

Legislative Assembly of Alberta**Title: Thursday, June 7, 1990 8:00 p.m.**

Date: 90/06/07

[The House resumed at 8 p.m.]

[Mr. Speaker in the Chair]

head: Government Bills and Orders**Second Reading****Bill 28****Victims' Programs Assistance Act**

MR. SPEAKER: The Solicitor General.

MR. FOWLER: Thank you, Mr. Speaker. This evening I am pleased to move second reading of Bill 28, the Victims' Programs Assistance Act.

Public sentiment toward the plight of victims has been gaining momentum across Canada in the last few years, as well as in the United States of America, Britain, and many other democratic countries. National and local victims' organizations are developing in all parts of the country. Victims believe that they have been ignored by the criminal justice system over the years while offenders have in fact been the focal point. With passage of this Bill, I hope that we will move one step forward in confirming that we on this side of the House do not and will not ignore victims of criminal activity.

In May of 1988 Bill C-89 was passed by the House of Commons. This Bill provides for a federal fine surcharge, victim impact statements, and an increased emphasis on restitution. The provisions of Bill C-89 concerning a victim fine surcharge were proclaimed and became effective on July 31, 1989. These fine surcharges levied on all Criminal Code, Narcotic Control Act, and Food and Drugs Act offences are payable to the provinces and are currently accumulating in Alberta. The federal legislation designates that these funds be used to provide a broad range of programs and services for victims in general and not to provide compensation to individual victims. These provisions require that a provincially legislated mechanism for the capture, the pooling, and the administration of such funds be established.

The Victims' Programs Assistance Act, which I am proposing, will provide the required legislation and isolate surcharge proceeds from general revenue to ensure that surcharge funds will be administered for victims' programs and services. The passing of this Bill will be in keeping with all other provinces, who have enacted or are in the process of enacting similar legislation across Canada.

In order to establish such a mechanism for recommendations regarding surcharge fund disbursements and ensure that the views of victims and victims' groups are represented, I am also proposing that a victims' programs assistance committee be appointed. The committee will recommend to me how surcharge funds should be allotted in the form of grants to police services, organizations, or agencies that are delivering appropriate and needed services to victims. The committee will also act as a clearing house for information on victims' programs and generally co-ordinate the provincial response to victims. The committee to be appointed will have three to nine members. The membership of this committee will have representation from nongovernment, government, police organizations, and persons who have actually been victims of crime.

Currently in Alberta police based victims' services are being provided by the Edmonton, Calgary, Lethbridge, and Medicine Hat police services as well as by the RCMP in several locations. These police services rely heavily on volunteers to assist them in delivering services to victims. Some of these services include crisis response, personal support, death notification, seniors' programs, robbery trauma, witness assistance, and victim referral services. Victim surcharge funds can be used to enhance already in place police-based victims' services programs in urban and particularly rural Alberta, where services are much needed.

Additional services, Mr. Speaker, that can be funded include crisis intervention programs that will involve police and social workers to deal with the issues of domestic violence, child abuse, and elder abuse; debriefing of victims traumatized by violent crimes like robbery or sexual assault; and other similar programs. An evaluation of existing programs to ensure they are working is also an important area that requires funding. In conjunction with the Attorney General, a victim impact statement program will be established on a provincewide basis which will permit victims to make a written statement to the court outlining the impact the crime has had on them.

The victims' programs assistance committee will prepare and submit to me a budget each year, outlining the proposed expenditures from the victims' programs assistance fund. Additionally, the committee will prepare an annual report at the end of each fiscal year, which will be laid before this Legislative Assembly.

In conclusion, Mr. Speaker, this Bill will establish the victims' programs assistance fund, which will allow for the capture, pooling, and administration of surcharge funds. The moneys from the fund will be used to enhance existing victims' programs and services and provide much needed services to rural Alberta. I intend to establish a victims' programs assistance committee as indicated, which will be comprised of interested and informed individuals who will assist me in determining how to make the best use of the available funds. Grants will be made available to police services, organizations, and agencies that in the opinion of the committee provide needed services to victims. This Bill will assist in the delivery of programs and services to victims and will allow increased input by victims into the criminal justice system. It will also provide victims with better services to help them deal with their trauma and frustration and thus render the criminal justice system more responsive to their needs.

I look forward to the debate and comments in the House this evening.

MR. SPEAKER: Edmonton-Avonmore.

MS M. LAING: Thank you, Mr. Speaker. I would think that we would all welcome this Bill. I spent nearly a decade working and advocating for victims of crime, and certainly remember the difficulty in getting dollars to provide for the programs and the training of volunteers. So I think this is an important initiative. I have some concerns, however, that I wish to raise at this time, in no way to negate the principle that is being advanced by this Bill.

I would note the commission as being of no fewer than three and no greater than nine persons, and I guess I would raise the issue of the possibility of quite a large commission and the possibility then of the establishment of an administrative bureaucracy to administer funds that for the most part I would expect would be going to groups that are staffed by volunteers. So I would raise a concern around the size of that committee in terms of it becoming top heavy in some sense.

I again welcome the idea that moneys would be going to the police – I was involved in the establishment of the police victim services here in Edmonton nearly a decade ago, and it's very important – as well as agencies and organizations that work with victims. I wonder about the kinds of criteria that will be established in looking at these agencies. Certainly agencies like rape crisis centres had a strong advocacy role and a strong role in establishing a new understanding of that crime. There was fear in the rape crisis centre movement in its early stages that government funding might interfere with the mandate they chose for themselves of advocacy and advancing an analysis that was not in keeping with the current analysis held by the mainstream of society. So I would hope that in choosing or giving funds to agencies, particularly agencies out of the volunteer sector who have a great deal of experience with victims and sometimes have a greater understanding of the crime that has been perpetrated against them from listening to those victims, that that funding would not be dependent on the agency somehow falling in line with the current government understanding of the crime or the needs of the victim. So that's a concern that I raise, coming out of my history, as I say.

I also am concerned that agencies or organizations that apply for funds may be evaluated, and I'm wondering about the reports that would be written, whether there would be written reports when these agencies and organizations are evaluated and if in fact they would be available to those agencies and if there would be an appeal process. I think again it ties into some of the experiences that people in the volunteer sector working with victim advocacy and victim service agencies – an agency or an organization may be turned down and would want to know what the reasons were. I don't see any provision for that kind of information being provided.

So those are the concerns I would raise at this time. As I say, I think it's important that we recognize the needs of victims. It certainly hasn't been part of the criminal justice system mandate, but now that we have funds that are being collected, I think more and more we see an empowerment of victims. In fact, victimization has meant that they have lost power, and in aiding them and supporting them and recognizing their needs, we give back to them power, and that is really very important. So, as I say, I welcome this Bill, with the riders that I have expressed.

MR. SPEAKER: Calgary-Buffalo.

MR. CHUMIR: Thank you, Mr. Speaker. I'm standing to support this legislation as well. Many Albertans have long been concerned that victims of crime are, indeed, all too often overlooked. The key of this legislation is going to be more in the actual administration than anything else, and of course the main concern is to see that the money that comes in will be well spent. This will be clearly a function of the quality of the committee that is appointed and the wisdom of the Solicitor General, who has retained the jurisdiction to decide whether or not a grant as recommended shall be paid. That is a matter about which I have some question, Mr. Speaker. I wonder why it is necessary, once a committee of this nature has been set up, to require the approval of the Solicitor General. I note that the Law Foundation, which has been set up, doesn't require the approval of the Attorney General, and similarly the Alberta real estate foundation, which is proposed to be established by Bill 16 before the House this session, doesn't require the relevant minister's approval in that instance.

In terms of the composition of the committee, that again is left to the discretion of the minister. There was a reference to

some government people, police people. I would hope that it will have a majority of nongovernmental people and not take on a totally bureaucratic perspective. In terms of numbers, I personally would envisage three as being too few to be able to provide the broad community input that would be needed for an issue as diverse as victim assistance while at the same time acknowledging the concerns of the Member for Edmonton-Avonmore that we don't want it so unwieldy that the administrative costs become burdensome.

Perhaps I might close just by asking if the minister might advise – and perhaps he did in the first half minute of his comments that I missed – as to the amount of money per annum he would anticipate this committee would have available to it under this legislation.

We will be supporting this excellent piece of legislation, Mr. Speaker.

MR. SPEAKER: Edmonton-Kingsway.

MR. McEACHERN: Yes, thank you, Mr. Speaker. I just wanted to add a couple of thoughts to some of the comments already made. This, of course, is a Bill that we can support on this side of the House, as my colleague for Edmonton-Avonmore has already said. The two previous speakers have probably hit most of the reservations and nuances that should be expressed about the Bill. I guess I just wanted to say that it's a Bill whose time has certainly come and, in fact, maybe is long overdue.

I've taken note of the number of people over the years that have talked to me that are very, very bitter about our justice system in this country, and in most cases it's based on some case they've read about or heard about or had personal knowledge of or maybe even were involved in. The crux of the matter in so many cases turns out to be the feeling on the part of the victim that they have had no redress and no consideration, even from the police or the authorities or from the court system. They felt that somehow the criminal was the only one that anybody paid any mind to. The court system worried about that and dealt with how they might handle the problems of the criminal, you know, as to whether he had to be locked away or how long or whether he should be fined and that sort of thing, but the victim was totally ignored. Sometimes even just the silly kind of thing like somebody steals somebody's TV, and then the police, if they get it back, confiscate the TV for the next three months or six months and keep it down at the police station as evidence for when the trial comes up, and because the courts are kind of clogged up, nobody gets around to it for a while. So the person is left without their TV for long periods of time because the police need it to make sure that justice is done to the person that committed the crime.

Right from very simple things like that to more complicated and severe crimes, the anger and the feeling on the part of a lot of people that our justice system is not a just system at all stems from that fact: that the victim seems to be set aside or totally ignored and his needs and wants and problems are very seldom dealt with, or at least not in a very kind or sympathetic way, and all the time and energy of the taxpayers' dollars and the court system is based on what we should do about the person that committed the crime. So this certainly is a move in the right direction.

I don't think this is the place to worry about it – I think the committee here has a fairly specific purpose and this Bill has a fairly specific purpose – but sometimes also I think people's feeling that the justice system isn't working very well could also be helped by . . . I'm thinking of a program that ran in Calgary,

the particular incident where a young man came in and wrecked a home in a rather disastrous fashion, including the TV and some big windows and a number of things. I don't know if he stole a few things or not; I forget. In any case, this 15-year-old young man was brought back to meet the woman. She agreed, and there was this particular program that put the two in touch. His sentence was to go back and mow her lawn once a week for the summer. Of course, he was supervised on that very carefully at first, but after a while they became fast friends. That lady will believe that we have a good justice system in this country at the end of it, and that's because the victim was involved in the solution of how to handle the criminal. Certainly that would not be possible in many, many cases; I'm not suggesting that. But it just seems to me that the time has come.

I congratulate the minister on bringing this legislation forward and hope that once it's passed, it's not considered that the matter is closed and therefore settled. I think that we're only just beginning to take notice of this problem and to do something about it, and through the years we can evolve probably something much more sophisticated and comprehensive than what we're starting with.

MR. SPEAKER: Solicitor General, in summation.

MR. FOWLER: Thank you very much, Mr. Speaker, and thank you to the hon. members for Edmonton-Avonmore, Calgary-Buffalo, and Edmonton-Kingsway for their positive comments on this matter.

The hon. Member for Edmonton-Avonmore referred to the committee, as did the hon. Member for Calgary-Buffalo, and I appreciate that the ingredients of success in the operation of this new Bill will in fact lie with this committee. I also appreciate that a minimum number of three is too few in my mind. However, whoever may be the Solicitor General at any given time has a number up to nine to work with, and nominations will be looked at very, very carefully.

The criteria for the agencies have not been determined at this particular time. We will be working on that shortly after the Bill is in fact proclaimed, Mr. Speaker. But I want to say to my hon. colleagues on both sides of the House that I would appreciate hearing from any of them at any time, particularly from the Member for Edmonton-Avonmore, who has so much experience in this given area, in all probability more than anybody in the House. I think we would be ill advised not to be prepared to listen to any input that the hon. Member for Edmonton-Avonmore was prepared to give us.

I agree totally with the suggestion that any agency that is refused – and there will be some; we all know that – most certainly should be given reasons for the refusal. I do not believe at all that people should be left in the dark when they have made an offer, and that is essentially what is being done for anybody that applies for a grant: they are in fact making an offer to assist victims of crime. If there is some reason that they are to be refused, then they are perfectly entitled to be with the committee.

The Member for Calgary-Buffalo wondered why the Solicitor General would have possibly final say on this. It's expected by this Solicitor General to rarely interfere with the decisions and recommendations of that committee, but in the final analysis, Mr. Speaker, we're dealing with what is taxpayers' money, brought about by a federal Bill and provincial legislation, and it is the Solicitor General's department that must, in fact, report to this House once a year. I think by that very nature it is going to be necessary that the final say be held by the department or

by the minister. It is most certainly not my intention to see this committee become so large and bureaucratic that it in fact uses up most of the fund that is established.

Unfortunately, the fund may not necessarily grow to that extent. We have a very large province with a number of urban centres with large population centres. At this particular time the fund is somewhere around three-quarters of a million dollars, but most of that – a good part of that, in fact – comes from a three-year start-up, two years of which have been collected, and will not continue at that rate. The first nine months' collections, in response to the Member for Calgary-Buffalo, came to \$228,000. So you can see immediately that we're not dealing with a huge amount of money, and we must be very judicious in how we deal with this and make sure that we get as close to a dollar value for a dollar spent. That's why it is so necessary and in fact desirable that we work with as many volunteer groups as possible throughout the province.

The Member for Edmonton-Kingsway brought up a matter which I know has been very troublesome: a victim loses use of personal property because it is held for exhibit, possibly for a long period of time. I would advise the House that this matter has been discussed by the national conference of attorneys general in Canada, and I will be bringing it up again this month at that conference, which is attended by myself as Solicitor General. I am aware, of course, from my own personal experience, that this occurs all the time, and it in fact creates a victim when possibly it is not necessary that someone be victimized to that extent. There may be other ways, such as photography, which can be utilized to maintain an exhibit for reasons of trial.

The Member for Edmonton-Kingsway finally touched on a matter that I think is dear to everybody's heart, because even in bringing about some assistance to victims of crime in matters of trauma and whatnot, that traumatization in all probability will stay for a long time. In the final analysis, the only true method of making that vanish or disappear is the one of reconciliation, and he gave an excellent example of reconciliation as between a victim and the perpetrator. I don't know to what degree this can be done. It seems to me that legislation may not in fact be necessary for that, but it may have to be left for another day while we put this new legislation in order.

I thank the hon. members for their comment and their support on this Bill and recommend it to the whole House for second reading.

Thank you, Mr. Speaker.

[Motion carried; Bill 28 read a second time]

Bill 42

Liquor Control Amendment Act, 1990

MR. SPEAKER: The Solicitor-General.

MR. FOWLER: Thank you, Mr. Speaker, again. I move second reading of Bill 42, the Liquor Control Amendment Act, 1990.

At first glance it would appear that a great many changes are being proposed for the Alberta Liquor Control Board by Bill 42. In fact, Mr. Speaker, the changes proposed can be classified into four groups. These amendments and explanations found on the 42 pages of Bill 42 are designed to provide for, firstly, a Liquor Control Board that will be responsive to challenges and demands of a contemporary society; secondly, a realistic approach to licensing of the establishments that serve beverage alcohol;

thirdly, increased penalties for bootlegging and drinking in vehicles; fourthly, amendments to certain provisions that have been spoken to by the courts as they relate to the Charter of Rights and Freedoms.

Mr. Speaker, I intend on spending a few moments on each of these, and look forward to the debate on this Bill. However, I believe that a short journey in history is necessary to set the foundation. It was just 74 years ago, on July 1, 1916, that the first Liquor Control Act came into effect. The purpose of that Act was to proclaim that Alberta would from that day forward be deemed a dry province, and the 320 hotel, club, and wholesale liquor licences were withdrawn. As well, all Alberta breweries were restricted to selling only 2 percent beer for local consumption. The Liquor Control Act of 1916 put into effect provincial prohibition.

Notwithstanding the best efforts of the government, Albertans continued to obtain liquor. They did it through the federal mail order business. So the federal government stepped in and a referendum was held. In a vote of 62,772 to 44,176 the people of Alberta accepted the Canada Temperance Act; therefore, effective February 1, 1921, importation of liquor into the province was halted. But not for long. Two and a half years later, on November 5, 1923, another liquor plebiscite was held. This time 93,680 people voted for government sale of all liquors while 61,647 voted for prohibition. As a result of that vote, this Chamber debated and approved the Liquor Control Act, which was proclaimed on May 10, 1924.

The Alberta Liquor Control Board was established, and the permit system was put into place. Many of us in the Assembly will recall that system since basically it continued until 1960. You may remember that those who wished to purchase beverage alcohol had to queue in line, stare at the bottles that were on the shelves behind the counters, fill out a slip – in duplicate, mind you – be sure to sign your name, pay in cash, and then and only then would the product be provided.

In 1934, apparently to permit farmers to take home a case in their hands rather than in their bellies, the beer parlours were granted off-sale permits. This small step forward was regarded as a major victory in the battle between the wets and the dries. Just a few weeks ago I announced the revisions to this rule, which acknowledge that some Albertans prefer wine or spirits as opposed to beer and should be provided the same opportunity to purchase the liquor product of their choice.

Mr. Speaker, a major rewrite of liquor laws occurred in 1958. Throughout the new laws the principle that government knew what was best for the individual Albertan continued. Women could not drink in the same tavern as men. In fact, they could only drink in a separate room designated for women and escorts. The 1958 Act permitted for the first time dining lounges and lounges to apply, and if the premise was of good quality as deemed by the board, then liquor by the glass was permitted to be sold. This introduction of food with liquor was a complete reversal of previous policy which forbade the sale of food in beer rooms. Interestingly enough, Mr. Speaker, the arguments that some have recently raised about increased consumption and the decline of society were also raised then.

In 1964 the signed and dated slip – in duplicate, mind you – was modified to a single counter slip, and in July of 1965 the requirement for a signature was repealed. In 1969, only a little over 20 years ago, the first self-serve liquor store was introduced in the province. The tight claw of government control was slowly being pried loose. Individual Albertans were trusted to pick the beverage of their choice from the shelves and carry the product themselves to the cashier.

With the advent of the 70s another change occurred. It was on April 24, 1970, that the final ALCB-brand products were bottled. Prior to that the ALCB bought bulk barrels of wine and spirits and rebottled them into stone jars and bottles with the ALCB brand for sale in the stores.

Mr. Speaker, the history of liquor regulation and control in this province is indeed fascinating. However, I do want to advise this House that the amendments that are before us today are the first real changes since 1980, when the present Act was established by combining the liquor Act of 1958 with the Liquor Licensing Act of the same year. Today we are debating amendments basically to the 1958 Act as provided by the 1980 revisions. I am proposing that as we begin the 1990s, we provide for a government agency that will be responsive to the wishes of Albertans. A point for all hon. members to note: in 1950 the ALCB handled 400 product lines; in 1974 that number was over 1,000; as of this month that number is now upwards of 4,000 different products.

During the debate in second reading of the Liquor Control Act, my predecessor the hon. Graham Harle stated on page 1288 of *Hansard*, October 29, 1980:

In principle this Act . . . has the effect of reducing the number of sections from about 240 . . . to about 150. The other matter of principle . . . is an attempt to modernize the language that presently exists.

Mr. Speaker, I am indeed pleased to announce that Bill 42 will further modernize the language of the Act.

Speaking directly to the amendments before us, I wish to spend some time on each of the four major elements of the Bill. With the passage of this Bill we will be providing for a restructuring of the board through the expansion of the liquor board from the present three members to a new board that will consist of five: two members who will serve full-time and three members who will serve part-time. The purpose of this mix of full- and part-time members is to provide the board with the flexibility to sit in panels of two to hear licensing matters, as well as ensuring that a broader representation from across the province can be brought together to consider issues of liquor policy that will affect the whole of the province.

The beverage alcohol industry will now be accorded an opportunity for formal input. In this day and age the activities of a Crown agency can impart in a very significant way the operations of an important segment of the economy. To reduce the surprises that may occur, we are proposing the establishment of a formal advisory committee. The makeup of the committee will ensure that not only the industry but also the public at large are granted an opportunity to comment on policy issues that the minister or the board may have under consideration. Mr. Speaker, there is little doubt that a broad-based forum for dialogue will assist in the development of realistic liquor industry rules.

Also in the area of revisions to the board structure, I am proposing that an appeal council be established. This body, consisting of not more than five Albertans, will hear appeals on licence applications or disciplinary matters that are made by the board. It will replace the Liquor Licensing Review Council, a body that was created through the 1980 amendments, and over the past 10 years it has become apparent that rather than merely a review of the decisions of the board, what is necessary is an opportunity to consider the evidence, board policy, and actually rule on disciplinary decisions.

Finally, the administrative duties that traditionally were the function of the corporation as opposed to the board are being confirmed. A series of amendments are set out which clarify

those activities that are functions of the corporation, for example, the hiring of employees, and the functions of the board, which in one case could be the disciplining of licensees.

The second major area of changes contained in Bill 42 deals with the area of licensing the establishments that serve alcoholic beverages. Members can see in the explanatory notes that are listed in the Bill that what I am proposing is that rather than forcing a regulation to conform to a particular series of licensing regimes that are listed in the Act, a general provision will operate thereby permitting the board and the government to be responsive to an ever changing environment. Equally important is clarifying the ability of the board to ensure that if minors are being served or if illegal activities, such as drug trafficking, are being condoned in the establishment, the board can come down hard on those operators.

Mr. Speaker, to be absolutely clear: I am advised that there is only a very small minority, no more than 3 to 5 percent, of the licensees who are blatantly thumbing their nose at this Legislature and the laws that it has passed. I've already served notice to the industry that blatant violations of the legislation will not be tolerated and severe measures, including cancelation of licences, will be taken if necessary to correct a situation that is detrimental to the young people of this province.

The third area of change deals with the penalties that can be assessed by a court, in particular the penalties for consuming alcohol in a vehicle, bootlegging, and fines assessed against corporations. Mr. Speaker, I have dedicated a tremendous amount of time and resources in the battle against impaired driving, and with the passage of Bill 42, one more measure can be used. The penalty on the first offence for drinking in a vehicle is being increased from the present maximum of \$500 to \$1,000 and to \$1,500 on the second offence. As well, penalties for bootlegging and offences committed by corporations are also being increased. Control of illegal liquor products is imperative to maintaining the province's revenue and to ensuring that the product consumed by Albertans is of a quality approved by the board.

The final major area of change is pertaining to ensuring that provisions in the Act are in compliance with the Charter. Recent court rulings have been considered, and revised language has been proposed. Mr. Speaker, although a court has commented on the provisions of the Act to address the public drunk, I firmly believe that rather than a full booking process the existing provisions of the Act are good public policy. Police need a mechanism to pick up drunks and remove them from situations which may in fact be life threatening. The harsh winters of Alberta are not kind to people who find themselves out of doors, more so when they are in an intoxicated state. Hon. members can see that what we have done is replace the phrase, "in the opinion of the person responsible for his custody" with "on reasonable and probable grounds the person responsible for his custody believes that." This amendment, we are advised, should resolve the conflict with the Charter.

As well, the specific reference to only residents of Alberta has been repealed.

One final element that should be considered is the reference to the Public Health Act, Mr. Speaker. The Liquor Control Act is intended to control consumable alcohol. However, there are those who have, for whatever reason, turned to substances that contain alcohol but were never intended for human consumption, products like Lysol and shoe polish, just to name a few. There is no doubt that these products are harmful to human health and should be regulated. The question that needs attention is: by whom? Given that the Public Health Act is in

place to deal with a broad range of public health issues, it was determined that it would be appropriate to strengthen the language of that Act to address the abuse of products that are being sold for purposes other than what they were manufactured for and provide for appropriate penalties.

Mr. Speaker, I appreciate the amount of time that I've taken in speaking to second reading of Bill 42, and I now look forward to listening to the debate and comments.

Thank you.

MR. SPEAKER: Calgary-Forest Lawn.

MR. PASHAK: Thank you, Mr. Speaker. I'd like to say at the outset that I appreciated the brief history trip the minister took us through with respect to the changing alcohol patterns in the province of Alberta going back to almost the turn of the century. He did remind me of something that happened to me when I was a young man and worked for the Liquor Control Board warehouse in the city of Calgary. He did mention that casks of wine would come in and that employees would bottle that wine. I have a distinct recollection of a number of workers one afternoon siphoning wine out of a cask of Emu Cream wine, and every time a bottle was filled, it seemed to me that one of the employees would find a good excuse to break the siphon stream so that they could start it up again and in the process get a mouthful of wine. Needless to say, there were a few employees that day that walked out of the Liquor Control Board warehouse a little more wobbly than when they had walked in that morning.

I have a lot of difficulty, actually, with this particular Bill, Mr. Speaker. For one reason, the minister made an announcement rather recently with respect to extending the privilege of selling off-sale liquor products to all hotels throughout the province of Alberta. Now, I'm not quite sure what the interplay is between that announcement and the Bill. The timing of the two events – the introduction of the Bill plus that announcement – suggests to me that there is a relationship, but I've had a little difficulty, I must admit, trying to sort out the nature of that. If the minister could comment on that at some point, I would appreciate it.

The second difficulty I have is with the sheer complexity of the laws and regulations. The Liquor Control Act, as the minister stated, is written in a very archaic language. The regulations that accompany that Act are some 50 pages long. The regulations pursuant to the Liquor Control Act are contained in a 50-page document. There are some 30 – well, more than that. I don't know how many regulations are contained in this particular office consolidation of Liquor Control Act regulations.

Compounding those difficulties, of course, is the fact that my friend and colleague the Member for Edmonton-Strathcona is experiencing some health difficulties. Not only do I miss his good companionship and general wisdom, but he would have been the person who would have responded to the Solicitor General's Bill, and he would have brought his considerable legal acumen to bear on it.

Having said that, Mr. Speaker, there are some things that I think are very positive in the Bill that I think are worthy of supporting. The restructuring of the Alberta Liquor Control Board that the minister referred to I think is positive for the reasons that he outlined. I like the fact that he's established an alcoholic beverages advisory committee. I'm a little concerned with the way his news release came out, though, with respect to that. In the announcement it says that it just "will consist of industry representatives to provide formal advice and input on matters of legislation and policy," and I would hope that it would

go much beyond that, that he would seek a much broader representation that would include representatives from all sectors of the Alberta polity. I think that the establishment of a liquor licensing and appeal council to hear appeals arising from board hearings with powers to overturn decisions of the board is a necessary safeguard in a democratic society. So I would support all of those general provisions.

However, Mr. Speaker, I do have some concern with respect to the regulation-making power that's contained in the Bill. In his news release, and I'll quote, he says:

The expansion of the scope of regulation making power in such areas as classes of licences, acceptable standards for licensed premises, entertainment and other activities on licensed premises to permit increased responsiveness to contemporary circumstances.

Now, that may be well and good, and I'd like to hear the minister on that, what he intends to do by way of making liquor sales and liquor availability more responsive "to contemporary circumstances." But there may be some pitfalls in proceeding in this direction. I'm somewhat alarmed, I must say, if he intends to permit alcohol to be sold in gambling places, in casinos. I think that that would be a very unfortunate mix, and I wouldn't like to see that happen, Mr. Speaker. I'd like to hear his comments with respect to that if that's his policy intention with respect to the Bill that he has just introduced.

Further than that, Mr. Speaker, I am concerned about changes that he may be making, that may be a consequence of this Bill that have to do with the way that all types of liquor can be purchased by the Alberta public. I recognize the problem that he addressed, that there are some 150-odd communities in rural Alberta in which individuals of those communities do not have access to liquor in the same way that people in larger centres would have access to liquor, and I think that's unfair. But to meet that need by allowing hotels in those communities to provide liquor is somewhat disturbing to me for a number of reasons. One would be that the individuals in those communities will still be discriminated against or disadvantaged because the liquor, as I understand it, that will be sold through most hotels will have to be bought through a regular retail Alberta liquor control store and then the hotel will mark that liquor up. So people who live in those communities will have to pay more than others would.

I think a much better approach to addressing that problem would be to allow any reputable business in those communities to sell liquor. I think that the minister should establish some regulations that would attempt to determine what a reputable business might be. I mean, if you're a free enterpriser, it seems to me that everyone who operates a business should have access and that it would be discriminatory to just allow the hotel to have that opportunity to sell liquor off-sales. So I think that if you've got a pharmacist that has a good track record in that community or a hardware merchant that has a good track record, he should have the opportunity to become an agent of the board and sell liquor, but not just indiscriminately or at any time that he chose; there'd have to be regulations in place. I think that the regulations should at least restrict that merchant to selling liquor during the same period of time or during the same hours that an ALCB store in the nearest adjacent town would be selling liquor at so you wouldn't get the problem of people hopping in their cars and trying to beat the system by driving to a small community to buy liquor just for the sake of buying liquor.

I'm also concerned, Mr. Speaker, about the extension of that privilege to communities of 20,000 or less. As I read the situation – and the minister made it clear in comments in his

response to questions that I asked in the House. He thought a number of liquor stores in these communities could be closed and the privilege of selling liquor would then be transferred to hotels in those communities. Now, his argument has some merit when he says that some of these stores perhaps don't have a sufficient volume of sales to justify their existence. The problem in shutting down those stores and transferring the right to sell liquor to the hotels means that you'd be further discriminating against a class of individuals in those communities. I think the minister probably knows through his political experience that once a privilege has been granted to individuals and communities, it's fairly difficult to take that away. I don't know how the minister is going to deal with that problem in those communities in which he might be shutting down stores.

I would say as an urban resident of the city of Calgary – the third phase in his announcement was that hotels in large cities, all hotel owners, would have the opportunity to sell off-sale. Now, he said in answer to some questions I asked that the regulations governing this hadn't been determined yet, but it's easy to conjure up scenarios in which the hotels would be selling alcohol until their closing times, which could be 1 or 2 o'clock in the morning. I know from my experiences as a young man working on seismic crews and in the oil patch, that it wasn't unusual for people to sit in a hotel, drink beer until closing time, buy a case of beer, and then that beer would be consumed on the way back to one's lodging. I think there's a slight difference between drinking beer illegally and creating problems for others, which could happen, and the problems that would be associated with somebody taking a bottle of hard liquor out of a bar after they'd been drinking.

I'm not sure that hotel owners would be in the same position as clerks in liquor stores to police, in effect, the sale of liquor to people who were in a state of maybe semi-intoxication. It's hard maybe to recognize when people are in that state, unless you're somewhat experienced at it. The pressure on a person working in a hotel bar at closing time is rather enormous. You're trying to get people out of the bar, the lights are dim, a lot of coming and going, and it would be very difficult to make a distinction between who had had too much to drink and who hadn't. So I think that whole policy in that area is fraught with danger. I know that when I was a young person, the drinking age was 21. It wasn't unusual for 18-year-old youths to go into bars and drink beer, but it was very, very difficult for 17- and 18-year-olds to get liquor permits and buy beer or anything else through a liquor store. The controls exercised by the liquor stores were much greater than hotels were able to exercise. So I have some real concerns in those social areas, Mr. Speaker.

In addition to that, of course, a hotel would have a vested interest in trying to maximize its profit, and that too would be a pressure that would push the hotel in the direction of bending the rules somewhat or not maybe being as thorough in terms of ensuring that prospective purchasers were legally and rationally entitled to buy liquor. So I have those concerns, Mr. Speaker.

I think what's happening here, and I think the minister alluded to it in his remarks, is that we're witnessing some considerable change in the way in which we drink liquor in this society. I think the minister took us right back to prohibition in Alberta, that period from 1921 roughly to 1923. I remember just how restrictive drinking practices were in this province when I was a young man. In the city of Calgary you couldn't go out and have even a glass of beer with your date or even with your wife. For a period of time there if you wanted to socialize with a person of the opposite sex, you had to get in a car and drive to Okotoks or High River or north to Airdrie or Balzac or wherever. You

ought to have seen the roads in those days when the bars in those towns closed. There'd be just a stream of, I think, relatively inebriated drivers bringing their cars back into the city of Calgary. Of course, I was just sitting there as a witness; I wasn't participating in any of this. [interjections] I wish everybody wouldn't laugh.

I can even remember just how the changes sort of began to come about. During Stampede week in Calgary they finally began to let men and women into the bars at the same time. That went on for a couple of years. They tried that out, and the year after that they began to extend the privilege for a week, and pretty soon mixed drinking became a possibility and the general, kind of widespread practice.

Today I think it's generally recognized that people are beginning to show restraint in their drinking practices. People are developing a greater sense of, I think, social responsibility when it comes to impaired driving. Alcohol consumption is declining on an annual basis per capita, and I think that's well and good. We are aware, as the minister mentioned, that we still have a lot of tragedies, though, on the highways as a result of impaired drivers driving cars. We have to be concerned about that.

Now, with respect to hotels selling off-sale liquor, I think there are plenty of opportunities in the city of Calgary for people to buy liquor as it is, and I don't think anyone is too inconvenienced by the fact that only certain liquor stores are open till 10 o'clock. The biggest complaint that I hear in the city of Calgary is the fact that most liquor stores are closed on a Monday, and people don't understand why the government has implemented that policy. I'm very, very much concerned that if we extend this privilege of allowing hotels to sell liquor off-sale, gradually the liquor store hours will be condensed even more, and pretty soon perhaps all liquor stores in the cities will close at 6 o'clock, which will mean a significant reduction in jobs. It could eventually lead to the phaseout of the Alberta government liquor stores as we know them today. Once you extend the privilege of off-sale to hotels, why not extend the privilege of selling all varieties of liquor off-sale to all of the restaurants and lounges? In fact, although I missed this dinner meeting the other night . . .

AN HON. MEMBER: Or grocery stores.

MR. PASHAK: Or grocery stores. I mean, it'll come in phases just like we've seen all these other progressive changes.

The other night some of my colleagues were at a function which I understand was put on by some of the restaurateurs here in Edmonton, and they were lobbied to support their concern to have the privilege of selling liquor off-sale extended to those restaurants that have cocktail lounges. Once it's extended there, how could you prevent the extension of off-sale to corner grocery stores and whoever else would apply for a permit.

We have fairly good evidence from British Columbia, which surveyed this question, that their liquor system works well; they're proud of it. They were thinking of moving in the direction that the province of Alberta is moving in, and after a serious investigation of this issue and hard study, they decided the system they have in British Columbia at this moment really works well. Their system, of course, is very similar to Alberta's. They have government liquor stores. In those small towns that don't justify, because of the volume of business, a full-fledged liquor store, they extend permission to sell liquor to grocery stores in some cases, to hardware stores in some cases. I don't see why we couldn't move in that direction, Mr. Speaker.

Mr. Speaker, my final concern is that I think a significant change is being presented here in terms of the way in which we consume, distribute, and deal with liquor in the province of Alberta. I don't think there's been sufficient opportunity for the public to have input or a say in these changes that are being proposed. I think the minister would do well to consider delaying this Bill perhaps until the fall or whatever, but giving the public of Alberta an opportunity not just to comment on his Bill – to do that, but maybe to extend hearings so that all sectors of the Alberta public, not just the hotel industry, not just the restaurant industry, but all groups would have an opportunity to speak on this Bill.

I just would like to say that I think in proposing this, I feel from what I've heard from the minister and what I've seen in the press and from looking at his announcements with respect to the presentation of this Bill that the minister seems to me to have only really heard from the hotel industry. I know the hotel industry in this province is in serious difficulty generally because of changes in drinking patterns. At one time hotels probably accounted for about 75 percent of their revenues from the sale of alcohol products, and with these changing drinking patterns – more people drinking at home, more drinking wine, more people at parties, more people drinking at social clubs – the trade in hotels themselves has really fallen off. I just happened by accident on the May 24th weekend to walk into a hotel. I think it was the first time I was in a beverage room in, I don't know, 10 years . . .

AN HON. MEMBER: Aw, come on, Barry.

MR. PASHAK: Well, I've been in other places drinking but not in a beverage room in a hotel, okay?

. . . and the place was virtually deserted. I couldn't believe it. I mean, 10 years ago that place would have been packed with people. So I'm just saying that I can appreciate that there are serious changes going on, and I know that in some of the smaller towns in Alberta the hotel has been an essential part of the life of that community. As I say, I worked on a seismic crew, and I've experienced time, if you want to call it that, in many towns throughout Alberta all the way from Indian cabins almost in the Northwest Territories to Hay River to Wanham to Lac La Biche to Okotoks to Champion, into the southwest corner of Alberta, Manyberries: all of these communities. In those years – and this is 25 years ago or so – it was really clear, it was true, that the small hotel beverage room was the centre of life in some respects. Maybe the church on Sunday, but certainly outside of Sunday morning it was the local tavern. It was a mainstay in the town, employed a lot of people, so I know there's a problem here, but I don't think it's right or reasonable to solve the problems of the hotel industry by giving them a monopoly to sell all alcohol products. I think the minister should consider that very seriously.

In any event, Mr. Speaker, I would like to introduce an amendment to the motion for second reading of Bill 42. I believe you've received a copy. I would amend the minister's motion as follows: by striking all the words after "That" and substituting:

Bill 42, Liquor Control Amendment Act, 1990, be not now read a second time, but its subject matter be referred to the Select Standing Committee on Public Affairs, which may choose to hear witnesses representing community groups, religious organisations, labour organisations, small business, and other concerned members of the public, on the implications of vastly expanded numbers of liquor sales outlets in Alberta.

I have this available for distribution.

Just speaking to that amendment, Mr. Speaker, I believe I made the point previously that I think this Bill represents a significant change in practice and distribution of alcohol products in the province of Alberta. It may be as significant – and I think the minister suggested this – as the introduction of prohibition in 1921 and then the removal of prohibition in 1923. I think it'll set a pattern for alcohol consumption in the province and for the distribution of alcohol products in the province from now for maybe the next 15 or 20 years; who knows. If the Bill has that kind of significance, which I think it has, then I think it's absolutely essential that all sectors of the Alberta public have an opportunity to comment on his proposed legislation and give him their thoughts as to the direction that liquor policy should take in this province.

So, Mr. Speaker, I'd just like to say to the minister that I'm not completely opposed to his Bill. There's much that I think is really good in it. I think that after listening to the minister's response to some of the concerns and questions I've raised and after having a further opportunity to ask the minister questions during committee study, it could very well be that when it comes to third reading, I could vote in support of this Bill. But for the moment, until I hear the minister's responses to the questions I've put and the concerns I've raised, it is my intention to vote against the Bill at second reading.

MR. SPEAKER: To the amendment, referring to committee, Calgary-Buffalo.

MR. CHUMIR: Thank you, Mr. Speaker. I'm not sure that the Member for Calgary-Forest Lawn and I have been reading the same piece of legislation, because as I read this Bill, it has nothing to do with the issue of off-sales and much of what the member said in a very learned discourse on the drinking patterns and beverage room practices of this province. What I see this Bill to do primarily is to establish administrative changes which are long overdue in this province and which would be very helpful and of interest to the industry. There may be a case for review of our liquor policies in the broader sense that the Member for Calgary-Forest Lawn has suggested, and I would certainly welcome that review, but I can see no need to delay this piece of primarily administrative legislation pending such review.

I'm going to oppose this amendment so we can see this Bill go through. That doesn't mean to say that there aren't a few problems with this Bill. I'll be speaking to it when we get on to the main motion, but I think this Bill should pass. A lot of these changes are very, very positive and get around a lot of the archaic rules that are a legacy of that very, very interesting past about which we've heard some discussion and perhaps to which I will add in small degree during my main comments.

MR. SPEAKER: Speaking to the amendment, Edmonton-Highlands.

MS BARRETT: Thank you, Mr. Speaker. I think the minister's news release made the real essence of this Bill quite clear. I'd like to quote from the attachment to it, which refers to regulation-making power in the subsection. The quote is as follows:

The expansion of the scope of regulation making power in such areas as classes of licenses, acceptable standards for licensed premises, entertainment and other activities on licensed premises to permit increased responsiveness to contemporary circumstances.

Mr. Speaker, that is precisely the essence of the argument that my colleague the Member for Calgary-Forest Lawn was getting

at. This Bill is in fact another example of this government's desire to take more control behind closed doors, to take control for the creation of classes of permits out of the hands of the board, which hereafter I believe will be called the corporation, and put it into the hands of cabinet, euphemistically known as Lieutenant Governor in Council, which is really just a statement for a cabinet decision approved by Her Honour the Honourable.

I know we're not to get into too much detail about this, Mr. Speaker, but I would like to respond to the Member for Calgary-Buffalo, who I'm sure has read all 42 pages of this Bill very thoroughly and several times but may have by accident missed one of the most important references, which he would find on page 27 of the Bill, amending section 58 of the Act. The subsection is (o). Now, there are a whole bunch of other subsections that have the same effect. They go (q), (s), (v), (w), and (z)(ii) . . . There's a lot of them, Mr. Speaker, and I don't want to get into the detail. The point is that this Bill is about handing over to cabinet more power, and for that reason alone I think we need to have public hearings. I think we need the input of people who want to make representation about the nature of the government that they have to live with for at least another couple of years and hopefully not thereafter.

This government says it believes in democracy. It gives lip service to all sorts of things, but by cracky, when it comes to wanting to change the rules, they want to do it from behind closed doors. That is a consistent policy. Where it isn't a consistent policy – that is, creating more power for themselves through regulations – it is their policy to use another blunt instrument, which is power grab by direct legislation, Mr. Speaker.

But let me tell you what I think this is really about. I think this is really about invoking a new type of so-called competition in the retail end of liquor sales so that ultimately these guys, these Conservatives . . .

MR. DAY: There are women here too. Pretty sexist comment.

MS BARRETT: . . . who just hate anything to do with the Crown corporations – they can't stand the thought of government having a role in any part of society – want to get rid of liquor stores as we know them, and if my guess is worth anything at all, they want to get rid of the unions which have organized the people who work in them. I hear a hand or two clapping from within the Conservative ranks, and I know I've hit the mark. For that reason, Mr. Speaker, I think the people of Alberta, including the people who work in these stores, have a right to a say.

Now, let's examine the system as it is. It is true that you will have certain small towns, villages, and hamlets which are not serviced by a liquor store or a liquor outlet and not in all instances will they even be served by a tavern which has the right to sell beer for off-site consumption. Fair enough. Is this a right thing to have? No, it is not. Just as people in communities have the right to vote for a dry community – and there are more provisions in this Bill to accommodate that decision, upon plebiscite approval – so should there be the right to have access to retail liquor sales; no question. The question is: how do you do this, and what is your ultimate motivation when you decide that you want just the local pub to be able to sell virtually what's available in any other liquor store? You know, just by reasoning, you can say, well, there's no reason they couldn't do what they've done in some small towns, which is set up one of those famous but God knows ugly Ron Southern Atco trailers and stock them with a bit of booze and sell the booze a couple

of days per week, which seems to have satisfied the consumers in those communities. No, that's not good enough. I don't know why; I mean, I'm sure Ron Southern isn't complaining. But anyway that's not good enough. It's not good enough that they establish roving individuals to staff these small locations. No. What they really want to do is they want to Americanize the sale of liquor in Alberta. In fact, I think if they could Americanize the entire economy, they would. Thank God there are some controls left in our laws.

I think that's what this Bill is really about. It's union busting; it's about Americanizing the type of economy and type of society we have. In the event that I'm wrong – and you know, Mr. Speaker, if I'm wrong, I'll be the first to admit it – I'd like proof of it. There is no better way to get that proof than to send this issue to the Public Affairs Committee of this Assembly and allow it – in fact, even slightly suggest to it that it bring in witnesses, that it hear the concerns and maybe the accolades, for all I know, of the public at large with respect to what's really going on here and what was revealed by a memo, which I believe my colleague the Member for Calgary-Forest Lawn tabled on the day this Bill was introduced, which showed pretty clearly what the real plan is, and that is to have pubs automatically entitled to belong to a class which may then apply for full liquor outlet licensing in communities of less than 20,000 by such and such a date, of less than 200,000 by such and such a date, and by June 1, 1991, in communities over 200,000 population.

Now, that's what their plan is, and the minister sponsoring this Bill has never denied it. So I make the case to you: if that's their plan, then what are they going to say to every lounge and every licensed restaurant that says, "Hey, I want a new classification that gives me the right to apply for the same sort of status"? That's what they're really getting at. They want the whole system wide open.

Now, the bottom line here is – I think I know why – they don't like unions. It makes them curl their lips. They'd do anything. Unions, they forget, are only just people who've decided to organize because they understand that there's strength in numbers. They've also decided to Americanize as much of our economy and society as they can. They're going to do it from behind closed doors. I say let the people of Alberta talk about this issue. Don't ram through this Bill. Let's send it to Public Affairs. If I'm wrong, I'll be the first one to stand up and say I was wrong.

MR. GOGO: Mr. Speaker, I rise to speak; against the amendment as proposed by the hon. Member for Calgary-Forest Lawn. I sat and listened with a great deal of interest to the Solicitor General, and I look at reorganization of the board under section 5, intoxication in a public place under 77, where liquor may be manufactured. It seems to me when you consider section 12.1 about an advisory committee, I see – and hon. members surely are aware of not only my background with regard to a policy to do with beverage alcohol, but surely they're well aware of what the Solicitor General has been attempting to do in the 15 months he's been minister in dealing with the whole question of beverage alcohol. Frankly, I think this matter should be debated now in second reading and that we shouldn't put it off to a committee for six months. I think the time is now and we should hear the hon. members debate in second reading and get on with the job. I happen to support the Bill, and I'd like to see it become law.

Thank you, Mr. Speaker.

MR. SPEAKER: Thank you.
Edmonton-Beverly.

MR. EWASIUK: Thank you, Mr. Speaker. I too want to rise and make a few comments to the amendment as regards Bill 42, and I want to speak to it from the rural perspective. I think we have already talked about that; I think the Member for Calgary-Forest Lawn did allude to it in his discussion. While there are good aspects of the Bill – one can't argue that – I think there are implications as a result of this Bill, if it should pass, of discrimination against our rural population.

Let me perhaps just give you an indication of what I mean and how this may well happen. Making the assumption that there are three communities within a relative driving range of each other, as we have developed in this province over the years – one of those communities happens to have an Alberta liquor store. The other two communities on either side of it do not have a liquor store, but all three communities happen to have a hotel which now, as a result of this Bill, will be able to sell off-sales liquor. What my concern here is is that eventually, as all three hotels get into the off-sales of liquor, particularly the two hotels where there are no Alberta liquor store services, the individuals who may have normally come to the liquor store will now choose to simply pay the extra amount it's going to cost them rather than travel to the liquor store, will buy in those two hotels, giving rationale for the government at that point to say, "Well, really the sales in this particular liquor store are not sufficient to make it a viable operation, and therefore we should close it down and simply let the hotels sell the liquor in those three communities." The final analysis being, of course, that the price of liquor to all those residents in those three communities will be increased because they will now be paying the price of an increase from the hotels. So I think what we are really doing is imposing upon the rural community additional costs to purchase their liquor in what appears to be an attempt to expedite the process to allow hotels to do it.

Now, I know the hotel industry, as many of our rural communities and businesses, is suffering. They've been lobbying the government. I have certainly spoken to some of them who have suggested that this would be a good method for them to augment their operations, that they would be able to make a few dollars by off-sales and hopefully keep them viable, and one really can't argue with that. However, I don't think we should discriminate against our rural population by allowing the off-sales of liquor to the hotel industry, closing the liquor stores, and as a result increasing the cost of liquor throughout the communities as a result of that action. For that purpose, I would support the amendment, because I believe it's important to have those individuals, those people, that would be impacted by situations I just described, to have some input to these proposed changes. Hopefully, you know, we can find ways around this, but until we do, I don't think this Bill should go ahead until some kind of public discussion has been held. So I'm prepared to support the amendment as put forward by the Member for Calgary-Forest Lawn.

MR. McINNIS: Mr. Speaker, I think there is a case to be made for us to have some extensive committee study of this particular Bill. Just the debate of the last few minutes has added, at least in this member's mind, to the confusion over the Member for Calgary-Buffalo, who insisted that this is an entirely administrative Act and has nothing to do with creating new categories of licences. Other members seem to be quite convinced that one of the provisions of the Bill is to allow certain types of licences to have off-sales of hard liquor, which is a new provision in terms of the public policy of the province. If there is going to be this kind of confusion, perhaps we should ship it off to committee and straighten it out.

MS M. LAING: Mr. Speaker, I'd like to also add my voice to support for this amendment. One of the issues we have addressed is the concern about impaired driving and how we've been working very hard to reduce the amount of impaired driving. Another area of social concern that we face in regard to the abuse of alcohol or even the use of alcohol is the whole issue of violence in the family and violence against other persons. I think we have to be very concerned if there is going to be greater accessibility of alcohol through off-sales, particularly of hard liquor, without having input from people who are impacted in this way. So I believe we must take some time to look at this Bill and see what indeed is meant and what the impact will be.

MR. SPEAKER: Thank you.
Edmonton-Kingsway.

MR. McEACHERN: Yes, thank you, Mr. Speaker. Just a few comments. The Member for Lethbridge-West suggested that there was no need to put this off, that the debate should take place right here in this House now. Quite frankly, almost all the debate I've heard has come from this sector of the Assembly. Where is the debate from the other side? Where is the defence of this Bill? Where are the counterpoints to be made that counteract the arguments made by members on this side? If we don't need to put this Bill off till fall so we can have a proper and full debate, then I suggest that the member start engaging in a full and proper debate, but I don't hear that happening.

Mr. Speaker, the government is doing its usual thing in these Bills by giving an incredible amount of power, as usual, to the Lieutenant Governor in Council. Now, there is no need to do that. If this government wants the regulations to control the licensing – and particularly section 40(o) on page 27, where it says that these regulations can be made "respecting the types and classes of licences and permits that may be issued under this Act" – then why aren't those regulations here before us so we can see what they are? Why is it that we have to just somehow trust the government to later make them and sort of find out what they are afterwards, after it's too late to reject the Bill or suggest amendments and changes to the Bill and to the regulations?

The power that will be given to the cabinet to set up the criteria by which licences will be granted seems to me a little too much of a blank cheque. I mean, for all we know, the criteria may be that if you apply for a licence, you have to have a Tory membership to get a licence. There are a number of other criteria. Maybe you have to be a rich person with a lot of money to get a licence. Maybe you don't have to be a rich person. Maybe you have to be a poor person that's in need of some help; maybe your hotel is going under and you need some help, so that will help to qualify you to get a licence because that will be rescuing the local economy. What are the criteria by which the government intends to issue these licences?

I don't see any reason why we should pass a Bill giving that kind of blank cheque to the cabinet to draw up the criteria afterwards. The regulations should be here and should be presented with the Bill. If they're not going to be, then we should delay passing this Bill so that we can see the details as to exactly who and why various groups qualify for a licence. There's no reason, for instance, that the food and restaurant owners that are asking for a licence to sell liquor not be granted that on Sundays, for example. They were lobbying us just last week for that very purpose.

So it seems to me, then, that it's up to the government to prove that this Bill is really ready to go, that the criteria are all set, that we know enough about it to say it's okay. Otherwise, they should debate it more fully in this House or give us time to bring in witnesses and get the opinions of Albertans as to how they feel about this Bill.

MR. SPEAKER: Solicitor General, speaking to the amendment.

MR. FOWLER: Thank you, Mr. Speaker. The whole of the amendment seems to be based on the decision of this government to permit off-sales by hotels staged in over a period of one year. I wish to inform the House, all of the members herein, that this amendment has no relationship or regard to that. Whether this amendment passes, fails, goes in the fall, next spring, or two springs away, does not affect the decision, because the power and authority to extend the hotel permits is already there under the present Act and, in fact, is being done and will be done. So to hold this Bill up in order that hearings may be held on such things – there is, in fact, no relationship, outside of it dealing with liquor. The authority in the government is already there. We relied on the present Act as it is now to make the decision, and our information from our legal sources is that we have that authority in the present Act. So that is not a reason at all, let alone reason enough to hold up this Act.

I want to address only one other matter, Mr. Speaker, and that is the fear that I believe may be intentionally generated among union members of the Alberta Liquor Control Board. We have built up a highly professional, competent staff over 66 years, from 1924 to this date, and at no time – I repeat, at no time – has the whole matter or word or thought of privatization of the retail section been actually discussed during the course of discussions on the off-sales extension to hotels. The staff, that is a highly professional staff, were not part of our discussions, to see massive layoffs. We have 1,600 people that are in the employ of the Alberta Liquor Control Board, and layoffs were not part of the discussions when in fact we were discussing this matter of extended sales. We are looking to increase the convenience to rural Albertans. I don't think I want to argue further on that.

Another matter that was referred to was that the price of liquor would differ at the hotel outlet, and that *is* true. That is true for the simple reason that we feel it important to protect the revenue source of the Alberta government and maintain that source, which is so important at a time of restraint and at a time when new programs . . .

MR. SPEAKER: Order, please, in the House. Thank you.

MR. FOWLER: At a time when we have a restraint program and funds are being sought for increased levels of services right from health, social services, day care, and everything else, it's not the time for the government to be losing large segments of its profits from this particular agency.

I'm also bemused, I guess is the right word, Mr. Speaker, about the concern about some people paying a greater price for liquor than others. Liquor is not a product which is a necessity of life. It is, in fact, something that is bought purely voluntarily, and it is not necessary for one's life. It is in fact like smoking. I don't hear a great deal of concern about the price of tobacco when you compare that out of a vending machine at \$5.25 a package versus that bought by cartons at \$3.50 a package. I have never heard that raised anywhere as a particular concern,

for the simple reason that tobacco is not a necessity of life either.

I believe, Mr. Speaker, that the amendment should be defeated.

SOME HON. MEMBERS: Question.

MR. SPEAKER: There's a call for the question.

[Motion on amendment lost]

MR. SPEAKER: The Member for Edmonton-Highlands.

MS BARRETT: Thank you, Mr. Speaker. I listened with interest to the comments of the minister sponsoring the Bill, and I fail to see how it is that changing wording with respect to types and classes of licences and permits under the powers of cabinet is no different from the conditions of a licence and a permit. That is, in fact, the story that this minister is trying to peddle in the House. There is a big difference between the two. The conditions apply to the circumstances of, you know, whether or not the square footage per – I don't know – consumer or on-site consumer and the cleanliness, et cetera, are in conformity with the regulations. There is a big difference.

But let me point out another big difference that I think is critical in this Bill, and that is this. I looked through it. I know we're not in committee reading, so I'm just going to describe a principle related to gambling, Mr. Speaker. Section 95 of the current Act would be amended to allow prescribed gambling or gambling devices. Now, I know that the minister may argue that. I had to check in caucus – this is really embarrassing – I had to say, "What's that game that they play in bars?" Somebody shouted out, "Nevada." I kept thinking "bonanzas." Somebody corrected me; it turns out to be Nevada. It's probably not the only game like that. I don't even know how it's played, but it sounds like a little lottery that gets played. You buy a ticket – I don't know how it works, but anyway . . .

AN HON. MEMBER: It's like bingo.

MS BARRETT: Is it like a bingo?

AN HON. MEMBER: Yes.

MS BARRETT: Oh, okay. It's like a bingo then.

But the concern that's raised in this Bill is . . .

MR. SPEAKER: Perhaps the hon. Member for Smoky River would like to take the Member for Edmonton-Highlands and conduct her through a full investigation of the whole issue.

MS BARRETT: Mr. Speaker, I'm not sure if that's a sexist remark or if that's a marital statusist remark. [interjections] It's neither, is it? Well, I'll tell you what. You know, in this parliamentary system we have what's called Bill notes. You know how you get situation reports? Well, we do Bill notes. Perhaps the hon. member who piped up to help me out here would do me a set of Bill notes on Nevada. Okay?

In any event, gambling is a new reference here. It's not just gambling devices; it's gambling. Now, that alone surprises me, Mr. Speaker. I'm sure you'll be surprised at my naivety, but I assumed – isn't this interesting? – that wherever you have casinos, you have liquor available. I obviously have never been to a casino either. [interjections] No, I don't want to know how

they work. But I am concerned now that you could license these gambling establishments. You know, they've got one up on 97th Street and 132nd Avenue; I understand it's packed to the rafters all the time. What do I know? But now methinks: are they trying to get us into Las Vegas north or Atlantic City north or west? Is that what's going on with this Bill? I just smell Americanization all over the place.

By the time this Bill gets to committee reading, the government may well have stuck its heels in and decided it's going to pass it come heck or high water, and I think it's important to try again to convince these guys not to proceed to committee reading at this point. I have an amendment. Mr. Speaker, I believe you have a copy of it. Perhaps the page would like to come and get it and circulate it while I read it out. My amendment would do the following. It would strike all the words after "That" and substitute:

Bill 42, Liquor Control Amendment Act, 1990, be not now read a second time, but its subject matter be referred to the Select Standing Committee on Law and Regulations, which may choose to formally consult with the Alberta Alcohol and Drug Abuse Commission, for consideration of the Bill's implications with respect to vastly expanded number of liquor sales outlets in the Province and the possibility that ALCB stores may be put out of business as a result of the Bill's provisions.

Well, that speaks primarily to the argument I made in the first instance, but I want to argue the case with respect to law and regs now. I'd like their assessment and AADAC's assessment of what the amended section 95 is going to mean. This is not a little detail of the Bill; this is a big detail. I have a feeling that there are a few big details in the Bill that are dovetailing to a certain end. Like I said before, if I get to hear all the experts come in the House – and I mean experts, including maybe the minister's EA for all I know – a whole bunch of people come in the House and tell the committee on law and regs what they believe the implications are, the AADAC officials come in and tell law and regs what they think the implications are, and if I'm wrong, I'll jump up and admit it.

But I'll tell you what, Mr. Speaker. I've always known not to believe Conservatives. I mean, we can't count on them for much, and I don't think we can count on them to prevent what I believe is the Americanization of the economy of liquor sales in Alberta and the culture of liquor consumption in Alberta. If I don't win this amendment and maybe the hoist isn't passed, maybe this goes to committee and I don't get to hear that expert testimony, I'll tell you what. I can't bet money because I don't think that's allowed, and anyway I'm not a betting person except in the nonmonetary sense, but I'll bet that five years from now liquor sales will be allowed in every little store, every little lounge, every little restaurant, every little bar that applies for it – unless there are too many applying; then they'll cut them off – and I'll bet that drinking is going to be allowed in those big gambling establishments, maybe even in bingo halls. That is exactly what I'd like to prevent, and that's why I hope I have the support of members of this Assembly in the context of this amendment.

MR. WEISS: I'll take your wager. I'm a betting person.

MS BARRETT: The Minister of Career Development and Employment's a betting person, and he believes I'm wrong. Shall we meet on June 7, 1995, whether either of us are in the Assembly or not? I don't have a forward planner that's that big, but . . .

MR. SPEAKER: Hon. member, the House is not a dating place for making appointments. [interjections] Thank you. Order.
Speaking to the amendment, Calgary-Buffalo.

MR. CHUMIR: Thank you, Mr. Speaker. The amendment raises an extremely important issue with respect to the expansion in a number of liquor outlets and the possibility that ALCB stores may be put out of business. That is an issue that is important. It should be debated. It has many ramifications. But the motion also goes on to state that that will ensue as a result of the Bill's provisions. I have read, as the member suggested, not twice but three times and four times the relevant . . .

MR. SPEAKER: Hon. member, I trust the Chair did not observe hon. members engaged in making bets with each other. The Chair is pleased to see that Edmonton-Kingsway and Calgary-Millican have become such good friends that they're holding hands in the Chamber.
Calgary-Buffalo.

MR. CHUMIR: Sounds like it's Reno, not Nevada.

After having read the Bill many times, the concerns reflected in this motion are not part of the Bill. It's the biggest red herring I've seen in four years in this Legislature. I've read the legislation. I've just been discussing with members of the Official Opposition the provisions of the Liquor Control Act, section 58(1)(e), the power to make regulations, and section 35, the power to set up liquor agencies, and it's quite clear that at the present time these provide the jurisdiction to expand the off-sales. Now, whether it's wise to expand off-sales or not is a valid issue, but it's not part of this Bill. What this Bill does do is bring in legislation that the beverage and hotel industry has been waiting on for years and years: initiatives to streamline procedures which are now absolutely archaic and frustrating to the nth degree. Now we have a motion that wants to delay this further. They certainly won't have my support to delay it further, although if they want to move a motion or debate in any forum the very important issue they have raised – and I think it's an important issue – I'd be very happy to support them in that initiative. But let's not mix herrings with Nevadas here. This is not the time to be delaying this Bill on an issue that is unrelated. Again, that is not to say that there aren't some important implications and concerns we have with respect to this Bill, particularly the breadth of regulations, and I'm going to be commenting on those when I speak to the main issue, if that moment ever arrives.

MR. SPEAKER: The Member for Clover Bar.

MR. GESELL: Thank you, Mr. Speaker. On the amendment. I have some difficulty with this particular amendment, and I'd like to oppose it. Although the amendment refers to the subject matter of this particular Bill, if I may refer you to *Beauchesne*, sixth edition, 674(1) . . .

AN HON. MEMBER: Is this a point of order?

MR. GESELL: No. I'm just outlining a difficulty I have with the amendment.

MR. SPEAKER: Speak to the Chair, hon. member, and ignore the comments from elsewhere.

MR. GESELL: Thank you, Mr. Speaker.

674(1) The House cannot, under the guise of referring the subject-matter to a committee, refer also certain provisions of the bill itself. This is going beyond a reference of the subject-matter. Now, in this particular case we have a reference or an instruction which is even outside the Bill itself. It asks for "implications with respect to vastly expanded number of liquor sales outlets in the province." In my mind, Mr. Speaker, that is not really a portion of this particular Bill. It doesn't even deal with the subject matter or with particular issues that are raised in this Bill. I feel that even though the first portion of the amendment may be in order, the last portion under 674(1) is not, and I would oppose it on that basis.

MR. SPEAKER: Calgary-Forest Lawn.

MR. PASHAK: Thank you, Mr. Speaker. Well, sometimes maybe it is appropriate to mix Nevadas and herrings. I believe I said at the outset of my remarks that I wasn't completely sure that these two issues are related; that is, the introduction of Bill 42 and new policy initiatives announced by the minister having to do with increasing opportunities of hotels to sell all liquor products off-sale. I just said that the fact that the two measures came forward at roughly the same time suggested there may be an interconnectedness between the two. That feeling was further reinforced by the minister's news release in which he suggested, in terms of regulation-making power, that he was concerned to increase the responsiveness of alcohol policy to contemporary circumstances, and by that he could have meant the extension of these off-sale privileges to hotels.

In any event, it is important, I think, that in introducing a Bill of this nature, it does present an opportunity for the entire public of the province of Alberta and all the subpublics within that larger population to express a point of view with respect to current, existing liquor practice in the province and give the minister some direction with respect to future policy in these areas. This particular amendment that we have before us, Mr. Speaker, does at least identify two groups that may have particular concerns with respect to liquor policy in the province. One, the Alberta Alcohol and Drug Abuse Commission certainly should be consulted very broadly and intensively with respect to how they would like to see changes take place with respect to liquor policy, and certainly those people who are affected by the possible closure of Alberta Liquor Control Board stores should have an opportunity to express their point of view.

So, Mr. Speaker, I support this motion. I think it is a matter that could be properly and productively referred to the select Standing Committee on Law and Regulations. I think the suggestion there that they consult with the Alberta Alcohol and Drug Abuse Commission is entirely appropriate.

MR. SPEAKER: Is there a call for the question? No. The Solicitor General on the amendment.

MR. FOWLER: If there's a call for the question, fine, Mr. Speaker.

[Motion on amendment lost]

MR. SPEAKER: The Chair recognizes Calgary-Buffalo on the motion for second reading.

MR. CHUMIR: Thank you, Mr. Speaker. As I noted partially in earlier comments, it's hard to follow such an expert on

drinking patterns and beverage rooms as the Member for Calgary-Forest Lawn. In fact, I recall clearly that he went to college in those days when the beverage room took the place of the coffee room of Stephen Leacock's day.

Overall, Mr. Speaker, this is good legislation. We have some concerns that I will allude to later, but basically it reflects a long overdue streamlining of processes which hopefully will overcome much of the long-standing frustration of licensees. In particular, I'm pleased to see an expansion of the board and particularly the provision for panels, which will speed decisions and allow representations to be made locally rather than requiring travel up to Edmonton, as has been the norm.

In addition, the beverage and alcohol advisory commission will be good and welcome input with respect to concerns. I agree with earlier comments relating to the concerns relating to the press release statement that there will be industry representatives only on that board, but if I recall correctly, I think the minister in his earlier comments indicated that there would be public representatives, or at least I think I've seen elsewhere that there would be public representatives. I hope that will be the case. Finally, the independent appeal process is an excellent and long-overdue innovation.

So overall the changes are positive. However, the test of effectiveness of the changes will be in the way in which they're administered. I've heard complaints from the industry for some years now with respect to an overly bureaucratic mentality in administering the Act, and of course this is a legacy of the days when having a drink was considered to be evil. The minister outlined, with ample and able assistance from the Member for Calgary-Forest Lawn, a very graphic and entertaining history of liquor regulation in this province. I well remember and have heard of the days of the regulations with respect to the kinds of chairs and the flooring, the days when one was not allowed to stand while drinking or move around a place where alcohol was served. It was reminiscent of the old Windmill Theatre in the London days during the '40s when the chorus girls were able to appear dishabille, one would say, but couldn't move. I also remember, as does the Member for Calgary-Forest Lawn, the days when men and women were not able to drink together. I don't remember it from personal experience but I remember it from an uncle and aunt who used to take me to Banff. They were from Edmonton, and they would stop off at Cochrane for one quick one, leaving me in the back of the car unhappily eating my popsicle. I remember it well. It was cruelty to children. Of course, I remember well the days when one was not able to buy evil vodka here in Alberta and one had to procure, if so interested, one's supply from Saskatchewan. The whole attitude prevailing in this province at one time was reminiscent of a favourite description of mine of the attitude of the puritans with respect to bearbaiting, and that was that they opposed bearbaiting not so much because it gave pain to the bear but because it gave pleasure to the viewer.

Now, I have other concerns that have been addressed to me by the industry which reflect a legacy of this attitude, and I'd like to perhaps raise these for the concern of the minister. I'm sure he's had representations on them. I hear, for example, concerns with respect to rules relating to numbers of persons who are allowed into bars: one capacity limit for safety purposes, for fire purpose regulations, and the liquor board applying another restriction. A second concern I've heard raised relates to the food requirement, the requirement that food be served in certain establishments. The concern that's raised particularly relates to after-hours times or nonmeal times when this presents a

restriction, an inhibition on certain forms of establishment. Then, of course, there's the issue of Sunday drinking.

Now, that being said, Mr. Speaker, all Albertans do have a valid concern with respect to alcohol abuse. Such abuse is very costly both to individuals and to society as a whole. I've spoken quite extensively in this House in the past with respect to the impaired driving issue. But these reflect, I think, mainly a need for education and maturity within our society as well as a sense of realizing when regulation truly has an impact on excess as opposed to reflecting the puritan attitude that we have heard about today.

Now, I want to talk about some of the specific concerns I have regarding this piece of legislation. I've spoken in the past and I have a continuing concern with respect to government by regulation. The current Act provides a broad scope of regulation. This is continued and, so far as I'm able to determine, somewhat expanded with respect to the regulations. When you're dealing with an industry such as the liquor industry, it's not possible to have the Legislature making many of the decisions which were of a management nature and certainly not desirable. On the other hand, there are many decisions that fall within the policy realm. I know it's not easy to define, but I have a concern that perhaps many of these regulations move the board and the cabinet into important policy realms that should be dealt with in the Legislature, and I look forward to discussing that more in committee.

Another concern that I have relates to a theme about which I have spoken in other contexts and quite often in the House, and that relates to due process. I've concern to see that when licensing takes place, fairer procedures are followed. Livelihoods are at issue, as in the case of professionals. One concern I have relates to the provision which is in the current Act and was just continued giving the board absolute discretion as to whether or not to issue a liquor licence. I find that totally inappropriate. It seems to me one could define more precisely what are the concerns and the disqualifying features. The legislation deals with the realm of cancellation of licences. One concern I have is with respect to section 48, which provides that licences can be canceled without a hearing. Again I consider that to be quite inappropriate. It relates to livelihoods; it's an issue of due process. I think we're becoming more and more conscious of the need for the right to hearings. We have a Legal Profession Act before this House which allows lawyers the very clear right to be heard before they lose their livelihood, and I would suggest that the minister, who is very learned in the law, perhaps might focus his attention somewhat on these issues of due process and perhaps see whether there might be a bit of beefing up of them before this legislation is passed.

[Mr. Jonson in the Chair]

I'm also concerned, Mr. Speaker, with the civil liberties aspect of the police powers relating to intoxication. I believe that the power to arrest should relate to the issues of danger and nuisance, danger to the individual himself or to others or nuisance to the public. However, the current provision, which is continued with some minor change, provides for right of arrest by a police officer simply on the basis of intoxication alone. [interjection] I've been asked what section that is. I believe it's section 77.

The current provision, which is continued, allows for arrest on the basis of intoxication alone. Now, I note that there is an accompanying provision relating to release, and what triggers the release is an opinion that the person in custody, if released, is

"unlikely to injure himself or be a danger, nuisance or disturbance to others." I think there's an imbalance there. The test in the release provision is right, but the test in the arrest provision merely invites arbitrary use of power in something that is extremely subjective and not related at all to any element of harm to the individual or the public. I think it's an archaic provision. I think it's long overdue for change. The change with respect to the decision that has been rendered re the Charter does not address that issue, and I would suggest to the minister that it can easily be addressed and should be addressed before this legislation is passed.

So those are my comments. Overall, the Bill is a positive piece of legislation long awaited by the industry. We're going to support it because there's far more good than there are concerns, but we hope to see some of those concerns remedied.

Thank you.

MR. ACTING DEPUTY SPEAKER: The Member for Edmonton-Jasper Place.

MR. McINNIS: Thank you, Mr. Speaker. Just a few brief comments on the second reading of Bill 42. The Bill contains a number of amendments to update and improve provisions in the Act. My colleagues and I do have a concern over the trend to privatization. I think there's no doubt, Mr. Speaker, that this Bill is supportive of the moves in that direction. I mean, there is not by and large in the province of Alberta a problem with access to alcohol. You compare the number of outlets where you can get alcohol with the number of public health units, libraries, swimming pools, or the number of educational facilities; there's no question that we are pretty well served by and large in our province in terms of availability of alcoholic beverages.

The business of adding new categories of licences and permitting off-sales of hard liquor in the small hours of the morning and the middle of the night is supported by the structure of this legislation, and that's why my colleagues have the concern. You know, I think if you look at the regulation and sale of alcohol from a financial point of view, just looking at the books of the government of Alberta I think you'd find that there's probably a lot more expenditure rendered by problems associated with alcohol and alcohol abuse than there is revenue generated by that particular industry. That's not to say that everybody who drinks has problems. It's just like everything else in society: 95 percent-plus of the people go out and have a drink or drink at home occasionally in a social way, and they never cause any problems whatever. But somewhere in that less than 5 percent range there's a tremendous amount of difficulty.

The profits from the ALCB this year are estimated at \$405 million. From that you could argue that the province plows some \$32.3 million back into treating the victims under alcohol and drug abuse problems. But if you go down the list of budget expenditures, how much of the Attorney General's budget goes for prosecuting people who have undertaken crimes under the influence of alcohol? How much of the work of the Women's Secretariat, referred to by my colleague for Edmonton-Avonmore, relates to people who do things they shouldn't when they're drunk? But Public Safety Services – I would wager a big chunk of the Family and Social Services budget has some origin in problems with alcohol abuse: breakup of families, people on social assistance, things of that kind. The Health budget: how much of the \$3 billion Health budget do all of us in society have to pay as a result of problems with alcohol? This is not a paying

proposition. Of course, the Solicitor General has a very big responsibility in relation to the problems of alcohol.

So, you know, I just don't sense from my constituents a clamour to increase the number of outlets and the number of opportunities. People don't stop me in the street and say: "Geez, you know, I'm having trouble getting a bottle of whisky when I need it. Can you do something to make it more readily available to me at different hours?" It just isn't the kind of thing that happens every day. In fact, it hasn't happened yet. So there is that concern, and my colleagues, I think, are correct to have expressed it, and I share that concern myself.

On the good side I want to say that I'm very pleased to see section 61 in this Act, which puts the onus on the licensee to ensure that the operation of a licensed premise is done in a safe and a proper manner. I very much appreciate that, because we have problems in my constituency. I've spoken to the minister and his office, and I'm very grateful for the response that's in here. It makes it clear that the owners and operators, the people who profit from this industry, are responsible for making sure that the premises are done in a proper fashion. The particular case that I've been working on with the minister's office has to do with one facility in my district where they operate something like a drug dealer's supermarket. People come and buy illegal street drugs. The management knows what's going on, but they don't do anything about it, and I think this will put the onus on them to do that. I congratulate the minister, and I thank him for that particular initiative.

There is another problem. I'm not exactly sure how it relates to the provisions of this Bill, but there are some tavern owners who have found some difficulty trying to import specialty brands of beers through the ALCB. They have to identify their own suppliers, and they have to provide half of the funds in advance. The delivery is very slow, and they're having a very difficult time maintaining stock. It's very difficult to print a menu if you don't know what brands you're going to have in stock. I know it's probably a specialty situation in some sense, but I think as more and more people discover the different kinds and characters of beers that are available all around the world, and having regard for the fact that beer is lower in alcohol than some of the substances on the market, I want to say that, you know, I wonder if something couldn't be done along those lines.

I've also had some concerns from constituents dealing with the different types of conditions that pertain to different kinds of licences. My colleague the Member for Edmonton-Highlands has mentioned the way the regulation authority in this Bill extends to different classes and categories of licences. Some of the people who operate lounges associated with restaurants wonder why it's possible for the hotel operators to have their lounges open on Sunday, and they're not. I think the issue of Sunday drinking is an important one. I spent some time in the province of British Columbia. From the time of Expo on they've allowed their operators to be open on Sundays. Sunday is pretty much another day of the week as far as liquor outlets are concerned. I'm sure there are arguments either way in terms of whether that's sound public policy or not, but the thing I notice about it is that it's fair between all the different categories of licences. What's the rationale for allowing hotels to open up their lounges whereas the other type of licensed owners cannot? They feel that there's some unfairness in that, and I don't really see that the argument might flow from the fact that if you're away from home and staying in a hotel, you should be able to go to a lounge and have a drink. Well, I think their situation is like anybody else's. If they want to drink on a Sunday, they have a room they can drink in. As the minister has said in question

period, there's a bar key, and if you've got funds enough and thirst enough, you can thirst away at the minibar any time of the day or night, but it would cost an absolute fortune.

I think there is an unfairness there in that particular provision, and I think it's sort of moving over when we give hotel operators the right to have off-sales for liquor as well. Sure, the hotel industry has its problems; lots of people do. But to give them that particular benefit and not extend it to other operators I think is an inequity, and I think it should perhaps be addressed.

Thank you very much.

MR. ACTING DEPUTY SPEAKER: The Member for Vegreville.

MR. FOX: Thank you, Mr. Speaker. I'd like to speak briefly on the principle of the Bill before us today and express some concerns about some provisions that I think should be in the Bill to help satisfy me. I'm more than prepared to acknowledge that there are some progressive and forward-thinking moves included in this Bill, some changes that have been long overdue. I applaud the minister for some of the actions that he's taken both in this Bill and in other areas and other ways over the past year of his ministry.

The concern I have is similar to the one expressed by my colleague for Edmonton-Jasper Place, and that deals with the extension of permitted off-sales to hotels for hard liquor and wine. I want to tell the minister in a fairly straightforward way why I'm concerned about that extension that he's made very recently. I can understand why there would be a perceived need to permit off-sales of hard liquor and wine in communities where there is no liquor store. If I might use it as an example, in my constituency we have a hamlet in the area named Bruce, and in Bruce there is no liquor store. It's a community of about . . . I think that's where the hon. Member for Edmonton-Jasper Place claims roots: Bruce, Alberta. Anyway, Bruce is a hamlet. There is no liquor store; there is a hotel. Extending further off-sales rights to the hotel there will no doubt open up some options for people in the community. If they need some alcohol for a function, if they choose to buy some hard liquor or wine, they don't have to drive to Holden or to Viking to do it, so that's perhaps an advantage to them. It could be construed as an advantage to the community in that there will be people who can either drive a short distance or walk to buy what they would otherwise have to drive a long distance for.

However, the second phase of the minister's plans include extending that off-sales right to hotels and communities under 20,000 in population. Now, in the Bruce example that would mean towns like Holden, Ryley, and Viking would have that right. The minister also has admitted in the House that there will likely be some liquor stores closed in the not too distant future, and I would suggest that when this occurs, it'll likely be linked to the extension of off-sales to some of these hotels. Let's pretend that Holden may be a community that would be targeted by ALCB. They'd look at the store – and I'm not saying this is the case, hon. members; I'm using this as an example – and say: "Sales volumes are down. We're not making a lot of profit there. You do have another alternative. You can go to the hotel and buy off-sales beer, wine, and hard liquor, so we're going to close the liquor store in Holden." Then we've got a situation where neither Holden nor Bruce have liquor stores, and people in those areas who want to buy alcohol for whatever reason have to go to a hotel to do it and pay a price higher than their neighbours or else drive even farther than the people in Bruce had to in the first instance. So I'm concerned about

what's going to happen. The minister has alluded to communities that have liquor stores that will close in time. I think what that means is that there's not only going to be some job loss but some service loss to communities in some of these areas.

I should point out as well that not everybody is willing to go into a hotel bar to get their little bottle of white wine for an evening supper. Bars aren't necessarily the kind of place that everyone wants to go into. Given the fact that there are a number of bars in different parts of Alberta . . .

MR. KOWALSKI: There's nice bars in Vegreville.

MR. FOX: Very nice bars in Vegreville, Minister of Public Works, Supply and Services. I agree with you. In fact, I don't know of any out in rural Alberta that aren't very nice bars, but there are some in the city. There are some in the city where a lot of people are afraid to even go through the doors because you never know who's going to take off their clothes when you do. So the fact is that not everybody would feel comfortable doing their alcohol shopping in a bar, and if extending off-sales provisions to towns without liquor stores in the first instance and then to towns with liquor stores that are a little larger in the second instance leads to the closure of liquor stores in those communities, then I'm concerned about it. I don't see it as a progressive move, and I'm hoping that that's something the minister would perhaps review and would look towards some public input on the issue.

As well, I'd like to echo the concern expressed by my colleague for Edmonton-Jasper Place. I haven't had one person, other than owners of hotels, express to me a concern about lack of access to alcohol. I know that our system in Alberta has evolved over the years. It's different from the system in the United States, different from Quebec, different from other provinces, but it's a system that's in place, and I haven't heard anybody complain about it. So I'm expressing that concern to the minister. As the MLA for Vegreville I'm giving him feedback from what I hear in terms of the opinions and attitudes of people in the area.

So that being said, I leave those comments and suggestions with the minister. I might, as well, just endorse a suggestion made by my colleague from Calgary-Forest Lawn, and that is that if there is going to be an attempt made to address the fact that some communities don't have liquor stores, that we look at providing an agency there that could be available to any reputable business in a community, be it a hardware store or grocery store or whatever, which would be able to sell alcohol under the same terms and provisions as liquor stores in neighbouring communities do; that is, at the same price and during the same hours as other liquor stores in adjacent communities do. I think if that's as far as we took it, then we're not doing something that jeopardizes the existence of liquor stores in these moderate sized communities.

I'm concerned, based on what I see in Motion 280 on the Order Paper. My colleague the hon. Member for Redwater-Andrew has this motion on the Order Paper year after year that urges the government to privatize the retail and warehousing operations of the Alberta Liquor Control Board. In other words, let's give somebody else the profit, and the people will endure the expense of repairing the damage. I'm not sure that I'd describe that member as being the leading edge of thought in government circles, but it nonetheless is foreshadowing. We don't favour the privatization of ALCB as a policy, and I worry that the minister has perhaps opened the door for that to happen. I'm concerned about that, and I think the people in the

Vegreville constituency, right next to the Redwater-Andrew constituency interestingly enough, are concerned about that as well. I leave those concerns with the minister.

MR. ACTING DEPUTY SPEAKER: The hon. Solicitor General, to close debate.

MR. FOWLER: Thank you, Mr. Speaker. Just a few comments in response to the hon. members opposite that have spoken on this. The number of store closings, if they occur at all, has been raised. There's only two or three that are in the bracket that sell less than \$150,000 net per year. That's not a very profitable operation for the ALCB, for the government, but I must say there has not even been a decision made at this time that there are going to be any closures at all.

The requirement has been mentioned by at least two hon. members of a rationalization of certain rules and regulations in the operation, and this is partially the reason why the Act is before the House today. There have been different rules that have been applied in respect to the number of people in an establishment, be it the fire regulations or the ALCB regulations. These, in fact, must be rationalized.

Are there going to be public representatives on the advisory council? Most definitely, Mr. Speaker, there will be. I can fully imagine a situation whereby the advisory council could find itself in a position of conducting its own hearings.

The hon. Member for Calgary-Buffalo raised the matter of due process. That is a concern of mine. But he specifically identified the cancellation of a licence without a hearing. Mr. Speaker, I wish to assure the House that that can and will occur only where there is extreme concern with respect to the goings-on within a licensed establishment, such as the distribution of drugs or something along that line, which just won't be tolerated. But I would also add that even if a licence is canceled or suspended, there will be a hearing on it very shortly thereafter. There cannot be a cancellation indefinitely, for good, without a hearing taking place.

[Mr. Speaker in the Chair]

I wish to advise the House on two other matters, Mr. Speaker. That is that notwithstanding the fact that there will be an increased number of outlets in Alberta, the number of outlets for liquor consumption has increased over the years in any case, and each and every year, I am extremely pleased to advise the House, consumption of liquor has gone down in Alberta almost at the rate of 1 percent per year. In 1989 there were 19.3 gallons per person consumed in Alberta as compared to 1980 at 21.67 gallons per person; I suspect a figure that none of us are overly proud of, but at least it is on a downward trend.

Another matter that has been raised, Mr. Speaker, is the regulations. Through the regulations it is proposed that there will be a tighter control on the type of entertainment that goes on in a number of our licensed premises in Alberta. Here I refer specifically to the striptease shows that are taking place in some of our establishments in Alberta, and we have every intention to clamp down on that and do something about it.

In respect to casinos, at this time liquor is not allowed in casinos. But I do wonder. Because it seems that casino playing is all right for raising money for charities. Down the street and across the block it's all right to have a cocktail with your friend. But if we bring the two together, something seems wrong. I don't know that I can agree with that, but in any case there's no intention in this legislation to do anything that is going to permit

that other than allow the advisory council to look at it if and as they are in fact requested to. There has been no request at this particular time.

I would also advise the members of the Assembly today, Mr. Speaker, that the hours have been set for the limit of off-sales in the hotels that will be taking it. That is, 11 p.m. is the latest hour at which liquor can be sold at the new hotel outlets. That compares to the 2:45 a.m. sale of beer, but it was not the intention of this government to extend the sale of liquor to that particular time. As I say, I do not have any fear at this particular time that sales are going to be increasing. I suspect that the report I will table one year from today will show consumption of alcohol in Alberta down again from what it is, as it has been for the last 10 years.

I respectfully request the support of this House in second reading. Thank you.

[Motion carried; Bill 42 read a second time]

Bill 52

Natural Resources Conservation Board Act

MR. SPEAKER: The Minister of Energy.

MR. ORMAN: Thank you, Mr. Speaker. It gives me great pleasure to begin second reading of Bill 52, the Natural Resources Conservation Board Act, and I so move.

In moving the Act, Mr. Speaker, I'd like to make a few preliminary comments. First, I'd like to acknowledge some of the support in crafting this legislation from three former chairmen of the Energy Resources Conservation Board, Mr. Vern Millard, Mr. Gerry DeSorcy, and Dr. George Govier; along with the former Deputy Minister of the Department of Energy Dr. Barry Mellon. Those four gentlemen played a substantial role in the input in crafting this legislation, and I'm much appreciative to them along with Ken Patterson and Executive Council.

Mr. Speaker, this legislation is quite clearly ground-breaking legislation on the continent of North America. One of the areas that we explored when we first decided to proceed with this nature of legislation was to look at other jurisdictions in Canada and in the United States. We found that in Canada there were none, that renewable resource development occurred within line departments in the other nine provinces. The United States, of course, having a different system and format for government, has agencies and boards and commissions that deal with the environmental process in terms of consultation and advice to government. But in terms of the breadth and responsibility that is embodied in Bill 52, there is no other jurisdiction that has this breadth of responsibility.

We then, without having the nature of a model on renewable resource development, moved to review the Energy Resources Conservation Board, and I think it goes without saying that the respect by both intervenor and proponent with regard to the Energy Resources Conservation Board is well known within the bounds of the province of Alberta and elsewhere. I can recall, Mr. Speaker, that when I was an executive assistant to the Minister of Mines and Minerals in 1972, the Energy Resources Conservation Board was requested by some of the gulf coast states to send over members from the ERCB to advise them on the conservation of energy resources.

Mr. Speaker, this legislation was subject to a great deal of interest and a great deal of debate within the government caucus, and it is when MLAs take that type of interest in

legislation that you end up with something that I believe is significant and, in fact, balances economic development with environmental protection. Now, the task was easy at the outset. The words are simple. It says that the twin objectives were stringent environmental protection and balanced economic growth. Putting flesh on those bones was a substantial task, and I do appreciate the support and advice of my colleagues, particularly the Minister of the Environment for his input. I might say that if any one department had the most amount of input into the legislation, it was the Department of the Environment.

We wanted to achieve sustainable development. I know that that's becoming a worn-out phrase. The more we uses phrases such as "sustainable development," the less meaningful they become. But we wanted to achieve sustainable development and do it in a way that, as I've indicated, achieved environmental protection and at the same time allowed for a meaningful and achievable renewable resource development in the province of Alberta.

Well, the principles that are embodied in the legislation are thus. First, all forestry projects that manufacture pulp, paper, newsprint, or recycled fibre are mandatory for a review in the province of Alberta upon Royal Assent of this legislation. That is, if you are a proponent and wish to pursue a renewable resource forestry development of this nature, it is mandatory for a review. The second mandatory review, Mr. Speaker, is water management projects. That's canals, dikes, dams, water diversion projects that have barriers that exceed 25 feet in height and projects that are capable of diverting water from flows of 500 cubic feet per second or new canals capable of conducting flows of 500 cubic feet per second. We wanted, obviously, to allow, for example, the irrigation projects in southern Alberta to occur; however, there are irrigation projects that would be over this threshold that is embodied in the regulation of the legislation. I might add, Mr. Speaker, it is the only regulation that was included with the drafting of the Bill.

Then we moved on to a little bit more difficult areas, and that was tourism, recreation, quarriable mines, and a way in which we could capture those projects that have any sort of an environmental impact. We looked at a variety of ways of achieving that. First we looked at having the Lieutenant Governor in Council do that. Well, that's too onerous a task, and that was not feasible. We then looked at charging the board members of the natural resources conservation board with this responsibility. We felt that that was too onerous a task. So we looked around for a mechanism that triggered or flagged projects that have an impact on environment that are resource development in nature. We came to the conclusion that the most sensible way would be to rely on the environmental impact assessment as outlined in section 8(1) of the Land Surface Conservation and Reclamation Act.

The EIA process embodied in the Department of the Environment orders environmental impact assessments in a variety of ways. One, if a proponent is looking for a licence or a permit with regard to air and water, they must go to the Department of the Environment. The Department of the Environment then looks at it in the context of the environmental impact assessment and then makes a decision whether an EIA should be ordered. It has been quite successful in the last number of years, I believe the last 10 to 14 years, and has dealt in a very rational way. I might add at this point that the Minister of the Environment is in the process and will be tabling in this House his environmental enhancement and protection legislation that will also deal with ways of enhancing the environmental impact assessment

process. So what we decided, Mr. Speaker, if there were any tourism, recreation projects, quarriable mines – projects of that nature that required an environmental impact assessment – together with the mandatory list, as I have indicated, then they would automatically be shipped over to the natural resources conservation board for review.

Now, Mr. Speaker, thereafter we have pretty much the model of the Energy Resources Conservation Board in terms of process. I'll just speak to that for a moment. First, it has the power to reject and approve projects. It has the ability to set and specify terms and conditions for approval. That is, if a project proceeds through the NRCB and it appears that with some modifications it would be more likely to proceed without rejection, it can recommend changes much the same as the ERCB does. I should point out that ultimately cabinet has the authority on projects that have been approved by the NRCB. Projects that have been rejected by the NRCB have no appeal except to the courts on matters of law and errors in law based on the approval process through the NRCB. It has the power to stop licences, permits, approvals from departments and agencies having regulatory authority. It also has the power to prevent the issuing of permits and licences prior to assessment. Mr. Speaker, we believe that is an appropriate way of handling sustainable resource development.

The hearing process is a very important process. It has the opportunity to allow both proponent and intervenor to make their representations and views through the NRCB process, and the process will assess social, economic, and environmental impact. It assures that groups that are directly affected or have an interest in the projects make representations and participate in the reviews. The NRCB has the facility to hold public hearings, authorize intervenor funding, conduct joint reviews: a very important part of this legislation. That is, if there are other agencies that are about to review resource development within the province, if they're agencies within the province, other governments' agencies, or governments or agencies on extrajurisdictional ground – for instance, in the Northwest Territories, Saskatchewan, Montana, British Columbia – if it made sense to prevent the duplication of a review, this opportunity is extended to the natural resources conservation board.

On the intervenor funding, Mr. Speaker, as I've indicated, those that are directly affected or have an interest in the project have the opportunity for intervenor funding. In the legislation it refers to

individuals or groups . . . who, in the opinion of the Board, are or may be directly affected by a reviewable project are eligible to apply for [intervenor] funding.

The board can decide the amount of funding; it can decide whether funding should be advanced prior to the hearing process or advanced at the end of the process. It also has the ability to determine amounts and who is liable for costs and, as I've indicated, can consider advances in that connection, I think an important part.

I should also say at this stage, Mr. Speaker, that what has resulted from the review of the intervenor funding process is that we will be reviewing the intervenor funding process for the Energy Resources Conservation Board. The board has recommended enhanced intervenor funding in a way that should be adopted by that agency, and we will be looking at that.

In summary, the Bill will streamline the assessment and approval process for renewable resource development and ensure a fair and impartial hearing with the opportunity to respond and cross-examine both proponents and intervenors and

will work under the umbrella of balanced economic growth and environmental protection.

Mr. Speaker, those are basically the principles that are embodied in the Bill, and I believe they are reasonable and sound and find the middle of the road that is so important.

Mr. Speaker, in view of the hour I beg leave to adjourn debate.

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

HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no. The motion carries.

MR. GOGO: Mr. Speaker, by way of notice it's the intent of the government to call second reading of various Bills in the morning beginning with Bill 44.

[At 10:36 p.m. the House adjourned to Friday at 10 a.m.]