who has seen fit to bring in some regulations which take care of most of those concerns that I had.

However, I do have one further concern, and it has to do with the belts in the back seat, the fact that they're only lap belts back there. There have been some documented cases where severe spinal injuries have been incurred because there was no

shoulder belt available for those in the back seat. So if we're going to have to wear these belts, then let's press to have some shoulder belts put in the back seats of our cars.

There are a couple of other points that I'd like to just bring to our attention. During the past few months when this legislation has been under consideration most of us have been lobbied by some pretty high-profile organizations, one of them being the Alberta Medical Association. They have seen fit to have the statistic circulated widely that if we would just legislate seat belts, our health care would decrease in the next year by \$50 million. Well . . .

MR. CHAIRMAN: Excuse me, hon. member, the Chair is wondering if Wainwright has a hangup over there.

Hon. Member for Cardston.

MR. ADY: Well, if this does in fact become law, then I'm sure that it would be reasonable for us to be able to reduce the fee schedule of our medical practitioners in the province by \$50 million. Surely they are prepared to stand by the facts that they saw fit to put out.

Another high-profile organization has communicated with us just quite recently, that being the Alberta Motor Association when they put forth some facts about the amount that could be saved in car insurance costs in our province if we would just legislate seat belts. Well, I'll be waiting with bated breath to see how much those insurance premiums are reduced at the Alberta Motor Association next year if this becomes law. One other statistic that they put out -- and it was signed by the chairman of the Alberta Motor Association -- indicated that a study in England indicated that their hospital bed occupancy decreased by 25 percent as soon as they put in seat belt legislation.

MR. CHAIRMAN: Order in the committee, please.

MR. ADY: Well, if hospital bed occupancy decreased by 25 percent, then it follows that the doctor usage must also have decreased by that amount. And if that's the case, let's equate it into the Alberta health care costs, and that comes out to \$700 million a year that we would save if we extrapolated those figures into the Alberta health care system. I bring this out because I want to make it a point that I think we've been inundated with some information that hasn't been troubled with the truth, to make a good story. Consequently, I hope that no one in this Assembly has had their decision to support this legislation influenced by those kinds of statistics that have been circulated so freely.

In conclusion, Mr. Chairman, it's now law in Canada that all car makers must install seat belts in their cars when they manufacture them and release them for public use. That means that the seat belts are there. So the 68 percent of Albertans who, we're told by polls, are in favour of seat belt legislation certainly have the freedom to hook up their seat belts, because they're there, they're provided. Mr. Chairman, that's the point that 72 percent of the people in the Cardston constituency would like me to bring to this Assembly; that is, that they do have that freedom of choice, and that they would like to have that freedom of choice preserved for them to choose whether they buckle up or whether they don't. It seems ironic to me that the very day that seat belt legislation is to be proclaimed effective -- that being July 1 -- is the very day we make speeches all over this country reiterating the great freedoms that we enjoy.

Thank you very much.

MR. CHAIRMAN: Order please. Order please. Perhaps the committee can give due attention to the hon. members who are making very important points on this Bill.

Hon. Member for Lacombe.

MR. R. MOORE: Thanks, Mr. Chairman. On second reading, I expressed grave concerns about this piece of legislation here before us tonight. I still have other concerns, one especially that I'd like to mention tonight so that it can be given consideration in the final analysis and before the vote is taken.

We have made so much on the use or non-use of seat belts in this legislation, and we've heard from everybody around this House, but there are two components of this. I don't think there is anyone in this House, Mr. Chairman, who argues about the use of seat belts. That's one component. The other is the compulsory component, which everybody shies away from. But that is there. And going back to what I said in second reading, we're in this dangerous area for government to be when they think they know more than the individuals themselves. They get in there and do the thinking for the individual. This is where the compulsory area comes in.

I now want to deal with the one concern I want to bring to you tonight, and I hope, Mr. Chairman, you'll bear with me and not call me out of order, because I want to run a parallel to get my point across, if you would bear with me. We have in this Assembly honourable members; all honourable members. And I think honourable members are not hypocrites. Having said that, I want to carry on. I just wanted to get that point in. We have honourable members here.

We have in this House -- and this is where I'm bearing, Mr. Chairman, just to get my point across. We have here in this House -- who says that we cannot legislate another individual's life away. I want everyone here to think seriously. Not even, in fact, if that individual is a despicable animal who killed 11 youngsters, had his day in court, and was found guilty. And there isn't one around here -- think about it; there are quite a few, and I'll bet you we're split right down the middle -- who says we haven't the right to legislate that animal's life, because we haven't that right as legislators. He had his day in court, he committed a crime, and we say we cannot legislate it. Now we come to what we're looking at today. [interjection] It's right there, Mr. Socialist. I'm going to watch how honourable you are on this, Mr. Socialist.

Here we have, and we know -- and there isn't one here that will get up and say honestly that we won't have somebody die because they wore that belt against their will. They will wear that belt because they're responsible citizens. We bring that legislation in here; we say, "You must wear it." They don't want it. It's against their will. We legislate it. So they obey the law; they die because we legislated that area. Now I want you to compare it. It's very serious. That's the area we're in. I want to watch how honourable our people are when they vote. I really do, Mr. Chairman, because I don't think they would be hypocrite enough to say we cannot legislate the death of an animal such as I have read here. Yet we can bring in laws that legislate the death of somebody that's a law-abiding, responsible citizen out there because they didn't want to wear that and we forced them. So I think that is something that we have to bear in mind tonight when we vote. Just keep that in mind, every one of us.

MR. CHAIRMAN: Before proceeding, hon. members, the Chair has a list of members who've indicated an interest in this

Bill. Perhaps hon. members would make note: the Minister of Transportation and Utilities, Taber-Warner, Edmonton Strathcona, Edmonton Glengarry, and Edmonton Beverly. Are there any other members indicating they'll be making comments on this Bill?

Minister of Transportation and Utilities.

MR. ADAIR: Thanks very much, Mr. Chairman. I just wanted to maybe go into a little bit of an explanation relative to the document that I sent around about a week ago when we looked like we might be getting to committee stage, relative to the proposed regulations and the exemptions that would be put in place. We've listed basically the ones on the document that we would be using, and there are a couple of others that are automatic. I put it in that sense that one that I consider to be automatic is riding in a parade. That's one that we have relied on the experience of the other provinces in Canada who have had seat belt legislation in place for quite some time. That was one that came up in our discussions with them, that persons riding in a parade, for example, a vehicle going very slowly . . . I'm sitting in the back of the car, waving at all the good people in St. Albert where I live Monday to Friday, or wherever the case may be . . . [interjection] That would be a great place for what?

AN HON. MEMBER: A great bunch of folks up there in St. Albert.

MR. ADAIR: Yes, they are.

A vehicle driving in reverse -- in other words, backing your car out of a driveway or the likes of that -- you would not be required to wear that.

There has been one question, though, that has come up probably in almost every phone call that I have gotten, and that relates to the number of seat belts in a vehicle. One of the things that's very important -- in the Act it states very clearly:

No person shall, on a highway, operate a motor vehicle that was equipped with a seat belt assembly at the time it was manufactured . . .

In other words, there is no way that it is our intent to force you to install seat belts in a vehicle that presently does not have seat belts. Any vehicle, though, that does have seat belts at manufacture, basically you would be required to wear them, other than the exemptions that we talked about.

One of the concerns that I guess some people have had is: what does "medical reasons" mean? Basically, what we've attempted to try and do is ascertain from the other provinces the limit of that. Basically, they are mainly physical. Some are emotional, or concerns that would be between the client and the doctor, and there would be a medical letter that would go out authorizing that person not to have to wear a seat belt. One, for example, a gentleman -- my office was contacted, and I believe he was in the range of 480 to 500 pounds and said that he just couldn't find a vehicle that had a seat belt that would fit. I assumed at that stage that it would not be difficult for him to get a medical certificate from his doctor to explain that he was either too big or that it physically wasn't able to be attached with some degree of comfort for that particular person.

The other feature that probably is the most important is that when we pass this particular Bill and we put in place on July 1, 1987, seat belt legislation, that is only part of what we want to do. What we really need to do in addition to that is ensure that we have a good education program going on for some time to allow the public at large to recognize exactly what it is we're

talking about.

As I stand here in my place, Mr. Chairman, in the Legislature, I think everybody in this Legislature is aware of what my personal feelings were as far as mandatory seat belt legislation is concerned. I've been aware of seat belts since 1973, and I really didn't believe that we would reach the stage where we would be putting in place legislation. But it became apparent at the start of the year 1987 that that seemed to be the majority of the public's aim: it seems inevitable; go ahead. And we are in fact going ahead. I as minister am responsible for that Bill, and working with the member from Calgary who was the presenter of the Bill, we certainly have tried to provide you with the basic exemptions that we would start with. And if you'll notice on that particular document that I sent around, I suggested that the final exemptions established at this time would be reviewed in six months, possibly to add to or delete from if a case could be made that we could certainly look at for addition, a change to, or deletion at that particular time.

Thank you.

[Mr. Musgrave in the Chair

MR. DEPUTY CHAIRMAN: The hon. Member for Taber-Warner.

MR. BOGLE: Thank you, Mr. Chairman. I wanted to make a few remarks in committee in addition to those that I made during second reading of Bill 9, Highway Traffic Amendment Act 1987.

I would begin by saying that it's ironic. In second reading I found that I followed the hon. Member for Cardston, a neighbour and colleague of mine, and I found at that time that the hon. member had addressed a number of the concerns which I wished to raise here in the Assembly. And I find again this evening, while we're in the Committee of the Whole, that the same is true. The hon. member has touched upon some matters which I had planned to express.

I indicated during second reading that I was against the Bill in principle. I did so for a variety of reasons, the most important one of which related to the reaction I've had from constituents that I represent in this Assembly. But I think it's very important that we all recognize that when we're in an environment like this, 83 individuals who come together representing Albertans from different parts of the province, different walks of life, whether they be from urban or rural Alberta, north or south, from very affluent areas or working-class parts of the province, it's very important that there be respect and decorum in the Assembly for the points of view brought forward by members. It would be ironic and, indeed in my view, the democratic process would not function if all members came in expressing the same point of view on each issue. It's just logical and natural that there are going to be different points of view expressed based on the input we receive from our respective constituents.

Matters like mandatory seat belt legislation are even more difficult to address when the division between the constituents is not as clear cut as it might be on some issues. When you get down to a position where it's roughly 60/40 on an issue or closer, that's where it really puts a lot of pressure on the representative relative to the role the representative has in this Assembly. If it's a clear-cut issue of 70/30 or 75/25 or greater, then obviously the role of the M L A is much easier in terms of reflecting the views of the constituents.

I do want to thank the minister very sincerely for bringing

forward the proposed regulations to this Act. I think that the proposed regulations, which have been identified this evening by the sponsor of the Bill on behalf of the minister, clearly indicate some flexibility, and as long as there's sensitivity as the regulations are developed and reviewed from time to time, as long as we use a commonsense approach. I remember one of the first letters I had of concern was from a young couple who have two children and a pickup as their vehicle, and the concern very genuinely was: how are we possibly going to abide by the law, if indeed it is the law that we all be buckled up, if in fact there are only three seat belts in that pickup, or if we're in an older vehicle where there are no seat belts? Well, the minister already addressed that issue.

In the proposed regulations tonight he goes much further in explaining where there can be exemptions, and I think they're very sensible and very reasonable. So I thank the minister for this approach, and with that I urge the minister to ensure that there continues to be real sensitivity and flexibility in the area. I think the two most important of the exemptions listed would be those which relate to ambulance attendants and persons that may be exempt for medical reasons, if they receive the authorization from a qualified medical practitioner. I think those are fundamentally important, as are the other matters which have been expressed.

So I want to conclude my remarks, Mr. Chairman, by urging members of the Assembly who are addressing this issue to do so recognizing that there are differences of opinion in different parts of this province. It is not a clear-cut issue, and there are sensitivities. I believe that the educational approach that's been identified by the minister is in fact the way to go. If I had my druthers, we would have continued to put our emphasis on education, educating young people so that they in turn will educate those of us who are a little slower to learn. In time we've seen a gradual increase in the usage, and it's through that educational process. So I'm now urging that that same process continue and that there be that kind of understanding in this process.

MR. DEPUTY CHAIRMAN: The Member for Edmonton Strathcona.

MR. WRIGHT: I'm obliged, Mr. Chairman. I have to thank the minister for telling us what for the time being are the proposals for the regulations that exempt the use of seat belts in certain circumstances. So often the details, guts, of a Bill are in the regulations, and since the report of this select committee in 1974 it's been for the most part the practice of the House to give a draft of the proposed regulations at the same time as the Bill, and that allays people's worries about what's going to be in the regulations, which is so often important. So we appreciate that here, Mr. Chairman.

The list looks pretty good. I do notice one obvious omission, at least I think it's an omission, which is that delivery persons, the breadman and the milkman and so on -- I had a chat with the minister out of the House, and he thought that was in there somehow and . . .

MR. ADAIR: It is.

MR. WRIGHT: Is it? Which number?

MR. ADAIR: Well, it's not on this particular page; I missed it.

MR. WRIGHT: Oh; okay.

MR. ADAIR: It's 40 kilometres or less.

MR. WRIGHT: Oh, I see. Okay. All right. So that'll be number eight or something like that.

Now, I realize there's an argument amongst the transit drivers as to whether bus drivers should be required to buckle up or not, and I really don't know which side of that particular fence to come down on. The proponents of the idea that they should be exempted say three things. First, that bus drivers have to get up a lot to help passengers on or off the bus. But how often do we see that, Mr. Chairman? It sounds good, though. The second is that it's uncomfortable. They have to lean out to flip the box to try and stuff the dollar bills down, which shouldn't be there, and all that sort of thing, frequently. They do turn around a fair amount, I guess, and they sit for hours and hours. So there is some argument there, but the same arguments would apply to truck drivers too, and I don't see why they should be exempt. The third circumstance was that in the case of assault they need to jump up and defend themselves quickly. But while one hears of this in places that are rougher than Edmonton, the local people, anyway, were quite unable to cite an example of that in Edmonton. So I dare say that this has been considered by the minister's department or the minister and rejected, but I would like to hear what he does have to say on that.

The other thing that is worthy of remark is this. The Bill is, I believe, an amendment to the Highway Traffic Act, is it not? Yes. So this then becomes an offence under the Highway Traffic Act. My question is, does it earn demerit points? Someone did tell me that the minister was heard to say that he thought it should earn a demerit point, a conviction. At first I thought: well, that makes sense, because we believe this to be a worthwhile prohibition, otherwise it wouldn't be there, and therefore it should carry as much weight as going through a yield sign or something like that, something relatively minor. But then I thought again, and it struck me that it was wrong, in fact, that this offence earn demerit points, because the purpose of demerit points is to remove dangerous drivers from the road when they exceed their quota, and buckling up or not buckling up has no effect on the driving, I don't think. I mean, whether you're buckled up or not doesn't affect your driving, and consequently it isn't within the principle, it seems to me, that would warrant demerit points. So in case the minister needs some guidance, which I'm sure he doesn't need, there's mine on that.

Thank you.

MR. ADAIR: Maybe I could just respond to those couple while I have them in front of me, last one first. I was asked the question about demerit points, and I said that my first reaction was: well, I should possibly consider it, but I'm going to check just to make sure that I am on the right track, if you'll pardon the expression. In checking, the demerit points relate to moving offences; in other words, speed offences or the likes of that, or violations of that type. Therefore, we would not be considering this as a demerit situation. So from the standpoint of seat belts: fine, no demerits, because it's not -- and that's consistent then with the balance of the Act -- a moving offence.

On the delivery operations, as I mentioned when I was up, we missed a couple of the ones that I thought were automatic. That was persons riding in a parade, and I neglected to put in the pickup and delivery operations where a driver is engaged in low-speed driving and required to alight frequently from vehicles, exempted in most provinces. The general exemption is

based on the operating speed of 40 kilometres, which is less than the normal traveled in a city situation of 50 kilometres per hour, and the exemption would not apply when you're traveling higher speeds from distances.

But the other thing is that it's important when you're delivering, delivery businesses that are delivering items, plural, or goods, plural -- in other words, the hon. member would not be able to make a case, delivering a Christmas present to a home, that he was a delivery person for that particular one . . .

MR. WRIGHT: In the course of business?

MR. ADAIR: In the course of business, yes.

The other one was the bus driver one, and we spent a great deal of time with that. Seven of the nine provinces have in place legislation that says that if seat belts are in those buses, they are required to wear them. We're going to start with that one, and I think the indication that I made a little earlier was that after six months we would review it. If a case can be made that it should not be, then we will certainly look at it at that point. But at the present time seven of the nine provinces who have legislation in place right now require bus drivers to buckle up, and we would be requiring them too.

MR. DEPUTY CHAIRMAN: The Member for Edmonton Glengarry.

MR. YOUNIE: Thank you very much, Mr. Chairman. I have a number of reasons for being very much in favour of this. I'm certainly glad to see it happening. I'm also glad, I must say, that when I polled the people in my riding, I think it was approximately 51 or 52 percent that were in favour of mandatory seat belt legislation, the reason being that I'm supportive enough of the Bill. I would have been, rather than changing my mind on how I would vote, wondering about how I would explain to my constituents that I chose in this case to lead by leading rather than lead by following, because I felt it was that important.

I also feel, in looking at the Bill and in looking at some of the amendments suggested, that we're not necessarily doing something that's based on some high-flown principles about freedom and all the rest of that, but we're looking at something that is common sense, something that is long overdue, and something that does definitely deserve our support. So I'm glad to see it come.

In terms of the regulations, it's sort of a welcome departure from the norm to have a chance to look at the regulations that will apply to a Bill we're voting on, and it makes me feel some . . .

ANHON. MEMBER: Proposed.

MR. YOUNIE: Proposed, but at least we're having a chance to comment. Usually we have a chance to comment on a Bill and then we find out that the regulations, in our view, really didn't suit the Bill or didn't match what we thought the Bill was supposed to do, and we get upset about it. In this case perhaps the minister has just decided on a little preventative maintenance and he's going to at least have us have a chance to have input on it so we can't say that later.

Many of them do look reasonable. I appreciate the comments on bus drivers. I would point out that although I had not talked to bus drivers in Edmonton concerning this particular thing to find out how many of them had in fact been assaulted in

the last year, with a chance meeting with a bus driver from Toronto I found out that because of what part of Toronto his route goes through and the time of night it goes through there, he had been assaulted five times in the previous year and was not certain that his survival would have been guaranteed had he been stuck in a seat belt.

In terms of the idea of legislating someone's life away because we tell him he must wear a seat belt and in an accident that leads to his death, I think that's a particularly ridiculous argument, because in proposing legislation like this we cannot say that person A will be involved in accident B and that will lead to any particular result. What we can say is that for almost everybody who is involved in an accident, it is almost always the case that that person costs the government more for his medical repairs because he is injured worse if he's not wearing a seat belt, and therefore he should be wearing a seat belt. And I think it's important to note that what we're saying is in fact that wearing the seat belt is perhaps a recognition of what he owes society, because he does get free medical care if he's in an accident.

And perhaps we could argue that there's another way of getting people to wear a seat belt instead of saying that they must, saying that your insurance won't be any good if you don't or you'll pay your own medical bills if you don't. There might be other ways. Certainly if I thought I might pay for my own medical bills, I'd be much more prone to doing it. I think this is a much more sensible way of going about it and is very reasonable. When someone, in fact at my constituency meeting, got up and started to get on the argument of taking away his freedom and violating the Charter of Rights, I said that in terms of this Bill I'd like to get it through, do what is sensible, and then get about the business of creating jobs and improving the economy.

And in that vein perhaps I'll congratulate the proposer of the Bill and sit down.

MR. DEPUTY CHAIRMAN: The Member for Edmonton Beverly.

MR. EWASIUK: Thank you, Mr. Chairman. I, too, want to commend the presenter of this Bill and the minister for taking the initiative to make it a government Bill and in fact propose legislation for this particular, and I think important, Bill.

There is no need for us at this point to rehash the principles of the Bill. I think that's been done during second reading and to some extent again tonight. We, of course, are pleased to see this legislation; I think this caucus supports the Bill in principle. And being that we are now the last province in Canada, I believe, to finally get seat belt legislation, I think that's a significant move that finally this government has made. However, when you have mandatory legislation, I think there would have to be some category of exemptions, and I'm pleased then, of course, that the minister did indeed bring forward some exemptions that he proposes to put in the regulations.

I might say, Mr. Minister, that I had been petitioned by my constituents, and I also took the initiative to survey my constituency as well to determine really where they sat relative to this particular issue. And I might say that by and large the people in my constituency supported the proposed Bill.

And also, the other group that I wanted to speak to was the urban transit operators. As already has been mentioned on several occasions, this group came to me and wanted, and of course lobbied, us to represent them relative to them being exempt

from the legislation. Well, the people that opposed the legislation that I spoke with, opposed it for specific reasons such as -- I think you've already alluded in, for example, number 7 in your regulations -- individuals who because of size or whatever reason, an example being perhaps a lady who is expecting a child, will have to have some kind of exemptions, medical evidence that exemptions should be provided for those kind of things. And by doing that and by providing exemptions -- and I'm speaking particularly to the transit operators -- we of course will not be setting a precedent. As the minister already alluded, three of the nine provinces already have exemptions for transit operators. They also have exemptions for medical reasons, and for taxi drivers, for police, and so on.

And I wondered, in going down through the regulations to number 6, where you exempt prisoners from having to utilize a seat belt, I'm assuming from the way it reads here that the police officer transporting those prisoners will indeed have to be buckled up, on the assumption that there is a shield between the prisoners and the policemen. I suppose that's acceptable, but I'm wondering if you're considering police other than those transporting prisoners. Where are they at? Is there an exemption for them? I raise this because I note some other provinces have made exemptions for police officers; also for taxicab drivers. Again, you say that they're exempt because the seat belt could be used as a weapon; I think that to some degree also applies to police vehicles or policemen. So I think the minister, in a review in a six-month period from now, may want to have a look at those requirements.

I want to specifically, however, speak about the transit operators. In the communication that I have, and I would suspect the minister may also have in his possession, was a supporting letter from the city of Edmonton, who basically equipped all their transit buses with seat belts. They also say to their operators that they should use them. However, it is at the discretion of the operator whether he does or does not. The city has accepted that as a practice and has found it to be relatively acceptable.

They argue against mandatory seat belts for transit operators, citing a number of reasons. And if I may just for a moment refer to them, they suggest that the low speed of the buses normally is between 15 and 19 kilometres per hour. Although they do in some instances travel faster than that, the average speed is that. Of course, the frequent stops don't particularly allow a bus to pick up any high-speed travel time. Consequently, speed doesn't enter the picture in terms of the transit operators.

The assistance to customers: I know my colleague made reference to it with some humour, but as I understand it, operators are expected and do assist elderly or disabled in the entrance and exiting from the bus, so they do make those frequent moves off their seat. They have to survey the bus after they reach the end of their route. They check for articles being left on the bus, they have to check for damage on the bus and so on, so they have to get up and move around on the bus.

They do make reference, of course, to personal assault, and when I questioned the operators and the president of the operators' local here in Edmonton, he said that admittedly there are some assaults, perhaps not as frequent assaults as there are in some other cities, particularly in the United States. However, those that do occur, they tend to keep a low profile. They don't advertise that sort of thing because they feel the copycat situation, that other people may tend to want to follow the examples of others that have assaulted bus drivers, so they don't publicize that thing.

The argument is that the size and the weight of the bus is such that unless it encounters a really heavy truck, it really doesn't provide too much problem for drivers. Probably the most telling argument is: well, we asked the driver to be buckled in; his hundred-some passengers, many of them might be standing, of course, and are not buckled in at all. So there's some suggestion of discrimination here.

I also want to speak to your regulation proposal number 1, where you suggest that there be different seat assemblies for different weights of child. I can see some rationale here, but on the other hand, I wonder why we are asking people to buy -- it seems to me you're saying to people, "You're going to have to buy two assemblies, one for a certain child and one for another child, or as the child grows older, you're going to have to get another assembly." Why don't we just ask them to get an assembly for an 18-kilogram child, period, and not bother with two types of assemblies?

Your proposal 2 I think you've somewhat responded to. The delivery vans I think certainly should be exempt because the drivers and the deliverers are in and out of the vehicle quite frequently. I think farm vehicles also should be considered for exemption, and I would hope that when the review in six months takes place, the minister may have had an opportunity to discuss this issue with farm organizations and get an expressed opinion from them as to how they feel about the use of seat belts in farm vehicles and when they should be used.

In article 7 I think we've talked: what are medical reasons? I think again it would be basically based on the expertise of a physician. If he feels that his patient should not be wearing a seat belt and states that in a statement, I suppose it should be acceptable to the minister, so that there are exceptions for medical reasons.

[Mr. Gogo in the Chair]

I think that pretty well concludes my comments, except that I think while seat belts are mandatory and I support that, I do, however, state that there must be exceptions to accommodate those who for one reason or another cannot or should not wear a seat belt.

MR. CHAIRMAN: Hon. Member for Red Deer North.

MR. DAY: Thanks, Mr. Chairman. I'm just going to be brief because the hour is late and I don't want to risk the ire of my colleagues here tonight.

On this particular issue, I informed the constituents of Red Deer North that I would be voting according to their majority wishes, and when the polls were done in our constituency, the results showed that 63 to 67 percent were in favour of seat belts. The poll that I did, sending out a mailing to some 10,000 constituent homes in Red Deer North, indicated and upheld that also. So I'm going to keep my word, and I will be representing the majority on this issue and voting in favour of seat belt legislation.

I would just like to make three brief points. Most people who are opposed, the ones who have approached me in Red Deer who are opposed to legislation, are not against the belts themselves but against being legislated to wear them, and that's common across the province in those who are opposed. The media and others across the province have scorned these citizens as being reactionary, as being dinosaurs, as being rednecked freedom fighters that are blind to the facts. And though I am

voting for this particular Bill, I want to say I'm glad that in Alberta we do have large numbers of citizens who are sensitive to freedoms and are very concerned about government intervention. I don't think any member of this House or any journalist or editorialist should belittle that fact, but we should be thankful for that and thankful that Albertans do have a high sense for personal responsibility and freedom.

The second point I want to make, Mr. Chairman: many people bemoan the fact that Alberta has been the second-last province to move for seat belt legislation. Well, I'd like to say that I'm glad that in Alberta we don't do things just because other provinces do them. We don't get caught up on every social wave just because other provinces do them, without considering the actions very carefully. I'm glad that we consider these things carefully and take a long look at them, and I would hope that we never get in the habit of doing things and coming up with legislation just because other provinces do it. I think it does well for us to remember that if we're tempted from time to time to look at what other provinces are doing, other provinces are probably looking at what we're doing in our legislation in different areas, and we can be leaders. We don't have to be followers.

I think it's instructive, too, to note that in the United States seven states who had once had seat belt legislation have repealed that legislation, and it makes us wonder why.

MR. CHAIRMAN: Hon. member, the Chair hesitates to interrupt. This Bill has been approved in principle by this Assembly. If the hon. member would care to refer to a section of the Bill in his comments, the Chair would feel more comfortable in the committee study phase.

MR. DAY: Thank you, Mr. Chairman. I'm just getting to that. I would just hope that -- and referring specifically to the six-month period that the minister has suggested, I'm definitely in favour of that, because we should be open-minded enough to be willing to look at our legislation, and indeed looking to see if the \$55 million is being saved, as we have been told it will be. Let's be open-minded enough to look at it.

My last point, Mr. Chairman, is to challenge everybody who has worked so hard to see this legislation come into place to now direct their energies at the biggest cause of accidents and death on our highways, and that is the drunk driver. Let's direct our energies towards that particular individual. Let's get him buckled up so he can't even get in the car in the first place.

Thank you, Mr. Chairman.

MR. CHAIRMAN: Hon. Member for Edmonton Centre.

REV. ROBERTS: Mr. Chairman, thank you. I didn't want to discuss or debate any further the regulations or the principle of the Bill, as you've pointed out, at committee stage. But I was hoping to try to amend the Bill by bringing in another aspect which I think both the Alberta Medical Association and the Alberta Motor Association and others have talked about. We're talking motor vehicle safety here and safety on the highways, and we could also consider not only compulsory seat belt use but compulsory headlight use. In fact, others through their campaigns have said that compulsory headlight use is again another factor that would help to reduce accidents, that would enable better defensive driving and seeing the oncoming vehicle better even during the day time.

I'm advised by Parliamentary Counsel that such an amend-

ment would not be in order, Mr. Chairman. I did want to get it on the record. Maybe we'd have to have another Bill on it next year, and everybody would have to take it back to their constituencies, have another poll on it, see in fact whether 51 or 52 percent of the people would go for this. But it does seem to me to be an idea and some legislation that would prove useful and valuable. Perhaps we could consider it in another session, but I did want to get it on the record tonight.

Mr. Chairman, thank you.

MR. ADAIR: I just wanted to maybe take a moment to cover a couple of points that were made.

On the last one about lights, just so that it's on the record, our advertising program that has been planned for this before tonight includes the use of headlights as well, "Light Up," and goes with that. But there is legislation coming at the federal level, and I would think that within two years you'll see them automatically on cars. You can buy the kit right now for I believe around \$50 to \$60 and put it on your vehicle.

A question from one of the hon. members was relative to the bus drivers, and I believe it was a case of the discomfort of getting in and getting out. The split second it takes to release the seat belt from the standpoint of the driver wanting to get up and help someone is not a major discomfort, I do believe. Certainly, following along the line in the sense that the other provinces have got that, what I have done is include that six-month look at it, so we can take a look and see what the cases may be.

Interestingly enough, in relation to the medical reasons, as I mentioned earlier, I had contacted the president of the Alberta Medical Association about exemptions and about possibly looking at a form letter that would be consistent. I got back a letter suggesting that we shouldn't have any exemptions at all, which concerns me because that's not my particular philosophy. I believe there are reasons, and good reasons, for some exemptions, and we're working in that line. I have submitted to you the suggestions we have, and a couple of others that I had neglected to put in there that I talked about, riding in a parade and the likes of that, would be included as well. I think that basically covers the other one.

The one point that was made about the passengers in the bus and the driver. The only person in the bus that has control of that bus is the driver, not the passengers. Of course, the ability to have control of that after the impact is very important indeed, and that was one of the reasons, obviously, too. If they are installed at manufacture, at this particular point in time we will be going with the case where the seat belts must be used. Of course, I'm willing to look at that within that six-month period.

MR. CHAIRMAN: Hon. Member for Calgary North West, the Chair apologizes. The Chair should have had the courtesy of asking you, as sponsor, for permission for the hon. minister to respond.

The hon. Member for Vegreville.

MR. FOX: Pass.

MR. CHAIRMAN: Hon. Member for Little Bow.

MR. R. SPEAKER: Mr. Chairman, I haven't made a comment on this Bill up to this point, and I'd like to say that I want to support Bill 9 as the representative for the Little Bow constituency, on two bases.

I want to say that the amendments and the regulations that

are moving in tandem with the Bill are certainly acceptable, and I appreciate the work that's been done by the hon. Member for Calgary North Hill as well as the minister. His deputy minister, as I understand, will be appointed to administer this Act. He comes from Little Bow and certainly will be very capable in his responsibility.

The first reason is certainly my constituents' attitude. Since I've been a member of the Legislature, there's been a very distinct change in attitude. Twenty years ago I would have had less than 10 percent even support this in any mild way. At this point in time they've moved all the way to where 50 percent of my constituents now support it. That is a significant change over that period of time. As you trace my various surveys that I've done in the constituency, you see a gradual movement towards this 50 percent position. Last September, after last summer's session, I put in place a strategy in my constituency to make every attempt possible to get a discussion going on seat belts, indicating to them that this Bill would be coming forward, not knowing whether it was or not, but I felt that it was time that something like this was happening. Through advertisements, through brochures, through surveys, I tried to engender as much discussion as possible.

That discussion has taken place, and I'd have to say that what is happening is acceptable. The amendments that are coming in, the regulations coming in are going to meet most of the concerns of the constituency. I said clearly to them last September that whatever is the outcome of my survey, that's how I'm going to vote. Now, they voted 50/50, but I did say that if that happened, then I would be voting for the Bill, very clearly. I stated that to them clearly, and I also stated that to them at the beginning of this session of the Legislature. So there was no gray area; it was black and white as to how I would vote for them.

Secondly -- and I raised this in my comments last summer -- I believe that seat belts will save many lives. Not only are we talking about saving medical costs, but saving lives. I cited the example of three teenagers that lost their lives within miles of my residence in the constituency. With seat belts they would have been living today with no injuries, not one speck of injury.

I just believe in them very much, and I certainly want to thank the minister and the hon. member for bringing it forward and taking the courage of this step at this time and doing what is being done. Thank you, Mr. Chairman.

MR. MITCHELL: Mr. Chairman, I would like to state my support and my caucus's support for this particular piece of legislation. I would also like to have it on record that we, too, would encourage advertising and perhaps even more rigorous measures to ensure that people keep their lights on while they're driving.

Finally, I would like to make one specific comment with respect to exemptions. I've had a constituent raise a point with me, a very emotional point for the constituent and her husband. Her husband has lost an arm and is very concerned that he could be trapped in a car and be unable to release himself. If you are setting up guidelines with the medical profession so that they can make judgments about medical exemptions, perhaps this could be considered.

Thank you.

MR. CHAIRMAN: Edmonton Belmont.

MR. SIGURDSON: Thank you, Mr. Chairman. I, too, want to congratulate the minister and the mover of the Bill and just add

a couple of comments as they relate to the regulations. I promise to be very brief.

One is that some members of the police force have some concern about the access, getting out of a vehicle, because the belt they wear happens to contain an awful lot of equipment necessary for their duty. Getting out of the car quickly, their revolver or cuffs could be locked inside the seat belt mechanism, and they have some concern about that. Therefore, some exemption there might be considered.

The other area -- I had a constituent contact me, an unemployed constituent who no longer had a vehicle, and his wife and child had taken their child carrier down into the basement and have left it there. They on occasion get a lift either to the grocery store or back from the grocery store from his mother-in-law. They were somewhat concerned in that the mother-in-law doesn't have an infant car seat in her car and didn't want to carry it around as she's not always available to give them a lift one way, and quite frequently it's only a lift one way and not the other. So they were worried about what happens when they have groceries and mother-in-law comes to pick them up. Do they get in the car with the child, or do they just put their groceries in and get their groceries sent home?

Finally, today I had a taxi driver call me, and he had some concerns to express about this. He wasn't very happy about having to wear seat belts at all. However, he's glad that at least while he has a fare in the car, he won't be required to wear a seat belt. However, he was somewhat concerned about demerit points being issued against his licence if he has passengers in the vehicle that refuse to belt up. Would he be responsible to advise his passengers that it's the law in this province to belt up? If he is responsible and they refuse to belt up, would he still be the individual fined? He cited the case that depending on the night, 10 to 20 percent of his passengers happen to be somewhat impaired, to the point where they're even belligerent drunks, and he doesn't particularly want to get into an argument with those folk in the backseat telling them to buckle up with the possibility of only being -- perhaps if those belligerent drunks are somewhat polite, maybe they'll only tell him off; if they're in a real nasty mood, maybe they'll just hit him. He was somewhat concerned about that.

His company has a policy that they tell juveniles that are in the car to buckle up. He has a concern about when we actually have seat belt legislation, if there are adults that ride in his taxi who happen to have children with them, will it be the responsibility of the adult who is accompanying the child to buckle that child in, or is it his responsibility?

Finally, he was wondering, minister or mover of the Bill, whether or not a sign in the window, much along the lines of the meter charge, would be sufficient to inform passengers that indeed Alberta now has seat belt legislation and therefore it's the responsibility of the passenger to buckle up, so every time a new fare gets into his car, he won't have the responsibility of advising them of that.

Those are the specific questions. Thank you, Mr. Chairman.

MR. CHAIRMAN: Hon. Member for Edmonton Strathcona.

MR. WRIGHT: Yes, this is just something that I should have thought of before, a possible other exemption, Mr. Chairman; that is, for drivers of flammable loads. In their case, on balance it might even be an advantage to be thrown from the vehicle, but at any rate split seconds are the difference between life and death if the vehicle is bursting into flames, which not infre-

quently happens in a crash of a tanker or other flammable load. It's not a large exception, and other people could not, I think, reasonably say this should apply to them too, because the circumstances of a carrier of a flammable load are unique.

MR. CHAIRMAN: Edmonton Kingsway.

MR. McEACHERN: Thank you, Mr. Chairman. I'll be very brief. A lot of people have talked about a lot of exemptions and a lot of very specific kinds of problems with this legislation. I think that the idea of having seat belts, of course, is reasonably sensible, that it's something we need to do, that it would be ridiculous not to proceed with seat belt legislation. I wonder if the number of exemptions that you find yourself getting into and the number of considerations and nuances about this, that, and the other thing -- why somebody should be exempt and why somebody else should be exempt, and the policemen should be exempt and bus drivers and so on -- if some of those fears of being trapped inside the vehicle couldn't be alleviated by something I suggested; I'm not sure if it wasn't the last session actually when we talked about seat belt legislation or maybe on second reading.

In any case, I think what you need to do is take a look at the kinds of seat belts and the kinds of mechanisms we have for locking and unlocking them particularly. I think the kind that are in the car now are very difficult in some circumstances to unlock. I think that you should really consider seriously seeing if we can't work toward getting legislation at the federal level. It may be that the car manufacturers are mostly in the States or foreign manufacturers, but shouldn't we be looking seriously at having seat belts that are similar to the seat belts that are in airplanes? And if not, why not? I wonder if that's a consideration that the minister has had a look at.

MR. CHAIRMAN: Perhaps the hon. member could have addressed that question to the sponsor. The hon. sponsor of the Bill, Dr. Cassin, Member for Calgary North West, do you have closing comments?

DR. CASSIN: Yes, Mr. Chairman. I'd like to deal with a couple of questions that have been raised. Passengers over 16 years of age are responsible, as opposed to the driver. The driver is responsible for those individuals between five and 16.

With regards to dealing with the driver who is dealing with flammable materials, I'm sure that's something that'll have to be addressed by the department. I would also anticipate that Transport Canada has reviewed this question, and there may be any number of arguments on both sides.

As far as the locking mechanism, I'm sure the department will look into that.

I think that we've a very good debate this evening. I'd like to thank all the hon. members who have participated and would at this point suggest that we call for the question.

MR. CHAIRMAN: Are you ready for the question on Bill 9?

HON. MEMBERS: Question.

[The sections of Bill 9 agreed to]

[Title and preamble agreed to]

DR. CASSIN: Mr. Chairman, I move that Bill 9 be reported.

[Motion carried]

Bill 10

Court of Queen's Bench Amendment Act, 1987

MR. CHAIRMAN: Hon. Deputy Government House Leader.

MR. YOUNG: Mr. Chairman, on behalf of the Attorney General I move Bill 10.

MR. CHAIRMAN: Sorry, hon. Deputy Government House Leader, it's committee study. Are there any comments, questions, or amendments to Bill 10?

MR. CHAIRMAN: Are you ready for the question?

HON. MEMBERS: Question.

MR. CHAIRMAN: Hon. Member for Edmonton Strathcona.

MR. WRIGHT: Only to say, Mr. Chairman, that this is one of those Bills in which all the important stuff is in the regulations, but the regulations have been circulated. They will make the process of judicial review of administrative matters by the courts, the actions and certiorari mandamus prohibition and so on, more streamlined and better, and we're in favour of it, and we're glad of it. It really incorporates the recommendations of the commission on law research and reform.

MR. CHAIRMAN: Are you ready for the question on Bill 10?

HON. MEMBERS: Question.

[The sections of Bill 10 agreed to]

[Title and preamble agreed to]

MR. YOUNG: Mr. Chairman, I move that Bill 10, Court of Queen's Bench Amendment Act, 1987, be reported.

[Motion carried]

Bill 17

Surveys Act

MR. CHAIRMAN: There are some amendments. The hon. Member for Stony Plain.

MR. HERON: Thank you, Mr. Chairman. I indicated during second reading that this Bill governs the standards and principles and procedures for the land surveys in Alberta and that the basic principles of the present Act have been retained. The committee which prepared the draft on which this Bill is based did an excellent job of streamlining the provisions contained in the present Act. More professional discretion has been allowed in the completion of surveys in recognition of the competence of the land surveyors' profession.

I'm also proposing a number of amendments to this Bill as a result of comments provided by the joint Canadian Bar Association/Law Society of the Alberta legislative review committee and by the Alberta Land Surveyors' Association. I also recognize the amendments put forth by the hon. Member for Edmonton Glengarry, and I ask for the comments of my

colleagues.

MR. CHAIRMAN: Are there any comments, questions, or further amendments to this Bill? There are two amendments. Hon. Member for Edmonton Glengarry.

MR. YOUNIE: Thank you. I have an amendment to section 16, which is here for distribution, although that may be difficult unless I could have some volunteers. Thank you. This amendment, you will note, indicates that the previously distributed amendment is withdrawn and that this one accomplishes the exact same purpose of that original amendment with a wording and form that is more pleasing to Parliamentary Counsel and more pleasing to the surveyors' association in discussion with them. Mr. Chairman, would you like me to wait until it's been distributed, or can I just speak to it as is?

ANHON. MEMBER: Go ahead.

MR. YOUNIE: Thank you. Your desire for . . .

MR. CHAIRMAN: Excuse me, hon. Member for Edmonton Glengarry. The Member for Stony Plain is acting on behalf of the minister of forestry. Perhaps he could have the amendment first so the Chair could be aware.

MR. YOUNIE: I gave it to him early this evening.

MR. CHAIRMAN: Hon. Member for Edmonton Glengarry.

MR. YOUNIE: Thank you. I think primarily the majority of the Bill is very common sense and wishes to provide a framework and regulation for the whole process of surveying and the people who carry out that process. However, section 16 in the past has made for problems during litigations and does need to be amended. And although the proposer of the Bill did in fact suggest an amendment to 16, my feeling is that it is not sufficient to cure the problems. For instance, in subsection (e) of our section (2):

Prior to or at the time of effecting entry to any land or building pursuant to subsection (1), the surveyor or his assistants shall either

- (a) give written notice to the owner or occupier of the land and buildings;
- (b) if the owner or occupier is not present, leave a notice fixed in a prominent place on the land or building.

Now, what this does is merely require that the surveyor, as a matter of courtesy, will provide to the owner or occupier of land and buildings being surveyed, to in fact let him know that he is there to do a legal survey and will be on the land or let him know that he has been there if the person isn't there. It does not require that he has to negotiate permission first, merely that as a courtesy he should let him know who he is, what his company phone number is, and so on, so that if the owner feels damage was done, he doesn't have to do a month of research to find out who was on his land. He doesn't have to go phoning around. He has the notice that was left there as a matter of courtesy by the surveyor and can start making inquiries promptly. I think it's a matter of courtesy that should be required in the Act.

Also, we felt in section (b) that because the association and the proposer of the Bill did in fact concede that from time to time, although rarely, it's required to enter a building -- it is

rare, but it is sometimes required to enter to do a survey -- there should be some extra restriction or control over what conditions the surveyor can enter the building under. We did not see a need for prior arranged consent for entering onto land, with the protections given already in the Act, but we did see the need to arrange beforehand entering occupied buildings. It may not be convenient to have someone come into a building, and therefore we felt it only fair to request that and in fact require it. That is what section (b) is all about.

I feel that these amendments will assist the government in that they will not have to come with a housekeeping amendment at some future point and until that time will help the courts in that it will provide a groundwork that should prevent court actions, prevent confusions, prevent disputes. It is in a desire to help both the government and the profession itself avoid those unpleasantnesses that we suggest this amendment and feel confident that it will be seen as acceptable.

MR. CHAIRMAN: Excuse me, hon. member. Before we proceed, as hon. members are aware, the pages have left for the night. The Chair would ask the co-operation of hon. members, if there are amendments to be offered later on, to assist where possible to see that all members are in possession of those amendments. The Chair would request that.

Hon. Member for Stony Plain.

MR. HERON: Thank you, Mr. Chairman. I'd like to briefly respond to the hon. Member for Edmonton Glengarry's comments. His amendment as originally put forth was referred to the council of the Alberta Land Surveyors' Association, and they responded that section 16 should not be amended but should remain as proposed, essentially as it has existed in Alberta and Canada for the past 75 years. The amendment to section 16 deals with the right of entry to buildings, which is really, as the hon. member mentioned, very rare. In fact, it has been said that it's a 1 in 10,000 chance.

Really what the member is dealing with in his amendments is to legislate courtesy, and I say as a member of the Alberta land surveyors' council that they have very tight internal disciplinary provisions and procedures, and I really don't see any practical problem. As I mentioned and I'll repeat again, I think the amendment deals with a piece of legislated courtesy, and I would ask that my colleagues in the Assembly defeat the amendment.

MR. CHAIRMAN: Hon. Member for Edmonton Kingsway, speaking to the amendment proposed by Edmonton Glengarry.

MR. McEACHERN: Thank you, Mr. Chairman. It strikes me that it's not just a matter of legislating courtesy. One expects the surveyors to be courteous; that's very natural. But surely there is the possibility of a difficulty there, whether it be 1 in 10,000 or 1 in 100,000. A person's house should not be violated unnecessarily even once. So therefore these amendments are reasonable and the kind of thing that a government concerned for the rights of individuals would, I think, support. I don't think that it's enough just to talk to the surveyors, who say, "Oh, of course, there's no problem," and then say, "So therefore we'll reject these amendments." I think that the government should very seriously consider amending that section to fall in line with the suggestions from the Member for Edmonton Glengarry.

MR. HERON: Mr. Chairman, I'm sorry that the hon. member

has misconstrued the amendment. The amendment as put forth by the government amends section 16 to drop "and buildings," in recognition of the original amendment proposed by the hon. Member for Edmonton Glengarry. So it has been amended to drop "and buildings" from that section, with this amendment that we put forth.

MR. CHAIRMAN: Hon. Member for Edmonton Strathcona, are you commenting on the amendment as moved by the Member for Edmonton Glengarry?

MR. WRIGHT: Yes, indeed. But the confusing thing is that there are three amendments. So on the all the amendments I take it, Mr. Chairman?

MR. CHAIRMAN: Dealing only with the amendment before the committee at the moment. There are two amendments that the Chair has.

MR. WRIGHT: It's Edmonton Glengarry's amendment.

MR. CHAIRMAN: Speaking to Edmonton Glengarry's amendment.

MR. WRIGHT: May I inquire the status of the other two amendments then?

MR. CHAIRMAN: Well, we have a government amendment, moved by the government, dated May 26.

MR. WRIGHT: So that's the only other one?

MR. CHAIRMAN: Yes. The one moved originally by Edmonton Glengarry was withdrawn and replaced by the current one, dated May 28, as far as the Chair is aware. We'll deal with that amendment first, then the government amendment, and then the Bill as amended, if we get that far.

MR. WRIGHT: I see. Well in fact we are tackling it in a peculiar way, but understandably, because what the hon. Member for Stony Plain is saying is that the government amendment removes the need for B of the amendment by my hon. friend the Member for Edmonton Glengarry. And I suppose that is so. It means then that the surveyor will not have the power to go through buildings, is that correct? Fine. Then that, it seems to me, would remove the necessity for part B.

However, the hon. member makes some points that are not entirely correct. I'm not sure I heard him exactly, Mr. Chairman, but I believe he said that this section 16 has been in place for many years, 50 or 60 years. Is that correct? I believe he said something like that. In fact, that's not quite so, because the section that section 16 replaces allows the surveyor or his authorized assistant to go on the land in the course of his duties. That phrase, "in the course of his duties," has been removed from the section, which is curious. It gives blanket permission for surveyors to go on the land, regardless of the purpose. Perhaps a court would say it must be in the course of duty, otherwise what's the point? But it bewilders me why that obvious point has been omitted in the revision of the Act. That being so, it is all the more important to make sure that any surveyors or their assistants going on land notify the owner that they have been there or are passing over. The hon. member says, "But this is a matter of courtesy, and surveyors are courteous, so they do

it all the time." At least, he didn't say that in words, but that was the implication. If that is so, what's the harm in saying it in the Bill?

But, Mr. Chairman, the hon. member is not correct in saying that, because it so happens that in my job I've had occasion to deal with damage done by surveyors in the course of their duties of surveying lines, and it is a matter of detection to find out who they were. They do not commonly notify the person. Commonly they are working for a company, an oil company, so that's how you find out. But that is not right. There should be an obligation to notify, not to get permission but simply to notify. Surely, that is reasonable. It is not enough to say: "Well, they're courteous. It's a matter of courtesy. They do it anyway." They don't do it anyway. But if they do it anyway, then what's the problem in having this amendment?

That is why I say that we should vote section by section on this amendment and pass section A. If we can depend on the government amendment going through, then it becomes unnecessary to pass section B.

MR. YOUNG: Mr. Chairman, in view of the discussion and the extensive amendment I would adjourn debate on this particular Bill and call the next one, which is Bill 20, if the committee's agreeable.

MR. CHAIRMAN: Is the committee agreeable to the suggestion by the Deputy Government House Leader?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Opposed? Carried.

Bill 20

Marketing of Agricultural Products Act

MR. CHAIRMAN: Bill 20 with some amendments. Hon. Minister of Agriculture, are there any comments, questions, or further amendments to this Bill?

MR. ELZINGA: Mr. Chairman, I'll be very brief in speaking to committee stage of this legislation, but just to outline and underscore what we had indicated when we had introduced the legislation, we have consulted widely with the various commodity groups. We've received vast input, and I would like to pay tribute to members of the commodity groups, pay tribute to Members of this Legislative Assembly, and to also thank my hon. colleague the Member for Taber-Warner, who is our agriculture caucus chairman and who has done a super job in piloting this through our caucus, and to also pay tribute to the hon. Member for Vegreville, who on a number of occasions we've consulted on this legislation.

Let me say at the outset, too, that I see that he has some amendments he is proposing and indicate at the outset that we are open to accepting three of the four amendments he has suggested. I'm not quite sure what the procedure is in the Chamber in committee stage, Mr. Chairman, as it relates to the acceptance of these amendments, but we have had discussions. I would be open to accepting three of the four amendments.

Again, my deepest thanks to all involved in this very important piece of legislation as it relates to the marketing of our agricultural products. Again, as the hon. member and all hon. members are aware, there is broad agreement amongst the commodity groups now as it relates to this legislation in support of

updating what is such a key component to the agricultural sector and the agricultural way of life in the province of Alberta.

MR. CHAIRMAN: Before proceeding, it's been the system of this committee that we would consider government amendments last. We have an amendment proposed by the hon. Member for Vegreville. The Chair recognizes Vegreville speaking to his amendment.

MR. FOX: With the permission of the Chair, I'd make a few comments before actually proposing the amendments one by one.

I, too, would like to acknowledge the process that's gone on here in the development of Bill 20, the Marketing of Agricultural Products Act. It's been a very difficult Bill to proceed with for a number of reasons. I gather that the initial legislation was brought in some six or seven years ago, and amendments have been needed for some time, but it's been left on the table, and the government has not proceeded with it for a variety of reasons.

I must pay tribute to this minister, the hon. Minister of Agriculture, for the way in which he's handled it. When the Bill was initially introduced, it caused quite a furor in the agricultural community and raised a number of concerns on this side of the House as well. But the minister has been very open to suggestions that have been made to him about how the Bill could be improved, suggestions made by people who were affected by decisions of marketing council as well as suggestions coming from the Official Opposition. I really appreciate the process, and I think it shouldn't pass without noting that the co-operation between the two sides of the House in trying to develop a better piece of legislation is probably what should be going on all the time in committee stage here, where we indeed roll up our sleeves on both sides of the House and take a serious look at concerns and proposals expressed by all hon. members in an effort to come up with better legislation. That maturing of the committee stage of deliberation in this Assembly will hopefully come as we get used to the idea of having some opposition and more people involved in the process.

I think it has to be noted that one of the difficulties the minister must have had in proceeding with this Bill is that there's considerable opposition to the whole philosophy of marketing agencies within the structure of the Department of Agriculture and indeed with some members, either past or present, of marketing council itself. Recognizing that, I think it's again worthy of commending the minister for proceeding against what I think must have been some opposition within his department from people who don't necessarily really feel good about the philosophy behind the establishment of marketing agencies.

I would like to refer to a couple of amendments in particular that the government has made, ones that I think are particularly notable because they're substantially the same as amendments that we had proposed to the minister. One of them in particular, section 4 in the Act where it deals with the tenure of appointment to people on the marketing council: the minister has introduced amendments saying that the "term of office of a member of the Council, other than the chairman, shall not exceed 3 years," and basically, further to that, that they ought not to have more than two consecutive terms before sitting out and being reappointed again. I think that's a very good amendment. It injects some accountability within the appointment of members to council.

Another section which caused particular concern on this side

of the House and within the marketing agency itself was section 20(c). Again, I'm just delighted to see that the minister has accepted our recommendation and the recommendation of other groups to repeal section 20(c) which, if it had been passed, would have given the marketing council, an appointed group of people, the authority to come in and make decisions and override decisions that are made by the marketing boards themselves, people who were democratically elected. So I think that's a very positive amendment.

Another one I think I must make note of here is section 38 in the Bill. Perhaps I'll come back to that one in a little while. Oh, it relates to the appointments of people to the appeal tribunal. I think it's an important amendment here to note that "a person who is a member of the Council is not eligible to be a member of an appeal tribunal." That's an important step to establishing an arm's length relationship or completely separating the tribunal from the council so that decisions made by marketing boards and people can be appealed to this tribunal, which is not only seen as being separate from council but really is. So I think that's a positive amendment as well.

I could deal in a specific way with some of the amendments I wanted to propose to the Assembly. With the permission of the Chair, there are four separate amendments that are printed on the same piece of paper, and I gather it's within the bounds of propriety here to consider them one at a time. Is that correct, Mr. Chairman?

MR. CHAIRMAN: We consider them, hon. member, A, B . . .

MR. FOX: With your permission, I'd like to consider A(a) first, as separate from the other three.

The first amendment I would like to make is that "Section 16 is amended by repealing subsection (2)." If we could deal with that one as something separate and distinct from the other amendments on this piece of paper it would facilitate things here. I believe the minister feels good about that.

The reason I'm proposing this amendment: I think the most important thing we have to recognize in this Marketing of Agricultural Products Act is that as legislators we want to provide the tools. We want to provide the legislative means for producers to join together in a spirit of co-operation and better their lot, to devise ways of marketing their products together or regulating the production of their products in ways that are of mutual benefit. This is something that's gone on. The history of the development of the prairies revolves around that very thing, a spirit of co-operation, the development of the Canadian Wheat Board, the development of the wheat pools and subsequent development of various types of marketing agencies: the Dairy Commission, the egg marketing board, the Alberta Pork Producers' Marketing Board, various types of agencies that involve themselves directly in either single-desk selling of agricultural products or single-desk selling along with the regulated production and supply. The important thing is that through this legislation we provide the means for other groups of producers to join together and seek the benefit of co-operative action in the marketplace.

My concern with section 16(2) is that that section would allow a plan to go ahead with the consent of the Lieutenant Governor in Council that had not been subjected to a producer plebiscite. The minister may have some comments that would help clarify that, but I think it's very important that we never impose upon people a plan or sets of regulations in this regard that they're not in favour of. I could contrast two different organiza-

tions to illustrate my point here. I believe the Alberta Pork Producers' Marketing Board was established as a result of a plebiscite held in -- was it 1969? In 1968 there was a plebiscite held, and an overwhelming majority of producers voted in favour of that. That mandate has enabled the Pork Producers' Marketing Board to go through some very difficult times over the years and yet know that in spite of these difficult times they have the support of a majority of producers, that they were mandated to do the things they're doing. I think that's very important.

The group I'd like to contrast that with is the Alberta Cattle Commission. Now, I've noted in this Assembly and in other places before that I think the Alberta Cattle Commission in many ways does a lot of good things for the industry. They have an articulate and energetic leadership that is very committed to the red meat industry, the cattle industry, and they do a good job of promoting themselves. But the Alberta Cattle Commission was not established with the permission of producers. Why is that a problem? The problem is that they're empowered to collect levies: 80 cents a head, recently increased to \$1.50 a head. They collect money from producers and use it as they see fit without ever having any permission from producers. I think that deficiency is what caused the kind of problems we got into this past year with the urging of a plebiscite from the National Farmers Union regarding the existence of the Alberta Cattle Commission. If the Alberta Cattle Commission had indeed had a mandate from producers at some point to collect levies, then it wouldn't have been an issue.

I think we've got to be very careful in the establishment of new marketing agencies, plans, boards, or commissions that they always be subject to the will of the producer or producer plebiscite. If you look closely at section 16(2), it deals with the Lieutenant Governor in Council may exempt a proposed plan referred to in section 15(1)(c) from the requirement of being submitted to a plebiscite.

Now, what kind of plan is proposed in section 15(1)(c)? Well, it's "a plan that will be administered by a commission . . . to initiate and carry out projects or programs," et cetera, but (ii) is the revealing clause here:

- (ii) under which any service charge collected will be refundable on the request of a producer.

Now, I suggest if 16(2) is left in this Bill, we could have a situation where a group of producers -- let's say canary seed producers in Alberta -- would decide they want to have a plan for the marketing or the promotion of canary seed. They could apply and receive from the Lieutenant Governor in Council an exemption for this plan, meaning that they could establish a plan that would enable them, under 15(1)(c), to collect levies from people and refund them if so desired. It smacks to me of taxation without representation, I think it's a good idea to provide means for people to recoup these levies if they don't want to pay them, but I think it's important in the beginning to seek the permission of producers to do so.

Perhaps with that one specific amendment on the floor now, I'll sit and await some response from the minister or other members who may have some better information on the implications of that section.

MR. CHAIRMAN: Before we proceed, hon. members should be in possession of the amendment submitted earlier by the Member for Vegreville -- it's undated -- and the government amendment with the consent of the Minister of Agriculture. The amendment by the Member for Vegreville is in four parts. The

hon. member has spoken to the first part, which is known as "A. Section 16 is amended by . . . (a)."

Hon. Member for Taber-Warner.

MR. BOGLE: Thank you, Mr. Chairman. Confining my remarks specifically to A(a), I must speak against this proposed amendment, and I'll give the reasons for that. In so doing, I would urge members of the Assembly not to support this particular amendment.

I think it's important to recognize that the minister must have flexibility in exercising his duties and responsibilities re proposed national programs. I think it's also important that we separate, as this legislation so accurately does, the role of commissions from that of boards. Where there is a voluntary checkoff, and voluntary checkoffs would come under the commission category, then clearly the producers who are part of that voluntary checkoff -- the hon. member used canary [seed] growers; I could use soft white wheat growers as an example -- clearly have another avenue. This does not relate to areas where there's the mandatory checkoff or levy as would relate to those bodies which fall under boards.

So I would not prolong the debate. I think it's imperative that the minister have the ability, through the Lieutenant Governor in Council, to exercise this right in terms of national programs.

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

[Motion on amendment lost]

MR. FOX: My second proposed amendment -- the way it's written here is A(b) -- refers again to section 16(3) of the Bill. That clause presently reads

(3) For the purpose of conducting a plebiscite of producers to determine whether a plan shall be established, the Council shall by regulation determine what constitutes

- (a) an eligible producer,
- (b) a sufficient number of eligible producers, and
- (c) a sufficient portion of the total agricultural product that is marketed or is capable of being produced by the eligible producers.

I think it's important to note here that a number of the government amendments to this Bill involve the insertion of a clause "with the approval of the Minister" after "may". There are many places in the Act where the government amendments have tried to make this Bill 20 more accountable, to make sure that it's very clear that although the council is acting on behalf of the minister and is capable of making decisions and whatnot, they're still responsible in every case to the minister, that the minister, as an elected official, an elected member of the Alberta government, has the authority here. And those amendments that the government proposes certainly strengthen and improve the Act.

The amendment that I'm suggesting here is in the same vein, I think, and deals with a very important decision that council has to make. That is, when a proposed plan is subjected to plebiscite according to this 16(3), "the Council shall . . . determine what constitutes . . . an eligible producer," et cetera. It seems to me that those considerations may be among the most important decisions that council makes, because it involves the initial establishment of a plan, and it's up to the council, in this case, to

decide who is an eligible producer for the purposes of a plebiscite and all the things that follow.

So my amendment is that we add to section 16(3) "which shall be subject to the approval of the Minister" after the word "regulation." That would read, hon. members:

(3) For the purpose of conducting a plebiscite of producers to determine whether a plan shall be established, the Council shall by regulation which shall be subject to the approval of the Minister determine what constitutes

(a) an eligible producer,

et cetera.

So with my proposed amendment here, they're not just doing it with the approval of the minister, but they're establishing regulations that the minister has seen and approved of. I think that is perhaps one of the most important considerations that council would make initially in the establishment of a plan that gets the whole thing going.

MR. CHAIRMAN: Item A(b), hon. Minister of Agriculture.

MR. ELZINGA: Mr. Chairman, if it meets with the consent of the House, we'd be happy to have the hon. member move all of his amendments, because we are in agreement with them.

MR. CHAIRMAN: Well, he's already moved that, so we're going to have to vote on it. Taber-Warner, any comment? Are you ready for the question on item A(b), the amendment?

[Motion on amendment carried]

MR. CHAIRMAN: Hon. Member for Vegreville.

MR. FOX: I can move through them quickly. The next amendment deals specifically with section 25(2). Essentially the same motive is behind this proposed amendment, except in this case we're dealing with the termination or amendment of a plan. Again, my urging is that the regulations that are established by council to determine who is an eligible producer, et cetera, ought to be subject to the approval of the minister. So I move my amendment for section 25(2).

MR. CHAIRMAN: Are you ready for the question on item B?

[Motion on amendment carried]

MR. CHAIRMAN: Hon. Member for Vegreville.

MR. FOX: Thank you. My fourth proposed amendment deals specifically with section 39(1), inserting "or board" after the word "person." The Bill currently reads that

a person appearing at a review or appeal, as the case may be, may be represented by legal counsel;

Our suggestion is simply that there may be times when boards are caused to appear at reviews or appeals, and they, too, should have the option of being represented by legal counsel. I so move.

MR. CHAIRMAN: Item C, as proposed by the hon. member.

[Motion on amendment carried]

MR. FOX: Isn't democracy fun, Mr. Chairman?

MR. CHAIRMAN: Order, hon. member. Dealing now with the government amendment as circulated. Bill 20 with the amendment. Are you ready for the question on the government amendment? Hon. Member for Vegreville.

MR. FOX: The minister and I have spoken at length about one particular section of the Bill, and it's a section that is amended by the government's amendments here. It is specifically section 21(2). It deals with the number of producers that are required to sign a petition to cause a review of a specific plan. I recognize that there are considerable difficulties with establishing rules and regulations, because there's such a variety of different boards and commissions that operate. The minister is proposing that we eliminate the section that requires 10 percent of the producers representing 10 percent of the production and replace that with a simple 20 percent

I appreciate the fact that he's eliminated the part that deals with the amount of production represented, because I think everyone recognizes that's an antidemocratic sort of thing, that you want to give more votes to people depending on the amount of production they represented. It just doesn't make sense. We don't do that in our democratic system. Whether you own 50 lots in town or one lot or don't own lots at all, you still get to vote in elections, and I think it ought to be the way we establish these regulations. But I recognize there are still potential difficulties with this section. The minister's recommendation is that any petition ought to be signed by at least 20 percent of the producers under a plan before it's accepted under this clause.

A suggestion I might make for something we look at in the future is that provisions such as this ought to be included in the original draft of a plan that's submitted to producers in a plebiscite. When a group of canary seed producers decide that they want to establish a board or commission, the plan they submit to everyone who is involved in the production of that commodity ought to include such things as the number of producers under the plan that would be required to sign a petition that would cause a review. I think that would be important, noting that that would affect amendments we've just accepted to section 16(3), section 25(2), et cetera.

We could also have producers, when they vote on the establishment of a plan, give due consideration to who is an eligible producer under the plan and what eligible production is under the plan. I think we ought to look at all those things in the future in terms of including in the original plan in a plebiscite that is sent out to producers. I suspect that if we're to take a serious look at that in the future, it may iron out and perhaps head off any difficulties we might have in the future.

MR. BOGLE: Mr. Chairman, I want to comment briefly on the process which has been followed, because it's a really exciting process dealing with a very complex piece of legislation. The hon. Member for Vegreville in his opening comments made reference to the varying points of view, keeping in mind the number of commodity groups we have in Alberta that either are directly affected by the present legislation or would like to become involved under the umbrella of the new legislation and the flexibility that legislation has in terms of the voluntary check-offs under the commission concept or the automatic levies that would be issued by the boards. I think it's important that recognition be paid to the government members who sit on the agriculture and rural affairs caucus committee for the many, many hours they put in on this process under the very capable leadership of our Minister of Agriculture. The day the Bill was intro-

duced we met with representatives of the various commodity groups, and that was followed up approximately a month later with a very exciting meeting.

The Member for Vegreville mentioned that there was quite a furor. I wouldn't describe it as a furor. I'd say there was a lot of interest, yes. We sat down as members of our government caucus committee with the various commodity groups, listened to the concerns they had, addressed them one by one, and came back with a set of amendments that were acceptable to the caucus committee and the minister. I also think it's kind of exciting when some amendments can be put forward by the Official Opposition party and be accepted by the minister on behalf of the government.

So it's a piece of legislation that is going to go a long way in satisfying the needs of commodity groups across this province. It gives great flexibility in terms of those where there's supply management right over to those where they want a voluntary checkoff so that they can promote the product that's being raised here. That's what it's all about: marketing our products better so that we can increase the viability of our farms in Alberta. I'd like to conclude by congratulating again the members of our caucus committee who worked very well under the capable leadership of our Minister of Agriculture.

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

Edmonton Kingsway, speaking to the amendment on Bill 20.

MR. McEACHERN: Mr. Chairman, just a couple of comments, really. I think the process that we've just heard described here tonight makes a lot of sense, and I think that the members opposite should consider that on many other Bills as well. I think we've proposed a lot of good amendments, and sometimes I think they get turned down just because of where they come from rather than the merits of the particular proposals. So I would like to commend the Minister of Agriculture and our Member for Vegreville for doing a tremendous job on this Bill.

The last thing is just a question: when are we going to get a rewrite of this Bill with all these amendments in it? Because there's a heck of a pile of them, and it's hard to keep track of them on separate pieces of paper.

[Motion on amendment carried]

[The sections of Bill 20 agreed to]

[Title and preamble agreed to]

MR. ELZINGA: Mr. Chairman, I would like to report Bill 20 as amended.

[Motion carried]

Bill 27

Agriculture Statutes Amendment Act, 1987

MR. CHAIRMAN: There is an amendment. The hon. Minister of Agriculture.

MR. ELZINGA: Mr. Chairman, this legislation is very straightforward. It's a omnibus Bill whereby we're making a number of minor changes to a number of Acts that relate to the agricultural sector. As you've indicated, we do have a couple of

minor government amendments that were introduced on May 21.

MR. CHAIRMAN: Hon. Associate Minister of Agriculture.

MRS. CRIPPS: Thank you, Mr. Chairman. Just a couple of points. On the section of the Act that deals with the Surface Rights Act, we've combined sections 27, 28, 29, and 30. . .

MR. CHAIRMAN: Excuse me, hon. minister. I wonder if we could deal with the amendment to the Bill first.

MRS. CRIPPS: Oh, I'm sorry.

MR. CHAIRMAN: Any comments to the amendment proposed to Bill 27?

SOME HON. MEMBERS: Question.

[Motion on amendment carried]

MR. CHAIRMAN: The Associate Minister of Agriculture.

MRS. CRIPPS: Sorry, Mr. Chairman. We've combined sections 27, 28, 29, and 30, and there's no change in the intent of that legislation. All we're doing is combining four sections into one section so that you don't have to go back and forth between them.

There are two points that were raised that I want to comment on. Section (5) says that "the operator wishes to have the rate of compensation reviewed". I think "or" is left out there, and certainly that "or" is implied. [just want to make that clear. Section (8) says that "the party desiring to have the rate of compensation reviewed or fixed" -- and we're talking there about either party -- can initiate the review. I just wanted to make that clear. We'll work with the legislation for the next year, and if there are problems, I'll undertake to review them with the people who work in the surface rights industry.

MR. MUSGREAVE: Mr. Chairman, I had raised some of these issues that the hon. minister just spoke about, and that was as a result of conversations with the Canadian Petroleum Association and the Canadian Association of Petroleum Landmen. As the hon. minister said, there are certain changes that the industry has requested which are not in this Bill. But I think, as she said, we should be prepared to work with the Bill, and if these changes as requested by the industry are serious enough or cause enough concern within the oil and agricultural community, hopefully we'll look at further amendments in the next session of the Legislature.

MR. CHAIRMAN: Hon. Member for Vegreville.

MR. FOX: Thank you, Mr. Chairman. I just wanted to note that we've gone over Bill 27, the Agriculture Statutes Amendment Act, 1987, in some detail, and I've done so in co-operation with my colleague from Edmonton Strathcona who, I might note, has perhaps been involved in more depth with the Farm Implement Act, for example, and the Surface Rights Act, et cetera, by acting on behalf of a number of producers who have had some difficulty with companies or different people or groups in respect to the regulations with these Acts. And trusting the good judgment of my colleague from Edmonton Strath-

cona, I can give our caucus' support to all of the aspects of this Bill because I think they are certainly of a -- this is fun, isn't it? This is truly a Bill of a housekeeping nature, and as far as I can see, everything that's done in here is done in a way that improves the existing legislation.

MR. CHAIRMAN: Bill 27 as amended, are you ready for the question?

[The sections of Bill 27 agreed to]

[Tide and preamble agreed to]

MR. ELZINGA: Mr. Chairman, I would like to report Bill 27 as amended.

[Motion carried]

MR. YOUNG: Mr. Chairman, I move that the committee rise, report, and beg leave to sit again.

[Motion carried]

[Mr. Speaker in the Chair]

MR. GOGO: Mr. Speaker, the Committee of the Whole has had

under consideration the following Bills and reports Bills 9 and 10, reports with some amendments Bill Pr. 19, Bills 20 and 27, and reports progress on Bill 17.

MR. SPEAKER: Having heard the report, do you agree?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed? Carried.

MR. YOUNG: Mr. Speaker, I move that the Assembly do now adjourn until tomorrow afternoon at 2:30 p.m.

MR. SPEAKER: All those in favour of the motion, please say aye.

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no.

AN HON. MEMBER: No.

MR. SPEAKER: I think the motion almost failed. I must have been wrong; the motion is carried.

[At 11:33 p.m. the House adjourned to Wednesday at 2:30 p.m.]

