

## Legislative Assembly of Alberta

Title: **Monday, March 25, 1991**

8:00 p.m.

Date: 91/03/25

[Mr. Speaker in the Chair]

MR. SPEAKER: Be seated, please.

head: **Government Bills and Orders**

head: **Second Reading**

### Bill 1

#### Seniors Advisory Council for Alberta Act

MR. GETTY: Mr. Speaker, I'm honoured today to move second reading of Bill 1, the Seniors Advisory Council for Alberta Act.

This legislation, as members know, gives the legislative authority for the Seniors Advisory Council. It's an extremely important council and does a great deal of work. After all, seniors are the pioneers in this province who helped build Alberta, and they deserve our gratitude and co-operation as they pass into a different time of life.

The MLA for Bow Valley is chairman of the Seniors Advisory Council and has kept me advised of the work that they do on an annual basis. I must say that it is valuable work and that they're very busy. I've asked him to give the members of the House some idea of the activities of the council so they might judge that they would want to support this Bill and the council itself.

It's a relatively straightforward Bill. There is a slight numbering mistake, which would be corrected by an amendment at the committee stage. It is the number of a paragraph.

As I said, this is an important council. There is in excess of \$1 billion on an annual basis in senior citizens' programs. While we're very proud of that, I think we can always do better. We can always get advice from the people who are actually experiencing the programs. We want to make sure that they play an important role in our considerations.

With that, Mr. Speaker, I would ask the Member for Bow Valley to advise the House on some of the activities of this council on an annual basis.

MR. SPEAKER: Bow Valley.

MR. MUSGROVE: Thank you, Mr. Speaker. I would like to thank the Premier for his words about how our council operates. I would like to say that we also report to the Premier through the Associate Minister of Family and Social Services, the Hon. Roy Brassard, who is also responsible for the seniors' division, which is quite separate from the seniors council, although we do work in co-operation with each other.

The seniors council has 15 members including myself. Three of them are represented and appointed by organizations, those being the Alberta Medical Association, the Alberta Hospital Association, and the universities. The other members are appointed from geographic locations around Alberta so that there is no region of the province that is not represented on the council.

Last week I think all of you received a memo from myself and a list of the accomplishments of the seniors council in 1990, but just to highlight a few things, we put out an annual report every year that has a list of recommendations to different departments in the government. Over the last three years there have been an average of 15 recommendations per year, but previous to that,

there were recommendations made also. Some of these recommendations have led to some action being taken by the province. Just to give you a few examples, we put in a recommendation in three different years, 1979, 1980, and 1981, recommending the co-ordination of services for seniors. This finally wound up being called the single point of entry, and it's quite a well-received part of our health service regulations now.

We also made a lot of recommendations on health care, and to us this is very important. We try to keep people in their own homes and their own communities as long as possible during their senior years. We have responded as a government to those recommendations as well as recommendations from other people, the Department of Health in particular. It's been picked up on, and there's been some action taken.

Also as an example, we have been recommending for several years a seniors' day program. This is a program where a working couple can have a senior member of their family who is living with them looked after during the day, particularly if they need medical services during the day, and go back to their home and their family at night. We think this is a very progressive step in the programs for seniors.

We have been recommending protection for older people against discrimination on the basis of age. We feel that just because they're 65 years old doesn't necessarily mean that they must retire at a given time or that there should be any difference in their lifestyle, except whatever they prefer.

We have promoted Senior Citizens' Week, which actually came from a recommendation made in 1985 by the council. Now seniors' week has been proclaimed by this province, and we support it. Last year the theme of seniors' week was Seniors: A Strength of Alberta, and we had pins put out.

We have a logo that goes out on all of our publications. It's a senior couple, and the Hon. Roy Brassard now has a pin made with that couple on it. That is the logo of the Seniors Advisory Council, and you can recognize any of the publications by that logo. We put out quite a few different publications, but one of them is called the *Fact Sheet*. Recently I wrote a memo to everyone receiving the *Fact Sheet*, saying that if you would like our council to come and talk to you, we'd be very happy to do so. We got 90 requests from seniors' organizations for us to come and speak to them, tell them what the council's all about, give them an indication of what the seniors' benefits are and how they go about accessing them. We went to several of those public meetings, and even tomorrow morning I'll be flying to Fairview to attend two public meetings in northern Alberta.

We do have a grant program, and they generally are grants to assist organizations in awareness of some of the concerns that seniors have and how we can benefit them. One we had recently was in Edmonton, and it was a forum on Alzheimer's disease. Now, Alzheimer's disease is something that we know very little about, and the research that's been done on it has produced absolutely no knowledge of why people get Alzheimer's disease. There are no patterns that they are able to follow to find a cure or why they have Alzheimer's. I have introduced this session in a private member's Bill that we should set up a foundation to fund studies on this type of thing, but unfortunately that private member's Bill is so far down on the Order Paper that it probably won't even get spoken on this year. We also had forums this year – one in Grande Prairie, one in Medicine Hat, and one in Edmonton – and we called them Energize, Don't Tranquelize.

8:10

MRS. GAGNON: You should do that in here.

MR. MUSGROVE: As a matter of fact, I was over at the Centre for Gerontology speaking to the group this morning. [interjections]

MR. SPEAKER: Thank you. Through the Chair. Let's just get on with the debate, please.

MR. MUSGROVE: It was brought to our attention that there is an overuse of prescription drugs by our seniors, and the reason that we are putting these forums on is not only to make people aware of it but to give some of our care givers, people that work with seniors, some knowledge of why that happens and how it can be prevented. I think these forums were quite successful. The last one was today in Edmonton.

Last year we put on two forums, one in Lethbridge and one in Edmonton, called Women and Aging. Now, a person might wonder why we would say women and aging, but statistics tell us that of people that are over 65 years old, two out of every three are women. We found those forums remarkable, and the one in Lethbridge in particular was attended mostly by people under 50 years old. Part of the reason for that was that those were the people who worked with seniors, and they wanted some knowledge of how they would handle situations. Part of it was that they wanted to plan their life-style so that when they got to be senior citizens, they would know how to handle it.

We give grants out to quite a few different organizations, but most of them are information. Last fall we put on a seminar in Edmonton, here, for secretaries of legislative offices and constituency offices. It was well attended, but we now get letters from southern Alberta, and northern Alberta in particular, from people that found that it was too far to travel and would like us to put on some kind of a seminar in both those areas.

We put out I believe it's 17 different publications. I think the most important one is *Programs for Seniors*, which outlines all the benefits to seniors from every department of the government of Alberta and how they access the benefits, but it also sets out the benefits from the federal government. It lists telephone numbers, who to contact. That is used extensively not only by senior citizens but by the Department of Health and organizations that are working with seniors. Last year, out of all those publications, we mailed out 47,884 publications, and that didn't include the *Fact Sheet*. We mailed out 4,200 of the *Fact Sheet* and about 5,000 other types of publications, seniors' week information, and whatever.

We have a toll-free line for people to phone for information. The staff responded to over 12,000 information calls: 52 percent of those were from seniors, 15 percent were from families of seniors, and 17 percent were from agencies and professions, and of course there were some calls from MLAs' offices, media, students, et cetera. The average was about 1,100 a month. For anyone that wants to write it down, the information line is 1-800-642-3853, or for local telephone calls within the Edmonton telephone area, it's 427-7876.

We also maintain a resource library, and all the information that we have gained on senior citizens is in that library. We are now hoping to have the time and the staff to put it all on a computer so that any other agency requiring any of that information can access it from that computer through their phone line. So you can see that we've been very, very busy.

We have a staff of five full-time people and one half-time person, and I really appreciate the time that they've put into that. As I can tell you from the many functions that I've listed, our council and council staff are extremely busy. In fact, as I said before, they're all to be commended for the terrific job and

the extra time that they put in working for the seniors of this province. I certainly could not have handled this myself.

Thank you very much.

MR. SPEAKER: Might we have permission to revert to Introduction of Special Guests.

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed? Carried. Thank you.  
The Member for Drayton Valley.

head: **Introduction of Special Guests**

MR. THURBER: Yes, Mr. Speaker; thank you. I'd like to introduce to you and through you to this Assembly a member of zone 6 from the Alberta Cattle Commission, Elwyn Grattidge. He's been a director on there for many, many years and a friend of most of the cattlemen in Alberta. Of course, you all recognize that the Cattle Commission is the representative voice of the cattlemen in Alberta. Elwyn Grattidge, would you rise, please, and receive the traditional welcome from this House.

head: **Government Bills and Orders**  
head: **Second Reading**

**Bill 1**  
**Seniors Advisory Council for Alberta Act**  
(continued)

MR. SPEAKER: Edmonton-Calder.

MS MJOLSNESS: Thank you, Mr. Speaker. We on this side of the House definitely endorse this Bill, the Seniors Advisory Council for Alberta Act.

AN HON. MEMBER: Speak for yourself.

MS MJOLSNESS: I will speak for ourselves. I mean, the Official Opposition endorses this Bill.

My colleague and critic for Health, the Member for Edmonton-Centre – and his responsibility is in the seniors area – did develop such a Bill a while back, and I congratulate the government for once again following in our footsteps. This doesn't happen very often, but we're always pleased when it does happen.

Presently, members are aware, and we've heard from the Member for Bow Valley and from the Premier, that the Seniors Advisory Council is appointed by the government and is chaired by the MLA for Bow Valley. The council has 15 members appointed by the government, and we've had a breakdown of who those people are and how those members are appointed.

In 1989 in the Seniors Advisory Council's report to the associate minister the present council had as its first recommendation, and I quote: "That the Senior Citizens Advisory Council Act be introduced and passed in the next session of the legislative assembly." This Act will bring about a secure legislative base and the legitimacy necessary for the council in order that the council can operate effectively on behalf of all older Albertans. Mr. Speaker, by introducing this Bill, the government is recognizing the council and its importance in improving the quality of life for seniors and addressing issues pertaining to Albertans who are elderly in the province.

We have other councils operating in various areas. We have the women's advisory council, for example. These councils are doing fine jobs in bringing forth recommendations, but the

problem that is encountered is when the government does not endorse or implement these recommendations. Now, I'm thinking of specific recommendations from the women's advisory council and recommendations from the Premier's Council on the Status of Persons with Disabilities, although that's a bit different. These councils have brought forth many recommendations, and we're waiting still for the government to implement most of them. I would hope that the government begins to take seriously the recommendations they receive from this council. We've heard from the Member for Bow Valley about the single point of entry, certainly an important step in the right direction, but there are many other recommendations that he spoke of tonight. We hope that the government would take the recommendations very seriously and make a commitment to implement those recommendations.

Another role is to be advocates on behalf of seniors in the province, and it's extremely important that this council be given the freedom, as much freedom as is needed, in order that the council can truly speak up on behalf of the seniors of Alberta. The council, Mr. Speaker, must be an independent body, both in the functioning of the council as well as in its appearance. I believe that the council will have much more respect from Albertans if it is allowed to speak its own mind even if that means criticizing some of the current government policies or even if it means making some very progressive recommendations to this rather unprogressive government.

8:20

Mr. Speaker, when we were debating the creation of the women's advisory council in this Assembly, the late Gordon Wright, the former Member for Edmonton-Strathcona, said in reference to the women's advisory council:

Let [it] be a pressure group. Let it be radical. Let it shake up public opinion . . . not be just another Conservative piece of window dressing.

I think these are very wise words, and I would hope that the Seniors Advisory Council keeps those words in mind.

One further point is that one aspect of the women's advisory council and one that I think should be followed by the Seniors Advisory Council is that the Chair should not be an elected MLA. Nothing against the Member for Bow Valley of course, but again I think the council needs to be independent, and it needs to gain necessary credibility to do a good job. I believe that the Chair should be someone other than an elected MLA.

Mr. Speaker, when the Member for Edmonton-Centre developed his Bill, he sought input from various groups across Alberta and received some very valuable feedback on specific items within that Bill. I'm looking forward to bringing some of these specific suggestions and comments to the Assembly in committee.

Thank you.

MR. SPEAKER: Calgary-McKnight.

MRS. GAGNON: Thank you, Mr. Speaker. The first point I'd like to make in regard to Bill 1 is that the council had to wait 15 years before getting its own legislative framework, this even though the council had been lobbying the government for several years to get its own legislation. This is indicative of the fact that really this government doesn't have much respect for or give much importance to this council. According to the council's 1989 report, the Act was first drafted and even referred to by the Premier in his statement of February 22, 1989. However, the Act was not introduced during the '89 session.

The purposes of the council are valid and worthy of much support, and I won't repeat them now, as the Member for Bow Valley has indicated what the purposes are. I would, however, like to make a few comments about the membership of the council. Geographic representation is necessary and is a very good way of determining membership. However, we feel that there should also be mandatory representation from ethnic associations, native groups, and antipoverty advocates, since it is well known that the need for programs to address the particular concerns of low-income seniors, natives, and immigrants is urgent. We also feel that these mandatory representatives should be chosen by the particular groups mentioned rather than appointed by government.

In anticipation of the Bill, the MLA for Bow Valley and chairman of the council circulated a list of the council's accomplishments for the past year, and we feel that congratulations should be extended to the council for this list of achievements as well as for the many recommendations they have made to government over the years. While we have no disagreement with the mandate or performance of the council, our real criticism rests with the government's hesitance to implement more of the recommendations of the council. We would like to see an itemized status report of all the recommendations submitted to the government so that we could clearly see what action and advice have been taken seriously by this government.

Finally, the Liberal caucus would like to see the council take on a stronger advocacy role for Alberta's seniors, especially in areas related to accessing health care. For example, we were quite disappointed over the council's silence with respect to the tremendous waiting list for cataract surgery, cardiovascular treatments, and hip and knee replacements: all procedures that have a high percentage of seniors as patients. We really feel that the council must be made to feel free to speak out and to make statements when statements have to be made. There must be efforts to make this council less subject to political interference. Make it a council with real clout. The council does very good work and must be listened to.

Again, we do congratulate the chairman of the council. We will support this Bill, and my colleague from Edmonton-Gold Bar will be making more comment at committee stage.

Thank you.

MR. SPEAKER: The Member for Vegreville.

MR. FOX: Thank you, Mr. Speaker. I'm pleased to address some remarks to Bill 1, the Seniors Advisory Council for Alberta Act, in second reading and would want to assure the hon. Premier, who introduced the Bill, that his critic for this session, the Leader of the Official Opposition, is feeling a little under the weather tonight and otherwise would be here to take the Premier up on some of his remarks.

I agree with my colleague the Member for Edmonton-Calder that imitation is indeed the sincerest form of flattery. I have in my hands the Alberta Seniors' Advisory Council Act introduced by Rev. Roberts in 1990, and it's really difficult, in looking at the Bill the Premier introduced, to see where the differences are, other than a number here and a number there. We're pleased that at least initially the government has taken yet another good idea from the Official Opposition and tried to claim it as their own, albeit a year late. It's here if any members of the government caucus would like to see it.

My concern, I guess, is that something useful be done with this council, that it not just be another piece of window dressing, as my colleague from Edmonton-Calder alluded to, that there is

included in the passage of this Bill a commitment by the government to pay attention to the recommendations of the Seniors Advisory Council, because it would be my hope, indeed my expectation, that the council would not just be providing the government with the kind of advice they want or not just be there to pat the government on the back from time to time so that the government, whichever government it may be in the future, can feel good about what it's doing for the pioneers and seniors in our province. There's got to be a commitment to action there, because there are many, many serious legitimate concerns of seniors that the Member for Bow Valley is well aware of that need to be addressed by government and that currently aren't.

I guess I speak as the MLA for a riding where we have the highest percentage of seniors of any constituency in the province. Nearly 18 percent of the 18,000 residents in the Vegreville constituency are over the age of 65 and take the issues affecting seniors very seriously. Certainly as their representative I do as well.

I'd like the Premier to address in debate on the Bill as we go through this, perhaps in summing up his comments, if he is prepared to back up all the talk we hear about long-term care with some additional dollars, if he's prepared to live up to a campaign promise made in Vegreville in 1989, when he stopped there and assured the seniors in Vegreville that they would be getting and would be getting soon the much needed 40-bed addition to the Vegreville auxiliary hospital and nursing home. I might remind him that it's now more than two years since he made that promise. I have a petition that I will be sending to him with well over 1,000, perhaps over 2,000, names reminding him of the promise he made two years ago and again reminding him of the fact that the building is not only not built; there has not been a tangible commitment in terms of providing . . .

#### **Speaker's Ruling Relevance**

MR. SPEAKER: Thank you, hon. member. Let's go back to the Bill instead of making a plea on behalf of your constituency.

MR. FOX: Well, Mr. Speaker, this is about the Seniors Advisory Council for Alberta Act, and I think it's important . . .

MR. SPEAKER: Thank you very much, hon. member. I know what it's about. Would you like to come back to the Bill?

#### **Debate Continued**

MR. FOX: Sure. I'd like to talk about the issues that are important to seniors in my area, because they're going to have input into the Seniors Council of Alberta in hopes that the government will take the issues seriously.

The Member for Bow Valley included in his remarks talk about a commitment to seniors' day programs as part of a co-ordinated home care program. Speaking from experience, as all members must when they stand in this Assembly, someone who deals with seniors in the Vegreville constituency, we really see the need for an increased commitment of dollars for those programs. I would hope that the Seniors Advisory Council when making recommendations to the government about the need for increased dollars for those programs would be taken seriously, because quite frankly I think we're all in agreement that extra dollars for home care is something that is an acknowledged benefit, that the program has proven its worth for the seniors in our province, and that the time has come to stop talking and begin implementing in a fairly vigorous way the kind of pro-

grams that we need to make sure that seniors can live as long as possible in a healthy and comfortable environment, in their homes, near people they know and love, and will not have to move into institutional care until it's absolutely necessary.

Certainly a seniors' day program is a very important component in that kind of co-ordinated home care program, if you will, because it gives working people who are caring for aging relatives the opportunity for some respite care, when these seniors can go and be involved in programs during the day with other people the same age with similar interests and give the primary care providers a bit of a break in terms of feeling the burden, if you will, of day-to-day or hour-to-hour responsibility for the people who are with them and living at home.

**8:30**

So I leave those comments with the Premier in the hopes that he'll have a chance to address them. I think it's important that this Bill not just be seen as some sort of token Act to acknowledge the important role that seniors play, that the Premier underscore his government's commitment to providing the kind of services to seniors to ensure that they can live their later years in our province with the kind of dignity and respect that they've earned through their contributions to this province. We'll have an opportunity, I think, to debate some of the specifics of the Bill with respect to appointments and things like that when we get to committee.

MR. SPEAKER: Calgary-Forest Lawn.

MR. PASHAK: Thank you, Mr. Speaker. I'd just like to make one brief comment with respect to one of the purposes of the council. I think it's a very meritorious purpose. The purpose spelled out in clause 2(a) is to

report to and make recommendations to the Government . . . relating to senior citizens . . . their well-being and their opportunities for full and equal participation in the life of the Province.

I don't think that can be emphasized too strongly.

The other day the Member for Westlock-Sturgeon and myself were having a conversation about what happens to people when they no longer feel needed or wanted in terms of the roles they are usually called upon to play.

MR. GETTY: Both of you felt that way.

MR. PASHAK: We both felt that way, yes. Yes, exactly. We were thinking about members on the other side and what might happen after the next election. Actually, I'm feeling somewhat sympathetic, if you can imagine that.

In any event, Mr. Speaker, I think it's true that any of you that have fathers or uncles or elderly people that have retired – one of the most devastating things that can happen to a person who's had a full life of work, making a contribution to society is suddenly to no longer have a job, to be at home, drawing a pension, perhaps, or whatever. That's pretty devastating. I think that anything a council like this could come up with to recommend to the government by way of suggesting activities that could involve seniors back in the productive life of our society would be very worth while, not only for society. Often we lose all of that expertise, that knowledge, skill, and experience these people have, so we lose that way. But the individuals lose because they are in positions to make contributions. Often that's denied them with devastating effects not just on their mental health but on their physical health as well.

So I would just like to underscore that as a very worthwhile purpose of this council. If they achieve nothing more than that, it would justify the existence of the council. In that sense, I support the Bill.

MR. SPEAKER: May the Premier sum up, please.

MR. GETTY: Yes. Thank you, Mr. Speaker. I just wanted to make one comment to the hon. members who say that perhaps the Bill would in some way be window dressing in that members of the council would just go through their paces and in some way not be recognized by the government or would be subservient or unable to place a strong, aggressive position on behalf of seniors. I'd just tell the hon. members: please don't rate seniors in this province that way, because they are not going to be that way. They aren't that way in their every day life, and when they're on a council, they aren't going to be that way. You can't tell Alberta's citizens and seniors what to say and what to do. They're going to stand up for the people they represent, and they're going to express themselves strongly and aggressively. I'm sure that's what's going to happen with the members who are on this council. This is not going to be window dressing.

Also, Mr. Speaker, because the hon. member talked about programs for seniors: there are no programs in Canada that come close to the programs that are provided in Alberta. I continually meet as I go throughout Alberta individuals who say to me that they've moved to this province and that as soon as they saw the wealth of seniors' programs that are provided in Alberta, they're moving their parents here because the programs in the province are unmatched. I hope that that council continues to assess these programs to make sure that they continue to meet the high standards that we want for our seniors and that our programs will provide.

A word about home care. The dollars for home care have been increased every year since we've had a home care program. As I travel through the province, I meet seniors who are extremely pleased by the support that the home care programs have received, because they are able to stay in their own communities with their families and friends and out of expensive institutions.

So, Mr. Speaker, I thank the hon. members for participating now at second reading and look forward to any other comments they may make in the future. I'd like to personally thank the MLA for Bow Valley for the terrific job that he is doing as chairman of the Seniors Advisory Council.

[Motion carried; Bill 1 read a second time]

## Bill 2 Forest Development Research Trust Fund Amendment Act, 1991

MR. FJORDBOTTON: Mr. Speaker, I am pleased to move second reading of the Forest Development Research Trust Fund Amendment Act, 1991.

First of all, I'd like to give just a brief background to the research trust fund Act itself. It was proclaimed in 1974, and it was established so it could provide grants to further research into many of the aspects of forestry. The Act also at that time created the Alberta Forest Research Advisory Council, which is the provincial body which establishes forest research priorities and co-ordinates forest research and recommends how the trust fund dollars that are allocated should be spent.

There are two reasons for amending the Act. The first is the scope of forestry research that can be undertaken by grants from the fund, and it's rather narrowly defined at the moment. The current wording focuses on research to improve "forest management and timber production," but as you know, Mr. Speaker, in today's world of integrated resource management, I suggest the change in wording to "programs respecting forest research" allows a very broad range of studies in forestry, particularly how the forest resources interact. Forestry/wildlife interface is one good example, I believe, of that.

The second reason for amending the Act is simply to keep it up to date. For example, in section 4 of the Act, names are there specific to members of the advisory council, but over time the legal names of those entities have changed, and those positions and agencies have changed their intent. It's to keep the Act as current as possible that the amendments are necessary. The changes I put forward for sections 3(1) and 4 do not change in any way the intended representation stipulated by the Act. They merely are there to update the descriptions of who the council members should be.

Mr. Speaker, that briefly summarizes the amendments as proposed on the basis of the changes.

MR. DOYLE: I rise on behalf of my colleague for Edmonton-Jasper Place in support of Bill 2. The Bill, Mr. Chairman, does some housecleaning. However, we do feel that it could have explained things in a little more detail, but we do appreciate that the minister has identified those in his opening remarks in regards to Bill 2.

We have some questions as to how the minister would select these 11 people for the Forest Research Advisory Council. I would hope that the 11 members would be from a broad scale, those with a great background in forestry and the environment and in the great care for our resources in the province of Alberta.

So, Mr. Chairman, in summation I would like to say that our caucus would be supporting Bill 2.

8:40

MR. SPEAKER: The Chairman thanks you for your remarks.

MR. DOYLE: Sorry, Mr. Speaker.

MR. SPEAKER: The Member for Edmonton-Meadowlark, please.

MR. MITCHELL: Thank you, Mr. Speaker. I and my caucus have some concerns with this Bill. While it appears to be promising that the section 3 amendment broadens the potential scope of research programs and research projects directed by the board of the trust fund, it isn't clear that that will in fact be the case. The emphasis does shift from something that is very, very commercial in its orientation – that is, forest management and timber production – to something much broader; that is to say, "respecting forest research." While the minister's comments just moments ago are comforting to some extent – that is to say, his comments did suggest that this amendment would mean a broader view of forestry research, possibly baseline studies and the impact of forest logging on wildlife – while the minister has talked about those things and that is promising, it isn't that these things are clearly directed or underlined or provided for explicitly in this particular amendment.

So while it appears to be a step in the right direction, we have reservations about how big a step it is and whether there is a

political will to follow through and view forestry research as something more than simply research into forest management and timber production. Clearly, a broader ecological ecosystem view of forests must be taken in this province. It would be comforting and reassuring to us to see more explicit direction being given to the board in this particular amendment.

While we have some mixed feelings about that particular amendment, we are not as generous in our predisposition to the amendments which concern the selection of members to the board. It is a puzzle to us why the minister would determine to exclude from the board the chairman of the department of forest science, who has sat on this board previously. This amendment would exclude the appointment of that person. What that would mean is that the representative of the Faculty of Agriculture and Forestry would be the dean, and a concern arises, because our information is that historically the dean of that department has tended to be from agriculture, and historically the dean, who also currently sits on the board, has really delegated his responsibility in some respects to the chairman of the department of forest science. Clearly the heart of the Faculty of Agriculture and Forestry's focus on forestry issues would be in large part fulfilled by the department of forest science, which falls under that faculty.

Therefore, we are at a loss to know why it is that the chairman of the department of forest science would be excluded from membership on the board. At the very minimum we would like an explanation of that from the minister, but we'd be hard pressed to see what could be an acceptable explanation. Currently the chairman of that department is Professor Dancik. In the past Professor Dancik has done a great deal of work for the government of Alberta, and on occasion he hasn't given the minister and the government the answers that one would expect they would like to hear. Our hope is that in fact this change does not relate to a personality or to a track record of the chairman's findings or recommendations to the department but instead would have some logical rationale. We simply don't understand what that rationale would be, and we need, as I say, at the very least an explanation.

A bigger problem with the selection process is that while it is clearly pointed out here in the Act that "one representative nominated by the Alberta Forest Products Association" – that is, the industry association – will sit on this board and therefore have an impact on how this trust fund operates, there is no such explicit provision for the selection of a representative of the other side of that coin, and that is to say, a member of the environmental community, a member of an environmentalist group with a particular focus on forestry concerns. It isn't impossible to structure that explicitly in the appointment of a board such as this. The Minister of the Environment has had some success in seeking out environmental representation on any number of the boards and panels that he has structured, and it is, I think, a glaring omission that an environmental group or the environmental perspective isn't provided for explicitly in this Act as is now the case for the perspective of the industry association. Clearly, both should be there if either one is there.

Finally, we see no criteria as to how the 11 at large members generally will be selected, and that gives us concern. It is very important that the membership on this board be selected for their expertise, for their objectivity, certainly not for their political affiliation or ideological orientation or their particular stance or feelings about the logging, forestry industry. It isn't impossible for a government to specify criteria for selection. It isn't impossible for the government to structure a process that would inherently be objective: an outside board, a board of

experts, a board of university professors, chairmen of departments, and so on, who might be structured to make more objective appointments to a board of this nature than we might anticipate this government with its track record of patronage appointments being capable of making.

For that reason, Mr. Speaker, while I don't want to dismiss our support out of hand, we'd be very, very hard pressed in this caucus to support these particular amendments.

MR. SPEAKER: Question? Minister, summation.

MR. FJORBOTTEN: Thank you, Mr. Speaker. I appreciate the comments of the members. One comment I'd like to make initially is that if the members of the House have copies of this document I hold in my hand, the Forest Development Research Trust Fund annual report of '89-90, I would ask them to refer to it. They would find that in the foreword part it goes into some detail on how the committees came about and why there was an advisory committee and why the representation is as it is on the council as well as the advisory committee. The advisory committee came in in 1987 because there was a concern across Canada that there should be some co-ordination of direction between provinces, and hence the addition at that time of representation from the federal government was also placed on it.

The Member for Edmonton-Meadowlark is concerned about whether it's broad enough to cover the research proposals that can come forward, and broaden beyond forestry. I might say that there's also a concern that you can broaden it so far that you end up with all the research projects having nothing to do with forestry. So there has to be a balance. Recognizing that the ecology of a forest is something that the research council members felt constrained to be able to make the kind of recommendations on projects that they would like to, I feel it's broad enough to achieve that, recognizing that it's too narrow in its focus now, but I would be also very concerned if it got too broad.

8:50

The other concern, the mention of Dr. Bruce Dancik. I want to assure the members that there is absolutely nothing but the highest respect from this member towards Dr. Dancik. He provided a report and in fact chaired the expert panel that provided the Dancik report. Within the next couple of weeks I'll be filing the response to that expert panel report. I have nothing but the highest respect and regard for Dr. Dancik.

As I stated in my opening comments, one of the reasons for amending the Act was to update and correct the references in the respective outside positions: in the case of the university representative the dean of the Faculty of Agriculture and Forestry rather than the chairman of the Department of Forest Science. It had no reflection on Dr. Dancik but was to be sure that the updated reference to offices of members replaced out-of-date titles and, in fact, in this case to raise the profile and stature of the representative from the university.

I might give some of the background of the people presently on the council so that you can see that it gets a very broad perspective. We have a number of small and large industry representatives. The examples would be people from Canfor or an operator of a small sawmill in northern Alberta. We also have my assistant deputy minister of the forest service. We also have the regional director general of Forestry Canada. We have the assistant deputy minister of operations of Forestry Canada. We have a member from the Alberta Forest Products Associa-

tion. So a very broad range of people sit on the council as well as on the committee itself. It would be my intention to make absolutely sure that the proper people are on that council and on the committees to make sure that we get the best recommendations we can.

The board members are selected by a representative from the university who would select someone and recommend that name to us. In other cases, from the industry representatives I would try and select the best people that we can and recommend them to my colleagues for placing on the council.

With that, Mr. Speaker, I move second reading of Bill 2.

[Motion carried; Bill 2 read a second time]

### Bill 3

#### Forest and Prairie Protection Amendment Act, 1991

MR. CHERRY: Mr. Speaker, it's a pleasure for me to rise and present Bill 3, the Forest and Prairie Protection Amendment Act, 1991, for second reading.

Essentially this piece of legislation amends the current Act in a manner that allows for enhanced fire control and greater forest and prairie fire preventative measures. Mr. Speaker, Bill 3 provides some specific changes that will improve the Forest and Prairie Protection Act substantially, and I will walk you through these amendments. However, I would like to add that the Act also stands as an example of this government's commitment to our natural resource. Bill 3 along with other initiatives of this government serves as an effective legislative reform which will work to keep Alberta's forests and natural habitat productive and healthy for future Albertans.

Mr. Speaker, an important feature of the government's position on protecting and preserving Alberta's forests and natural areas involves always working to minimize those factors which represent a risk to such areas. Fire prevention is by far and always our most effective tool against forest fires. Bill 3 amends the Act by updating penalties for offences under the Act. Natural resource and property values along with fire fighting costs continue to rise. Penalties for deliberate or negligent action resulting in potential fire damage must reflect these values and other risks associated with forest fires. To this point the penalties under the current Act have never been adjusted to take into account rising costs and values of natural resource areas. It seems that in some cases penalties no longer serve as a deterrent to careless activities which cause fires. This proposed legislation would increase penalties from \$100 to \$1,000 to \$100 to \$5,000 in forest protection areas. It would also increase penalties from \$25 to \$300 to \$25 to \$1,000 in non forest protection areas.

[Mr. Deputy Speaker in the Chair]

The Bill before us also amends the Act in order that our provincial fire fighting and prevention system is more response sensitive. Amendments to the Act allow the minister to delegate authority to implement fire control orders such as fire bans and fire season extensions. As it now stands, such fire orders must be signed by the minister. This legislation would allow the deputy minister to share this authority. Timing is extremely important in issuing these orders so that the public is informed and so that the order is in line with present fire hazard conditions. Delegation of this authority to the deputy minister would allow the department to react to risks more immediately and professionally. This provides the public with more effective

service, particularly on weekends or other times when the minister is away from his office.

Mr. Speaker, Bill 3 also reinforces the Crown's right to claim compensation for damage to land and property from the person who caused the fire. At present the Act is clear that the Crown can claim compensation for fire suppression costs. The amendment provides an expressed statement of the Crown's right to claim compensation for damage to land and property. For example, under the amendments the Crown could seek damages for not only suppression costs but also for loss of timber resource.

The remaining proposed amendments outline conditions which require fire permits and provide clarification with respect to starting fires during fire season. Bill 3 also increases the responsibility of a person who owns or occupies land to see that a fire is not lit without a required permit.

Mr. Speaker, those constitute the details of Bill 3 and the impact of the amendments on our system to protect our resource from fire damage. The proposed changes are warranted. We believe that they will bring about the desired results, and I ask all members of this Assembly to support Bill 3. I look forward to members' contributions to this debate.

MR. DOYLE: Mr. Speaker, I had intended to let the Member for Edmonton-Meadowlark go first to get his rhetoric out of the way so that we can address the real meaning of this particular Bill, but I appreciate that I was recognized first.

Mr. Speaker, this Bill, of course, does infringe on some of the old days of the old War Measures Act, but in some cases like in the serious fire time permits must be allotted in a way that will protect our forests to the maximum. Also, those people that want to go out and set fires just for the fun of it must be penalized in a way different from those particular people who by some accident could have started these fires. It gives some strong powers to the minister, of course. The fines are set, I understand, by an order in council rather than an outside judicial system. The minister in his position, of course, does have a few more powers than some other people. We will allow him to use the position if it's going to protect our forests and make sure that they're repaired after some of these serious damages.

9:00

The fines, going from \$25 to \$1,000, are a small step. Whether that's a fair and just price . . . Some fires, of course, burn much larger areas than others, and why a thousand dollar fine would be good for a hectare and be the same for a quarter section - I'm not clear if that was the meaning of this particular Bill.

In all, Mr. Speaker, I would like to say on behalf of the Official Opposition that we'll be supporting this Bill.

MR. MITCHELL: Mr. Speaker, I would like to just speak very briefly on this Bill. I know that the NDP are bridled. You know, I thought that their support for the NRCB, which was really so difficult for anybody who was concerned with environmental policy to believe, was merely an isolated incident, and then tonight we see them actually voting for Bill 2. Again, it's very difficult to understand how a truly committed environmental party would support Bill 2, but the precedent is there. They supported the NRCB, and they're clearly sensitive about that. So the comments from the Member for West Yellowhead certainly would indicate that they are very, very sensitive, that they are having a great deal of difficulty keeping up with the common sense of Liberal environmental policy.

Bill 3, Mr. Speaker, I would like to say is a Bill that can be supported by the Liberal caucus. It is true that the minister is requesting some extraordinary powers for certain of his staff members. It isn't without some consternation that we accept those powers as being required, and I'm sure that the minister himself deliberated at some length about whether or not those powers were appropriate. However, there are safeguards in this Act, and we believe that under the circumstances the powers are necessary and will certainly assist the minister's staff in undertaking what is a very difficult and important job.

We are very happy to see that the Act places a much greater urgency, importance, and seriousness on the setting of forest fires, that this isn't something that can be taken lightly but will be met with serious measures. It is therefore that we welcome the minister's decision to increase fines above what were relatively low levels previously. We hope that while these fines are not being specified in the Bill, they will be much higher and much, much more aggressive.

Therefore, Mr. Speaker, we find that the Liberal caucus can and will support this Bill on second reading.

MR. DEPUTY SPEAKER: Does the hon. Member for Lloydminster wish to close debate?

MR. CHERRY: Thank you, Mr. Speaker. Just a few points to address the members that did speak on it. First of all, the Member for West Yellowhead: I can't see that the War Measures Act has anything to do with what this Act is doing. [interjection] Secondly – maybe you didn't hear me correctly, but I said that the minister could delegate his authority to the deputy. It doesn't mean that he is going to. It's just in extreme circumstances that the deputy would have that authority, so it isn't just an across-the-board sort of thing. As far as the fines are concerned, I think they have been brought up to a standard today that is in line with the costs which we have today. So those are the three points that I heard you bring up.

Member for Edmonton-Meadowlark, I certainly thank you for your participation in it.

Mr. Speaker, I would move second reading of Bill 3.

[Motion carried; Bill 3 read a second time]

MR. DEPUTY SPEAKER: The hon. Member for Calgary-Glenmore.

#### **Bill 4 Social Work Profession Act**

MRS. MIROSH: Thank you, Mr. Speaker. [some applause] Thank you.

I rise to move second reading of Bill 4, the Social Work Profession Act. As chairman of Professions and Occupations, it does give me a great deal of pleasure to introduce Bill 4 and now move second reading.

This Act was developed in consultation with the Alberta Association of Social Workers. I have met with them on a number of occasions. We spent a lot of hours and a lot of time putting this Act together and bringing it up to date. I'd like to take the opportunity to recognize and thank the representatives of the association for all their hard work and co-operation, which has resulted in this Bill.

This Act, Mr. Speaker, will replace the old Social Workers Act, RSA 1980, which is now very much out of date. The Social Work Profession Act has been developed in accordance with the

principles and policies governing professional legislation which were tabled in the Legislature last spring.

At this time, Mr. Speaker, I'd like to move second reading of this Bill.

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

MS MJOLSNESS: Thank you, Mr. Speaker. I'd like to just make a few comments about this Bill, the Social Work Profession Act. It's my understanding from talking with various social workers that they are quite pleased with the Bill. It was a long time in coming. They were very pleased about the consultation that took place and the input that they had in the development of this Bill. I'm told that administratively speaking it certainly will be a lot easier once the Bill is passed in the Legislature.

With any Bill there are always concerns, Mr. Speaker, and a couple have been brought to my attention. One main concern with this Bill would be that the social workers were hoping that they could achieve control of title over their profession. They didn't quite gain that for all social workers, and that's something they feel they would have liked to have had; it was hoped that they would be able to control who could be called a social worker. They already do have control over registered social workers but not others in the profession.

Mr. Speaker, presently what happens is that anyone can be classified as a social worker, and certainly this raises some concerns, as you can well imagine. Employers, for example, can now classify anyone working for them as a social worker. In the case of the government being the employer, I hear quite often that certain people who are hired by the government are working in areas that they're not appropriately trained for but they're being classified as social workers. This means that someone who is untrained in the field, perhaps is incompetent in doing that job as a social worker because they are untrained, can call themselves a social worker and their employer can also call them a social worker. So if and when mistakes are made or perhaps an unpleasant experience happens between the client and the so-called social worker, certainly this can cause some problems. One of the problems, of course, is that all social workers then get tainted with the same brush.

Now, perhaps the reason is – and maybe we can get into this a bit more in committee just to get some explanation – that there would be a cost in upgrading certain people in the field, and as a result this would mean they would be paid higher wages. But I think that when we're talking about a much higher quality of service for people, this is something we need to seriously take a look at. I think it's extremely important, Mr. Speaker, that social workers are trained and that they are appropriately qualified for the job they are entrusted to do.

Mr. Speaker, another concern that was brought to my attention, and this is a specific concern that I'll get into in committee, was the grandfathering clause. Perhaps I can make more comments in committee.

Thank you.

**9:10**

MR. DEPUTY SPEAKER: The hon. Member for Calgary-McKnight.

MRS. GAGNON: Thank you, Mr. Speaker. We also have consulted with a number of individuals very much interested in this Bill. They included the members of the Alberta Association of Social Workers, and they have told us that they want to see



this Bill passed. For that reason, although we will make amendments, we will support this Bill.

Along with the Member for Edmonton-Calder, however, we have several concerns. The first one of our concerns deals with the right to title, a concern also mentioned by the Member for Edmonton-Calder. While this Act will grant right of title for registered social workers, there is no right of title protection for a social worker. Anyone in Alberta can go into the business as a social worker free from any legal threat from the government or the association. Apparently, British Columbia and New Brunswick have recently passed such legislation, and it extended the exclusive right to title to social workers as well as registered social workers. If they can do it, certainly so can we.

Our second concern deals with the fact that there is no mandatory registration. The legislation does not require mandatory registration, and by not requiring such registration, the exclusive right of title is considerably weakened. As well, if the objective is to have control over quality and performance, we feel that mandatory registration is vital.

I would like the Member for Calgary-Glenmore to expand further when she closes debate this evening as to why the government has refused to expand this term for right to title, as the profession asked for it. Some believe that the government did not want to include social worker under exclusive right to title because of the large number of workers in the Department of Family and Social Services who are holding positions classified as social worker but who have absolutely no academic training in the field. If protection of title were to be extended to social worker, these jobs would have to be reclassified. Hardly a difficult task, but one that would surely embarrass the government, and the comment has been made that possibly this is why the extension was not made.

My colleague from Edmonton-Gold Bar had a written question on the Order Paper asking the government how many employees classified as social workers are actually registered social workers. The question was rejected last week. Is it because the government doesn't actually know how many have the qualifications, or is it that they don't want to admit how few of their staff have actually received formal training in social work?

It is also worth stressing that the need to provide right to title is to protect the public as well as the profession. The public need to know that the person providing counseling and support has the proper qualifications and training necessary.

If these two areas could be addressed during committee debate and so on, we feel that Albertans and the profession would be well served. Again, while the Act is not everything that the profession wanted or that our caucus would like, we are prepared to work with it, and we will support it with amendments.

Thank you.

MR. DEPUTY SPEAKER: The hon. Member for Calgary-Glenmore, to close debate.

MRS. MIROSH: Thank you, Mr. Speaker, and members opposite. As I had indicated in my opening remarks, I have had extensive discussions with the association, and the title "registered social worker" is exclusive right to a title, much like a registered nurse. Anybody can call themselves a nurse, but the public knows what "registered nurse" means. I think we can use the same analogy with social workers. There are many people out in the community, in remote areas of Alberta and the northern areas, and maybe my colleagues in the rural areas can

allude to the fact that there are a number of workers who are doing social work, and we need them. They don't have the university qualifications, but they're certainly doing social work just like teachers do social work, preachers do social work, members of the clergy and policemen do social work. I think if we were to give the social worker that exclusive right to title, it does eliminate and can cause a great deal of strife for other professions who do, in fact, do social work. I think members opposite should realize that the Alberta association's concern is also a concern of mine, but I think that because their Act has been so out of date they really haven't been able to sell their members actively on registered social workers.

[Mr. Speaker in the Chair]

With regard to mandatory registration there isn't a profession that does have mandatory registration. Not everyone does, and I think that once the registered social worker title does become effective, you will see a number of those with degrees calling themselves registered social workers and wanting to be distinguished from those who do not have degrees.

I would certainly look forward to debate in committee. Thank you, Mr. Speaker.

[Motion carried; Bill 4 read a second time]

## Bill 6

### Oil and Gas Conservation Amendment Act, 1991

MR. PAYNE: Mr. Speaker, I am pleased tonight to move second reading of Bill 6, the Oil and Gas Conservation Amendment Act, 1991. For the benefit of the members in the House tonight, Bill 6 addresses two specific issues. First of all, it introduces a modified or simplified prorationing plan, and secondly, it recognizes the Energy Resources Conservation Board's jurisdiction with respect to experimental projects regarding or related to primary production.

In making some comments on the modified prorationing plan – and perhaps for the ease of dialogue tonight we'll call it the MPP – I should point out that first of all, the ERCB has in place now a very complex and outdated prorationing plan. The old plan, introduced I believe in about 1950 and subsequently modified a few times, served to allocate light and medium crude based on reserves at the wellhead. The purpose of the old system was to prorate the supply of light and medium crude oil when market demand was soggy and less than available supply.

With the introduction of market deregulation in 1985 the ERCB and the oil industry here in the province identified a need to revamp the old prorationing system. With that recognition the ERCB established a joint industry and government task force to establish to what extent a new prorationing plan was necessary and what form it should take, if, indeed, such a plan were necessary. Although a considerable segment of the oil patch felt that demand for Alberta oil will remain at levels equal to or even greater than our supply, it was generally considered prudent to maintain a simplified prorationing system in the event that it became necessary to cut back production by a significant amount in the future.

As I mentioned in my introduction to the Bill last Monday, Mr. Speaker, extensive consultations have been undertaken with all segments of the Alberta oil industry in developing the MPP. For example, the Canadian Petroleum Association, the Independent Petroleum Association of Canada, and SEPAC, the Small

Explorers and Producers Association, support fully the modified prorationing plan in this Bill.

I must stress that the MPP is a contingency plan, Mr. Speaker. Both the ERCB and the industry believe it is unlikely to be used here in Alberta. It's simply a safeguard to afford all of Alberta's light and medium crude oil producers an equitable opportunity to participate in crude oil markets if the demand at some point does fall below the available supply.

9:20

Specifically, Mr. Speaker, the main thrusts of the MPP in Bill 6 are: one, deliverability of crude oil within Alberta as opposed to a reserves focus in the old plan; two, a simpler prorationing plan should one ever become necessary in the future; and three, to treat equitably on a pro rata basis the small producers within the province. On this last thrust regarding small producers, I would point out that pipeline capacity and hence end use markets are dominated by the major producers. The MPP in Bill 6 provides some protection for the smaller producers who have little pipeline capacity and hence less market influence.

As the members will note in the Bill, Mr. Speaker, several minor amendments are necessary to accommodate the MPP. Specifically, production spacing units become obsolete under the plan; section 10(1)(o) no longer allows prorationed underproduction to be carried forward; and thirdly, integrated schemes become obsolete under the plan.

I must reiterate, Mr. Speaker, that the MPP is a contingency plan. It is very unlikely it will ever be used. The plan offers a simpler method of prorationing production and offering some contingency protection to Alberta's small producers.

Finally, Mr. Speaker, I should make a comment or two on the experimental scheme section of the Bill. The Oil and Gas Conservation Act is presently unclear about the board's jurisdiction to approve experimental schemes involving primary production as opposed to secondary and tertiary. Section 1(1)(i.01) simply offers a definition of an experimental scheme, and sections 10(1)(i.3) and 26(1)(d.1) clarify the board's jurisdiction to approve and regulate oil and gas experimental schemes for a variety of circumstances and provide for experimental activity in conventional pools. Simply stated, the experimental scheme section of the Bill is a housekeeping amendment to clarify the ERCB's mandate in overseeing the responsible development of Alberta's crude oil resources.

Mr. Speaker, I would obviously welcome opposition and government comments and support of this amending legislation.

MR. SPEAKER: Calgary-Forest Lawn.

MR. PASHAK: Thank you, Mr. Speaker. I'd like to congratulate the Member for Calgary-Fish Creek for his clear and comprehensive exposition of this rather technical Bill. It certainly enhanced my understanding of the Bill. It does correspond with the Bill notes that I made for the Bill, however, and I agree with the two major points he sets out as to the purpose for the Bill.

The first one is to simplify an overly complex prorationing scheme that was developed in the early 1950s. With respect to that I was really hoping that my uncle in the back row would have got up and spoken to this Bill first, because I think that he probably lived through the introduction of prorationing and probably could have given us a firsthand kind of account of why prorationing was brought into the Alberta oil industry in the first place. I put that in quotation marks.

In any event, that's certainly one clear major purpose of the Bill, which is to simplify the existing prorationing scheme and, as the Member for Calgary-Fish Creek pointed out, it's not something that is utilized every day. It's really by way of a contingency plan should something happen to either suddenly and very dramatically enhance or cause a shortage in the production of oil in the province, and that could probably only come about because there'd be restrictions on oil moving through pipelines. It would be interesting to speculate as to what might bring either of those situations about, but that's not the purpose nor the intent of the Bill at this point.

The second reason is to give the Energy Resources Conservation Board an opportunity to regulate experimental schemes: as the Member for Calgary-Fish Creek pointed out, experimental schemes that are associated with primary drilling.

On the basis of that interpretation of the Bill, I rise in support of the Bill.

MR. SPEAKER: Westlock-Sturgeon.

MR. TAYLOR: Thank you, Mr. Speaker. Being referred to as a granduncle in the start of prorationing and allowables for wells sort of prompted me to get up and say a thing or two. I must confess that the energy portfolio was taken away from me some years ago and given to my colleague, who is missing here today, so I have to tread very lightly just in case I am zigging when everybody else is zagging.

I did have a question or two here on the oil and gas that bothered me a bit in section 22, and possibly the proposer will answer that when he gets up. I notice it says that "this section does not apply in respect of condensate, pentanes plus, crude bitumen or synthetic crude oil." It bothers me a bit that the possibility exists, as we develop more and more synthetic crude, Mr. Speaker, that the producers of the conventional method of producing oil, which are usually our smaller companies and usually companies scattered around Alberta, if there's only a limited market that would happen to come about – this is what this is, the fill-in for emergency – and we had to go back and prorate or cut back oil production, we would be allowing the tar sands producers, which are large corporations, to go ahead full blast. That would mean that the small or the standard conventional oil producers would have to take up the loss. I'm not sure that's fair, because I think as time goes on, more and more of our oil produced will come from tar sands and bitumen projects, therefore meaning that if there's any swing in the market for demand, it's going to have to fall on the backs of the conventional oil producers. I think that could create quite a hardship around the province. I'd be a little curious there.

This might turn the Member for Calgary-*Buffalo's* hair gray because he has lots of gas producers in his constituency, but secondly, it mentions here that we put pentanes and the others not under regulation. Yet when I look over what there used to be in the regulations, gas production was mentioned, although in Alberta we've never prorated natural gas production. I'm not too sure that we shouldn't be thinking a little bit about it now, because our export prices for natural gas are down to about \$1.40, \$1.30 or so per thousand Btus or gigajoules – it doesn't matter a heck of a lot the way you work at it – whereas they were \$4 about three or four years ago. We're going backwards at a helluva clip here, and the government should maybe be taking a very serious look at: why be flooding more natural gas into a market that keeps going down?

Maybe we should, if we are big enough – and I'm not sure we are, Mr. Speaker. Again, I'm passing on to the government,

trying to get them into lots of trouble here. Maybe they should be looking at whether or not the control of our gas exports wouldn't be enough to help control the price. In other words, are we getting to have a big enough share of the North American natural gas markets? I don't believe it is. It might not be, but it's getting up around the 5 percent range, I think. Maybe it's more. What if we said, "No, Uncle Sam, cousin, free trade or no free trade, we're going to cut back the gas production to, say, 80 or 70 percent of capacity to try to keep the price up"? In other words, we'd pull what General Motors does to us in reverse. I'd like to pass that on.

These are just questions from somebody that has lost a lot of money and made a lot of money in the oil business. I think I've lost more than I've made; I don't know. Taking a quick glance at this Act, which I hadn't looked at before, leaves me with those questions. I might have more later on. In general, anything that simplifies the regulations I think is okay. But anytime a government person tells me that they've simplified regulations, that goes down in famous words, like the dentist that says that this won't hurt a bit or the income tax guy that says, you know, I just came around to help you. I get very suspicious when they start simplifying things, Mr. Speaker, so I'd be very interested in some of his answers and maybe more debate later on.

Thank you.

9:30

MR. SPEAKER: The Member for Calgary-Fish Creek, in summation.

MR. PAYNE: First of all, Mr. Speaker, I'd like to express my thanks to the Member for Calgary-Forest Lawn for his obvious understanding of what the Bill is trying to do and for his implied support of the Bill.

As far as the House's great uncle is concerned, he acknowledged that he might be zigging instead of zagging with the rest of us, and I suspect that is the case. However, he did raise a specific question with respect to synthetic crude and where it fits in this plan. If I understand his question correctly, I should point out to him that not only synthetic crude but also condensate, pentanes plus, bitumen, and so on were previously excluded from the old system of prorationing and are once again excluded from the new system. So I'm not so sure that there's any kind of a policy or operational change with respect to synthetic crude. As far as his tactical, or strategic, advice goes regarding control of our natural gas exports, I'll pass along his interesting notion to the Minister of Energy, but I would suggest that it is a classic illustration of that particular member zigging when the rest of us are zagging, and I would now like to move second reading of Bill 6, Mr. Speaker.

[Motion carried; Bill 6 read a second time]

### Bill 7

#### Turner Valley Unit Operations Amendment Act, 1991

MR. TANNAS: Mr. Speaker, I move second reading of Bill 7, Turner Valley Unit Operations Amendment Act.

The hon. Member for Westlock-Sturgeon goes on about zigging and zagging, and I think that's very interesting, although it's used in two different contexts. I think the first was when a certain Tony Galento ran into the rights and lefts in quick succession of Joe Louis and found himself flat out on the floor. I'm not sure if that's the occasion that the hon. member, the uncle of all nephews, was referring to or whether he was talking

about convoy duty in the Second World War, when convoys would zig and zag and the object was, of course, to avoid being torpedoed. Perhaps that was what he was referring to.

Anyway, Mr. Speaker, this Bill is a very straightforward Bill in nature. It simply affords the Energy Resources Conservation Board discretion in convening hearings for minor amendments to unit orders which are of a purely routine and administrative nature.

I'd like to point out to all hon. members, Mr. Speaker, that the ERCB will be compelled to convene a hearing if an adversely affected party requests such a hearing. I'd also like to point out to the hon. members that the Turner Valley field began producing in the '20s – and again the hon. member, I'm sure, would remember that vividly – and preceded the actual Energy Resources Conservation Board legislation. Hence the Turner Valley Unit Operations Act is still dealt with in a separate, unique kind of way, because it is a separate and unique piece of legislation.

Pursuant to section 5 of the Act, the ERCB was previously required to hold hearings without discretion regardless of the nature of the amendments to the unit orders. This was in many instances a rather expensive way to make a very small change. It is unnecessary for the ERCB to be mandated to hold hearings when unit order amendments are routine, without controversy, and would normally go unchallenged. As I've said, it's expensive and time-consuming for people who could be busy doing something more useful with their time. Bill 7 allows the ERCB some flexibility, then, in deciding whether or not to hold a hearing to examine amendments to such unit orders. The flexibility, again, saves hearing time and expenses.

Before concluding my remarks, Mr. Speaker, I'd like to remind all members again that adversely affected parties may still request the Energy Resources Conservation Board to convene a hearing, and the ERCB would be obliged to hear the concerns of those adversely affected parties.

Mr. Speaker, I look forward to hearing the members' comments on this, the Turner Valley Unit Operations Amendment Act.

MR. SPEAKER: Thank you.

The Member for Calgary-Forest Lawn.

MR. PASHAK: Thank you, Mr. Speaker. Again I'd like to thank the Member for Highwood for sharing his comments on the Bill with me prior to tonight's debate. I support the Bill. I agree with him that the purpose is to eliminate the need for mandatory Energy Resources Conservation Board hearings and to amend unit orders that are of a purely administrative and routine nature. The key to the Bill, I think, is that it does give the ERCB discretion as to whether it holds a hearing or not. If an interested party wishes to hold a hearing, though, they can go to the ERCB and the hearing will be held, so the rights of the individual are protected.

Basically, what it does is deal with an older oil field that came into operation back in 1920, and I'm sure that the gentleman in the row behind me . . .

MR. TAYLOR: In 1914.

MR. PASHAK: In 1914, perhaps, or 1920 or even earlier. I don't think he was around then. He might have been there in 1950, when prorationing came into effect.

In any event, I think it's in the public interest to support this Bill because as the Member for Highwood pointed out, it would

save time and money and it would reduce the costs for the Energy Resources Conservation Board to hold hearings that otherwise would be held on purely routine matters.

MR. SPEAKER: Additional? Call for the question?  
The Member for Highwood, summation.

MR. TANNAS: All right. I'd just sum up by saying that it's a commonsense amendment and something that I think we're all in favour of. I would ask that the question be now put.

[Motion carried; Bill 7 read a second time]

### **Bill 10 Powers of Attorney Act**

MR. SCHUMACHER: It is indeed a pleasure to present Bill 10, the Powers of Attorney Act. [some applause] Thank you, hon. members.

Bill 10 is a prime example of our government's policy of simplifying Alberta's legal system and making it more responsive to the needs of all Albertans.

The purpose of this Act is to provide that a power of attorney endure beyond the mental incapacity of the donor. Currently a power of attorney terminates on the donor's mental incapacity, and the power of attorney cannot come into existence after the donor's incapacity.

Mr. Speaker, the specifics outlined in this Bill are very important as more and more Albertans experience the loss of ability in managing their personal affairs as they get older. Some 10 percent of those over 65 suffer from that disability, and that rises to 20 percent by the time a person reaches the age of 80. We all know that more and more people are living longer and longer, so this is a growing problem in our society. Although he may have the full use of his senses, the individual often realizes that incapacity is almost inevitable. The legislation before us today would provide the opportunity to these people to plan for the future management of their affairs.

A power of attorney is a form of agency by which one person authorizes another to act on his or her behalf. As outlined in Bill 10, the procedure would be opened up to the increasing number of Albertans who are experiencing disabilities. Presently this cannot be done in Alberta. I have to make a confession, hon. members. I've been a member of the bar of this province since 1960, and I must say that until quite recently I didn't realize that that power of attorney that was validly granted did expire upon the maker losing his or her mental facilities. Since that time I've talked to a few other lawyers who also were under a misapprehension. The Alberta Law Reform Institute made a valuable report and discussion paper, which this Bill has been developed from, to the legal profession and many other people in our society. As a result of that work, the government received a lot of assistance in preparing the legislation before us tonight. It was concluded by the institute that the common law rule was unsatisfactory and needed to be replaced by legislation providing for an enduring power of attorney; that is, a power of attorney that would continue beyond the mental incapacity of the donor. As a result, Mr. Speaker, the Alberta Law Reform Institute made comprehensive recommendations to provide for a power of attorney to endure beyond that incapacity.

9:40

Under the guidelines of the Act, enduring powers of attorney will be used primarily by individuals who will appoint close friends or relatives as attorneys. The proposed procedure would

be a relatively simple alternative to the formal, time-consuming, and expensive mechanism required by the Dependent Adults Act, which provides for the appointment of trustees. Under that Act the dependent adult is merely a passive participant in the process because it gets going at the behest of somebody else, whereas the legislation before us allows the individual to be in control of his or her own affairs. The regulations of Bill 10 do involve a balancing of the desire for simplicity against the desire to provide for adequate safeguards to a donor of an enduring power to ensure that he understands the nature and effect and to attempt to guard against abuse.

Mr. Speaker, under Bill 10 a donor will be clearly directed and shown what he or she is doing when appointing an attorney. Before signing a power of attorney document, the donor is taken through the document step by step until it is clear to him or them what they are doing. It is only after a complete understanding that the donor is asked to sign the document.

The Act provides for a number of things. First, it provides that the power must be in writing. Second, it provides that the power of attorney contain a statement that it is to continue or that it is to come into effect upon the incapacity of the donor. Third, it provides that the power of attorney incorporate explanatory notes to the donor and that these notes are set out in a schedule to the Act. Last, it provides that the power of attorney be accompanied by a certificate of legal advice signed by a lawyer.

As well, Mr. Speaker, the donor may give his attorney the power to determine conclusively the incapacity of the donor. Otherwise, there is a requirement for the declaration in writing of two qualified medical practitioners that the incapacity has occurred. An attorney under a power of attorney has the right, subject to the terms of the instrument creating the power, to deal with the donor's estate upon the incapacity of the donor, even to the extent of benefiting himself. In that regard it envisages the attorney being a spouse or a child of the donor. Under the Act an attorney has a duty to act if he has accepted the appointment in some manner and must account if called upon to do so by the court.

Within the guidelines of the Act a power of attorney may be terminated in a number of different ways. First, it may be terminated by the donor if the donor still has mental capacity. Second, it can be terminated by the order of a court. Third, it can be terminated by the renunciation of the attorney, but if the attorney has acted and the donor is incapacitated, the attorney cannot renounce unless the court allows him to. Fourth, it can be terminated by the death of the donor or the attorney. Lastly, it can be terminated upon the appointment of a trustee under the Dependent Adults Act.

Basically, Mr. Speaker, there are many advantages to the enduring power of attorney. It is simple and straightforward. It is almost ideal for the person who anticipates that he or she may be unable to manage their own personal affairs. I would suggest that this is a very important step in ensuring that more and more people can make proper plans for their future incapacity. The benefits of this legislation are far-reaching. Not only will the incapacitated individuals be relieved of the pressure of uncertainty, but many family arguments will be lessened, as the will of the donor supersedes the will of other individuals or groups.

Mr. Speaker, Alberta is the only province in Canada without enduring power of attorney legislation. With the passage of Bill 10 the people of Alberta will be assured of a thorough and complete piece of legislation that will guarantee their rights under a power of attorney.

Mr. Speaker, I move second reading of Bill 10.

MR. SPEAKER: The Member for Calgary-McKnight, followed by Banff-Cochrane.

MRS. GAGNON: Thank you, Mr. Speaker. Certainly no one can quarrel with the purpose of this Act. I would like to make a comment that very few seniors' groups, mental health advocacy groups, or human rights groups had received copies of the legislation. They did contact our offices, and we were able to mail out copies. It is unfortunate that there hasn't been enough maybe consultation or circulation of the Act for discussion by these interested parties.

The legislation is to be commended for its simplicity and its lack of expense, and for that reason we would certainly support it. The only expense will be attendance at a lawyer's office, which is of course a minimal expense and well worth while if the legislation will help the person who may become incapacitated in the future to protect themselves.

I would also like to indicate that concerns have been raised by the Canadian Mental Health Association. They are opposed to this Act in their majority report, and I'm sure the mover is aware of that. However, in the minority report there is support for this Act. I would just like to mention the objections that were made by the majority of the Canadian Mental Health Association in their report. Their objections are threefold: that there is lack of accountability, that it is not determined when the power of attorney is to kick in, and that the term "mental incompetency" has not been well enough defined. Maybe these three objections will be discussed more fully during committee stage.

Thank you.

MR. SPEAKER: Banff-Cochrane.

MR. EVANS: Thanks very much, Mr. Speaker. I will speak very briefly on this matter. I want to commend the Member for Drumheller for this initiative. In my past life I did have a legal practice that specialized in estate matters, and I found on many occasions that powers of attorney were being dealt with as if they were enforceable after the fact, when a person no longer had the mental capacity to stop the enforcement of the power of attorney but for all intents and purposes the power of attorney was continuing. The alternative, of course, is a time-consuming and expensive application for trusteeship and guardianship, which is either borne by the estate of the dependent adult or by the citizens of the province of Alberta. The process that is outlined by the hon. member eliminates the need for that type of process if the individual who grants the power of attorney is forward-thinking and far-seeing enough to anticipate a lack of mental capacity. On that basis, I would very much support this initiative.

MR. SPEAKER: Thank you.  
The Member for Vegreville.

MR. FOX: Thank you, Mr. Speaker. I would like to join other members in expressing support for the Bill. It seems like it's simple in its intent and effective, and I'm pleased that the Member for Drumheller has consulted with the Law Reform Institute in preparation of the Bill. We want to ensure that the critic for matters legal in the Official Opposition caucus has an opportunity for input in the Bill during subsequent stages. He may be new to the Assembly but certainly not new to matters of

concern to people with regard to powers of attorney and things like that. I'd just like to thank the member for the Bill and express our support for it.

9:50

MR. SCHUMACHER: Mr. Speaker, I'd like to thank hon. members for their contribution on this debate. I think the concerns that have been raised by the hon. Member for Calgary-McKnight can probably best be dealt with in committee. I would just urge the House at this time to give second reading to this good Bill.

[Motion carried; Bill 10 read a second time]

## Bill 15

### Alberta Foundation for the Arts Act

MR. MAIN: Thank you, Mr. Speaker and colleagues. When I was given responsibility for this portfolio, Culture and Multiculturalism, one of the things I wanted to do was to provide a strong, efficient, and responsible level of support to Alberta's vibrant arts community. After examining the situation, it appeared that there were a number of areas of duplication, of gaps in funding, and many questions as to how funding was being provided.

Mr. Speaker, Bill 15 is an answer to those questions. The Alberta Foundation for the Arts Act will create an all-in-one source for all arts-related funding in the province of Alberta, whether it's for individuals, organizations, amateur, professional, dance, theatre, visual arts, facilities, or related activities. This Bill will do that. It creates an all-in-one organization that will be responsive to the arts community. In discussing this Bill with individuals who are actively involved in writing, in publishing, in theatre, in music, in a variety of walks in the artistic life, I have found very, very, very strong support for the idea of the Alberta foundation for the arts. The people tell me this is clear, it's sensible, it's efficient, and it's the right thing to do. We're going to be involved in administrative streamlining, the elimination of duplication, and the elimination of gaps in current funding.

There are a couple of concerns that have been mentioned to me, Mr. Speaker, and I'm glad that they have been. There have been suggestions from some people in the literary community that perhaps the current funding that is found in the Alberta Foundation for the Literary Arts will somehow be buried and lost forever. There could be nothing further from the truth. I have indicated to the chairman designate of the new foundation that I want the relative levels of funding in the various disciplines to be maintained in whatever programs are designed in the new foundation. The existing commitments in all grant programs in all the foundations as they now stand will be maintained throughout this entire year during this transition period and into the new agency.

Mr. Speaker, there was also some suggestion that this foundation was sprung on the arts community without consultation. Well, when you're dealing with an issue such as this, it was not possible to discuss in advance the possibility of winding up the operations of three foundations and consolidating them into one. The consultation will come now that the new foundation will be established under legislation. In one organization it will be able to deal with the specific concerns, specific questions, and specific ideas that are coming forward from the arts community. There will be an opportunity now – and I will be directing the new foundation – to begin that consultative process to ensure that the things that need to be done in Alberta will be done with the generous resources that are provided.

Mr. Speaker, I am very, very proud of Bill 15, proud of the Alberta Foundation for the Arts Act, and would move second reading of Bill 15.

MR. SPEAKER: Thank you.

The Member for Calgary-McKnight.

MRS. GAGNON: Thank you, Mr. Speaker. My general comments about this Act are in the realm of independence for the arts community. The minister says that the new agency would provide a stronger voice to represent the arts in the province. It is not the artists who will have a stronger voice; it is the minister. We believe that the foundation should be arm's length in order to protect the artistic community from political interference in funding. The new foundation is not arm's length. It is completely dominated by the minister. The minister controls the appointment of the board, including the chairman and the secretary, their remuneration and expenses, the funding of the foundation, its bylaws, its priorities, and its guidelines. This leaves very, very little power and autonomy to the board despite the fact that the government has total control of their appointments in the first place.

The Act demonstrates the complete lack of commitment on the part of this minister to his portfolio. While the minister claims that the new foundation will provide greater benefits to members of the arts community, there is no real commitment in the Act. There are no guarantees of funding, and the ultimate authority in the level of grant moneys remains with the minister. Thus, the amount could easily be cut by ministerial decree without recourse to the arts groups. This lack of commitment includes inadequate resources. The foundations are reduced from three in number to one. The minister purports that the ministry of culture will provide support, yet the same minister has already laid off 47 staff in his department. Smaller groups may get lost in the shuffle as this centralized foundation, which has an enormous mandate to deal with, could overlook the specialized needs of smaller groups.

Provision for a jury of peers is not included in the Act, although the minister has claimed there will be appointed peer juries. We fear that the jury of peers will be appointed by the board, who are appointed by the minister. This again emphasizes the lack of independence in the grant funding process.

To conclude, the Alberta Foundation for the Arts Act proposes to legislate greater control by the minister's office at the expense of loss of autonomy for arts groups. We have already seen far too much interference by this minister, and for these reasons we will not support this Bill.

Thank you.

MR. SPEAKER: The Member for Vegreville.

MR. FOX: Thank you, Mr. Speaker. Like my colleague from Calgary-McKnight, I share some concerns about the Bill proposed by the minister, the Alberta Foundation for the Arts Act. I don't see anything on the face offensive about collapsing the three agencies into a single agency if that indeed is to accomplish a streamlining and to improve the delivery and efficiency of service and support to arts groups in the province of Alberta. But I suspect that it is rather a smokescreen for some larger agenda here, and that is the sort of acknowledgment by this government that the arts do not play a very important role in their vision for Alberta of the future. I don't see in here any commitment for ongoing funding for this foundation. The foundation will likely have to rely on capricious sources of

funding – lottery moneys and moneys that they may be able to raise from other sources – but no real commitment for government funding of these programs, of this foundation.

I think that's regrettable, because lottery moneys lack several things, Mr. Speaker. They lack reliability, they lack stability, and most of all they lack accountability. Hon. members are well aware that lottery funds are generated and expended without any recourse to the elected members of the Assembly by way of debate through the budget process. I worry about us getting more and more into funding something as important to Alberta culturally, economically, and socially as the various arts organizations by something as unreliable as lottery funds. I certainly would lobby strongly for a commitment from this minister and from this government to fund on a stable, ongoing, reliable, predictable kind of basis the arts in the province of Alberta.

I think this is a growth industry. It contributes in a significant way to the economy and to the quality of life of many people in the province of Alberta. I just don't think the understanding of the importance of the arts to Albertans is indicated by the minister or this Act, and I don't think the government has demonstrated by way of its recent actions its commitment to this very important sector of Alberta society and Alberta's economy. Unless the minister can convince us otherwise, through the course of debate on this Bill, through subsequent announcement, through some dramatic initiatives in the budget to be presented on April 4, Mr. Speaker, then I think we'll remain skeptical and perhaps provide by way of amendment – we're not sure – some improvements to this Act that we feel is deficient in many ways.

10:00

MR. MAIN: Mr. Speaker, in just summarizing the discussion that's gone on here for the last few minutes, I'm not going to get into a lot of great detail; obviously, in committee there's going to be a considerable amount of discussion on this Bill. Just let me say as we move to the conclusion of second reading here that the notion that the arts don't play an important role in the minds of the government of Alberta is a complete fallacy. This government has established virtually the only stand-alone department of culture in the nation, with the possible exception of Quebec. I wouldn't have spent 18 months of hard work developing this Bill and everything that flows from it if I wasn't committed to the arts in this province. I wouldn't bother. I wouldn't subject myself to the kind of nonsensical comments we hear from some members in the Liberal caucus if I didn't believe the arts were important to this province. This Bill is a reflection of just that. We believe it's important that scarce – granted – precious dollars that flow to the arts flow as much as possible to the arts groups; hence the reason for the administrative streamlining and the attendant savings that'll come as a result of this Bill flowing right into the hands of various arts organizations.

A word on lottery funding as well, Mr. Speaker. The lottery Act clearly states that lottery funds will be used to support, among other things, culture. Now, this government has made a commitment to spend those lottery dollars in that area. We spend something in the order of \$16 million annually supporting the arts. We're going to continue to do that, and we're going to spend it as efficiently as possible. These dollars are voluntarily given, they're spent on volunteer groups in the main, and they don't have an impact on the tax base.

Albertans tell us they want to maintain a level of arts and cultural activity in this province. They also tell us they don't want their taxes to go up. What better way to do it than to use lottery dollars to provide exactly that? That motion has carried on, and now, finally, we'll be able to consolidate all that lottery

spending in one area. A board will be able to make these decisions and take the minister out of the granting business and put that in the hands of a board responsible to the minister, yes, and with independent juries, yes, to do that work.

Mr. Speaker, this is an excellent Bill, and again I would move second reading.

[Motion carried; Bill 15 read a second time]

MR. STEWART: Mr. Speaker, by way of advice to the members of the Assembly, the business of the Assembly tomorrow evening will be Government Motion 5.

[At 10:04 p.m. the Assembly adjourned to Tuesday at 2:30 p.m.]

