

LEGISLATIVE ASSEMBLY OF ALBERTA

Title: Tuesday, May 10, 1988 8:00 p.m.

Date: 88/05/10

[The House resumed at 8 p. m.]

[Mr. Deputy Speaker in the Chair]

head: **GOVERNMENT BILLS AND ORDERS**
(Second Reading)**Bill 13**
Surveys Amendment Act, 1988

MR. HERON: That's certainly a surprise. Thank you, Mr. Speaker. I rise this evening to ask for your support of Bill 13 and your vote for second reading.

This Bill proposes four amendments to the Surveys Act; that is, the one that we passed last spring under Bill 17, which is the legislation governing standards and procedures for land surveys in Alberta. The Surveys Act, which was given Royal Assent on June 17, has yet to be proclaimed and to come into force.

Just briefly, Mr. Speaker, the significant proposed amendments would provide greater flexibility to the minister to delegate authority to employees under his administration and to carry out the duties of the director. The second amendment will enable the distribution of survey monuments to be delegated to the Alberta Land Surveyors' Association, and the fees would then be used and the profits that are generated therefrom to fund the new professional audit program. The third amendment is to change the "100 feet" in the new townships and subdivisions to "99 feet." It would provide continuity with the Alberta township system and still satisfy Transportation and Utilities' engineering concerns.

That last one may appear a bit trivial as to why would you decrease it one foot? Well, for those of us who forget our farm background, the chains and rods and the Dominion land surveyors are based on a third, a third, a third. So what we wanted to accomplish was to move the road allowances from 66 feet to essentially a hundred feet but not literally: to 99 feet. And every farm boy knows that if you run down the field for a half a mile, 16.5 feet wide, you've now got an acre or the time it takes to cover an acre, et cetera. So it's not an insignificant move, in that that one foot would throw out the system that's been in effect for many, many years.

So, Mr. Speaker, perhaps if we want to go through it clause by clause in the committee, we're prepared to do that. This evening I would just ask for the support of all the members, recognizing that we have a letter on file, which I'd be prepared to share, from the Alberta Land Surveyors' Association acknowledging and approving of these amendments.

Thank you.

MR. YOUNIE: Just one quick comment. It certainly does seem like a reasonable approach to tidy up a few problems that were in last year's Bill. I would have philosophically some concern with privatizing out the sale of the landmarks for the monuments, but then on the other hand I would like the idea of allowing for the minister to be a little more efficient in the allocation of his department staff in clause 2, which would allow him to avoid contracting out some work there. So perhaps it's a case of

give a little, get a little, philosophically speaking, and by and large looks quite reasonable.

HON. MEMBERS: Question.

[Motion carried; Bill 13 read a second time]

Bill 18
Animal Protection Act

DR. WEST: Mr. Speaker, I'm pleased to move second reading of Bill 18, specifically the Animal Protection Act.

I would like to take a little time, as I speak to the principles of this Bill, to perhaps relate a little history. The Animal Protection Act was proclaimed in 1967, and it was a very progressive Bill in those times in relation to animal welfare. Since then it has been used as a model Bill in both B. C. and Saskatchewan and has certainly brought a great deal of progressive positions for the SPCA and other people dealing with cruelty to animals.

The main provisions of the Animal Protection Act, Mr. Speaker, were to allow peace officers such as SPCA constables and special constables under the Police Act to take custody of animals in distress and to turn animals taken into custody over to humane societies for care and disposal. It was also to specify penalties for persons who contravened the Act, and the Act also made regulations governing approval and operations of humane societies.

But in the 20 years that have passed, there has been one amendment, made in 1980. There were some deficiencies in the Act, and I would like to address the principles now entailed in Bill 18, the 1988 Animal Protection Act. First of all, a redefinition of the word "distress" includes water, saying:

- (2) For the purposes of this Act, an animal is in distress if it is
- (a) deprived of adequate food, water, care or shelter,
 - (b) injured, sick, in pain or suffering . . .
 - (c) abused or subjected to undue hardship, privation or neglect.

The addition of "water" updates it for those individual cases that were contested in court over that specific issue.

Another concern that will be updated in this Bill is that it was never an offence under this Act. All charges before had to be laid under the Criminal Code. Therefore, for some of those offences that were perhaps minor in nature, a lot of officers faced with that situation were reluctant to press charges under the Criminal Code and, therefore, didn't press charges at all. This Act now states that it is an offence under number 2 of the Act:

No person shall cause or permit an animal of which he is the owner or the person ordinarily in charge to be or to continue to be in distress.

At the same time, it makes it an offence to obstruct a peace officer in the performance of his duty under this Act. That certainly, I think, will go a long way in the province to helping in those situations where it was not intended to leave a criminal record for the person that made an offence.

One other area was the updating or the appointment of a caretaker in many areas of the province where animals had been abused. There was no provision in this Act to appoint a caretaker in that area, and they had to be transported to the nearest SPCA, which may have been hundreds of miles away, and therefore it was a great cost to the system as well as another problem for the officers who were laying the charges.

One of the other principles in this Act was to update the

penalties. In the original Act the penalty had been a maximum of \$500. In this Act it will be taken up under section 12, for a first offence, to \$5,000; for a second and every subsequent offence, up to \$10,000 at the discretion of the judge. I think that better approaches the problem that we have seen where there were multiple animals that had been starved or had been perhaps abused as in transportation, where they had been frozen going down the highway at 30 below in the middle of winter, yet the maximum fine for this was \$500. I don't think that that was a deterrent whatsoever to some of the individuals that the courts had been dealing with in this situation.

Those generally are the principles. When we get to committee, we could perhaps go through some of the more specific areas, but I would ask all members to support this progressive legislation at this time and vote in favour of second reading.

Thank you.

MR. PASHAK: Mr. Speaker, it may come as a great surprise to members of this House, but on this particular issue I'm substantially in agreement with the Member for Vermilion-Viking. Our members generally support the principles of Bill 18. However, there is a possibility that our members may seek certain changes during Committee of the Whole stage.

This Bill repeals the existing Animal Protection Act, which is chapter A-42 of the *Revised Statutes of Alberta 1980*. In so doing, it brings about a number of critical and I think worthwhile changes. For example, the existing Act defines "animal" only to say that the word includes birds and fish. The new Act defines "animal" as everything that does not include human beings. So I think we can safely conclude that the Act pertains to domestic animals such as pets and livestock and all forms of wild animal life. The Act also provides for decriminalization of offences, as the Member for Vermilion-Viking pointed out, and in so doing gives greater power to peace officers to pursue and to have prosecuted offenders. One of the great problems with the current legislation is that police officers are often reluctant to lay criminal charges when animals are being treated cruelly.

Mr. Speaker, there are some potential problems with the Act that have to do with the vagueness of language. For example, the Act requires:

No person shall cause or permit an animal . . . to be in distress.

"Distress" is defined as deprivation of "adequate food, water, care or shelter"; as injury, sickness, pain, or suffering; or as abuse or subjection to "undue hardship, privation or neglect." It is the word "undue" that causes problems. What is undue to a city person like myself may not be undue to a beef or poultry producer, for example. But I'll let my colleague responsible for agriculture address those particular issues.

In speaking to the principle of the Bill, Mr. Speaker, I can give no better case for the need for such a Bill than by describing the actions of a small group of people, all of whom, with one exception, were women from Calgary and the surrounding area, who took as their gravest concern the need to provide better care and protection for horses that were destined for slaughter. At the outset, let me say that as a Calgarian and one who's justifiably proud of being born and raised in that city, I could not escape some contact with horses. [interjections] There's a disappointed Flames supporter. Trail riding, I guess though: it's kind of an inevitable part of growing up in the city of Calgary, and that's I guess my only real contact with horses.

Nevertheless, I think anybody that's visited Calgary knows

that horses are an integral part of Calgarians' lives. I'd suggest that this is reflected in their main annual event, the Calgary Stampede and the Stampede parade, which is in a sense, I would argue, a celebration of the horse and the western way of life. All of that's been so critical to the history of Calgary and southern Alberta in general.

Mr. Speaker, the importance again, of this Bill, is that it would provide some protection for horses once their immediate usefulness is past. We venerate the horse. It is for many Albertans a pet, an important member of the family, so to speak, just as dogs and cats sometimes are held to be. Yet many horses are left to die in the fields. They're abandoned, then sometimes rounded up, often in unfit conditions, sometimes when they're pregnant, crammed together under conditions of neglect in transport vehicles and preslaughtering staging areas, and then they're killed to provide horse meat, primarily for European buyers.

Mr. Speaker, I'd like to describe to you and to the members of the Assembly how these problems were brought to my attention. This may be a useful exercise in determining why the principles of this Bill must be upheld. On election day, May 8, 1986, I visited the Harry Hays Building, the federal building in downtown Calgary, and I encountered a woman who was gathering signatures for a petition on the steps outside of the building itself. Her name was Marie Polding. She was asking people to sign a petition protesting the inhumane treatment of slaughter horses. The exact wording of her petition was:

We the undersigned request an investigation, by way of Public Inquiry into the lack of adequate regulations and enforcement of regulations, governing the importation and humane transportation and handling of Slaughter Horses in Alberta.

Now, Mr. Speaker, I was one of the first people to sign that petition, and since then some 3,500 people, mainly from the Calgary and surrounding area, have also signed that petition. Tomorrow I intend to present that petition to the Premier. I'm presenting it to the Premier, by the way, because the proposed Act provides only that it's the Lieutenant Governor in Council that will determine which minister is responsible for administering the new Act.

Now, in spending some time talking to Marie, I found her a very delightful, determined, committed, intelligent, caring person. I mentioned that if the election results that evening were favourable, I would do what I could as a legislator to examine her issue more fully and then take whatever action I deemed appropriate. Marie was to be here last spring, but unfortunately she had to leave the province. She's a registered nurse; she took employment in the province of Saskatchewan, and it was difficult for her to get back. So we lost the focal point at that time for presenting the petition in the Legislature and bringing this issue forward. But second reading of the new Animal Protection Act provides an opportunity to make public the concerns of Marie and the group that began to develop around her.

A little history, I think, might be appropriate here, Mr. Speaker. Marie Polding got involved with the situation of slaughter horses quite by accident. Four strays came into her pasture. She decided to look after them. She contacted the brand inspector. They tried to find the owners of these horses; they couldn't find them. She contacted the brand inspectors again. They sent out someone to gather the horses. They were taken to the Calgary public stockyards. She was concerned about what was happening, and she tried to follow the situation. After a number of phone calls to check on what was happening to the horses, Marie actually visited the stockyards and was hor-

rified, Mr. Speaker, by what she found there, the condition of some 200 horses. What she found included moldy feed, no water in the troughs of most of the pens, dry hacking coughs, bites, cuts, scrapes, bleeding, sores. The horses were in a sorrowful state of neglect. She visited the stockyards repeatedly after that, then contacted the Society for the Prevention of Cruelty to Animals, who told her, "Don't be concerned." The horses were going to be slaughtered anyway. Besides, what right did she have to trespass in the stockyards?

Well, in spite of ample assurances from the SPCA that the horses were being looked after and not neglected, and in spite of warnings by people at the stockyards to stay off their property, Marie and an increasing number of her friends were back to visit the stockyards on May 2, 3, 4, 5, 7, 8, 9, 10, 11, and 12. They've kept careful track of this. They documented all of their visits, what they saw at the stockyards, and I just would like to read one of her reports from the period on May 12 from 9:20 p. m. to 11:30 p. m. She reported:

Two large blue trucks "Interstate Trucking." Chased by truckers -- afraid to go in Stockyards at this time. Drove to Century Packers -- large numbers of horses in pens, very crowded. Six large Belgian type horses in with ponies and horses. Fighting was prevalent. Belgians repeatedly hitting heads on low overhanging metal rails, numerous instances of horses going down during fights. Footing extremely slippery. Incidence of bestiality noted, though no violence or brutality observed. Unable to enter pens at this time to search for foal or count horses.

Returned to Stockyards at 11:30 p.m.

So I think that gives you some idea of what they were not only witnessing, but it gives you some idea of their dedication and their commitment to this concern that was developing.

Well, the issue then began to appear in local newspapers. Reports of the ill-treatment of slaughter horses began to appear in Calgary papers in early 1986. For example, in an article in the *Calgary Herald* of April 28, 1986, it pointed out that the "city animal control officers were investigating more cases of horse neglect at the Century Packers corral" in Calgary. A live, three-hour-old foal was being trampled, and in the enclosed confines another foal was already found dead. Two weeks before "two horses were found dead of starvation with others stumbling over them." Marie made a public protest, Mr. Speaker, and others upon reading these reports contacted Marie, and soon a group was formed.

The *Calgary Herald* again reports that on May 1, '86, 12 women in chilly weather picketed outside the Century plant. Four dead horses had been found the previous April 13 in a group of 45 malnourished and dehydrated horses which had arrived from California. Marie had visited the Century plant corrals, monitoring the stockyards over the period, as I've pointed out, of a couple of weeks. She found that "sick, injured, and old horses [were] kept in the same corrals as healthy and pregnant horses." Hopefully, Mr. Speaker, the Bill before us will end this abuse. Photographs showed horses with heavy nasal discharges, open sores, crippled legs. Marie watched horses scraping their teeth in the bottom of empty water tanks and eating moldy straw.

Mr. Speaker, on May 29 her group issued a statement, the essence of which was that at every step of the way no one would take responsibility for what was happening. I would like to quote again from her writing, one paragraph from her whole statement she issued about that time. It says something about parliamentarians. This is the last quote that I'd like to enter into the record, but I think it's an important one. She wrote:

Each of our laws has been enacted for a purpose and whether

that purpose is to ensure humane treatment of the slaughter animals or the necessity of protecting the Public Health, both are to be upheld by those we entrust with their enforcement and respected by those to whom they are applied. But, we have seen and documented and in some cases photographed, continuing evidence that this is not the case. We have seen horses in severe and acute respiratory distress left without care and adequate water and feed for days. We have seen horses who are sick, pregnant and injured unsegregated and living in constant fear for days and days before slaughter. We have seen horses unloaded after long trips being left corralled without food being offered or adequate water being made available. We have seen fatigued horses offloaded into crowded pens without room for even one to lie down. We have seen horses incompatible by nature of size being penned together causing stress and fighting, and many other instances of this nature.

So there seems to be perhaps an element of hypocrisy here. On the one hand, we seem to suggest that the horse epitomizes our way of life and our society, and on the other hand we treat them in this abysmal fashion, and we can't get any redress for the situation. Again, I hope that the Bill that's presented today by the Member for Vermilion-Viking will address that issue.

I would like to now, Mr. Speaker, enter into the record the names of some of those people who assisted Marie Polding most closely. They are: Jacqui LaGrave, Brenda Gay, Ruth Deans, Jana Kolomojcev, Joan Hopgood, Uta Marek, Maureen Cairn, and George Harrison. They gathered, as I pointed out, some 3,500 signatures. To gather the names for this petition, they went door to door, they canvassed in various locales in the downtown of the city of Calgary, and they also obtained a large number of signatures during equestrian events at Spruce Meadows. I met personally with the committee on at least three occasions. Their general view was that horses should never be used as food for human consumption, but they'd settle for that to occur if humane treatment were provided in their movement towards the slaughter plants. In some cases they even agreed that it would probably be better to utilize the horses for this purpose than to merely see them abandoned.

Meeting one year later, Mr. Speaker -- that is, approximately one year ago -- the members reported that nothing had changed. They had regularly monitored the corrals in Calgary. They saw no evidence of improvement and indeed were ordered off the property constantly. Governments took no action. By this time the group had become very sophisticated. They'd undertaken an incredible amount of research. They'd reviewed all of the federal and provincial legislation that applied to the treatment of animals. In particular, they'd familiarized themselves with the Alberta Animal Protection Act. Marie was able to report, for example, that horses destined for slaughter were held in open pens, which contravenes section 21(d) of the Meat Inspection Act, which requires that a "roof capable of providing shade and shelter" be in place.

The Society for the Prevention of Cruelty to Animals was contacted regularly but was unable to act. I believe that the Society for the Prevention of Cruelty to Animals supports this present legislation, and it's partly for that reason they felt that they were relatively powerless in the situation, and I believe now that they feel that they will be able to take more direct action where you have situations where animals are treated in an inhumane way.

She found too, that the word "distressed" in the existing Animal Protection Act was inadequately defined. In her words it's defined in a wholly subjective manner and requires a peace officer to determine whether stress exists. I hope to return to that point when we move towards Committee of the Whole.

Mr. Speaker, just by way of conclusion, the situation today is that the plant in Calgary is now closed. Slaughter horse operations continue in Edmonton, Fort Macleod, and I believe a new plant is scheduled for Didsbury; I'm not sure whether it's open or not. The group itself that came together to gather these signatures is quite dispirited because they perceive no action as having been taken. I hope the introduction of this Bill and its subsequent likely passage will in some measure not only reduce the inhumane treatment of slaughter horses but will also help to restore the trust that these women and the one gentleman have in the ability of public officials to respond to concerns that are in the public interest.

Thank you, Mr. Speaker.

MR. DEPUTY SPEAKER: Hon. Member for Vegreville.

MR. FOX: Thank you, Mr. Speaker. I would like to address briefly a couple of issues in terms of the principle of Bill 18, the Animal Protection Act. As my colleague for Calgary-Forest Lawn stated at the outset, this is a Bill that we're happy with and pleased to support at the various stages of debate. There may be an amendment or two that we would bring forward in order to tighten up or address a couple of things that we feel require that sort of attention, but basically the principle of the Bill, that we should try and come up with a better process for charging and prosecuting those who abuse and neglect animals, I think is something that Albertans will welcome. I certainly commend my colleague for Vermilion-Viking for bringing forward this Bill. I'm sure that given his prior career as a veterinarian, he had some substantial input into this Bill, because it reflects that kind of concern.

I do want to make note of a couple of sections in the Bill, section 1(2)(c) and section 3(1), where there's very subjective language used. I think it's difficult to get around using subjective language in a Bill like this, but I do want to point out that it may cause some difficulty in terms of who interprets this Bill and how it's interpreted and what the implications of that are. I've heard some concern -- and it's something I'll certainly be following up on a little more thoroughly -- from the poultry producers, for example, who worry that there may be people in the city that determine that because chickens are raised in confinement -- four or five birds to a cage, for example -- that that might constitute under the provisions of an Act like this some sort of neglect. I think for these producers, who treat their animals well and recognize that if they don't treat their animals well their animals won't treat them well, this is an area of concern.

You know, the language used is very subjective. In fact:

If, in the opinion of a peace officer, an animal is in distress,
then action can be taken. Or if, you know, saying an animal is in distress if it's abused, neglected, or
... subjected to undue hardship, privation or neglect...

It's subjective language that may cause problems, and I would appreciate comments from members opposite and perhaps the sponsoring member of the Bill during committee stage to see how he might address those concerns.

I've also had a concern brought to my attention from some rodeo stock contractors who are worried that some city folk might object, for example, to steers being roped, steers being wrestled or calves being roped or bucking broncos being ridden -- that that could in the eyes of some constitute neglect, priva-

tion, or distress on animals. You know, I think we need to be prepared, in defending this Bill or debating it, to respond to the concerns that some might have, Mr. Speaker. Because I think we need to recognize that along with some of the very legitimate concerns that people in our society are raising about the treatment of animals, the use and abuse of animals for commercial reasons, there are perhaps some frivolous concerns that are expressed as well: people who want to raise a hue and cry about absolutely everything that goes on involving animals. So I do raise these concerns in the hopes that we have the opportunity to deal with them in some greater detail.

I certainly appreciate the comments of the Member for Calgary-Forest Lawn in terms of the at times shoddy treatment of horses destined for slaughter in the period of time prior to their demise. I think those have been dealt with and hopefully again some response will be forthcoming, if not from the Minister of Agriculture then certainly from the sponsoring member.

I do wonder, too, Mr. Speaker, about allusions in the Bill to perhaps a special force being created to enact or to enforce the provisions of this Bill; that is, section 1(g)(iii):

a special constable [might be] appointed under the *Police Act* for the purposes of this Act.

We need to know well in advance what authority said officers would have if they were to be appointed and how they go about doing that.

So I raise those concerns just so that they may be addressed during subsequent debate on the Bill, and I'm pleased with the Bill and encouraged to support it along with my colleagues.

MR. DEPUTY SPEAKER: Hon. Member for Edmonton-Centre.

REV. ROBERTS: Well, thank you, Mr. Speaker. I hate to pour some cold water on what's been said already, in particular the members of my own caucus, in terms of support of this Bill, but I feel I must raise an element of debate in this Bill which I've yet to hear articulated. That has to do with -- perhaps I've missed it. I've been trying to follow along here, and I see no exemption in this Bill for those who want to use animals for medical experimentation. Now, it seems to me that those in medical research, including those whom we're going to vote some hundreds of millions of dollars to under the Heritage Savings Trust Fund for medical research, often in their laboratories and offices of experimentation use animals for medical research and in the pursuit for cure for human illness. As far as I know, there is quite a debate brewing between those animal rights activists and those medical research activists who want to use animals as the play in their experiments for one thing or another.

Now, I don't know the whole issue well enough myself to know exactly which side to come down on, except I do know that oftentimes -- even from the good Soviet psychologist Pavlov. He often used animals in determining how the salivary response of certain biological organisms -- particularly Tories; when the word "capitalism" is mentioned, they salivate right away...

MR. FOX: Privatization.

REV. ROBERTS: Or "privatization." They salivate right away.

MR. YOUNIE: Oldman dam.

REV. ROBERTS: Or Oldman River dam. All these things. I

mean it's based on the Pavlovian principle that certain animals salivate at a response, and the stimulus-response mechanism is well documented in Pavlov's research, which had, first, to do with animals, not with human beings. I do find interesting that the member has, you know, this centuries old tradition of the *Golden Bough* about the great chain of being, that he's collapsed it all of a sudden to this dichotomy between human beings and those who are not human beings, being the animals. He'll have something to do with the tradition around this, but that's another debate.

The debate I'd like to raise, though, is: what do we do with those medical researchers, those scientists, those physicians who want to use mice, or cats, or chickens, or monkeys, or horses, for that matter -- though I'm not familiar with how they use horses -- for their medical experiments. My goodness, Mr. Speaker, we all know that advances in cancer research and in cardiac research . . . I mean, baboon hearts are regularly -- not regularly, but at least they're used for transplantation. It seemed to me that that would certainly violate sections 2 and 3 of this Act before us if we were to put an animal, such as a baboon, in distress and take its heart and implant it into a human person. But that is well being done by Loma Linda and other medical research labs in the United States. So it seems to me an obvious debate which I haven't heard raised at all.

I feel, with the hon. members who have already spoken, that St. Francis, in whose tradition of St. Francis Assisi -- that I feel we need a certain benevolence toward the species other than the human species, such as animals, and have some love and kindness and respect for all of God's creatures, that there needs to be a certain respect brought to bear there. But how do we, as hon. members in this Legislature in this very tricky ethical debate of competing values, how do we come down on the debate between whether or not we use a mouse as one of God's creatures -- that we allow to live its own course of life out as it would in a natural environment or whether we use that same mouse and take it and put it in a lab over here at the animal research and surgical lab? They regularly do surgical experiments on animals at the university in order to find better surgical procedures, laser surgical procedures, and others at the university, so they can perfect it and use it on human people.

So I don't know. I just feel that there has to be some way in which the peace officer or others who are charged with finding a way through this thorny ethical dilemma can, in some way, exempt a certain medical laboratory or research laboratory which is funded by Heritage Savings Trust Fund dollars to be exempt from this Bill. Because certainly we're not protecting animals in that regard; they're using animals and exploiting animals, and animals are the basis of their research.

As I say, Mr. Speaker, I raise it as a way to put on notice certain members of the Assembly that there is a real debate that's raging on this and that I'd like some more thought given from hon. members who are perhaps veterinarians, who might not be medical researchers of a human sort, to know how they come down on that debate. As a theologian, I still have great difficulty myself and don't have any definitive word from the Gospels or anything else as to what we should do with this, but I do know there's a debate which needs to be raised and discussed and come to some consensus from all hon. members in this Assembly. So much about that.

I'd also like to say, Mr. Speaker -- and it's somewhat of a cynical comment, and I perhaps shouldn't put it as a PS on my comments here. But I've been told that such an animal protection Act, when it passed in Ontario, opened the way for such a

protection Act to come into force with respect to both children and the elderly; that in fact there was no such protection Act and legislation that governed children who were being so abused or put under stress or any such abuse of children, nor with the elderly, Mr. Speaker, who are oftentimes put into very distressing situations and have no Bill of rights or no protection Act to which to appeal.

Similarly I'd refer members to my Mental Health Protection Act, which affords some protection for those people who are mentally . . .

MR. DEPUTY SPEAKER: With respect, hon. member, you're straying somewhat from the Animal Protection Act.

REV. ROBERTS: I do agree, Mr. Speaker. I just want to bring to people's attention that in fact it's very good to have such a benevolent Act as this that wants to protect the rights of animals, despite the misgivings in debate which I'd like to see pursued, but I would like to serve notice that if we're going to do this for animals, perhaps we should consider it for our children, for the elderly, and for people who are mentally ill as well.

I do want to raise this as debate. I know the Member for Barrhead wants to get in on the debate, Mr. Speaker, so I'd await his comment.

Thank you.

MR. DEPUTY SPEAKER: May the hon. Member for Vermilion-Viking close the debate?

HON. MEMBERS: Agreed.

DR. WEST: Yes, Mr. Speaker. I do believe that I'll leave many of my comments to committee to address the various members. I would just like to say to the Member for Edmonton-Centre while it's hot on the issue that in the province of Alberta we are actually, by the Canadian Council on Animal Care, admired in this whole country because the general public have a place as to the ethical use of animals in research, and it's by ministerial order. This is the only province in Canada where this is done.

All animal-based research, such as at the Alberta Environmental Centre, is carried out according to the guidelines of the Canadian Council on Animal Care, and that takes precedence over the Animal Protection Act. In the Animal Protection Act every officer has the right, where he deems that an animal is in distress and he has reasonable and probable grounds, to enter anyplace, including those facilities that do research on animals. In that light, these animals are very well scrutinized in this province, probably one of the best places in Canada. I thought I'd make that statement here tonight.

On the other issues that came up, I find it quite amazing on a piece of Bill like this that there would be grandstanding as to the negatives of this. I think this is one of the most progressive pieces of legislation that you can have. As I said, it was a model Bill in both B. C. and Saskatchewan, and the updating of this as it's revised today will make it even more progressive than in both those provinces. I will wait till committee and take on those other issues that you've brought up.

Thank you. I ask you to support this Bill now and move for second reading.

[Motion carried; Bill 18 read a second time]

Bill 19
Marriage Amendment Act, 1988

MR. ADY: Mr. Speaker, it's my pleasure to introduce Bill 19 for second reading, entitled the Marriage Amendment Act.

This Act has two main changes to be introduced, the first having to do with the removal of the necessity of annual registration of clergy to perform marriages. It seems that in Alberta there are about 3,500 clergy certificates issued each year, or in 1987 that was the number. And it's necessary to register those through Vital Statistics. It's necessary for the clergy themselves to go through this exercise, and we found that it is time-consuming and costly to carry this exercise out. In most other jurisdictions in Canada licences are issued to clergy with no expiry date, and this legislation will meet with approval from the churches and will put Alberta in step with most other jurisdictions in Canada.

The second main change has to do with removing the necessity for a premarital blood test, which has been in place since 1945 and a requirement under the Act. It was originally put in place to detect the incidence of congenital syphilis, but it has been determined that only one such case has been found with this procedure in the last 16 years, so of course it's not being very effective. There are about 30,000 marriages in our province in a given year, which means that 60,000 blood tests have to be carried out. The total cost to the system is about \$280,000 annually. So it's obvious that this is not an effective or a cost-efficient procedure.

Those are the two main changes in this Act, and I urge all members to support Bill 19 for second reading.

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

REV. ROBERTS: Well, thank you, Mr. Speaker. I have to rise and not commend the member of government opposite for bringing in such a Bill but rather refer hon. members to *Hansard* of July 18, 1986, where you'll find the hon. Member for Edmonton-Centre suggesting that perhaps government could move in a progressive way and amend the Marriage Act to do both of these things which are before us tonight.

I know it's taken almost two years to bring this into effect and to come around to this enlightened wisdom, but I do put it as a feather in my hat as one of the aspects of my legislative business here. I mean, I tell you, Mr. Speaker, to be in this province as someone who is registered under the Marriage Act to marry couples and the 50 or 60 couples or so that I've married in this province, and each time to have to sit down with them and go over a whole range of premarital and marital issues and then, by the way, say, "I have to tell you" -- in the province of Alberta we're still the only province in Canada which requests this -- "will you please get yourself down to the STD clinic and get yourself tested for syphilis?"

Now, it may well be a good idea that they need to be tested for such a disease. They could be tested for a whole host of diseases for that matter, but it seemed to me to be a rather anachronistic practice, one that, as the Member for Cardston opposite has already said, really had borne no effect in terms of detecting the disease and was of course from a government point of view too costly to administer. Now, of course, that comes down to the rub. When it becomes too costly, they finally decide to take it out.

But it's not just that it's too costly, Mr. Speaker. It's wildly

inappropriate and not efficacious at all to have this kind of blood testing that's made mandatory for couples who are contemplating marriage either in the church or in the court in the province of Alberta. And I'm glad to be able to support the fact that government has finally come around to what I said on July 18, 1986, and say that they should make this amendment to bring us into line not only with common sense but with other provincial jurisdictions in regard to this matter.

You'll probably rule me out of order, Mr. Speaker, but I will watch just how far I go with this. But I would like to say that perhaps what we should do is bring in some amendment or something with this amendment Act which would not only take something out but add something to the Marriage Act which would have it compulsory for all couples who are contemplating marriage in this province to have some form of premarital counseling. I mean, I think it would be far better for couples who are contemplating getting married and entering the holy state of matrimony to at least have two or three sessions with some neutral observer who could go through with them the various issues that might arise in their marriage: issues of sexuality, issues of family and in-laws, issues of how they deal with financial matters, issues of how they deal with anger and conflict in their relationship.

Now, Mr. Speaker, all of these issues the province has never deemed to be important or necessary. They would send them off for a blood test; it was mandatory. But these other more salient issues would just seem to be at the discretion of the couple or the clergyperson or whoever else was going to marry the couple. If we want to really lower the divorce rate in this province, which is so desperately high, and we'd like to involve couples in a very meaningful relationship in marriage, they should perhaps have some time . . . Perhaps it's too strict to have it made compulsory, but I think that we should give some thought and consideration to having marriage counseling be as mandatory as blood testing was so that couples could have an opportunity to go over their relationship and talk about some of their feelings with regard to these thorny issues.

I remember a couple. When I talked about what sort of conflicts, what sort of arguments, fights, you know, as we in the Legislative Assembly here have over some real issues that there's a great disagreement: "How do you deal with that as a man and woman?" They said: "Well, we've never had any disagreement. We've been together three or four years, and we've never had an argument on anything." And I said, "Well, on that basis then, I refuse to marry you, because if you've been together three or four years and you've not had one argument or one conflict that's arisen, you probably haven't surfaced in your relationship a lot of the meaningful aspects of it, and I don't want to get involved in bringing to a sanctimonious nature a relationship which hasn't really dealt with these kinds of issues."

MR. HERON: Point of order, Mr. Speaker.

MR. DEPUTY SPEAKER: The hon. member is indeed somewhat clairvoyant. Perhaps the hon. member could propose that at committee stage.

REV. ROBERTS: I do want to thank you, Mr. Speaker, because I think there are many issues which we in this Assembly could talk about in terms of marriage, and I'd like to raise what I've just been saying as one of them. But I'm certainly glad to see that this amendment is here before us and does these two things with respect to not forcing clergy or others who are licensed un-

der the Marriage Act to have to renew that licence every year -- it seems rather frivolous -- and also to have couples to have to go off down to the clinic and have their blood tested for syphilis, which is one of the last things that many couples really need to be looking at in terms of preparation for marriage.

So I applaud the government for finally coming on board with what has already seemed to be a rather commonsense approach to things and applaud the Bill before us. Thank you, Mr. Speaker.

MR. WRIGHT: On the principle of testing for syphilis, Mr. Speaker: what is the principle that has decided the promoter of the Bill not to test for anything; e. g., AIDS?

MR. DEPUTY SPEAKER: Does the hon. Member for Cardston wish to conclude the debate?

MR. ADY: Thank you, Mr. Speaker. The hon. member brings up a point that has been raised by others. There is certainly a reason for not extending it to endeavour to cover the incidence of AIDS. I'll be happy to cover that when it comes to committee.

[Motion carried; Bill 19 read a second time]

Bill 25

Municipal Taxation Amendment Act, 1988

MR. ANDERSON: Mr. Speaker, I'm pleased to move second reading of Bill 25, the Municipal Taxation Amendment Act, 1988.

This Bill is a significant Act for the province of Alberta. It puts in place a number of changes designed to make our taxation system more efficient in the province, although the primary purpose of the Bill and the main elements of it relate to the new rural assessment policy.

Mr. Speaker, in introducing the rural assessment policy into this Assembly, I have to give thanks to the members of the Association of Municipal Districts and Counties, who have worked very hard over the last number of years with the Department of Municipal Affairs to come up with this way of trying to make more equitable the distribution of the tax burden in our rural municipalities.

Mr. Speaker, as all members know, it's not easy to deal with taxation change. In fact, it's not easy to understand the complex systems which we've evolved to have the revenue required to operate our municipalities. However, in the past few years, the dedicated partners in the rural municipalities that we have in running government in the province of Alberta and ourselves have finally been able to reach a consensus, a consensus passed in great percentage points, by great numbers, at the conventions of the Alberta municipal districts and counties organization.

Mr. Speaker, the essence of the change that I speak of is designed to deal primarily with that group of Albertans who have been able to have a very low tax base on rural property because they have qualified as farm property while next door the same piece of property, say a house worth \$150,000 and 40 acres of land, may be paying 10 times as much. That's been made possible by the fact that people have been able to qualify as a farm operation on one site and not qualify on another. That may be done by so little a difference as a couple of exotic bulls that that one piece of property has been able to sell. We have therefore, in my opinion, not fairly distributed the taxes in that regard.

Twenty years ago this wasn't a major problem, but the problem has grown as our citizens from the urban centres have gone out and begun to develop some hobbies on the side to their usual occupation. So in most cases where this will be corrected, it will be for that category of Albertan that we've called the hobby farmer. There's no intention to make that person pay more than they should but rather to pay a fair share for the services which they receive within the municipality they live.

These are the elements included in the Bill, Mr. Speaker, which are changed from the previous one. No longer will people in Alberta be required to qualify as a farmer. All Albertans will have the homes on the farmland assessed. People will to a certain level -- this year at about \$38,000 at 65 percent of assessed value -- be able to gain some exemptions on the amount of taxes paid because of the land use they have.

There is also one other significant change, and that is that in the past we've had something that's been referred to as an urban advantage. The urban advantage has been that excess tax level that's been paid by a farmer or a person owning a rural piece of land because of their close proximity to an urban centre. I'm told that that policy was put in place in days gone by in order to recognize the fact that to get your horse and wagon and crop going to market, you had a greater advantage to a significant extent if you lived close to a large urban centre and consequently a declining advantage as you lived farther away from that large urban centre.

[Mr. Musgreave in the Chair]

The times have changed, transportation modes have changed, and we have taken out of the policy by this Bill, that urban advantage. There is still some benefit to living closer to an urban centre, and some more value to many of the lots that are there. So we have added, in replacing that urban advantage, a three-acre, residential, market site value that is assessed. So in addition to the home, people in the rural areas would have the three acres on which the home was situated assessed at market value.

The net result, Mr. Speaker, of those fundamental changes which are detailed in the Bill and the usual complicated tax jargon that we have is that property owners that are now on acreage sites paying a large tax dollar who did not qualify for farmland status will likely have a slight reduction in their taxes, all other things being equal in a municipality. Those persons who are legitimately operating farming operations will also likely have, all other things being equal, a slight reduction in their taxation. The person who is living on a 40-acre or an 80-acre site but who has a very modest dwelling will likely see little change in their taxes. However, that person with a large house who has been paying \$120 taxes as opposed to the \$1,250 taxes that his neighbour with the same amount of land, same qualities, same size house is paying, will now come closer to that spot. We believe that will provide more equity and fairness for our citizens and a more appropriate way of distributing the tax load. No tax system is perfect, Mr. Speaker, but we believe that this comes as close to fairness as we can, and of course our colleagues, our elected officials in the municipal districts and counties, believe the same, as do members of the rural ratepayers' associations, who have long advocated this fundamental change.

Mr. Speaker, in addition to that element of the Bill, which encompasses a good number of the provisions detailed in it, there are some other changes. The first deals with the question of urban farmland. That should not be confused in any way

with the rural assessment policy. They are two entirely different issues, except to say that the urban farmland issue, again, is an attempt to make sure that taxes are paid fairly and properly on property that's owned, only this time within urban centres.

At the current time, one can with a small farming operation get almost a tax exemption on a piece of valuable property in the middle of, say, the city of Edmonton. That's a loophole, if you want to call it that, which has been legitimately exercised by developers and individuals who have sought to do away with the taxes that they would otherwise have to pay. We feel that there is a fairer distribution that should be exercised there, though we realize the difficulty that a number of development companies are in and the legitimate situation that takes place with respect to the process of development. We also know that there are some operations which are legitimate farming operations, a greenhouse or hydroponics operation which may require only a small site of land. And while we initially looked at drafting within the legislation all of those provisions which would detail how we would deal with those specific circumstances, it became apparent very quickly that it's a rather moving target, difficult to define in law, and consequently we have asked the Assembly to allow to be put into regulation that particular outline of what's there in order that we might be flexible and ensure that we don't unduly harm anybody in terms of the tax bracket that they would have to pay.

I would be willing, Mr. Speaker, in Committee of the Whole to table for the Assembly an outline of the draft regulation that we're now circulating to municipalities and to development organizations and other interested individuals for their comment, so that we might also have the input from members of this Assembly, should they see fit to do so, in the final evolution of that regulation, should this Bill pass third reading.

Mr. Speaker, there are a number of other provisions not as significant as those two. Very quickly, I would go through some of the policy-oriented ones. There are a number that are in the Bill that really clarify the way in which various items are assessed, and I won't deal with those this evening, though I would be happy to in Committee of the Whole. But in terms of the policy issues there is in section 3(3)(b) a policy decision to make the lessee of municipally owned property assessable in the same way that the lessee of Crown land is assessable, and that in itself is fairly straightforward.

In section 24(2) we clarify the church exemption, Mr. Speaker. In the past there's been a limited amount of land that a church has been able to claim exemption on, but because of the way the current Bill is drafted, if part of that land is across the street in a parking lot, then they aren't able to claim that. We aren't increasing the exemption level, but we are ensuring that churches with that kind of split aren't unduly harmed and can in fact claim up to their maximum in more than one parcel of land.

Mr. Speaker, with respect to section 37(2), we will allow for the land classification to be put on the tax roll so that individuals who pay taxes can see the classification and therefore would have the ability to appeal it if they feel it's not the correct classification.

In terms of section 93(7), that merely allows for municipalities to take into account in their current budgeting procedures any uncollected taxes and plan for that in the future. The following section does the reverse of that: insist that any back taxes collected be taken into account in their planning for the coming year.

Section 96 ensures that land which the province exempts from the school foundation cost -- that that tax is not added to

unduly by the municipality, so that saving is in fact passed on.

In section 106, this in a like sense, Mr. Speaker, with respect to the program where we shield the interest rate for municipalities, would make it possible for the municipality to pass that shielding on to their citizens.

Mr. Speaker, in terms of section 106. 1, it would allow the council to phase in taxes over a three-year period if they felt the increase would have a great effect on their citizens, either with the rural assessment policy or in other ways. That has been done by municipalities in the past. However, it has been unclear as to whether or not the Act specifically allows for that, and this would clarify that.

The one other principle involved in this Bill, Mr. Speaker, would merely indicate that a third person's property on consignment, for example, could not be seized for the payment of back taxes. In other words, I don't know if you have any art that you sell, Mr. Speaker, but if you had some in an art gallery and that art gallery had not paid its taxes, it could not seize your art there on consignment if they were seizing the other property for the payment of those taxes.

Mr. Speaker, those are the principles involved with the Bill. Again, the primary issue is that of the rural assessment policy, the attempt to make more equal the distribution of taxes in our rural areas and to ensure that everyone pays their fair share and no one pays more than that. I believe this Bill is a step forward in that respect, and I would ask for support of the Assembly in second reading of the Act.

MR. WRIGHT: Mr. Speaker, I take it that if a farmer finds his land has been taken into an urban municipality, his taxes will remain unchanged, as is the case at present. How about if there is a change of ownership at or about that time? The owner is not a farmer. The operation continues just the same as before, but the owner is now a tenant. What is the case then?

MR. ACTING DEPUTY SPEAKER: The Member for Athabasca-Lac La Biche.

MR. PIQUETTE: Thank you, Mr. Speaker. Bill 25 in my opinion is a Bill which is providing at this time really an overkill in terms of a loophole that presently exists in the tax assessment. I do agree with the minister relating to the urban assessment, that there needs to be a closing of a loophole where many business people taking advantage of land assembly were able to simply rent out to a farmer and claim that land as farm property and be taxed on that level. I believe that issue had to be addressed by this government.

I believe also the government had to address the small acreage farmers -- for example, farmers of three to 40 acres -- who in the past have been able to have a few exotic animals, as he indicated, or very small part-time hobby farmers were able to get exemption because of claiming to be farmers. I think that gap had to be closed. However, I disagree quite strongly with the position of the minister when we are talking about agricultural acreages of 80 acres to 320 acres of land, which I still consider to be the small family farm in many instances in northern Alberta. I did a quick check, for example, in parts of my constituency and just around my home town and identified without too much work approximately 20 farmers who own between 80 acres to two quarters of land, or 320 acres of land, who are full-time farmers because they also not only own one or two quarters of land but also rent out and lease out two or three or half a dozen other quarters, who will be adversely affected by this Bill,

where they will see their property tax jump because of the fact that now their home and a three-acre parcel surrounding it will be assessed at 65 percent of the market value.

In one instance, for example, a Mr. Bernard Ulliach who is now paying \$225 of taxes on one quarter of land -- a hog operation, a full-time farmer with two quarter sections he's renting, who just bought it from his father about a year and a half ago -- will now see his taxes most likely jump to over \$1,200 a year. I find that in today's marketplace, where the price of the commodity he's receiving for his product -- this is a tax grab which I think will see hundreds and possibly thousands of farmers affected in a similar manner.

I don't think this Bill at all responds to the fact that we have many small farmers who still operate in many parts of Alberta, especially northern Alberta. If you head north of Edmonton here, you find -- for example, at a meeting I was at last night in Thorhild, many of the people at the meeting identified for me a number of farmers who operate less than four quarters of land, who are in the two and three quarter sections of land, who will no doubt see their tax increase jump dramatically here. Many of these farmers that we're talking about already are in danger of being foreclosed by ADC and the federal lending institution for farmers and banks, and now we're talking about fairness and equity in taxation. You know, this doesn't jibe at all with the reality of the small family farm. We have to also look at the fact that many of the young people today who have moved out of the city during the recession have attempted to start up small farming operations by working maybe half-time off the farm in order to build up a farming operation. We are going to be killing any kind of incentive for these people to leave the city to re-establish the small family farm as a unit.

I call on the minister, since I don't believe the impact of this Bill has really been seriously studied by various farming groups and associations like Unifarm and the national farmers' association, that this Bill simply sit after second reading and allow the farmers of Alberta, especially the small family farms, to have their public input into a decision made by the rural municipalities and the minister. You know, when I start looking at this again, it seems to be a government doing again a very consistent kind of policy. One policy is that, for example, if you look at the property tax impacts, the news release that was provided by the minister, if you're a large farmer you pay less tax under this proposal. If you're a small farmer you get up to, in some cases, 10 times or eight times more taxes paid on residential properties. I think that's an unbelievable kind of situation which this Bill is attempting to do. It's actually in a lot of cases here eliminating whatever little advantage the small family farm has of starting up in this province.

I know when I left the city and took over the family farm from my parents, first of all I bought one quarter of land and rented out from my father two other quarters of land. My intention was to gradually build up that farming operation so it would be self-supporting, where you would be able to not have to spend a lot of money in terms of buying seven or eight quarter sections of land in order to be an operation which is going to be bankrupt because of the loans you have to pay on, but you can slowly build up a farming operation which can be viable. I can tell you that during this recession the small family farms of 320 acres and less in my constituency are the ones which are still intact today. It appears that whether there is an agreement within the rural municipalities of addressing a loophole, I think the loophole has been almost a strangulation of the small family farm with this Bill here.

Now, I would ask the minister whether he has any intention -- for example, where a farmer is making more than 50 percent of his income on the farm as defined by the federal government, if he owns an 80-acre to a 320-acre parcel, whether he will have exemption from this Act so that he will not be facing the full force of that 65 percent of the market value on that three-acre parcel and the residence that is now designated to be taxed on. Because if that individual is defined under the federal government's taxation policy that allows him to be declared a full-time farmer by earning at least 50 percent of his income on farm, then he should be entitled to the same kind of tax advantage as the farmer who's operating 480 acres to 640 acres and more. So I believe this Bill here should be very carefully studied by the farmers of Alberta, because I can tell you that the impacts on thousands of small farmers in this province are going to be dramatic. I think that without enough public debate and without enough people in the public knowledgeable about this Bill, we're going to be finding out that we'll have an unjust imposition of a tax without anyone having the right to express their opinion relating to this Bill 25.

In closing, I urge the minister to, after second reading, leave this Bill at least until next fall, to be set aside for greater public input to allow farming groups and small farmers to make their case properly, and for the minister to seek amendments to this Bill which exempts farmers who are operating a farming operation with 320 acres and less to 80 acres of land to have their say before this Bill is passed by this government.

MR. ACTING DEPUTY SPEAKER: The hon. Member for Barrhead.

MR. KOWALSKI: Thank you very much, Mr. Speaker. Bill 25 has arrived here in this Legislative Assembly in the month of May, 1988, after several years of determined study here, there, and everywhere throughout the province of Alberta. I think it's important to recognize at the outset that this Bill comes forward as a result of very determined consultation between this government and the Alberta Association of Municipal Districts and Counties. Now, there may very well be some members in the New Democratic opposition who don't really understand what the Alberta Association of Municipal Districts and Counties is all about, but it is the mother organization, the all-encompassing provincialwide organization that's made up of literally hundreds and hundreds of elected men and women who serve essentially as volunteers in the municipal government throughout the province of Alberta.

It's also a truism, Mr. Speaker, that in the determination of this Bill by the government and in terms of the various elements of consultation the Minister of Municipal Affairs has taken with the Alberta Association of Municipal Districts and Counties, over the years it has come to the attention of the government that in a fair number of municipalities in this province, particularly in the northern part of the province, there's a sizable number of people who, by the very nature of the loopholes identified by the Minister of Municipal Affairs, somehow avoid paying property taxes. By way of example, in some very important municipalities in northern Alberta, including the county of Athabasca, the MD of Westlock, the county of Barrhead, the county of Lac Ste. Anne, upwards of between 12 and 14 percent of the property owners in each of those jurisdictions somehow, Mr. Speaker -- somehow -- don't pay any property taxes.

Now, the Minister of Municipal Affairs has talked about fairness and equity with respect to Bill 25. What is fair, Mr.

Speaker? What is fair in a taxation system in this province that would exempt 12 to 14 percent of the people that would live within those municipalities in northern Alberta from paying their fair property tax? The Minister of Municipal Affairs has very correctly outlined that Bill 25 talks about a principle of fairness and equity for all property tax owners. What is very important to recognize time and time again is that Bill 25 will now allow those individuals their rightful privilege and responsibility, as participants in a democracy, to pay a fair property tax. That means the other 86 to 88 percent of the property tax owners in those municipalities in essence will in the longer run see their property taxes lowered. They, who have traditionally paid their fair share of property taxes because another group of people somehow have been allowed, because of loopholes, to not pay their fair share of property taxes and to accept their responsibility in a self-governing democracy, will now have that privilege and right. So all in all what we will see is one hundred percent of the people paying a fair share, balanced property tax within each of the municipalities they sit in.

There's absolutely nothing, Mr. Speaker, in Bill 25 that would ever see the demise of the small family farm and the small family unit in any part of Alberta, particularly northern Alberta, particularly that part of Alberta a great number of people in this Assembly are knowledgeable of, very cognizant of. I would like to repeat that Bill 25 recognizes the principle of fairness and equity. It also recognizes the principle of responsibility, that all of us who have the privilege of being property owners in rural Alberta must also have a responsibility in paying for the municipal items we expect as citizens of a rural municipality.

I think Bill 25 is a cornerstone piece of legislation that has been worked out hand in hand in consultation with the government of Alberta and the Alberta Association of MDs and Counties. It has not been rushed by any means; it has come to the attention on the floors of the annual conventions and the spring conventions and the fall policy meetings of the Alberta Association of MDs and Counties over the last half dozen years. There have been numerous, numerous consultations -- numerous, numerous consultations with these elected men and women who service and serve their constituents and the constituents of many Members of this Legislative Assembly as well. Bill 25 is a very important Bill. It's a progressive piece of legislation that in fact will enhance the family farm and improve the quality of life in rural Alberta by ensuring that there's fairness and equity for all of the residents of rural Alberta in meeting their rights and responsibilities as residents of rural Alberta.

MR. ACTING DEPUTY SPEAKER: The hon. Member for Vegreville.

MR. FOX: Thank you, Mr. Speaker. How I wish the hon. Minister of the Environment would express that same kind of righteous indignation when he hears the Leader of the Official Opposition express concerns to the hon. Premier or the hon. Provincial Treasurer about the large number of wealthy Albertans and wealthy Canadians that get away from paying any income tax.

MR. ACTING DEPUTY SPEAKER: Would the hon. member keep his remarks to the Bill.

MR. FOX: Because fairness and equity is a principle in this Bill, and certainly the member seems to support that, then he

should be willing to support that same kind of principle in our income tax system. But that's not the case, Mr. Speaker. That's something the Tories seem to want to enshrine in our tax system. So I'm encouraged to see that this may perhaps be movement on the part of perhaps the more progressive wing of the Progressive Conservative government, and I'm sure his colleagues will follow in kind.

Getting to the specifics of Bill 25, though, I do want to acknowledge that I think by and large the Bill does move closer to fairness and equity in property taxation. The concerns that I think some people will feel, and expressed by my colleague for Athabasca-Lac La Biche, relate perhaps not to the way taxes are assessed but to the problems caused by this government forcing local governments to rely increasingly on municipal property taxation to fulfill their obligations to the citizenry. If it were not for the cutbacks in grants to municipalities, cutbacks in grants to educational institutions and to hospitals, these municipal associations wouldn't be forced to go back again and again and again to ask people whose pockets are already empty to dig deeper and come up with more money. So the two things are related. Certainly it's not just the way in which property is assessed but the subsequent levy that is assessed on that property that causes people some concerns.

Now, I've had the opportunity, Mr. Speaker, to have some consultation with groups that have these concerns. Some representatives of the Council of Alberta Rural Ratepayers Association, Mr. Neil Deck and Mr. Curt Hardy from the Chipman area, themselves being small landowners, were quite upset by the discrepancies in property taxes that they noticed in the county of Lamont, that there were some people on small parcels of land that were deemed by the county authorities to be farmers and therefore paid very little in taxes, while here they were trying their best to get into agriculture and build up some sort of farming operation while supplementing that through off-farm income and were classed as nonfarmers and were paying much more. That's not an equitable situation, and I think they were upset with that discrimination.

So in some degree they'll be encouraged by this legislation, Mr. Minister, and I offer it conditional support in that regard. But I don't think it was their intention that everybody else's taxes be raised to their level in order to make it fair. I think what they were concerned with is that their taxes are too darned high for what they're receiving out there, and they wanted to have that addressed not by penalizing their neighbours and discriminating against some of the small family farms, as my colleague from Athabasca-Lac La Biche stated, but by having their taxes perhaps assessed a little bit more reasonably.

We've got to recognize that times have changed in rural Alberta. It's no longer a situation where the broad mass of people earn their living from agriculture and there are a few dilettantes who move out from the city to raise a couple of head of exotic cattle and frolic in the country atmosphere. The rural countryside's changed a lot, and I know the minister recognizes that in areas adjacent to the city -- Lamont, Tofield, some areas like that -- we have a large number of rural residents, people who have chosen to move out of the city not just for the lifestyle but because they want to make a commitment to rural Alberta. They want to try to some degree to get into agriculture and perhaps work towards full-time farming as a career, and they want to have the opportunity to raise their families in a wholesome and nurturing kind of atmosphere that rural Alberta provides.

[Mr. Deputy Speaker in the Chair]

I think it's time that we woke up and recognized that we ought not to punish them for that decision, because, by golly, we need those people to be moving back to rural Alberta when we've got a government, Mr. Speaker, that predicts there's going to be a fairly consistent and dramatic rural population decline over the next 13 years. I think we've got to do what we can to encourage a repopulation of rural Alberta, and certainly making the tax regime that people who own small parcels of land and small farmers in rural Alberta -- making that tax regime more attractive is a way to entice people to come back to rural Alberta.

So I do raise those concerns. We'll have a chance to debate this Bill in a more thorough way during committee stage, and I'm looking forward to input from the Council of Alberta Rural Ratepayers Association to see what they think of the specifics of the Bill. I do hope the minister will take under advisement some of the concerns I've expressed on behalf of people who are anxious to move back to rural Alberta and build a better future there for them and their families.

On behalf of my colleague for Edmonton-Beverly, I would like to say it's generally perceived that the changes the minister proposes in terms of taxing land within urban jurisdictions that formerly enjoyed some sort of farm exemption are positive and to be supported. So I look forward to future discussions with the minister on this issue.

MR. DEPUTY SPEAKER: The hon. Member for Dunvegan.

MR. CLEGG: Well, thank you, Mr. Speaker. I don't want to waste a lot of time on second reading on this Bill, especially after the Minister of the Environment from Barrhead with his remarks. But I just want to add that I was on the committee with the Department of Municipal Affairs. We spent two years studying all this. We thought as a committee, and certainly I'm very proud of the Minister of Municipal Affairs that he would bring this Bill forward after the Alberta Association of MDs and Counties have been waiting two and a half to three years for this Bill. I personally took it out to six local improvement districts, and I believe it was taken to every local improvement district in the province. The acreage owners association endorsed this totally, and the urban association endorsed it totally.

I can't believe the Member for Athabasca-Lac La Biche would get up and say the unfairness of this Bill. We have had taxpayers in rural Alberta for many years using a loophole to get away from paying taxes. Certainly when somebody gets away from paying taxes, somebody else pays a bigger share of the taxes. Now, how he can say it's unfair, I don't know. He also stated that they're going to pay eight times as much as they did before on a quarter section of land. Well, if they're going to do that, they probably have a \$200,000 house. If a person is really farming, how many farmers have that kind of house and are really farming? We have in the last 20 years tried to define a farmer. That's where the problem has been. With this new Bill, the word "farmer" never enters into it.

I really look forward for the passage of second reading, to getting this Bill through Committee of the Whole, and for third reading, so we can get on with the fairness of it.

Thank you, Mr. Speaker.

MR. DEPUTY SPEAKER: Hon. Member for Calgary-Mountain View.

MR. HAWKESWORTH: Thank you, Mr. Speaker. Just a few comments this evening on the introduction of Bill 25 for second reading. I appreciate that the stated objective of these amendments is to lead to greater fairness in the taxation system. That's certainly a noble endeavour by the minister. But fairness in the tax system, like beauty, is often in the eye of the beholder. Having myself had the experience of listening to numerous people appealing to me, in my former capacity, for exemption under this Act or the other section of this particular Act from time to time, I know that people can be very persuasive when they think they are being treated unfairly by the tax system.

I think the minister from his experience will understand when I say there's probably nothing much more complex in our modern society than taxation legislation, whether it be income tax or property tax, and this Bill is certainly in that category.

I would say, though, that there is at least an introduction of what I understand to be a new concept, and that is -- and the minister can correct me if I'm wrong in my reading of the Bill -- a concept whereby an individual parcel now can be divided or segregated for the purposes of assessment. Now, as I understand the existing system, a parcel is dealt with as a parcel either for the use of residential, nonresidential, for farmland, or whatever.

But now what the minister is proposing, particularly in the first few clauses of Bill 25, is a new concept whereby an individual parcel can be subdivided, in a sense, for the purposes of assessment and taxation. Now, that's a new concept. Given that, I think the regulations are going to be very crucial, and I appreciate that the minister has given the undertaking that prior to committee reading of this Bill, we will have a chance to take a look at those regulations. Because what concerns me is that it introduces a whole new degree of discretion available to the local authority or the local assessor, and with that, perhaps, may arise a whole new level or opportunity for disagreement, inconsistency perhaps -- well, particularly the question of inconsistency in the way that principle is applied.

So if it's straightforward or not, I don't know. I just at this point, not having the regulations in front of me, am finding it a bit difficult to speculate about what those might be. I just say that it is an important new principle introduced into this Act, and it gives me some concern.

As well, I believe some comment was made about the urban advantage having been changed by this Bill. Now, when I look through the existing Act, section 9(3) of the Municipal Taxation Act:

In determining the value of land an assessor shall have regard to

(a) any advantages or disadvantages of location.

Now, I don't know whether this was a section that the minister made reference to. I couldn't hear from his comments, but I don't see that section 9(3) is the one that's being amended. Section 9(1) is being amended. That has to do again -- coming back to this concept in which a parcel can be up to a certain percentage for one use for taxation purposes, and another use, another portion, for other assessment purposes.

As well -- and I take it that this comes back to the minister's statement about a three-acre market site -- the homesite will be assessed at its market value. Again, it may be somewhat more pertinent at committee discussion, but if the minister could make some comments in his closing, because he did allude to it in his opening comments. Why three acres? Is that something arbitrary, as it tends to be an average site for a homestead or the farmstead on a quarter section or whatever? Why three acres?

Why not one? Why not five? Why not 10? I mean, it's a question as to picking one number as opposed to the other.

Mr. Speaker, the minister also made reference to closing a loophole in urban farmland. That's an important concept that I appreciate, if it's going to have the desired effect. All members of this House will remember that last year a private Bill was introduced as a result of a petition from the city of Calgary in which that was attempted by that one municipality to rectify a former Public Utilities Board order in which a number of unsubdivided parcels in the city of Calgary were able to classify for exemptions. As well, the minister made reference to a parcel close to downtown Edmonton where an individual developer was able to consider it or get it used as farmland and thereby escape a considerable amount of taxes on those lands.

I wonder whether this Bill is going to have the effect of overcoming those individual circumstances all over the province. As I mentioned, Calgary, as a result of an annexation order -- a different circumstance with the city of Edmonton, but in that case the city of Edmonton with its large annexation that occurred a number of years ago has brought farmland into the urban boundary, and as that land becomes reclassified over time for planning purposes, it may be that they will escape, or have at least in the past been able to escape, paying their proper taxes. I would like to know or have the minister go into some more detail about how those sorts of circumstances will be affected by this particular Bill.

I also concur generally with the concept that where the municipality has borrowed funds from the province for debentures for local improvements, and thereby those taxpayers have to pay for those debentures through a local improvement tax, when those charges are reduced to the municipality, they should be passed on to the people affected by that local improvement.

I also feel that the enabling legislation found in section 106.1 is a good one to this extent: that it allows a municipality to phase in its increases in taxation as a result of a general reassessment of property in that municipality. We've seen some of the changes that have occurred, in the city of Calgary as an example, where people's taxes have gone up dramatically as a result of the reassessment. So then large numbers of people in the neighbourhood band together. They've gone down to the Assessment Appeal Board -- or the court of revision, I guess, first of all -- and launched these large appeals saying, "Our neighbourhood is paying more in relation to another neighbourhood," and they've had some success. I would think that if the municipality had this tool at its disposal, it might say to members in those communities, "Look, we'll phase it in over three years." I think people then would perhaps be a bit more accepting of the need for them in their community to pay a tax equivalent in fairness in relation to all the other properties and communities in that municipality, and it may have some effect in reducing the opposition that arises when a municipality sometimes undertakes a general reassessment.

So again, Mr. Speaker, with those brief comments I hope I've highlighted that we see there are some areas that require some further debate and explanation. They'll be pursued further in Committee of the Whole, but given the minister's stated objective of achieving greater fairness, that's certainly a concept we can't take exception to. We may find some means or ways in which that objective is not going to be achieved in this Bill, and if that is the case, we reserve the right or the opportunity to make those reservations known at later stages of Bill debate.

Thank you.

MR. DEPUTY SPEAKER: Comments by the Minister of Municipal Affairs will close debate on this Bill.

HON. MEMBERS: Agreed.

MR. ANDERSON: Mr. Speaker, I thank all hon. members for their participation in debate of Bill 25. A number of the issues raised would be best discussed in Committee of the Whole, and I'll review *Hansard* and prepare to do that for the specifics that hon. members require.

I do have to comment, though, on the comments of the hon. Member for Athabasca-Lac La Biche. In fairness, he had sent me a note. We had started to discuss this and did not have time before the House started, but with due respect, I have to say that the hon. member does not understand the concept that's in the Bill or all of the provisions which allow for an equalizing factor.

This will not hurt the family farm. This will not unduly harm those individuals who, on a limited income, are trying to struggle on the farm, primarily because the size of the house, the amount the house is valued at, will play a very significant role. If the individual is on 40 acres and the house is a moderate house, 1,300 square feet -- that kind of average house that we would have in the city of Edmonton -- that person will not be paying more. If that person has a \$250,000 house on the 40 acres of land and has been paying in the past far below what he should have been paying for the services he's received, for the schooling of the children they've received from his household, then yes, indeed, he will be paying significantly more. It is not a perfect solution, but I do believe it is one that's fair, that's equitable, and that has received debate from one end of the province to the other over the past four years, and that we have explored in great detail with those of our partners in municipal government who are responsible for making sure their citizens do, in fact receive equitable treatment under our taxation policies.

Mr. Speaker, I won't say more at this point. I would indicate that it is a complex Bill. I agree completely with the Member for Calgary-Mountain View in that respect. Taxation policy is something that all of us have to work at understanding, and I will assist members in trying to deal with the specifics of this Bill when we reach Committee of the Whole.

[Motion carried; Bill 25 read a second time]

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

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

[Mr. Musgreave in the Chair]

MR. DEPUTY CHAIRMAN: Will the Committee of the Whole please come to order.

Bill 1 **Premier's Council on the** **Status of Persons with Disabilities Act**

MR. DEPUTY CHAIRMAN: I first of all would like to ask the committee if there are any comments, questions, or amendments that are to be offered with respect to any section of the Bill.

REV. ROBERTS: Mr. Chairman, yesterday at second reading I asked several questions with respect to Bill 1 in a way to try to get some clarity about who the persons with disabilities were that this council was to work with and for. I received no response from the Premier or other members of government to know what in fact the definition was.

As I pointed out yesterday, the term "disability" is rather broad. It includes, as I understand it with this Bill, people who have physical disabilities, physical impairments which disable them from doing that which they'd like to do in terms of physical activity. There are also those who are emotionally disabled, who have a chronic sense of depression or other form of emotion which keeps them from doing what they would otherwise like to do. There are also those who have mental disabilities. As I pointed out yesterday, we're certainly hopeful that the Labour minister brings forth amendments to the Individual's Rights Protection Act which would include mental disability as a prohibited ground for discrimination.

So there does seem to be a number of different meanings to the term "disability," whether it's physical, emotional, or mental, and I am unclear as to whether this Bill and this council are dealing with all persons with all disabilities, however defined or understood, or just with those persons who can be defined to have a kind of a physical disability, as Rick Hansen and those who are involved in the community of the physically disabled represent.

I thought I would assist the Premier and the members of government who have brought this Bill before us with a certain amendment which defines in this Act what disability is. We have only in this Act what "Council" means. I'd like to offer for members a definition of "disability," particularly as I understand it to be physical disability. So I have copies of an amendment here, Mr. Chairman, and would ask that they be distributed and debated forthwith.

Bill 1 is amended by striking out section 1 and substituting the following:

"1 In this Act

- (a) "Council" means the Council established under section 2, and
- (b) "disabilities" includes the want or impairment of a capacity or capacities to perform an activity which could be performed were it not for the disability or disabilities."

If I could speak further to the amendment, Mr. Chairman, I have amended section 1 where in this Act not only "Council" is defined but "disabilities" is defined. Now, I've tried to work at this with some care. It's a definition that is based partly on the World Health Organization's definition of disability -- although their definition says that it is any restriction or lack of ability to perform an activity in the manner or within the range considered normal for a human being. I don't know what "normal" means in this day and age, Mr. Chairman, so I've amended that and added to this definition part of a definition from *The Canadian Law Dictionary*, which also has a definition of disability which is about the capacity or capacities to perform an activity. So it's a kind of hybrid of both those definitions, partly from the World Health Organization, partly from *The Canadian Law Dictionary* around what a disability is. And I have tried to make this definition of disability to really mean physical disability. Hopefully in that way it would narrow the purview and the work of the council which is working to promote the status of persons with disabilities.

So I'd appreciate any response to this amendment. Thank you.

MR. GETTY: Mr. Chairman, I appreciate the hon. member wanting to have an interpretation that gives him some feeling of comfort. But in talking to the steering committee which was involved in the drafting of this Bill after meeting with some 175 groups and 400 different papers regarding this legislation, we agreed that the best thing was to keep it as flexible as possible. As a matter of fact, the minute you start to come up with an interpretation or definition you begin to exclude things.

Rather, our discussion went along these lines. This is the only such council in Canada, and the council will be breaking new ground. We do not want to limit the council's work, and therefore we are not going to try and define disabilities, but rather we are going to put the people, Albertans, on here who will do the best job possible and will have the broadest possible mandate. Therefore, I recommend to the House that we do not restrain them with this definition.

REV. ROBERTS: Well, Mr. Chairman, I appreciate that from the Premier. It's the first time I've heard that, and I would like to hear more about it. It seems a noble goal.

Are we to understand, then, that this council will entertain representations from those who are mentally ill? Or from those who have mental disabilities -- whether they be of a learning disabled nature or mental handicap or mental illness -- all of whom are seeking allies and seeking voices and advocates for their positions, and I think would be very encouraged by a council that would help them in that?

As well, Mr. Chairman, it would be . . . I don't know. I just don't know at what point the council is going to be able to say, "Well, wait a minute, the disability which you are claiming is really . . ." What about the person outside the Legislature who's on the hunger strike, who claims to have a disability with respect to his back pain and that the workers' compensation isn't meeting his needs or raising his concern? Is the council going to be able to hear his concern and his claim as being a council for the status of persons with disabilities if someone such as he comes and claims to have a disability? So it does leave it wide open.

I want to be inclusive, and I appreciate the breaking of new ground which this council wants to do, though I thought there were councils in Nova Scotia and other provinces that are along the same lines. But I'm a bit concerned that if it's wide open it may, in fact, be somewhat diluted in terms of its real mandate. I guess I can go with it for a year or two to know, as it's establishing itself, what its real mandate is and who it represents and who can make representation to it. It does seem to me, frankly, that it does have a bias toward those who are physically disabled. I have not heard the fact that those with mental disabilities or motion disabilities or those workers' comp complainants with other disabilities can have a voice here. That's welcome news, and I'd like to encourage that. But at the same time, I think the mandate, if it's too broad, can be watered down to some degree. As I say, over time maybe that will become clear, but I'd appreciate a further clarification if the Premier is wanting representation from these other people who claim to have other disabilities as well.

SOME HON. MEMBERS: Question.

MR. GETTY: I think we should proceed with the question, Mr. Chairman, only to say to the hon. member that I don't believe that it will be watered down at all. I guess we can both agree that it'll be the quality of the people who are on the council that

will determine the success of the council and whether it will be able to fulfill its mandate. I would hope they would deal with mental disabilities.

[Motion on amendment lost]

MR. GETTY: I move the Bill be reported.

MR. CHUMIR: Mr. Chairman, is that the only discussion? Were we dealing with section 1 or . . .

AN HON. MEMBER: We passed it.

MR. CHUMIR: Pardon me?

MR. DEPUTY CHAIRMAN: We've passed it, hon. member. You were . . .

AN HON. MEMBER: Just the amendment. [interjection]

MR. DEPUTY CHAIRMAN: The hon. Member for Calgary-Buffalo.

MR. CHUMIR: Mr. Chairman, I have a question for the Premier, and it deals with section 4 with respect to members of the council and, in particular, who may be appointed the chairman of the council. I would hope that it would not be the intention that one of the two MLAs be appointed the chairman of the council but rather that one of the lay members be chairman. I note in section 4 there is reference to two concepts of members. One is members of the council being appointed by the Lieutenant Governor in Council, as set out in subsection (1). And then in subsection (2) there's a reference to Members of the Legislative Assembly. And in subsection (3) there's a reference to the Lieutenant Governor in Council being able to appoint one of the members. Seeing as the previous latest reference to members was the two members of this Legislative Assembly, my immediate legal interpretation was that perhaps you were referring to one of the two members of this Assembly as being the chairperson. So I would appreciate the clarification of the Premier on that particular issue and perhaps his undertaking that the chairperson would be a lay member of the council and not an MLA.

MR. GETTY: Mr. Chairman, I'm just a little bit amused, but I think it's understandable in the course of everybody doing a lot of things. But I have introduced in the House already the chairman, and he's been appointed: Mr. Gary McPherson. He is the chairman of this council; he is a lay person; he has been active in disabled matters throughout this province. He was, the member will recall, the chairman of the Rick Hansen campaign in Alberta and has agreed to come and chair this council. He looks on it as a tremendous challenge, and I think he'll do a superb job.

There is a provision for two Members of the Legislative Assembly. I wouldn't want to say that there will never be a Member of the Legislative Assembly as chairman. We may well have a member who fits the qualifications ideally, and then all members would probably support that appointment. But as of right now there's no intent of having a member of the Assembly chair this council.

MR. DEPUTY CHAIRMAN: Is there any further comment on

the Bill?

[The sections of Bill 1 agreed to]

[Title and preamble agreed to]

MR. GETTY: Mr. Chairman, I move the Bill be reported.

[Motion carried]

Bill 2

Homestead Lease Loan Repeal Act

MR. DEPUTY CHAIRMAN: Mr. Clegg.

MR. CLEGG: Thank you, Mr. Chairman.

I really haven't got anything to say except what I said in second reading, and that is that in fact it is just to clean up the old Homestead Lease Loan Act. That's all I can say.

MR. DEPUTY CHAIRMAN: Hon. Member for Vegreville.

MR. FOX: Mr. Chairman, as a member of a caucus in this Assembly that had to endure lectures in question period after question period after question period from the hon. Premier and the Minister of Labour about: "Well, don't ask questions about Bills, because you'll get a chance to debate it when we get into reading the Bills and such. You can be more productive in your pursuit by doing things that way." I'd like to make note of the fact that we've raised questions during second reading of some of these Bills and we're not getting answers to these questions and that it appears that the government is prepared just to ram these Bills through without consideration, without responding to some of the things raised by members of the opposition. And though this is certainly perhaps the least contentious piece of legislation that could possibly be introduced, and I commend my colleague from Dunvegan for introducing it. . . . [interjection] With respect, hon. Member for Stony Plain, I have the intelligence to ask some questions about this Bill, and I wouldn't mind having them answered. If you took part in debate, you might get some questions answered too.

I'll ask the questions again, Mr. Chairman, because, with respect, someone might decide that they're obliged to answer them. I was wondering how much money was going to be considered not paid under the Homestead Lease Loan Act. How much is not paid? How many lessors are involved? What are the assets of the Homestead Lease Loan Fund that are being transferred to the General Revenue Fund? I think these are legitimate questions that have some bearing on this Bill, which we support and have no intention of delaying. So I'm sitting down in the hopes that somebody somewhere might have some answers.

MR. DEPUTY CHAIRMAN: The hon. Member from Dunvegan.

MR. CLEGG: Thank you, Mr. Chairman. I can't specifically answer the questions. I don't really know the need to know how many there were and the amount, because whatever amount was owing, it's not forgiven. If you read the Bill, it says:

The assets of the Homestead Lease Loan Fund are transferred to the General Revenue Fund.

AN HON. MEMBER: How much?

MR. CLEGG: I haven't got the figure.

MR. DEPUTY CHAIRMAN: Leader of the Opposition.

MR. MARTIN: Mr. Chairman, I remember going through Bills before. But I would just say, if we're going to have government members doing Bills -- and I certainly don't object to it; I think it's a good policy -- then they certainly should be given the information to answer the questions. That's clearly the role of the Legislature, to ask the questions. And I would suggest that if the hon. member doesn't know, he should find out and should not be presenting a Bill if you don't know the information, especially after it's been brought up in second reading. It's the responsibility of that member to go back and find out that information. This is why you have debate of Bills; this is why you have the committee stage; this is why you have third reading: to try to get information. I would suggest that the minister responsible take the Member for Dunvegan aside and at least have the information for third reading.

MR. DEPUTY CHAIRMAN: Hon. House Leader.

MR. YOUNG: Mr. Chairman, I would move that debate on this Bill be adjourned until we do receive some information, which will be shortly, and that we move to Bill 3 in the interim.

[Motion carried]

Bill 3 Agriculture Statutes Amendment Act, 1988

MR. DEPUTY CHAIRMAN: Hon. Member for Wainwright.

MR. FISCHER: Thank you, Mr. Chairman. This Bill has very minor changes, and it's quite self-explanatory. There are two parts to the Bill, and I explained them quite well in second reading. I would like to move that this Bill be reported, if there isn't anything else.

MR. DEPUTY CHAIRMAN: The hon. Member for Vegreville.

MR. FOX: Thank you, Mr. Chairman. There are a couple of things that I would like to perhaps put on the record, and then the hon. Member for Wainwright in third reading, or perhaps now, would have a chance to respond to them.

It does seem to us at first blush to be purely a housekeeping Bill that would certainly, in the section that deals with the Livestock and Livestock Products Act, just make a little more sense out of the regulations so that they're easier to deal with in terms of the way in which the Bill defines patrons and relates to claims and charges that may accrue between people involved in transactions. So, you know, that's fairly obvious.

The part of the Bill that deals with the Dairy Board Act. I do want to raise a couple of questions on behalf of a constituent of mine, a fellow named Rob Dueck from Ryley, who is a dairy farmer and is concerned about changes that were made in the last year to the amount of levy -- and I hope I am using the word properly -- that the dairy pool, for example, can charge when they're obliged to transport surplus milk to other dairies. If Palm Dairies, for example, is short of milk on a weekend and they need milk, then the dairy pool, be it Northern Alberta Dairy

Pool or Central Alberta Dairy Pool, is obliged to ship them milk, and there's a surcharge that they're able to charge for handling and transporting that milk. It's been dropped quite substantially over the past year; the per hectolitre charge has been lowered quite substantially. And with respect, I'm not sure if that's something that is alluded to in the amendment on this Bill, that we would put in place provisions that would "provide for and govern the fixing of amounts of assessment under section 23, et cetera. It's a fairly general concern this fellow had, and perhaps this might provide an opportunity for the minister or the member to address it.

The other section that's being added to the Dairy Board Act by this Agriculture Statutes Amendment Act, Mr. Chairman, is the section that says:

The Dairy Board may enter into agreements with a person, the Government of Canada, the government of a province or an agent of the Government of Canada or the government of a province respecting the production, processing, supplying, transportation, distribution, marketing and sale of milk, or any 1 or more of those functions.

And again that seems like a fairly innocuous sort of amendment, but I just have to wonder if this isn't in the category of enabling legislation for the anticipated Mulroney trade agreement in respect to flow of product within the country between provinces and perhaps in the future across the border.

So with those questions, I think certainly a Bill we're going to support. I just raised those things in the hope that some clarification might be forthcoming.

MR. FISCHER: Well, I believe that in most of the checkoff system -- it has been a voluntary system before, and now they want to make it so that it's a checkoff so everyone pays. And it isn't going to change the specifics that you're talking about and how they use those funds afterwards. They have something like 95 or so percent of the people that already belong to the voluntary system, and they did feel that it would only make it fair to include everyone. Possibly a minister would like to add to that.

MR. ELZINGA: If I could add just a few comments to that, Mr. Chairman, and indicate that what the hon. Member for Wainwright has indicated is right on and, in doing so, also compliment him for steering this Bill through the Legislature. And in response to the hon. member too, it relates more so to the levy of an individual producer rather than the levy as it relates to the various groups, whether they be Palm or NADP or Lucerne, but I should share with him that we are working on the concern that he has expressed through the Dairy Control Board, whereby we are looking for input from those manufacturers of milk.

The clause and the second concern he raised as it related to the opportunity to enter into agreements with the government of Canada and the other governments of other provinces: this will just allow us to participate in national programs, and it has nothing to do whatsoever with the trade issue.

But again, my deepest thanks to the hon. Member for Wainwright for piloting this through.

SOME HON. MEMBERS: Question.

[The sections of Bill 3 agreed to]

[Title and preamble agreed to]

MR. FISCHER: I move that the Bill be reported.

[Motion carried]

Bill 5
Oil Sands Technology and Research Authority
Amendment Act, 1988

MR. DEPUTY CHAIRMAN: The hon. Member for Redwater-Andrew.

MR. ZARUSKY: Thank you, Mr. Chairman. This is mainly a housekeeping amendment that was brought to our attention by the Auditor General. It's an Act that allows funds to be appropriated to the Oil Sands Technology and Research Fund from the General Revenue Fund. AOSTRA funding is divided into administering and operating budgets funded by appropriation from the General Revenue Fund and the Oil Sands Technology and Research Fund, from which are funded the projects and research supported by AOSTRA. This, Mr. Chairman, is the capital fund of AOSTRA.

If there aren't any questions, I'll move that this Bill be reported.

MR. PASHAK: I think the member actually must have just had some consultation with the Minister of Energy and answered the key question that had to be asked with respect to Bill 5, which has to do with recommendation 17 in the annual report of the Auditor General for 1986-87. It looks like this measure will take care of that criticism.

But the Auditor General also pointed out that some \$34.7 million was put into the Alberta Oil Sands Technology and Research Authority fund without proper legislation. In fact, he pointed out that it contravened the enabling legislation. So I wondered if the member would care to explain just how that situation came about.

MR. ZARUSKY: Yes, Mr. Chairman. You know, AOSTRA operates under a chairman and a board of directors, and projects come up not on a basis of knowing what the funding would be, but they are looked at individually and are funded according to their necessity and priorities. So there's no way to tell ahead of time how much funding should go to a project.

I just want to point out to the hon. member that when AOSTRA was started back in 1984 by this government, some \$400 million was put into this fund from the Heritage Savings Trust Fund to fund research projects. In another couple of years the Heritage Savings Trust Fund's portion of funding to AOSTRA will end, so the moneys will have to come out of the general fund. I think this is where the Auditor General picked up the way it was being handled. I think it was just a way where AOSTRA couldn't handle it in any other way because of projects being approved and funding having to come later without the Auditor General or the Energy department knowing how many dollars would have to go into this fund. So this is where the change in funding has to come.

MR. DEPUTY CHAIRMAN: Are there any further questions on Bill 5?

[The sections of Bill 5 agreed to]

[Title and preamble agreed to]

MR. ZARUSKY: Mr. Chairman, I move that Bill 5 be reported.

[Motion carried]

Bill 6
Health Disciplines Amendment Act, 1988

MR. DAY: Thanks, Mr. Chairman. I've already covered in some detail at second reading the more substantive elements and amendments to do with this Bill. Certainly I welcome any questions in detail which might be forthcoming from any members.

Maybe just before we do that, we could have an overview in terms of recognizing that the original Act came in in 1980, and the amendments being proposed here really represent what has come out over about the last six years of a learning curve in terms of dealing with the various health disciplines. What we're looking at here really is umbrella legislation, allowing ways and means of regulating a number of groups that are designated under the Act. Of course, the bottom line, the underlying motivation, is protection of the public and also the protection of the groups themselves from being undermined in any way.

So at this time, Mr. Chairman, I invite any questions, and if there are none, I would move that the Bill be reported.

MR. DEPUTY CHAIRMAN: The hon. Member for Edmonton-Centre.

REV. ROBERTS: Yes, Mr. Chairman. I've got several questions of a more detailed nature that I'd like to ask of the sponsoring member. I must say how refreshing it is to see the Member for Red Deer-North bring in new legislation, new statutory powers, new roles for government interfering in the lives of people that I'm sure is going to cost government more and cost the taxpayers more to set up new advisory committees and new ways in which the Health Disciplines Board in the private and free-enterprise approach that some people in the health disciplines might want to engage in.

But nonetheless, I think, as the member said yesterday and today, it's important to have these kinds of watchdogs, these kinds of advisory committees that can help the board out in what is a real growth industry in the health care field, that being the ancillary services and the other services provided by people from health disciplines who are not doctors and nurses.

But in regard to some of the specifics of the Bill, we are wondering, in the establishment of advisory committees -- plural -- which the board can now set up: who is going to be on these advisory committees, how they're going to be selected and chosen, in whose interest they're going to serve. Is it in the interests of some benevolent neutral government? Is it in the interests of the taxpayers, who want to make sure that we don't have too great a supply of a certain number of health disciplines in a particular area? Or is it going to have people from the health disciplines themselves on it, who can be of a self-regulating self-disciplining nature? So it leaves it kind of open, as it says in the Bill, about establishing advisory committees. Who's going to be on it, and whose interests are they going to serve, and how is a balance going to be struck among those interests?

I guess that goes further into section 8, where there is going to be much greater power to investigate complaints. Again, I think it's noble and appropriate that complaints can be investigated much more thoroughly, but in whose interests are these complaints going to be investigated? Is it somebody who has a gripe against lab techs or nursing assistants or somebody who has a vested interest against them? Is it going to be someone

from government who wants to know how cost-efficient they are? Is it someone from their own discipline who thinks that there's some person in the discipline who is not well trained or is providing a fraudulent kind of a service? Again, I think there is a number of ways in which complaints can be raised. We've had it today in question period about complaints against the labour relations. I know the Ombudsman investigates a number of complaints, but it'd be interesting to know how these complaints are going to be investigated and whose interests are going to be served.

Then finally, I know the member wants to enlighten all of the members of the Assembly as this important legislation is before us, but it would be good to know who are "Mental Deficiency Nurses." I think it's a very awkward title. I've heard of them; I've heard from them. It seems to me they should find a better name for themselves than mental deficiency nurses. I don't think any doctor would call himself a mental deficiency doctor. I take it that they're people who are involved in psychiatric institutions, but it's interesting that they're being set up here with a special status. I know they do good work. I take it they have come from a discipline, I believe from Britain where they have such a category of nurses, but it would be good to hear, before we vote on this, who these nurses are and why they need to be so registered.

Then I thought I would even try to pronounce "Electroneurophysiological Technologists." There must be some short form for them -- ENPTs. But again, it would be interesting to hear who they are and why they need to be so registered under this new Act.

I have these questions and concerns, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Member for Red Deer-North.

MR. DAY: Thanks, Mr. Chairman. Good questions. I appreciate them coming, and I appreciate the opportunity to illuminate on some of these particular areas.

I'd just like to briefly comment on the member's initial reaction, where he prefaced his remarks intimating that this was going to cost more and be an expense item, even this Act. Actually, it's going to result in less cost, since it's an umbrella type of legislation giving the various groups who are designated the initiative to look at how they are being regulated and regulating themselves. With that type of co-operative legislation there'll be less cost than having legislation for each separate group.

In terms of advisory committees -- and this is a real plus in this legislation, Mr. Chairman -- the intent, of course, of the actual amendment permitting preliminary investigation of a complaint allows a committee to receive complaints directly. And if it's required to do so, it can look at the face value of the different complaints. When you have a board maybe consisting of people who are not familiar with that particular health designation going directly to a hearing, they can be somewhat limited in their ability in terms of trying to determine the nature of a complaint, whether it's frivolous or not. So this would allow . . . To the member: yes, there would be members who would be members of that particular health-designated profession on those committees to be able to provide some of the expert advice.

Of course, so that the committee itself isn't blindsided by receiving advice which appears to be expert just from one side, it would also be open to discretion, to have people from various areas of health disciplines bringing comment to the committee. It's the co-operative nature of this particular amendment that is going to give it its strength in terms of making sure the best peo-

ple are going to be on the committee. Therefore, it's not laid out and cast in stone who have to be the ones on that actual committee.

In terms of the investigations themselves being open to allow best representation, of course, this type of leeway has to be permitted. I think it's a plus that it is not specifically designated who are the ones to be on the various committees.

Another question came on who are mental deficiency nurses. The question is valid, and I certainly won't hold the member in any kind of low esteem for being in ignorance of that. Actually, the member probably is one of the few people here who does know a bit about the history, recognizing they came from from England. Actually, the mental deficiency nurses previously were linked together with the psych nurses, and when the psych nurses received their own designation, that left the mental deficiency nurses effectively without designation and, in fact, in terms of law not able to practise, as it were. Until this legislation comes into effect, they were given the very clear assurance that they would be able to practise without falling outside of the law, until this legislation came in.

Mental deficiency nurses will mainly be found, Mr. Chairman, in Red Deer. In the Michener Centre is where most of them in Alberta actually are located. Again, this element of the legislation is a reflection of people in the Alberta community having a concern, bringing it to government, working with government to have the concern met. So, in fact, even though they are separated from the psych nurses, they will now have their own designation and be able to practise as such.

I could also agree with the member, Mr. Chairman, on the elocution required in coming out with electroneurophysiological technologists. It's a very interesting term, but it applies to those people who are involved in the measuring of brain activity. In some of the equipment which they operate, there is the possibility for an untrained technician to actually cause overstimulation of the brain. Now, some people might suggest that maybe we could use a little more of that here; I would not be one to make that suggestion. But, in fact, that is what that group of technologists does, and because it is an increasingly sophisticated practice, they need also to be specifically designated under this to make sure that those technologists offering that equipment are indeed equipped and capable of handling that particular task.

I believe, Mr. Chairman, that handles the good questions which came from the member opposite, and I would like to move that the Bill be reported.

REV. ROBERTS: Well, Mr. Chairman, I'd like to have further clarification from the member about this co-operative nature that he purports to be at work here. Maybe I'm missing something, but it does seem as though there's still a lot that's set up over and above the various health disciplines themselves. This is evidenced, I should say, by their own campaign of last January in which their registration fees were hiked quite substantially without their notification, without any co-operation, without any sense from them about what it was going to be, what the increased fees were going to go to do.

It's interesting to hear the member say that this is all going to cost less. If it's going to cost less to have these amendments before us, then what was the purpose in having the registration fees for the various other health disciplines, including the mental deficiency nurses and the others who are going to pay increased fees? Now, where are all those fees going? How co-operative is that, that they have to pay more to be so registered and have the benefit of the Health Disciplines Board, and yet the member

says it's going to cost less and that it represents a co-operative nature?

I feel and I've heard and read, from many of the letters I've gotten, that it's quite the opposite, that they still feel this is a real policing sort of watchdog thing that's taking more and more money out of their pockets, that they don't see much benefit from.

So representing them -- as I've heard from, as I say, their letters and so on that this is the case -- I'd appreciate how the member can give answers to these questions.

MR. DAY: Mr. Chairman, I don't want to prolong unnecessarily the time which we have to spend in these august chambers, and I won't prolong a debate with the member opposite. What I was referring to is the fact that umbrella legislation is a more effective way of dealing with a number of designated health occupations than specific legislation for each one. Obviously, there is cost incurred in the development of any type of overseeing board, various committees, et cetera. Therefore, the groups involved are expected to pay the fee, which, granted, is a fee hike. I don't think any group or any person particularly enjoys when either a licence or a fee goes up. But in effect the overall benefit, number one, is to the people and the public of Alberta, and number two, the overall and long-term benefit is going to be accrued to each separate health designation.

That is our perspective. Obviously, the member opposite may not fully agree with it. I don't know if prolonged debate between himself and myself would serve to satisfy that, but that is some of the reasoning behind it, Mr. Chairman.

[The sections of Bill 6 agreed to]

[Title and preamble agreed to]

MR. DEPUTY CHAIRMAN: The hon. Member for Red Deer-North.

MR. DAY: Thank you, Mr Chairman. I move that Bill 6, the Health Disciplines Amendment Act, 1988, be reported.

[Motion carried]

MR. DEPUTY CHAIRMAN: Bill 2 will now come back for further debate, the Homestead Lease Loan Repeal Act.

Bill 2
Homestead Lease Loan Repeal Act
(continued)

MR. FJORDBOTTEN: Mr. Chairman, I'd like to make a cou-

ple of comments about the Bill. The Bill was very effective in its day. There were a number of dispositions made, and it was quite successful. But there haven't been any loans in that particular Bill for the last 10 to 15 years, so it really is sitting on the books and not being utilized. There are no liabilities in the fund. That was one of the questions. There are no liabilities. There are, I believe, four loans outstanding. Those four loans will be transferred to the General Revenue Fund, and so that would be the logical place for it to go. Treasury has agreed to the transfer, and because there's no deficit in the fund and no liabilities, they don't anticipate any problems with it.

[The sections of Bill 2 agreed to]

[Title and preamble agreed to]

MR. CLEGG: I move that Bill 2 be reported.

[Motion carried]

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

[Motion carried]

[Mr. Deputy Speaker in the Chair]

MR. MUSGREAVE: Mr. Speaker, the Committee of the Whole has had under consideration the following Bills and reports the following: Bills 1, 2, 3, 5, and 6.

MR. DEPUTY SPEAKER: Having heard the report, are you agreed?

HON. MEMBERS: Agreed.

MR. DEPUTY SPEAKER: Opposed? Carried.

MR. YOUNG: Mr. Speaker, by way of work for tomorrow afternoon, it will be the intention to proceed with some Bills for second reading and then to continue Bills for committee study. We will commence tomorrow afternoon, I expect, with Bill 32, Appropriation Act, 1988.

[At 10:29 p.m. the House adjourned to Wednesday at 2:30 p.m.]