

## Legislative Assembly of Alberta

Title: **Wednesday, November 3, 1993**

1:30 p.m.

Date: 93/11/03

[Mr. Speaker in the Chair]

head:

### Prayers

MR. SPEAKER: Let us pray.

We give thanks to God for the rich heritage of this province as found in our people.

We pray that native-born Albertans and those who have come from other places may continue to work together to preserve and enlarge the precious heritage called Alberta.

Amen.

head:

### Introduction of Visitors

MR. MAR: Mr. Speaker and members of the Assembly, I'm pleased to introduce to you today Her Excellency Maxine Roberts, high commissioner of Jamaica to Canada. Her Excellency was appointed high commissioner in October of 1992, and this is her first official visit to the province of Alberta. The high commissioner has served in embassies in Washington, D.C.; Paris, France; Bonn, Germany; as well as having served as the deputy permanent representative of Jamaica to the United Nations. The Jamaican community in Alberta numbers approximately 2,200 and includes several vibrant community and cultural groups. The Jamaican high commissioner appointed an honorary consul in Edmonton in 1981. I would ask that the high commissioner rise in the Speaker's gallery and receive the recognition and warm welcome of this Assembly.

MR. SPEAKER: The hon. Member for Calgary-North Hill.

MR. MAGNUS: Thank you, Mr. Speaker. I would like to introduce to you and through you to Members of the Legislative Assembly of Alberta a delegation seated in the Speaker's gallery of officials from the Russian Ministry of Foreign Affairs and from the Russian Academy of Sciences. I had the great good fortune and privilege of having lunch with this delegation. The delegation is led by Mr. Alexander Blokhin, who visited our province previously in September 1991 in his capacity as a member of the Russian parliament. On this occasion Mr. Blokhin and company are visiting Alberta as part of a cross-Canada tour to examine the federal state, Canadian federalism, and federal/provincial co-operation in international activities. This morning the delegation met with officials from the Department of Federal and Intergovernmental Affairs for a briefing on Alberta's role in international affairs and later this afternoon will meet with Alberta Energy officials for a similar briefing. As a government we welcome this opportunity to introduce our Russian guests to the mechanics of a federal system and federal/provincial co-operation. We hope that the best elements of our system serve as useful examples for the functioning of a meaningful, democratic federal state in Russia. I would ask Mr. Blokhin and the other mission participants to now rise and receive the traditional warm welcome of this Assembly.

head:

### Reading and Receiving Petitions

MRS. ABDURAHMAN: Mr. Speaker, I request that the petition dealing with secondary highway 824 be read, please.

CLERK ASSISTANT:

We the undersigned petition the Legislative Assembly of Alberta to urge the government to halt plans for the proposed upgrading of

secondary highway 824 and make better use of the money in these times of economic restraint.

MR. BRUSEKER: Mr. Speaker, I presented two petitions yesterday. I would ask that they be read today.

CLERK ASSISTANT:

We the undersigned residents of Alberta petition the Legislative Assembly to urge the Government of Alberta to:

Maintain the current Early Childhood Services program and continue providing the necessary assistance to children with special needs.

Further, the undersigned also request the Legislative Assembly to urge the Government of Alberta to recognize the vital importance of these programs by amending the School Act to guarantee Early Childhood Services for all children and early intervention and inclusion (integration) with the appropriate support services for all children with special needs.

We the undersigned urge the Legislative Assembly of Alberta to urge the Government not to pass or adopt any of the proposed Educational funding cutbacks.

head:

### Notices of Motions

MR. SEVERTSON: I rise to give notice that at the appropriate time I will seek unanimous consent of the House to withdraw Bill 212.

MS LEIBOVICI: I wish to give oral notice of my intention to seek the unanimous consent of the Assembly to withdraw Bill 213 under my name on the Order Paper.

head:

### Introduction of Bills

#### Bill 20

#### Public Safety Services Amendment Act, 1993

MR. FRIEDEL: Mr. Speaker, I request leave to introduce Bill 20, being the Public Safety Services Amendment Act, 1993.

Mr. Speaker, this Bill is so short, concise, and well written that it requires no introductory remarks.

[Leave granted; Bill 20 read a first time]

MR. KOWALSKI: Mr. Speaker, I would move that Bill 20 be placed on the Order Paper under Government Bills and Orders.

[Motion carried]

#### Bill 21

#### Agriculture Financial Services Act

MR. PASZKOWSKI: Mr. Speaker, I request leave to introduce Bill 21, the Agriculture Financial Services Act. This being a money Bill, His Honour the Honourable the Lieutenant Governor, having been informed of the contents of this Bill, recommends the same to the Assembly.

The Bill will facilitate the merger of the Alberta Ag Development Corporation and the Alberta Hail and Crop Insurance Corporation. It establishes a new corporation, the agricultural financial services corporation, as a vehicle to deliver financial services to the farm community in Alberta. It will replace the Agricultural Development Act and the Hail and Crop Insurance Act.

[Leave granted; Bill 21 read a first time]

head: **Tabling Returns and Reports**

MR. SPEAKER: The hon. Member for Edmonton-Ellerslie.

MS CARLSON: Thank you, Mr. Speaker. I'd like to table four copies of two notices prepared by Stacey Schultz and Misty Brooks. These young students are very concerned about our education cutbacks.

head: **Introduction of Guests**

MR. SPEAKER: The hon. Minister of Public Works, Supply and Services.

MR. THURBER: Thank you, Mr. Speaker. It's an honour here today to introduce to you and through you to this Assembly a young journalist/reporter from the great weekly newspaper, the *Drayton Valley Western Review*. I would ask Darren to rise in the gallery and receive the warm welcome of this House.

MR. KOWALSKI: Mr. Speaker, on behalf of the Premier, the hon. Member for Calgary-Elbow, I'd like to introduce two individuals from Calgary. They're seated in the members' gallery: Marjorie Morris and Jim Law. I would ask them to rise and receive the warm welcome of the Assembly.

MR. SPEAKER: The hon. Minister of Advanced Education and Career Development.

MR. ADY: Thank you, Mr. Speaker. I'd like to introduce to you and through you to the members of the Assembly an important elected student leader from Grant MacEwan Community College. He is also the chairperson of the Alberta College and Technical Institute Student Executive Council. This young Alberta leader's name is Rocky Maddex, and he is seated in the members' gallery this afternoon to watch today's proceedings. I'd ask Mr. Maddex to rise and receive the cordial welcome of the Assembly.

1:40

MR. PASZKOWSKI: On behalf of my colleague from Red Deer-North I would like to take this opportunity to introduce 37 visitors from the River Glen school in Red Deer. They are accompanied by their teacher and group leader Audrey Brattberg, parents and helpers Jane Thesen, Gladys Woodrow, Joanne Orr, Arlene Vis, Donna LaMarche, Helen Handcock, Darlene Turlock, and bus driver Bob Steeves. I would ask them to rise now and receive the usual cordial reception of this House.

MR. VASSEUR: Mr. Speaker, it's my privilege to introduce to you and through you to the members of the Assembly 26 visitors from Bonnyville. These visitors are a combination of grades 11 and 12 in the law 20 program. They're accompanied by teachers Mrs. Elaine Doonanco and Mr. Richard Jalbert and by bus driver Mr. Borden Hourd. The group is from Bonnyville centralized high school. I would like them to rise to receive the cordial welcome of the House.

MR. SPEAKER: Last but not least, the hon. minister without portfolio responsible for the Health Planning Secretariat.

MRS. MIROSH: Women are always last but not least.

Mr. Speaker, I'd like to introduce to you and through you to members of the Assembly a native-born Albertan, a businessman, an entrepreneur from Calgary. We have a great deal in common: we share the same parents. I'd like to introduce to you Mr. Len

Pasychny, the CEO and president of Murphy Oil. Would you please rise – he's seated in the members' gallery – and receive the warm welcome.

head: **Oral Question Period**

MR. DECORE: Mr. Speaker, before I start my questions, with your permission I would like to make comment with respect to some comments that I made yesterday in front of this Legislature Building. The comments were that I wanted to blacken the Premier's eyes. I want members of this Assembly to know that I have no disrespect and I express no disrespect to the office of the Premier. This education matter is a matter of great importance to me and to the members of our caucus. Leaders in the heat of battle sometimes call other leaders stupid. Sometimes leaders say that they should blacken other leader's eyes, particularly when there's reference to blinking. I meant no disrespect. If some Albertans have seen this as an indication of violence, I want to make it clear that that's not what I intended, and I apologize for those statements.

Now back to the battle.

**Education Funding**

MR. DECORE: Mr. Speaker, the cat is away, and the mice on the government side are scurrying around in confusion over just how much education will be cut. Yesterday the Deputy Premier re-educated the Provincial Treasurer, forcing the Treasurer back to the line that all budgets would be cut by 20 percent or maybe even more. Also yesterday the Premier's alter ego and executive assistant said that the Premier, who told us that he wouldn't blink, is now saying that 20 percent is not written in stone. Let's get our act together over there. [interjections] There's the alter ego. So we've got three-quarters of the Premier here today. My questions are to the Treasurer. Mr. Treasurer, what is going on over there? Why can't the cabinet, why can't you and your colleagues get your act together?

MR. DINNING: Mr. Speaker, quite simply, quite clearly we have a plan, we have the people, and we have the support of Albertans to ensure that we cut spending in this province by 20 percent over the next four years and that we eliminate the deficit and that we balance the budget.

MR. DECORE: He really did re-educate you, Mr. Treasurer.

Mr. Treasurer, I know and Albertans know that you have great respect for the education system in Alberta. Tell us if you have any misgivings at all about cutting 20 percent out of this Education budget.

MR. DINNING: Mr. Speaker, I believe questions related to education ought to be answered by the minister responsible for Education, and I'm sure he would want to supplement my answer.

Mr. Speaker, we have made it clear in the lead-up to the May 6 budget and made it clear again in the May 6 budget specifically the kind of approach we would take to eliminate the deficit and to balance the budget. We made a promise to do that by taking the spending approach, by reducing our spending by 20 percent, and not taking it through the revenue approach, not trying to take more money out of taxpayers' pockets. Instead we took it through our four-year plan.

We took that to the people of Alberta. We went out and campaigned for 28 long, hard days under the leadership of our Premier, and on June 15 Albertans gave this government a mandate to reduce our spending by 20 percent, to do it fairly and

compassionately but to do it in a way that secured the future of the Alberta economy and secured the future for our young people in this province. If we take this approach and we listen carefully to the priorities and interests of Albertans and make sure that those priorities are reflected in the specifics of how we achieve that objective, then I have faith and this Premier has faith and this government has faith that Albertans will give us the guidance we need to ensure that we meet the objective that they approved on June 15.

MR. DECORE: My last question is to the Minister of Education. Mr. Minister, when you were asked this morning on radio whether or not you would cut 20 percent, why couldn't you say yes or no to that question?

MR. JONSON: Mr. Speaker, the government has a firm commitment to balancing the provincial budget. We have been given a target in terms of reduction across the departments of government of 20 percent. We are listening to what is being said by Albertans across this province. The decisions in terms of spending will be part of our grant announcements and part of the provincial budget. As I indicated yesterday, we've heard a great deal of discussion and accusation in this House at this time of day about the government not listening, not having definite information out here. We have certainly done this here. We are committed to our goal of balancing the provincial budget. We are working at that. We are looking at the recommendations coming in as to how to do it, and it will be done.

MR. DECORE: Can't even get the answer today.

Mr. Speaker, under Premier Manning the province paid for 90 percent of education costs. Under Premier Lougheed the province paid 80 percent of education costs. The Education minister and the Deputy Premier believe that the province should pay for only what they call a basic education. They're saying that local taxpayers should pick up the rest. My first question is to the Minister of Education. When the province now pays only 55 percent of education costs, not 90 or 80 but 55 percent, how can the minister claim he is funding anything more than basic education already?

1:50

MR. JONSON: Mr. Speaker, first of all, the problem here is that the hon. leader's basic assumption is incorrect. The amount of the provincial budget for Education coming from the general revenues of the province today are almost the same as they were in 1971, which has been a reference by the hon. leader. What happened in 1971 and on into about 1975 was that the school foundation program levy, which is on the local taxpayers of the province, was collected by the province and redistributed to school boards, but the source of local taxation was still accessed in 1971 as it is today. In terms of our contribution as a provincial government from our general revenues the percentage is very similar to what it was at that time.

MR. DECORE: This has been pushed down to local school boards.

Mr. Deputy Premier, are you proud of the fact that your actions, if you put these 20 percent cuts into effect in education, will see only 44 percent going as a provincial contribution to education?

MR. KOWALSKI: Mr. Speaker, there is only one taxpayer in the province of Alberta. There's only one source.

Mr. Speaker, the hon. Leader of the Opposition stands here and provides his statements and questions. I just want to remind him of what he said not too long ago in the *Calgary Herald*, June 12, 1993, "Four reasons to feel good when you vote Alberta Liberal . . . Our plan will cut total government spending by \$1.1 Billion in the first year." What would happen to education under that leadership?

MR. DECORE: Mr. Speaker, the routine is still that we ask the questions and they answer the questions or they try to answer the questions.

My last question, Mr. Speaker, is this: why do you pass the buck, Mr. Deputy Premier? Because that's all this is, passing the buck down to local school boards so that they pay so you try to look good. That's what's happening.

MR. KOWALSKI: Mr. Speaker, in the province of Alberta 100 percent of the costs of education are paid for by the taxpayer. This government is determined, in working with its partners at local levels, local boards of education, to make sure that we have a school system in this province that is for the future, that there's hope for our children and there's hope for the people. One thing that will not give them hope is to walk away from and abandon our commitment to balance the budget in this province. Our children need hope. This is what this government stands for, and this is what we're committed and prepared to do. Education is a fundamental priority, but it will not be destroyed by us avoiding our responsibility to deal with the deficit in this province.

MR. VAN BINSBERGEN: Mr. Speaker, thanks to the Treasurer there was a glimmer of hope for Alberta's youth when he stated publicly that education is more important than graveling roads and ought not to be subject to the cookie-cutter approach. It's too bad, though, that he was forced to recant in short order. I'm really disappointed that the present Minister of Education, though, has not seen fit to put down the cookie cutter, at least not yet. To the Minister of Education: instead of cutting education, doesn't the minister realize that future jobs will require more education rather than less?

MR. JONSON: Mr. Speaker, what is certain and what I certainly believe to be the case – and I have indicated this as a very, very great priority – is that in the future we need to have quality education zeroed in on the priorities that are needed out there in terms of educated young people. We need to focus our resources in that particular direction, and that is certainly the case. I am interested in quality education. I realize it is needed for the future, and we're working to ensure we have a better system to deliver that.

MR. VAN BINSBERGEN: Mr. Speaker, we're cutting; we're not focusing on anything else.

Considering that the department of advanced education predicts that present technical skills will be obsolete in seven years, why isn't the minister coming up with new programs that would provide students with new skills?

MR. JONSON: Mr. Speaker, one of the predictions that I think the hon. member is aware of in terms of the future skill needs of our students is that they have a strong basis in communication skills, in critical-thinking skills, in being able to apply concepts. They need to be taught that well so that they can adapt to an ever-changing world that is out there in the global economy of the future. The education futurists and the learned people who write

articles do not predict that we can cope with that particular future by adding and adding and adding to the system. We have to zero in on what is important in terms of thinking, communicating, computing, being well skilled and able to cope with that changing future.

MR. VAN BINSBERGEN: Mr. Speaker, to the minister again: how in this environment of cut, cut, and cut again are we supposed to concentrate on restructuring education and including programs and delivery systems that will enable our students to compete in this global economy?

MR. JONSON: Mr. Speaker, to correct the hon. member, one of the major questions, one of the big-picture questions that we have raised in the whole discussion at the roundtables, in this overall debate is the matter of the delivery of education in the future. It is one that has attracted a great deal of attention and many good ideas, suggestions, and recommendations with respect to the way we should design the education system for the future.

I have indicated the general direction of those recommendations. We need a system which delivers and concentrates our resources at the classroom level, at the student level. We need to cut down on our administration and bureaucracy. We need to provide strong direction on evaluation in programs at the provincial level and level out the education system so that resources can be provided more effectively and flexibly. Delivery of education, Mr. Speaker, has been very much a part of these discussions.

MR. SPEAKER: The hon. Member for Pincher Creek-Macleod.

#### **Social Assistance Policy**

MR. COUTTS: Thank you, Mr. Speaker. The Minister of Family and Social Services in April of this year announced a major welfare reform strategy in Alberta. The last time the minister reported to the House the caseload in Alberta had dropped by some 18,000 cases since April of this year. Can the minister update this Legislature on the current level of welfare cases as of October?

MR. SPEAKER: The hon. Minister of Family and Social Services.

MR. CARDINAL: Thank you, Mr. Speaker. As you are aware, when the welfare reform strategy, the three-year strategy, was announced last April 15, we had a caseload of over 90,000 cases in Alberta. We found that a high percentage of that caseload, over 50 percent in fact, were young, healthy Albertans that should be back in the work force and wanted to be back in the work force. The strategy was of course to assist those people to achieve that goal. I'd like to advise this Assembly that the program is working well. As of November 1 of this year the caseload has dropped by 23,601, which annualized is \$230 million a year.

**2:00**

MR. COUTTS: Could the minister tell this House what the caseload drop was in October of this year?

MR. SPEAKER: Hon. minister.

MR. CARDINAL: Thank you. Mr. Speaker, I'd like to advise the Assembly that the caseload drop alone in October was 5,505 cases. Of this, 2,727 clients returned to various training programs across the province. In addition to that, I'd also like to advise the

Assembly that out of the drop of over 23,000, seven thousand of those cases have now returned to training programs in various parts of the province.

MR. COUTTS: How much money has been transferred to the Students Finance Board, and has that been sufficient funding?

MR. CARDINAL: Mr. Speaker, one of the plans of the three-year welfare reform strategy was to always ensure that the dollars were redirected to the high-needs area and ensure that dollars were provided to the people that wanted to get off welfare and back into the work force. The initial announcement last April of course included the transfer of \$32 million to the Students Finance Board for a combination of grants and loans or student loans. The additional amounts that we have just recently approved is another \$5.3 million for a total of close to \$38 million now.

MR. SPEAKER: The hon. Member for Calgary-North West.

#### **Magnesium Plant**

MR. BRUSEKER: Thank you, Mr. Speaker. Yesterday the Minister of Economic Development and Tourism told Albertans that after four and a half months on the job he hasn't had time to deal with the file on MagCan. This is a file where we've got a \$102 million loan guarantee, and we've spent \$28 million in interest on this thing. My first question to the Minister of Economic Development and Tourism is this: given that we're paying \$40,000 a day in interest, does the minister have any plans to deal with this in the next month or two or three or six?

MR. KOWALSKI: Mr. Speaker, first of all, let's correct the record. The minister yesterday did not say that he did not have time. The minister said that he was awaiting some responses to some questions that he had asked. In other words, he didn't have all of the information with respect to this matter. I'm not going to say that it's unlike the hon. gentleman, but when this individual makes a decision, he likes to have all of the facts in front of him and have all of the questions that he has before him answered. It's never been my style to make premature decisions about anything. If I'm charged with the responsibility of protecting the taxpayers of the province of Alberta, I intend on undertaking the matters before me with all due diligence. I believe that that's important, because in the long run the decision that will be made will be in the best interests of the taxpayers of the province of Alberta. I will not be pushed by inflammatory statements with respect to the way I conduct business. I indicated yesterday that all information with respect to MagCan will be made public.

MR. BRUSEKER: Well, Mr. Speaker, the charge he's talking about is \$40,000 a day.

My supplementary question: given the minister's uncertainty yesterday about whether or not we're going to buy the technology to operate the plant, can the minister inform the House when he might make that decision on whether or not we're going to buy the technology so we can plug in the machines and operate the ones we already own?

MR. KOWALSKI: Once again, Mr. Speaker, I think it's important to correct the understanding of the hon. member with respect to the technology. The technology is not housed in Canada. The technology is housed outside of Canada. It entails a negotiation with someone who holds the technology. If the hon. member is saying, "Buy the technology," what I have to be assured of is that

the technology in fact will work. If the hon. member is saying, "Well, that doesn't make any difference; just go and buy it at a cost of upwards of a \$6 million expenditure of taxpayers' money," that's something I'm not prepared to make a decision on at this point in time until I have confirmed, verified scientific information provided to me with respect to that matter. If the decision is made not to buy the technology, then that takes us in another direction in terms of what we do with a facility that stands on the southern prairie of the province of Alberta. As I've said before on numerous occasions when asked this question, my decision time is December 31, 1993.

MR. BRUSEKER: Mr. Speaker, this gets scarier as time goes along.

My final supplemental to the minister is: if they're not sure that the technology will work at all even today, why did they invest in it in the first place?

MR. KOWALSKI: That's a very legitimate question, as I've responded. What is surprising to me, Mr. Speaker, is that the hon. member didn't listen to the response I gave yesterday: that I have been the Minister of Economic Development and Tourism and responsible for these portfolios and these files only since the last week of June of 1993. So if the hon. member wants to bring up the name of Premier Manning or anyone else in the history of Alberta and raise questions about what may have happened prior to the last election, the hon. member has that right to do so. But I think it's incumbent upon everybody to understand that my responsibility, my knowledge, my information with respect to this file began in the last week of June 1993, and I will deal with the responsibilities that I accepted on the day that I was sworn in to this particular portfolio.

MR. SPEAKER: The hon. Member for Red Deer-South, followed by Calgary-Buffalo.

### Health Care Wage Rollbacks

MR. DOERKSEN: Thank you, Mr. Speaker. It has been about four weeks since the Premier gave out his request to have the health sector take a voluntary 5 percent rollback on wages and fees, et cetera. I've been talking to a pharmacist in the Red Deer-South constituency, and he has said that they've been working on an agreement between the government and the Alberta Pharmaceutical Association in terms of coming to some kind of agreement on those terms. Would the Minister of Health confirm or tell me if that is true and where we are in that negotiation?

MRS. McCLELLAN: Today the Alberta Pharmaceutical Association did announce that its members had agreed to a voluntary rollback of 5 percent in their professional fees effective November 1, 1993. I want to say that this government appreciates very much the pharmacists' very responsible way of working in partnership and the spirit in which they worked through this. This will amount to savings of about \$1 million in the remainder of this year and an annualized saving of about \$2.75 million in the next year. I want to say, Mr. Speaker, that government and consumers will benefit through this because there is a definite saving to consumers in this new agreement, and we'll see a drop in prescription prices. I think the consumers in this province will be very interested and appreciative of this move by our pharmacists.

Further to that, Mr. Speaker, our Alberta pharmacists are working with government on other initiatives to lessen the cost of pharmaceuticals, and again I commend the Pharmaceutical

Association for their leadership in this very responsible action today.

MR. SPEAKER: Supplemental question.

MR. DOERKSEN: Thank you. That is good news.

I'm wondering if the minister can also tell us if the department is working on strategies to ensure that utilization rates do not increase and so negate the effect of this rollback.

MRS. McCLELLAN: Well, Mr. Speaker, utilization is certainly of concern to us and to the Pharmaceutical Association. Again I should say that the Pharmaceutical Association is working in a partnership on ways of minimizing this problem.

One of the things I should mention that I'm sure all members would find interesting just explains the magnitude of the problem that we have. In the Great Drug Round-up, that occurs each year in this province, in 1992 over 33 tonnes of drugs were rounded up from human use, from veterinarian use, and so on. That, I think, gives us some indication of the problem. We do not have the figures for 1993 yet, but again it was significant.

Also, this week is national pharmacy awareness week, and pharmacists in Alberta are being very aggressive on issues, particularly those affecting seniors. They're working to ensure that people ask about their prescriptions and ensure that they know indeed whether they should take them and how.

Certainly in working with our pharmacists in partnership, there are a great number of initiatives being undertaken to control utilization.

2:10

MR. DOERKSEN: In light of the positive leadership of the Alberta Pharmaceutical Association and bearing in mind the November 23 target date that we had suggested, can the minister tell me if other parts of the health sector are coming close to similar types of arrangements?

MRS. McCLELLAN: Well, Mr. Speaker, we've asked all parts of the health sector to participate in a voluntary rollback and to submit reduction plans to us by November 23. I'm very optimistic that we will see a great deal of co-operation in this area. I think the stakeholders in the system do recognize that we do have to make some tough decisions and that we do have to make them together. As the November 23 time frame comes forward, I anticipate that we will see many other areas coming forward with such initiatives. I do know that hospitals are working in this area through their bargaining process, and I appreciate the leadership that labour and employers are making to meet our requirements.

MR. SPEAKER: The hon. Member for Calgary-Buffalo.

### Human Rights Commission

MR. DICKSON: Thank you, Mr. Speaker. Last night I attended a roundtable on human rights protection in Calgary, and there's a major problem with the review. On one hand this government has said that the commissioners will be involved, yet on the other hand after November 30 we'll be left with only two commissioners and after January 31 there will only be a single commissioner. My question is to the Minister of Community Development, the minister responsible for the Alberta Human Rights Commission. Will the minister undertake today that he will extend the terms of all existing commissioners at least until the spring of 1994, when the review is completed?

MR. MAR: Mr. Speaker, as was announced by the Minister of Justice, there's a new process involved in making significant appointments to commissions such as the Human Rights Commission, and I am proceeding to make sure that the appointments are done in accordance with that direction.

MR. DICKSON: Well, do the people of Alberta, Mr. Speaker, have some assurance that these new commissioners will be involved before the review process is completed?

MR. MAR: Mr. Speaker, the review process continues into the spring of 1994, and I will give that assurance.

MR. DICKSON: I appreciate the assurance.

I'd further ask the minister what steps he will take immediately to ensure that the important ongoing investigation work of the commission will not be compromised because resources are being diverted to the ongoing review.

MR. MAR: Mr. Speaker, appropriate resources have been put forward to establish the review. The Human Rights Commission's budget has been established for 1994, and it remains the same as its previous levels.

MR. SPEAKER: The hon. Member for Lethbridge-West.

#### **Ambulance Service**

MR. DUNFORD: Thank you, Mr. Speaker. My question is for the Minister of Health. Could the minister inform the House about the purpose of the Ambulance Services Act and why the proclamation of this Act has been delayed?

MRS. McCLELLAN: Well, Mr. Speaker, the Ambulance Services Act was passed in July of 1990, and its purpose is to set provincial standards for ambulance vehicles and equipment, for the maintenance of ambulances, for minimum training levels for ambulance operators, and for patient confidentiality. With the Act goes a set of regulations, and we embarked on a very thorough consultation process with all of the people involved in providing that service from a municipal level to the ambulance operators. It was very important that these regulations be developed in that way. There were some concerns from municipalities on some of the proposed regulations. I believe that we have worked through all of those concerns now, and it is our anticipation that this Act will be passed soon.

Further to that, I should say that it seemed appropriate to wait until after the health consultation process in view of the fact that there may have been some new information come forward. So we will assess that and move to proclamation.

MR. SPEAKER: Supplemental question.

MR. DUNFORD: Thank you, Mr. Speaker. Why does the government cover the cost of air ambulance trips and not ground ambulance trips?

MRS. McCLELLAN: Well, Mr. Speaker, ground ambulance services traditionally have been developed by communities to meet specific needs, and they are funded through municipalities. However, I should say that there are grants made to municipalities that they may use to cover ambulance costs. The air ambulance program is one that is totally provincially funded. We also fund areas in ground ambulance services such as interhospital transfers,

Blue Cross members, including seniors, and recipients of social services as well as workers' compensation. The funding for the air ambulance program is totally provincial. It is about a \$10 million program in this province and I think one that is unparalleled in any other province in Canada.

MR. DUNFORD: Mr. Speaker, could the Minister of Health explain whether the Act applies to air ambulance services?

MRS. McCLELLAN: Mr. Speaker, the Act is not intended to apply to air ambulance. It is intended to apply solely to ground ambulance. We don't think it is necessary at this time to include air ambulance, although there is room within the Act should it become necessary in the future.

MR. SPEAKER: The hon. Member for Edmonton-Whitemud, followed by Little Bow.

#### **Economic Outlook**

DR. PERCY: Thank you, Mr. Speaker. On one hand, the government is shutting the door on economic opportunity to Alberta's youth and those engaged in job upgrading by its proposed 20 percent cuts to education and advanced education. On the other hand, it offers the will-o'-the-wisp of 110,000 jobs created by 1997 and does so without providing any of the underlying economic assumptions necessary to generate the 2 percent employment growth in each of the next four years. My question is to the Deputy Premier. How do you reconcile the estimates of private-sector job growth in Seizing Opportunity with the most recent projections by Informetrica that not only forecast less private-sector job growth than in Seizing Opportunity but did so before the negative impact of job losses arising from plans to gut health care and education?

MR. KOWALSKI: Mr. Speaker, that really was an academic question. There's no doubt at all about it.

I think the bottom line of the question is: do you have a plan? Yes, Mr. Speaker, we have a plan. It's called Seizing Opportunity. We indicated in Seizing Opportunity that our target over the next number of years was to basically see the creation of some 110,000 new jobs in the province of Alberta. We further said that the engine for the creation of these jobs would be the private sector. Further to that, we said that the government would set up the economic climate and the economic environment to see these jobs created. Further to that, we said that we're going to be moving towards a balanced budget. The Provincial Treasurer has outlined a plan that we're going to be going on in that direction.

In Seizing Opportunity, Mr. Speaker, we outlined some nine particular areas that we are going to be working on. We further indicated that one of the key things we're going to be doing in the province of Alberta is moving from some \$19 billion of exports in 1993 to a target of some \$24 billion worth of exports by 1997. Each \$1 billion of exports roughly equates to between 15,000 and 18,000 jobs.

We said in addition to that, Mr. Speaker, that the province of Alberta would take its number one salesperson and that number one salesperson would take the Alberta advantage to as many markets in the world as he possibly could do. That number one salesman is the hon. the Premier, and he's doing that today.

DR. PERCY: The hon. Deputy Premier refuses to acknowledge that his estimates are way out of line with anything coming from the private sector. Will the Deputy Premier tell Albertans that

even if the improbable estimates of 110,000 new jobs by 1997 emerge, it still means over 10 percent unemployment in this province in 1997? You're just like Kim Campbell.

2:20

MR. KOWALSKI: Mr. Speaker, I know that the hon. members in the opposition say: you know, well, this is today and that was then. Earlier in the question period I put up a copy of an advertisement, and it said: "Four reasons to feel good when you vote Alberta Liberal." You just heard the tone of the language used by the hon. member. Now, here's what they promised when they were in an election, quote: "We want to create a government in which people are working too hard at solving problems to call each other names." What the hon. member's done again today is violate their campaign principles. I will not stoop to that level, not stoop to it at all.

Mr. Speaker, this government is committed to its plan of working with the private sector in the province of Alberta, to balancing its budget, and the information and the messages that we're getting from the private sector are quite the contrary to the information that the gentleman has received or made up.

DR. PERCY: Mr. Speaker, I withdraw the remark. He's not Kim Campbell.

My second supplemental is to the Deputy Premier. What's your solution when our youth don't have the job skills or the employment opportunities in 1997? Are you just going to give them bus tickets to Ontario and Alberta like the hon. Minister of Family and Social Services?

MR. KOWALSKI: Mr. Speaker, from a point of geography, this is Alberta.

Mr. Speaker, one of the things that this government is going to do, as the Premier has indicated, is assume a responsibility to work with the private sector and all interested parties in this city of Edmonton in a positive, co-operative way to make sure that the economy of this city moves forward. We are not naysayers that get up in this House and lambaste and criticize initiatives in the city of Edmonton. We've been waiting for days, weeks, and months for the Liberals in this House, who represent this city, to work hand in hand in a co-operative way to see the economy of Edmonton grow. The negative naysayers do not help.

MR. SPEAKER: The hon. Member for Little Bow.

#### **Liquor Sales to Minors**

MR. McFARLAND: Thank you, Mr. Speaker. My question today is to the Minister of Municipal Affairs, and it concerns the many parents in Alberta who have a great deal of concern over the illegal purchase and consumption of liquor products with phony ID. They've asked for stricter controls on checking the purchases made by young people in liquor outlets with this false ID. The state of Colorado, for example, is utilizing signage which indicates that people under the age of 25 can be checked for ID. Would the Minister of Municipal Affairs consider enacting this type of regulation in Alberta?

DR. WEST: Mr. Speaker, I'd be interested in looking further at that model they use, because I wasn't quite aware of that. We have, of course, 18 year olds and under being checked at our stores at the present time. We are aware that one of the problems in Alberta is the tampering with the drivers' licences sometimes

in order to get ID that shows people who are indeed not 18 years of age.

We are certainly working through motor vehicles with a new model of identification process which we will transfer over to the registries from the ALCB stores, which used to give out identification. Now 18 year olds and those above that will have to get that form of identification if indeed they do not have their driver's licences. The new driver's licence will be a laser licence, which is one piece rather than two, and should control much of the tampering that's going on at the present time.

MR. SPEAKER: Supplemental question.

MR. McFARLAND: Thank you, Mr. Speaker. My supplementary has partially been answered, but I would ask the minister if he would consider instituting a procedure whereby the parents or legal guardians of people under 18 would be required to witness or sign applications for personal identification.

DR. WEST: That's also a very good comment. I have been discussing with the department some of the problems again that surrounded the driver's licence. Individuals come in and say that they've lost their driver's licence and they want to get another one, and they're showing ID and that gives them indeed an identification which isn't true. At that time, I'd ask that maybe we should have some parents or that, you know, sign that they have lost their driver's licence and that they have knowledge that they're in applying for another one. I'm going to take this as a matter of notice, but it's certainly worth greater discussion so that we have responsible use of identification at the liquor stores.

MR. SPEAKER: Final supplemental.

MR. McFARLAND: Thank you, Mr. Speaker. My final deals with what safeguards there are to prevent people under the age of 18 from obtaining liquor illegally through purchases over a telephone.

DR. WEST: Well, Mr. Speaker, I think you're referring to the fact that there are operations out there, Dial-a-Bottle and other operations, where you can dial and have a service delivered to you. It is the responsibility of that person who is licensed to fulfill all of the requirements of the liquor Act and regulations in the province of Alberta. If they breach that, they're subject to discipline, either through a time period during which their licence is withdrawn or the complete removal of that privilege.

MR. SPEAKER: The hon. Member for Edmonton-Glenora.

#### **Health Services Labour Relations**

MR. SAPERS: Thank you, Mr. Speaker. Hospitals across Alberta have been forced by this government into a whole new low in labour management tactics. Members of the Health Sciences Association are being arbitrarily demoted. Then they receive notice that they're going to be put at a lower classification and then be given a lower wage. Yet they are still expected to perform the same functions. These health care workers are being left with no alternative but to grieve these labour practices or leave their jobs. My question first to the Minister of Labour: how does this minister justify this forced demotion of health care workers, which goes against their collective agreements?

MR. DAY: Agreements are in place and need to be followed. If one side perceives that the other side is not following that, there's a procedure for appealing, and that's what they need to do.

MR. SAPERS: He doesn't understand, Mr. Speaker.

Maybe the Minister of Health can help. To the Minister of Health: why are members of the Health Sciences Association being penalized even more than other health care workers for years of out of control spending by the Conservative government?

MRS. McCLELLAN: Well, Mr. Speaker, I have absolutely no reason to believe they are being penalized for those reasons. I think the Minister of Labour very appropriately answered the question. If there are issues, they should be properly taken through the grievance process which is in place, and I would encourage those members to do that.

MR. SAPERS: Given, Mr. Speaker, that these arbitrary demotions are outside of that process, how does the Minister of Labour justify picking on these particular health care professionals not once but twice: first with so-called voluntary pay cuts and then again with these forced demotions?

MR. DAY: Those last two words, "forced demotions," are clearly out of place. I think if he separates the words, what we're hearing from him here is forced emotion. He's trying to force a little emotion here, Mr. Speaker, trying to take a difficulty being faced by a particular worker and pass that back on to the government. I have said and the Minister of Health has repeated that there are agreements in place that have the force of law behind them. There are representatives for employers and representatives for the employee. They are trained, and they are perfectly adequate to be able to grieve these through the proper processes. I wish he would try to stop forcing some false emotion on this Assembly, and let's work together to face the challenges.

MR. SPEAKER: The hon. Member for Lacombe-Stettler.

**2:30**

### **Teachers' Salaries**

MRS. GORDON: Thank you, Mr. Speaker. Teachers seem concerned with children, as evidenced by their recent ad campaign at an alleged cost of half a million dollars. My question is to the Minister of Education. Mr. Minister, my constituents want to know: what cost savings would be realized if a voluntary 5 percent rollback was taken by the 28,000 teachers in the province of Alberta?

MR. JONSON: I have to multiply quickly, Mr. Speaker, but the estimated savings, as I recall, over a one-year period would be in excess of \$80 million.

MRS. GORDON: I understand, Mr. Minister, that Alberta ranks fifth in Canada on per capita student funding. How do Alberta teachers' salaries rank in comparison with other provinces in Canada?

MR. JONSON: Mr. Speaker, according to the latest Statistics Canada information, Alberta teachers' salaries rank second in national ranking.

MRS. GORDON: Educational funding has increased by 30 percent since 1989. Can the minister please tell me: how much of this percentage increase has been allocated to salaries?

MR. JONSON: Mr. Speaker, I would be pleased to provide the statistical information to the hon. member. I don't know the

portion of that 30 percent which went into salaries right offhand, for the benefit of the Assembly.

MR. SPEAKER: The hon. Member for Spruce Grove-Sturgeon-St. Albert.

### **Advisory Council on Women's Issues**

MRS. SOETAERT: Thank you, Mr. Speaker. The Alberta Advisory Council on Women's Issues has written eight position papers and made 63 recommendations to the provincial government. Topics include maintenance enforcement, employment equity, foreign credentials, midwifery, new reproductive technologies, and supports for independence: all critical issues affecting Alberta women. Despite this council's important contributions women of Alberta continue to hear disturbing rumours that the council is going to be shut down. My questions are to the Minister of Community Development. Why is it that this government's new guidelines for appointments to provincial agencies have been here for a week and you have still not advertised to fill the vacancies on the council? What's the holdup?

MR. MAR: Mr. Speaker, the process recently announced by the Minister of Justice was done a week ago. It calls for the creation of a committee. The committee has to be formed in order to make the appropriate advertisements, and accordingly we are following in accordance with that process.

MRS. SOETAERT: Pretty long process.

Will you fill the chair permanently instead of three-month contracts? Will you give that chair a permanent position?

MR. MAR: Yes.

MRS. SOETAERT: You heard that. That's a permanent position.

Now, Mr. Minister, will you please stop the rumours amongst your own caucus? Will you tell them this council's going to live?

MR. MAR: Mr. Speaker, the Advisory Council on Women's Issues, like all others in this government, is being considered for changes in looking at ways of dealing with issues more effectively and more efficiently.

### **Speaker's Ruling Decorum**

MR. SPEAKER: The time for question period has expired. As the Chair expressed yesterday with some justification, it was maybe a mistake to make the comments it made, because the great enthusiasm exhibited by the Assembly on both sides today has resulted in the loss of two questions. The Chair just wanted the Assembly to know the results of its activity.

Again before proceeding further, the Chair would like to take this opportunity of marking the birthday of one of the members of the Assembly who has reached the Jack Benny age and hopes that all members will congratulate the hon. Member for Calgary-Shaw on that great milestone.

MR. N. TAYLOR: Speech, speech.

SOME HON. MEMBERS: No, no.

MR. SPEAKER: Order.



### Speaker's Ruling Withdrawal of Bills

MR. SPEAKER: Also before calling Orders of the Day, the Chair is aware, as all members are, of the notices of motions that are shortly going to result in motions after the business of the House is called. It is the Chair's understanding that after the hon. Member for Innisfail-Sylvan Lake makes his motion for the removal of Bill 212, a response is desired from the opposition in a very brief way. All this business is based on the unanimous consent of the Assembly. If that is acceptable, then the Chair would assume that a response from the other side in response to the motion by the hon. Member for Edmonton-Meadowlark will also be allowed in a like manner. The Chair would just remind all members that whatever happens with regards to these motions depends on unanimous consent, and sometimes the language can result in that evaporating.

head: **Orders of the Day**

head: **Written Questions**

MR. DAY: Mr. Speaker, I move that the written questions appearing on today's Order Paper do stand and retain their places.

[Motion carried]

head: **Motions for Returns**

MR. DAY: Mr. Speaker, I move that the only motion for a return which is standing on today's Order Paper, Motion for a Return 222, be taken up.

MR. ZWOZDESKY: For the record only, Mr. Speaker, I rise to express my disappointment along with the disappointment of thousands of other Albertans that such a small, simple piece of information is not being allowed to come forward for public review. On that, I would close debate on that issue.

Thank you.

MR. SPEAKER: Well, hon. members, just to make sure that this matter gets dealt with, it's required that the hon. member move his motion, or else nothing will happen to it.

MR. ZWOZDESKY: My apologies. I so move, yes.

Did he move that it be rejected? Somebody was talking, and I didn't hear what he said clearly.

MR. SPEAKER: Is there agreement in the House that the hon. Member for Edmonton-Avonmore has moved his motion and that the government has rejected the motion? Is that the understanding?

SOME HON. MEMBERS: No.

MR. SPEAKER: For the record, would the hon. Member for Edmonton-Avonmore move his motion for a return?

### Access Network

M222. Mr. Zwozdesky moved that an order of the Assembly do issue for a return showing copies of any and all reports on Access Network prepared by Dennis Anderson in his capacity as a consultant between January 1, 1992, and October 25, 1993.

MR. DAY: It's one of those days, hon. member. Don't let it get to you. It's okay.

The members opposite said that the government rejected this. We had no opportunity to even respond. Immediately there was an assumption that we rejected something. We never did say that word.

Having said that, Mr. Speaker, the government rejects this motion.

MR. SPEAKER: Is the Assembly ready for the question?

HON. MEMBERS: Question.

2:40

MR. ZWOZDESKY: My apologies. There was some noise happening at the time, and I thought I clearly heard him say that he had rejected it. Now for the record, Mr. Speaker, I would simply like to say that I am disappointed that this simple request is being denied.

On that, I would close my comments. Thank you.

[Motion lost]

MR. SPEAKER: Before going any further, the Chair is remiss in not commenting on another birthday in the House. The hon. member will like to read in *Hansard*, I am sure, the enthusiasm for his reaching the age of one year older than Jack Benny. That is the hon. Member for Calgary-West.

head: **Public Bills and Orders Other than  
Government Bills and Orders  
head: Second Reading**

### Bill 212

### Teaching Profession Amendment Act, 1993

MR. SPEAKER: The hon. Member for Innisfail-Sylvan Lake.

MR. SEVERTSON: Thank you, Mr. Speaker. Bill 212 is a response to the concerns raised to me by a number of my constituents about the dual role of the ATA. It was a sincere attempt to separate the professional and the bargaining roles of the ATA. On further reflection I wish to withdraw this Bill for further expansion and development and bring it back at a later date.

Thank you.

MR. DECORE: Mr. Speaker, first of all, I'm pleased that the hon. member has withdrawn this Bill. Members of our caucus met last week with members of the nurses union of Alberta, members of the academic staff of the universities of Alberta, health care union representatives, AUPE, Alberta Federation of Labour representatives, and members of the Alberta Teachers' Association. It was specifically pointed out by the ATA representatives that this particular Bill is dangerous and focused against them in that it will deprofessionalize the teaching profession, and, secondly, it is a deunionizing activity intended to bust up, to union bust, the ATA system. That very focused threat against the ATA was seen as real by members of the ATA, and many of us have received literally dozens and dozens of letters complaining about that. But there is a bigger focus here, and that was seen by the other representatives that attended that meeting when they, too, saw this as a threat against them. So I'm glad that the hon. member has withdrawn the Bill, and I'm hopeful that this kind of a Bill won't be brought back in any kind of form.

Thank you, sir.

MR. SPEAKER: The motion before the Assembly is that of the hon. Member for Innisfail-Sylvan Lake for permission to withdraw Bill 212. All those in favour of this motion, please say aye.

HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no. Carried.

### **Bill 213**

#### **Employee Relations Statutes Amendment Act, 1993**

MR. SPEAKER: The hon. Member for Edmonton-Meadowlark.

MS LEBOVICI: Thank you, Mr. Speaker. I move that the Assembly grant unanimous consent to withdraw Bill 213 under my name on the Order Paper. I'm requesting the withdrawal of this Bill at this point in time in light of representations made by interested parties. My intention is to reintroduce the Bill after further consultation with the parties affected.

Thank you.

MR. KOWALSKI: Mr. Speaker, at least this member of the government side has reviewed the Bill and thinks it is a wise decision for the hon. member to withdraw this Bill to give more time and attention to it. I would sincerely hope that all members of the House would concur and the question would be asked shortly by the Speaker for unanimous consent to withdraw the Bill.

MR. SPEAKER: Is the Assembly ready for the question?

HON. MEMBERS: Question.

MR. SPEAKER: All those in favour of the motion by the hon. Member for Edmonton-Meadowlark for permission to withdraw Bill 213, please say aye.

HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no. Carried.

head: **Public Bills and Orders Other than**  
head: **Government Bills and Orders**  
head: **Third Reading**

### **Bill 204**

#### **Stray Animals Amendment Act, 1993**

MR. SPEAKER: The hon. Member for Olds-Didsbury.

MR. BRASSARD: Thank you, Mr. Speaker. Bill 204 is designed to bring the feral horses under the Stray Animals Act. It is going to enable protection to be extended to a very significant part of our heritage for the first time.

As mentioned before, feral horses are not native to our country, certainly not to this part of our country; that's for certain. Consequently, they do not fall under the Wildlife Act. As a matter of fact, they don't fall within the protection of any of our Acts right now, and they do need protection. They need protection for a variety of reasons: for disease control for starters, for overpopulation in given areas in the herds themselves, their impact on highways. Back in 1972, I believe, there was a roundup held specifically because the horses were impacting on the highways and were a danger not only to themselves but others.

Albertans need protection as well, Mr. Speaker. They need protection from the impact on sustainable natural resources to

make certain that there isn't undue impact on those resources, on the ecosystems that exist in the Eastern Slopes, from the abnormal impact on local farms of constituents in the immediate area of the Eastern Slopes. Of course, as mentioned, they need protection from a public safety standpoint.

This protection not only extends to the animals and Albertans, but it extends a level of control. There may be situations where the horses do have to be rounded up to maintain numbers in areas where warranted, to control the location that the horses are wandering in, to control the method of the reduction of those herds when roundup is required, and to control the retrieval of one's own animals. As we all know, if you've ridden in the mountains, quite often particularly one of your packhorses may escape overnight, and you have to go back and round them up.

This Bill contains also a very significant fine of up to \$5,000 for anyone who breaches it. So it brings a level of credibility to this whole issue that didn't exist before.

We look back, Mr. Speaker, on where these horses originated from. It's really difficult to determine whether or not they were as a result of the early settlers turning horses loose when they gave up their homestead, whether they came from logging operators who operated in the area and inadvertently lost some of their animals, from guides and outfitters whose animals escaped overnight or even during the day, or whether they just wandered off from local farms. It's really hard to tell because some of the horses in the Eastern Slopes are there for third and fourth generations. Obviously some escaped inadvertently, but some horses were turned out deliberately to obtain grazing during the summers.

Back in the 1950s this government attempted to get a handle on grazing leases in general and specifically being able to round up cattle and other animals operating in the Eastern Slopes. The Public Lands Act gave the government control of the horses and indeed gave ownership to the government, but it just didn't work. For one thing it was far too onerous. In 1976 the Stray Animals Act was put in place. That excluded the horses, for whatever reason I'm not sure, but they have remained outside of the control ever since, Mr. Speaker.

Today history is in the making. These issues have been outstanding literally for years, and it brings these issues under control. It's historical in another way, Mr. Speaker. In the past private members' Bills, and motions for that matter, have only been raised as a point of discussion. They were very seldom ever debated more than an hour and were never carried forward unless officially adopted by the government. For the first time ever the private members of this Assembly have been allowed to bring forward their Bills for debate in this Assembly and through debate to final conclusion within the Assembly. It's the first time that a private member's Bill has ever reached this level of debate. It's brought a new level of co-operation and collaboration into this Assembly which is extremely encouraging.

**2:50**

When the hon. Member for Sherwood Park participated in the debate, he supported the Bill even though he had a Bill of his own, Bill 234, that was on the Order Paper designed to accomplish the same thing, albeit under the Wildlife Act, but certainly he did express his concern over the issue. I sincerely thank him for his expression of concern and for bringing this matter forward. The Member for St. Albert mentioned in his debate that horses are a part of our heritage and impact on Albertans of all ages. I couldn't agree with him more. When the Member for Leduc spoke to this Bill, he called it both a timely Bill and essential to our way of life. He also praised the fact that it was simple. That was by design, Mr. Speaker. When the Member for Calgary-

Mountain View spoke, he identified the concerns that his constituents had raised with him over this specific issue. The Member for Rocky Mountain House also spoke regarding the native horses that are deliberately put out for pasture on a very regular basis and rounded up in the spring. He was concerned with their ability to continue to do so. The Minister of Environmental Protection spoke of the need for licensing and where and how it would apply and of his consultation with Indian bands, guides and outfitters, ranchers, and the SPCA. Indeed, this issue was fully debated on both sides of this Assembly. I sincerely thank all members of the Assembly for the level of participation in this debate.

I respectfully move third reading of Bill 204.

MR. SPEAKER: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Speaker. I'm indeed delighted to be able to participate in the debate on third reading of Bill 204, the Stray Animals Amendment Act, 1993. As the hon. Member for Olds-Didsbury has indicated, this is indeed an historic event. This is the first time that debate on a private member's Bill has occurred in this Assembly at the level of third reading. As the Member for Olds-Didsbury said, it is an important step forward. I think all members of the Assembly should be congratulated for the change to our Standing Orders to allow full and aggressive debate on all issues that come forward through private members' Bills rather than simply through government Bills. So I want to congratulate the Member for Olds-Didsbury for taking up the issue in the form of a Bill and certainly all members of the Assembly for, first of all, allowing the change to the Standing Orders to allow this to happen and, secondly, for giving endorsement of this Bill at second reading, participating in debate through Committee of the Whole, and now continuing debate at the third reading stage. So this is indeed an historic occasion. I'm delighted to be participating in it.

I want to mention to the hon. Member for Olds-Didsbury and to the Assembly that while I was not able to participate in the debate in Committee of the Whole, I am certainly again going to support Bill 204 as amended. I will perhaps though, Mr. Speaker, make some comments about some concerns about the amended Bill as it stands. One of the unfortunate things I think that's happened between second reading and through to Committee of the Whole is that while the Bill was originally intended, as the hon. Member for Olds-Didsbury indicated, to be very simple in its form without creating anything new in terms of bureaucracy, perhaps through the amendment stage that did not occur.

We see in the proposed section 8.1(1) that we now set up a very different kind of regime than we had originally anticipated as to how a minister would determine whether or not licences could be issued for the taking of feral horses off public lands. The hon. member made reference to the fact that he and I have been working very closely on this Bill: movements toward some improvements of the Bill, movements toward dealing with some issues that may not have been brought to each of our attention when the Bill originally came forward. As an example, Mr. Speaker, one of those issues was: how do we deal with wranglers or outfitters or guides and so on that may have had horses out on the range that they wanted to recover? Each of he and I put forward and discussed amongst ourselves proposed amendments to the Stray Animals Act, the amendments having been brought forward by the hon. member, but the amendments I had prepared for submission to the Assembly also dealt with that difficult issue of how we could allow owners of animals to come and get their horses without having to go through this whole licensing process.

Other than that, Mr. Speaker, the intent that I thought we would deal within the amendment would be to simply recognize that individuals could not come forward to the Minister of Environmental Protection or whichever minister was designated and simply say, "I want to go and remove some feral horses out of the Sundre area," or out of the northern part of the province, in whatever green area they were in, in the green zones. There would be some check and balance that would be put into place that would allow the minister to say, "Under certain conditions we will allow the horses to be taken off the range." What I had intended to propose was that we simply look at the herd as we do many other wildlife species, and that is that the decision about whether or not horses could be removed from the range would be simply based on whether or not the population exceeds the carrying capacity for that particular range or whether there would be some kind of negative impact either to other domestic livestock, natural habitat, or other wildlife on the range. That was really the intent of what we should have focused on in the amendment so that we did not, I think, in my opinion, complicate the issue of when and how feral horses could be removed from the range through the licensing process.

In the amendments as put forward by the hon. member, the factors that are listed in the proposed section 8.1(1) of the Stray Animals Act I think tend to complicate how the minister is going to make an assessment as to whether or not horses come off that range. I think also what it does, unfortunately, is it opens the door for lobby groups to put pressure on the government to remove feral horses not because there's an excess of the animals on the range but because, for example, as it's stated in here – if it's to protect or conserve reforestation efforts, then the horses can come off the range. I have a great fear, Mr. Speaker, that in the wording of 8.1(1) as it stands, a lobby group or a particular industry or a particular company could come to the minister and say: "A particular herd of feral horses is disrupting our reforestation plans. Get them out of there. Wipe them out. Round them up. Remove them from the range." That causes me great concern, because I don't think that was really the idea that we had in mind when it was our intention to bring feral horses under a legislative regime, as the hon. Member for Olds-Didsbury rightly put, that have been far too long outside of the legislative or regulatory process and really must be brought into it so that they can be protected. I think what we've done to some extent in the amendment as it's been presented is we've protected industry and we've protected ranchers a lot more than we've protected feral horses, and I'm saddened by that because I do believe that does change to some extent the intent of the Bill.

3:00

I just made quick reference to it, but I also just wanted to quickly point out the proposed subsection (7), and that was with respect to an individual who would not be subjected to this Act if it were his horse on the range. I know that we had some difficulty in discussing that, Mr. Speaker, as to how one determines who an owner of a horse is because in many cases those horses that are out on the range are not branded even if it's a guide's horse or a trapper's horse or an outfitter's horse. I know it's water under the bridge, but I do just want to make the comment for the record. I thought perhaps what we should have done is been consistent with the wording of the Stray Animals Act as it is now and refer to those individuals as owners "or the last person in possession of the livestock," because that terminology is defined in the Act and would have given greater certainty to the Act as to who those particular individuals are.

If an inspector – and again we have to recognize that an inspector is a designated individual under the Act as it stands – were to have been satisfied that a particular individual was, on his inquiry, an owner or last person in possession of the livestock, then that individual would not have required a licence. Again, Mr. Speaker, my concern with subsection (7) as it stands right now is that it will be I think perhaps a bit more difficult for an inspector in the field to deal with that issue, and I'm not sure again whether or not there's as good certainty in that provision as could have been if we had remained consistent with the wording that's in the Act.

Mr. Speaker, those were all the comments I wanted to make. I do want to assure again the Member for Olds-Didsbury and certainly all members of the Assembly that I will wholeheartedly support the Bill. I did just want to make the comments about some concerns and reservations that I had, and I thank you very much.

MR. SPEAKER: The hon. Member for Calgary-Currie.

MRS. BURGNER: Thank you, Mr. Speaker. I, too, choose to rise today and speak on this memorable occasion. I suppose one of the significant reasons for taking the time to speak to this Bill as it passes is the fact that many of us ran as MLAs to represent the constituencies and show that meaningful change can occur in government. This issue particularly has bonded together those members from urban ridings as well as those members from rural ridings, because certainly the horse and the image of horses in our province brings a lot of emotion and deep feelings about this country that we live in and the history that we share. So I find it significant and important that of all the issues that we would take forward as a first step in this new form of legislation is a particular one that reflects such images and such history.

I think it's interesting that the Member for Sherwood Park has raised some of the technicalities and concerns about implementing legislation not just from a partisan perspective but from the fact that in order for us to make effective laws in this province, a number of situations and historical concerns must be addressed. I suppose it's in that spirit that I take his comments quite seriously, because we will require a lot of support from the public in order to implement this. Many of us were struck by the vicious and horrible videos that we saw regarding the particular horse that was made public through the media that perhaps galvanized a little more than had been done in the past some of the tragedy that is befalling our wildlife and in particular our horses.

I think in pointing out some of the technicalities, we are actually bringing into focus for Albertans some of the implications of what it means to bring forward legislation. We don't often know when a law is passed how the technicalities, the regulations, the implementation will affect the individual consumer or members of our constituency or in fact the general public. That's an important aspect of bringing forward laws, and it gives us an opportunity just to reflect a little bit on that, that every piece of legislation that is passed is going to cost a great deal of money. It's going to require revisiting some of our legislation in an important way. People have to become aware. We have to advocate on behalf of the Legislative Assembly these particular Bills and motions that are successful. I think it's also interesting, because of the collaboration on this from both sides of the House, that we also have an opportunity to share with Albertans just the difficulty, not of reaching consensus but of the technicalities and implementation as we deal with regulations.

Finally, Mr. Speaker, I am somewhat humbled, but I will say that the hon. Member for Olds-Didsbury, who has brought this

forward, has a great deal of integrity. I think the support of this House in coming forward together on this issue is a measure of that integrity. So in calling the question, I would like to reflect on his support and hard work in this Assembly.

MR. SPEAKER: Is the Assembly ready for the question?

HON. MEMBERS: Question.

MR. SPEAKER: All those in favour of third reading of Bill 204, Stray Animals Amendment Act, 1993, as proposed by the hon. Member for Olds-Didsbury, please say aye.

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Those opposed, please say no. Call in the members.

[Several members rose calling for a division. The division bell was rung at 3:06 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Abdurahman	Fritz	Nicol
Ady	Gordon	Oberg
Amery	Haley	Percy
Beniuk	Hanson	Pham
Bracko	Havelock	Renner
Brassard	Herard	Sapers
Bruseker	Hewes	Sekulic
Burgener	Hlady	Severtson
Calahasen	Jacques	Soetaert
Cardinal	Kirkland	Sohal
Carlson	Laing	Stelmach
Collingwood	Langevin	Tannas
Coutts	Leibovici	Taylor, L.
Day	Lund	Taylor, N.
Decore	Magnus	Thurber
Dickson	Mar	Trynchy
Dinning	Massey	Van Binsbergen
Doerksen	McClellan	Yankowsky
Dunford	McFarland	Zariwny
Forsyth	Mitchell	Zwozdesky
Friedel		

Against the motion:

Clegg Hierath

Totals: For – 61 Against – 2

[Motion carried; Bill 204 read a third time]

head: **Public Bills and Orders Other than**  
 head: **Government Bills and Orders**  
 head: **Second Reading**  
 (continued)

3:20

### **Bill 210 Individual Property Rights Protection Act**

[Debate adjourned November 2: Mr. Stelmach speaking]

MR. SPEAKER: The hon. Member for Vegreville-Viking.

MR. STELMACH: Thank you, Mr. Speaker. I wish to continue debate on Bill 210, Individual Property Rights Protection Act. I had just begun the speech, and I'd like to continue. I began speaking about the settlers of this fine province, when they came to Alberta at the turn of the century. I would like to say that like any other democratic society this province was built on the principle that you work hard to make a life for yourself with the knowledge that what you earn is yours to keep. That is the attraction that drew the pioneers to the province, and that is the incentive that made them work as hard as they did to settle the west and make a life for themselves here.

The right to own and enjoy private property is an essential part of the history of our province but also an essential part of its future. By protecting individual property rights, we are protecting our future. According to the legislation we have today, governments of all levels have the power to expropriate private property without property owners being able to mount very effective challenges to prevent this. Of course, it is essential for governments to have the power to act in the public interest, but to be able to still consider ourselves a democratic society, these takeovers must be carried out fairly, with proper regard for the property rights of individuals.

Let me make it clear, Mr. Speaker, that this government has concerns for the public good. We are committed to preserving our environment, to maintaining law and order in our society, and we recognize that at times this comes at the expense of individual property rights. What we hope to achieve with Bill 210 is greater protection for private property rights in those cases in which individuals are treated unfairly.

My colleagues have presented numerous examples of the property rights of individuals being ignored in this country and this province. They have made it clear that currently the public good receives more protection than the private interest. There doesn't always have to be a conflict between these two interests, and we would all be better off in this province if we had more of a balance between public and private interests. It is because of this that Bill 210 is necessary. We must show our commitment to the basic and fundamental principles of protecting individual property rights. We must assure Albertans that just like our parents and grandparents who settled this fine province, we too can work hard to fulfill our dreams with the knowledge that what we can achieve will be ours to enjoy.

Some people have concerns about this Bill because they are not clear about what it would do. They think that if Bill 210 were to become law, it would give rights to property and not to individuals. I can see where people believing this would have difficulty accepting the principle of this Bill. Maybe we should discuss this more to clear up any misconceived notions people have about property and individual property rights.

One of the reasons that we see individual property rights being undermined in our society today is that there are people who believe that property rights are an attribute of the property itself rather than of the people who own the property, but as you know, this is totally false. The right to not be trespassed upon doesn't belong to the building. It belongs to the owner of the building. In reference to comments made by the Member for Edmonton-Glenora earlier in this debate, the right to own and enjoy a car, to not have that car stolen or vandalized, belongs to the person who owns the car and not the car. Property rights belong to people, not to things. Bill 210 will protect the rights of people, not things. Mr. Speaker, property rights are human rights. We must realize this and give property rights the same respect and recognition we give to other human rights, like the rights to life and liberty.

We have heard many views on the subject of property rights today. The pros and cons of this Bill have been outlined well, but

I think through everything it is clear that the protection of individual property rights is something that is important, even essential to our society. It is also clear that the right to own and enjoy property is not always given the recognition that it requires. For these reasons I encourage all members to support Bill 210. Let's keep the pioneer spirit and determination of this province alive by guaranteeing the same rights today that Albertans enjoyed years ago. We must ensure that people can enjoy what they worked so hard to achieve.

Thank you, Mr. Speaker.

MR. N. TAYLOR: On a point of order, Mr. Speaker, whenever we can. It's on yesterday's business.

MR. SPEAKER: Okay.

The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Speaker. As we continue with the historic debates of private members' Bills in this Assembly, I'm very pleased to be able to participate in the debate on Bill 210.

Mr. Speaker, I was not privy in the Assembly to the remarks made by the sponsor of this Bill. So while some discussion and debate has occurred in the last couple of days about what we think the Bill is intended to do, when one simply looks at the Bill without having had the benefit of those discussions, the difficulty I have is that it is very uncertain as to what it is the Bill is attempting to cure in terms of a mischief, and I'm speaking here specifically. It's because of that particular reason that I am rising this afternoon to speak against Bill 210.

There's been some very interesting debate about property rights for individuals, our rights as individuals to have our property protected, to allow us to enjoy the property that we own. I'd submit, Mr. Speaker, that we as Albertans, as all Canadians, have for the most part the benefit of very good property rights entrenched in our legislation and certainly entrenched in our common law over several hundred years of history. We're not starting at point one on this issue. We've come a long way in providing to Albertans very good property rights. The difficulty I have is that as an Assembly, as legislators, as lawmakers of this province, if we are not focused on a particular problem or concern or issue or mischief that we are attempting to cure, we run into very dangerous ground in attempting to impose laws upon the citizens of this province that leave us uncertain as to what the intent of the legislation is.

As an example, the Bill that we just dealt with in third reading dealt with a specific issue that we as legislators, as those representing the citizens of this province had an ability and an opportunity to debate, to debate the pros and the cons and the merits of the way we wanted to proceed in how we dealt with that specific problem that was perceived by us and by those that we represent. In contrast, Mr. Speaker, this Bill unfortunately does not provide that. We have to recognize that in speaking against the Bill, we do not speak against individual property rights, because certainly we do not. I hope I can speak on behalf of all members that we all cherish those individual property rights that we have whether that is by way of legislation as it stands now, by way of common law, as I said previously, or by way of our Bill of Rights or our Charter of Rights. We consider those individual rights to be extremely important.

3:30

While I have heard in the debate, Mr. Speaker, some discussion about what we think the Bill is intending to do, my preference would be to deal with a Bill that addresses a specific issue, to deal

with a Bill that recognizes where a particular problem is. I understand there was some discussion previously in debate about difficulties with expropriation laws, difficulties with, for example, trespass laws. If that's where the concern is, my fear is that we go too far as legislators. We trample on sacred ground when we go too far and try to impose upon citizens a Bill that leaves not only individuals but other entities within our jurisdiction having uncertainty about what it is the Bill is intended to do.

On many occasions in practice as a barrister and solicitor I have seen judges and courts scratch their heads and ask themselves: what was the intent of the Legislature in drafting and creating this particular Act? I think, Mr. Speaker, you'll agree that sometimes judges and academics in the legal area become contortionists when they try to understand what it was that a particular piece of legislation was trying to do and specifically was trying to cure. I don't want to perpetuate that. I want to move us in the direction where we deal with specific issues through legislation and we solve those problems collectively – again, if I can, I'll refer back to the previous Bill that we just dealt with, Bill 204 – where we can come together and collectively debate those specific issues and find solutions for those specific issues.

Mr. Speaker, I know that the hon. Member for Calgary-Buffalo did make some comments about the specific wording, and I want to just make reference as well to some of the things that concern me to again highlight the uncertainty with the Bill in how citizens and residents of this province would deal with the Bill if this were a law that they had to comply with and understand and deal with in their daily lives. The previous speaker did make some reference to our personal property and how we should be entitled to enjoy that property and so on, but I think what that does is take too narrow a view. We have in this province, Mr. Speaker, legislation that recognizes that a corporation, for example, is a person. So a corporation has all of the rights and privileges of an individual. If I or if any other member has a vehicle registered in the name of the corporation, who has the property right? Not me as the individual driving the car but the corporation. So when we refer to "person" in this Act, do we then consider that it is not just individuals, adults or children, who have those rights, or do we, then, embrace all of the definitions of what constitutes "person" under other legislation that we have?

There was concern expressed about the use of the term "enjoyment." In the provision of this Bill there is reference to the fact that "every person has the right not to be deprived of the enjoyment of property." Well, again, enjoyment is a very difficult concept to identify in terms of legislation as to whether or not we understand what "enjoyment" means. Individuals who rent property, whether that's real property or personal property, by way of rental agreements or lease agreements are entitled to a quiet possession. Do we mean quiet possession and all of the bundle of rights that a quiet possession entails, or do we mean something more than that? Again, Mr. Speaker, I only raise these issues to illustrate some difficulties with uncertainty as to how people would deal with what rights they have and how those rights can be possibly infringed on.

Reference was made previously to the difficulty with property. Again, if we can as an Assembly deal with a specific issue about what we mean by "property." Do we mean real property? Do we mean personal property? Do we mean choses in action? What exactly do we mean by property, Mr. Speaker? I think we need to take some time to understand what mischief it is we want to cure, what property we want to deal with, and how we can deal with that.

Again, the exception to the rule of enjoyment of property is: except by due process of law. I think that many Albertans will

agree and certainly I expect that most creditors and bankers will agree that we have more due process than we need. Many people have suggested to me that Alberta is a debtor's haven, and the machinations that creditors have to go through to take that personal property away, to take that real property away – whether it's by foreclosure, whether it's by seizure, whether or not you rely on the seize and sue provision or whether or not you rely on the various other provisions of legislation in this province, there are certainly many, many, many protections that are built into our rights to enjoy the personal property and real property that we own. So I think, again, Mr. Speaker, that there is a great deal of uncertainty in section 1.

Certainly in section 2 we can't deprive somebody of their property unless there's a legislative right to do that or unless there's a contractual right to do that. If they choose, parties may enter into agreements that say that if I give you this or we enter into a certain arrangement, I expose some of my personal property to the jeopardy of no longer being able to enjoy that property. Without the legislative enactment and without a contractual arrangement between those two parties, nobody does have the right to take away my property.

I think that the exception that the member sponsoring the Bill was referring to is issues like municipalities, issues like governmental bodies, issues like governmental agencies having the power and the ability to interfere with enjoyment of property and being able to expropriate or remove or take away some of those rights that a person enjoys. But if that is the issue, let's hit it up front. Let's not try and do it on this broadbrush basis. Let's get down to dealing with the issue that we really do want to deal with.

To quickly make reference to the proposed section 4, Mr. Speaker, we say in that provision, "Nothing in this Act shall be construed to abrogate or abridge any right or fundamental freedom not enumerated herein." I'd submit that that statement doesn't necessarily reflect the rights of the person under this Act, because we've just said here that it excludes this Act. So if I as a creditor have certain rights, after this becomes law I'll continue as a creditor exactly the same way as I did before in going and getting your property if I have a legal and legislative right to do so, because section 4 says that nothing takes away my rights. So what have we gained? With the saving provision in section 4 I think it could be argued by anybody who wants to challenge this Act that it changes nothing.

So I think, Mr. Speaker, what we should do is, again, agree that we should collectively as an Assembly go back and look at what it is specifically we want to get at. Let's roll up the sleeves, and let's get at it. Let's come back and continue with a full and frank debate on the issue, bring forward the pros and cons from both sides. Let's deal with it in that form. I'm concerned, if we go forward with the Bill at this point, that it is far too broad. It is a dangerous step for us to take. We don't know what mischief we are intending to cure, and I think it behooves us to step back, rethink the issue, and perhaps try again.

Those are my comments. Thank you, Mr. Speaker.

MR. SPEAKER: The hon. Member for Olds-Didsbury.

MR. BRASSARD: Thank you, Mr. Speaker. I'm pleased today to speak to Bill 210. I'd like to commend the Member for Calgary-Montrose for bringing this sensitive but important issue forward for debate.

I agree that private property rights should be protected. I also agree that these rights must be stated strongly in legislation and adhered to. Ownership of property is the lifeline to the operation of a free and democratic society. The Member for Calgary-

McCall pointed out the experience of communist countries that are without the fundamental rights of life, liberty, security of person, and the enjoyment of property. We have all witnessed the hardships they've gone through: the devastation of war, the loss of friends and loved ones, the hunger, and the destruction of their country. All of this is a huge price to pay in search of rights and freedoms that we enjoy and take for granted too often but that are absolutely essential to a free and prosperous society. That is why, Mr. Speaker, we must ensure that private property rights are valued and protected in this province.

3:40

There's a concern, a very valid concern that strengthening individual property rights will dilute the interests of the public for the betterment of our society. I, too, believe that the public interests need to be protected from unreasonable private property owners. There must be a delicate balance to ensure that your enjoyment of property does not infringe on your neighbours' rights to enjoy their property. The thing that brings this issue forward is that we have more and more legislated protections for the public interest. There is a fear that this could become a cancer eating away at our cherished property rights. Conservation authorities can monitor what is constructed on private property. Zoning laws determine what certain lands can be used for. Public officials such as police officers or bylaw-enforcement officers have access to private property when they need it. All levels of government have the right to expropriate private property when it is required to benefit society as a whole. It is necessary for government to have this power to promote the public good over the private interest.

It must be understood that as great as it is in principle, the enjoyment of property cannot be absolute. It is accepted that the right to enjoy property should not infringe on others' rights guaranteed in society. With the advantages of owning private property come some responsibilities to society, and in most cases expropriations and reinforcements of bylaws are carried out for the betterment of society. Individuals must recognize this, and governments must ensure that these things are done fairly and with respect for people's rights to enjoy their property.

The legislation must encourage a balance between the public good and the rights of the individual. I appreciate that this is what Bill 210 aims to do. However, I would suggest that there may be other ways to achieve this same goal. Bill 210 states that the right to enjoyment of property by the people of Alberta is a right that should be recognized and affirmed in addition to those rights and fundamental freedoms guaranteed by the [Alberta] Bill of Rights.

In section 1(a) of the Alberta Bill of Rights, Albertans are guaranteed "without discrimination"

the right of the individual to liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law.

There's a concern that by restating what is already contained in the Alberta Bill of Rights, Bill 210 could result in property rights being interpreted by the courts in a different way than they are now. The Member for Pincher Creek-Macleod mentioned in his comments how the U.S. has interpreted the term "property," and certainly I am concerned over that term. It seems that because Bill 210 may be seen as duplicating the right to the enjoyment of property already contained in the Alberta Bill of Rights, it may be interpreted that the purpose of this new legislation is to provide a different protection for property rights. The result of this may be that the courts interpret this legislation in a different way than it was intended and place additional limits on government action.

I suggest that we could meet the goals of Bill 210 by amending the Alberta Bill of Rights to re-emphasize the importance of the enjoyment of property and the protection of individual property

rights. In this way we would avoid any misinterpretation of a new Bill.

Property rights become a greater issue when people feel that governments are becoming too intrusive and unnecessarily infringing on their rights. Provinces also feel sometimes that the federal government is infringing too much on our jurisdiction. Property rights are a matter of provincial jurisdiction. Federally, property rights are protected in the Canadian Bill of Rights but not in the Constitution. The proposal to entrench property rights in the Constitution has been around since 1968 and brought forward several times since. In fact, it was Pierre Trudeau who first proposed that the enjoyment of property be included in a passage that would give constitutional protection to certain rights. I remember so well, it was around 1981, Mr. Speaker, that the NEP, the national energy program, was brought in under that same philosophy.

Mr. Speaker, Alberta was absolute in opposing the protection of property rights being entrenched in the Constitution. The Constitution Act outlines that property and civil rights in the province are areas of exclusive provincial jurisdiction. Alberta was not about to change that, and it is the responsibility of the provinces to legislate any response to the needs and concerns of provincial residents in relation to property. Each province has different needs in this area, and because of this the provinces are in the best position to respond to issues relating to property. Entrenching property rights in the Constitution would definitely infringe on provincial jurisdiction and would inhibit provincial governing in these matters.

Mr. Speaker, the issue of protecting individual rights and a right to enjoy property is one of common sense. In a democratic and productive society people must be guaranteed that their hard-earned property will be theirs and not taken away by any government. We must also show Albertans that we can effectively protect individual property rights in this province on our own. I can see that the goal of Bill 210 is to show our commitment to that.

I believe the individual property rights should be strengthened. I believe this can be realized by amending the Alberta Bill of Rights and not by creating an entirely new Act. Costly duplication and risking that the courts may redefine property are not necessary.

I look forward with interest to further debate, but I cannot support this Bill.

MR. SPEAKER: The hon. Member for Redwater.

MR. N. TAYLOR: Thank you, Mr. Speaker. I wanted to take a moment or two. I tussled for a long time, I guess, mentally about supporting it or not supporting it. I would say the vast majority of my caucus is not for supporting it, but I'm inclined to support it.

I think the hon. Member for Calgary-Montrose has touched on something that bothers anybody that owns property in this province. From time to time, particularly if you are a rural person, you have found that the government has showed up, taken off so many feet of your land maybe for a road without asking you. Maybe that's all right.

On the other hand, maybe they've decided to put in a power line. The first thing you see is the power company coming up, cutting down your trees, including that Colorado blue spruce that you spent 20 years on, because they want to put a power line across the area. When you tell them that you don't like it, they say: "Well, we can go to arbitration, but you know you're going to lose anyhow. We might as well go ahead and build it now. Because there's a hockey game tomorrow night, and we didn't

want to fool around at all, we thought we'd go across now, and then you can come back a little later. We know we're going to get the right to do it anyhow, so we're going across the property."

Worse still, Mr. Speaker – and I've had this happen, because I'm both an oilman and I'm also a landowner, a farmer northeast of town, unfortunately too close to oil country – all of a sudden you see a seismic crew or a drilling rig, or the guy comes in, one of these dapper souls from Calgary, usually a landman, with his hat on backwards, whistles in and sticks something under your nose and asks you to sign it. Well, if you tell him where he can stick the contract, he tells you, "Well, there's no use fighting it because in the next few months or so we're going to be able to move the rig in whether you like it or not, even if it does keep your wife awake all night or it keeps you awake all night." There's a fight on about it. So there are all kinds of areas.

### 3:50

If that doesn't happen to you, maybe you're sitting out in the country and all of a sudden the councillors that you voted in, thinking they were very reasonable souls, or the MD council decide that because Norcen or Esso has offered them a lot of money in taxes, they can build a gas plant next door to you. They've suddenly zoned it industrial. So the right of enjoyment of your property goes out the window, because you're looking at a 40-foot flare plus a smell like a beer hall at 1 o'clock in the morning coming through the window, all with the idea that it's supposed to help society. So I think there's a great deal of people out there that feel that the large corporations and the municipal governments aided and abetted by the legal eagles can practically do anything they want, and really the right to property isn't of much use.

But then I countered that. I tossed and turned and realized, without trying to sound too religious, that we're all here on Earth only a short space of time and we're all trustees, even for education. We're trustees, and we should pass on Mother Earth in as good a condition as we did in the past, and the idea that you own everything, that you can go out there and ball the whole area because you own it and sell it to Al-Pac because you need the money to buy a few quick beer on Saturday night, and to hell with the erosion and the way it looks – you can see why society could be bothered.

AN HON. MEMBER: Order. Is there no limit to this?

MR. N. TAYLOR: I'm sorry. To heck with it; I'm sorry. Or to heaven with it, if that'll make her feel better. To heaven with it if it goes or disappears. And heavens to Betsy, Mr. Speaker, there are all kinds of things that they can come up with. I think we probably have our right. The idea that you should be untrammelled king of all you survey and be able to do what you want is repugnant too.

I do think that the Hon. Pierre Elliott Trudeau, as much as PET is a four-letter word to many people over there, did have it when he said there could be entrenched property rights in the Constitution. It's a little surprising – and I really want to congratulate the Member for Calgary-Montrose for bringing it up, because it has been the traditional spoke of his party for four generations that property rights not be in the Constitution, not be recognized because it interfered with the province's right to make laws as to property. I think the very fact that the provinces didn't want it in and the Tory Premiers didn't want it in is all the more reason to make me think that maybe it should be in. In the absence of a good solid legal argument, you fall back on the philosophy and fall back on other things, and when you realize that all the other

Tory Premiers didn't want it in there, you kind of think that maybe it should be in there. So, anyhow, that's one of the other arguments for it.

I know I'm dancing around, but still I think he has touched on the nub of something. Property owners or people that live on property, whether they are in their apartment or in their condo or whether they're on a farm or whether they're in their trailer by the lake, feel quite helpless quite often in the face of different boards and local governments' rights to proceed. I think that all the hon. Member from Calgary-Montrose is trying to do is throw out a bit of an anchor to try to balance the books back.

I know I've heard members in my own party, members of the legal profession particularly, point out how complicated and how bad it is and how difficult it is to arrive at a conclusion. Well, anybody who's been in business for years knows that that's the standard argument of any lawyer when they can't think of anything else: "It's too difficult to go ahead, and we're going to take time. We've got to look through this whole process, you know, the whole area." It's just a normal stalling tactic.

I haven't really heard anything in the debate to make Calgary-Montrose's Bill seem that bad. So when it comes up, at the chance that I'll get thrown out of caucus or, at least, Mr. Speaker, I won't be put on duty in the afternoons anymore, I think I will probably be supporting this Bill.

MR. SPEAKER: The hon. Member for Medicine Hat.

MR. RENNER: Thank you, Mr. Speaker. I rise with pleasure to speak to this Bill this afternoon. I think that the Member for Calgary-Montrose is to be congratulated for bringing forward a Bill such as this. I think he had very good intentions in this Bill. On the surface, when I read this Bill, I had to agree that he had some valid points here, that we should be protecting our rights to enjoy our property. I've been listening to the different arguments in this debate and giving some consideration to this Bill, just as the Member for Redwater has been giving it some consideration, and I have to agree that the arguments in the negative seem to be having a little bit more force on this particular Bill.

While certainly we all have every right to enjoy our property, I don't think we have the right to enjoy our property to the detriment of our neighbours. I think really that's what this Bill does. It doesn't define well enough what "rights" are. If I owned land in a forested area and I wanted to chop down all the trees because I wanted to enjoy the property, I have to realize that although I am the owner of this land, and I may have been the owner of the land for 10 or 15 or 20 or even 100 years, the land was there a long time before I gained ownership of it and will still be there for many years after I have ownership of it. I think it's very important that we all realize that ownership of land isn't in itself a one-shot affair. Even though we have ownership and we have title to the land, in effect in the big picture we're really only renters. Somewhere along the line someone else is going to have that land, and he should be entitled to enjoy that land just as I enjoy that land. I shouldn't be able to ruin the enjoyment of his rights to that land after I move on for whatever reason.

I also think that it's very important that we have an opportunity for legislators at all different levels, be it provincial or municipal, to set standards for zoning. Oftentimes, Mr. Speaker, I have traveled in other areas and noticed particularly areas in the United States where their zoning regulations don't appear to be as good as ours, and from the point of view of the general perspective, I find it very unenjoyable to go through an area where they've got agriculture then residential then industrial all lumped together, and nobody has an opportunity to enjoy their property. So I think that



there has to be someone available to look at the big picture and decide that, yes, while you have every right to enjoy the property rights of your land, just as we have individual rights, our individual rights don't go beyond the point where we are infringing upon someone else's individual rights. I think the same thing applies to property. I think that we have to have a way that we can have zoning regulations and we can have a number of these other things that have been brought up in the discussion.

I think we have to as legislators be diligent that we don't get carried away and put so many restrictions on someone's property that he can't enjoy the land. If we put an Act such as this in, we are in fact abrogating our responsibility to make fair and proper laws. I think we have to at all times, when we're talking about any kind of laws that affect someone's right to enjoy their property, keep in mind the intent of this Bill. On the other hand, if we pass this Bill, we will remove ourselves from any possibility of ensuring that individual rights and property rights do not overlap.

With that, Mr. Speaker, I thank you.

MR. SPEAKER: The hon. Member for Lethbridge-East.

DR. NICOL: Thank you, Mr. Speaker. I rise to speak to Bill 210 as well. I'd like to take a little bit of a different focus than what I've heard in some of the discussion. I'd like to deal with it from the idea of some of the property that has been created through legislation, specifically as it relates to agriculture. This raises some big issues in terms of the management of the sector. We see in agriculture now where some of the legislated properties such as grazing leases, such as quotas that are there for our supply managed industries have in essence taken on the whole aspect of property in themselves in the sense that they serve as collateral on loans, they serve as negotiable possessions. What I see here now is that if the definition of "property" were more clearly brought out so we could see whether or not we're talking about these kinds of properties or possessions included in the Bill, it would make it a little clearer.

4:00

When we started dealing with quota – let's take the milk industry as an example. Originally these quotas all belonged to the government. They were allocated to the producers as a right to ship milk. We eventually saw that these began to take on tradable rights so you could transfer them from one person to the other, rather than under the supervision or control of the government. All of a sudden they began to take on a concept of wealth; they became valuable. What happened then was that we moved to the next stage, where suddenly when a dairy farmer went to a financial institution and wanted to borrow money to buy a dairy farm – the government originally said that quota was nonmortgageable – all of a sudden it became a very powerful wealth-holding asset and the banks demanded it as collateral on loans for dairy farm purchases. The government, through the dairy management systems, agreed finally to allow this to become a collateral aspect.

What we ended up with is that now we have created a new piece of property which gradually has increased to the point where it's becoming a possession that is marketable, that has a wealth characteristic, that has all the aspects of land, buildings, cars. It is becoming a total possession of the people who hold it, yet under our law under the Dairy Control Board, this still is at the discretion of the government. So what we end up seeing is if the producers start to overproduce, the government is faced with the mandate in the law, quote, to reduce quota available to all

producers on a proportionate basis. Well, because especially the fluid quotas have taken on such an aspect of a possession, the dairy marketing boards of the Dairy Control Board have instigated a new process that has violated the idea of the quota matching the disappearance under the market, where they now have a payoff percentage which effectively says that instead of reducing your wealth every time the demand for milk goes down, what we'll do is only pay you on a certain percentage of your quota instead of the full quota you held, instead of taking it away so that you have a matching quota level with the disappearance.

I have a lot of problems here in terms of the agriculture sector. When we see farmers now, if they were out there with absolute power to control access to their land – we've had reference before to the oil lease. What happens to the rights of the people who own subsurface access? We have a conflict. We have to be able to differentiate between how we deal with surface rights to enjoyment and subsurface rights to enjoyment. In Canada we have a set of land property ownership rules different than what they have in a lot of other countries of the world. We don't sell above-the-ground and below-the-ground rights together; we sell them separately. So we have to respect the rights of the people who have access to the underground use of property as well as the people who have the rights to surface use.

In our grazing leases, what do we do with the people who want to use public land? Our grazing leases have become property. They are tradable in the marketplace. They have significant value in many cases.

MR. SPEAKER: I regret to interrupt the hon. Member for Lethbridge-East, but the time allotted for consideration of this Bill has expired. The Chair is required to put the question.

[Motion lost]

#### Point of Order Debate on Committee Reports

MR. SPEAKER: Before calling the next item of business, the Chair has received an indication from the hon. Member for Redwater that he wishes to say something with regard to the matter that arose yesterday with regard to the procedure for dealing with private Bills.

MR. N. TAYLOR: Thank you, Mr. Speaker. I'm going to put on my lawyer's hat. I hope I don't get fined for practising without a licence or, worse still, practising with licence.

Mr. Speaker, yesterday in *Hansard*, number 56, you did say on page 1197 that "if there was . . . much unhappiness with the report of the chairman of the Private Bills Committee" – referring back, that is – "then there should have been some debate on that during the report stage when the motion was made." Now, it goes back. Let's follow the track of what the hon. chairman for Private Bills said yesterday. First of all, in the normal agenda you have here on the Order Paper of the day – Introduction of Visitors, Presenting Petitions, Reading and Receiving Petitions, Presenting Reports by Standing and Special Committees – indeed the member got up and presented a report. I'll admit that at the end of the report he said, "Mr. Speaker, I request the concurrence of the Assembly in these recommendations." Well, when you're filing a report before question period when everything's moving along, I question whether you can have a debate at that time or whether you can even request concurrence. [interjections]

AN HON. MEMBER: You weren't here.

MR. N. TAYLOR: Wait a minute now. Just keep your trousers on. Keep your shorts tight. I was here. Then you moved on, and it says . . . [interjections]

MR. SPEAKER: Order.

The hon. Member for Redwater.

MR. N. TAYLOR: The point I'm trying to make, Mr. Speaker, is that it doesn't matter if I was here or I was in Timbuktu.

AN HON. MEMBER: Yes, it does.

MR. N. TAYLOR: That's not the argument. All right; let's say I wasn't here. I was way up there fluttering in the stars.

But it is Presenting Reports by Standing and Special Committees. Then we go on to Notices of Motion as the next thing. Now, that truly, Mr. Speaker, is when we go ahead.

AN HON. MEMBER: Point of order.

MR. SPEAKER: Order please. You can't have a point of order on a point of order.

The hon. Member for Redwater will perhaps complete his remarks as quickly as possible.

MR. N. TAYLOR: Thank you. Now, I appreciate you have a little time, because it gives them time to put forward a reasoned argument rather than the usual knee-jerk.

Then it goes on: Notices of Motions on page 1187. Quite properly, the chairman noted:

I wish to give notice that immediately upon calling Orders of the Day

I would like to seek unanimous consent of the Assembly for the following motion.

Then he mentioned the motion, the Bills we would approve, not the ones he would disapprove of or the ones he wants to amend, which is quite correct, Mr. Speaker. Just follow along with me. He made that motion, but even at that time I couldn't debate Bill Pr. 15 because it says: a notice of motion after Orders of the Day.

So we roll on. Orders of the Day comes up later on. You will find it on page 1196. Quite properly again, the chairman did exactly what he was supposed to do. He said: "Thank you, Mr. Speaker. I seek unanimous consent of the Assembly for the following motion." But he only put up one-third of the report. The report had three parts to it: one we proceed, one we amend, and one we not proceed. Okay; we did that.

Now, all I'm arguing, Mr. Speaker, is that I feel like an ant going around an airtight house. How I am ever going to get in to debate the issue? I mean, when he files a report, you're supposed to do it before question period. When he gives notice of a motion, I'm not supposed to say anything. Then when the motion finally proceeds, only one-third of the report is covered. So I or anybody else – this could apply to anyone here – get up and say: "Well, what about the other part of the report? We want to proceed with it." Rules or not, tradition says you can't. Well, where could I possibly debate? If this is correct – and you must remember, Mr. Speaker, that on that day you said he did say it in a motion. He did not say it in a motion; he said it in the report. I was quite correct on that, and I challenge you to read the Blues. It was said in the report but not in a motion. So where would anybody in this Legislature be able to get into this airtight tin can when the committee report is filed if you can't debate it on a motion to file? [interjections]

4:10

MR. SPEAKER: Order please.

AN HON. MEMBER: On a point of order, Mr. Speaker.

MR. SPEAKER: The difficulty here is that points of order are supposed to be dealt with under points of order time, but in deference to the hon. Member for Redwater, the Chair wanted to deal with this thing and finally have it concluded. What the Chair proposes to say does not really require the intervention of anybody else.

The Chair just wants to reiterate to the hon. Member for Redwater that when he asked when debate should occur on whether a private Bill proceeds or not, the answer to that question is: when the report is made by the chairman of the Private Bills Committee. Because the Chair knows the language may not be as clear as it might be, the last sentence of that report was, "Mr. Speaker, I request the concurrence of the Assembly in these recommendations." The Assembly was asked: does the Assembly agree? Many members of the Assembly said "Agreed." The Speaker said "Opposed?"

AN HON. MEMBER: Nick was away.

MR. SPEAKER: Order.

There was silence. Therefore, the Chair said "Carried." As soon as the Chair said "Carried," those recommendations proposed by the hon. Member for Medicine Hat as chairman of the Private Bills Committee became an order of the House.

This matter did arise back in 1990 when Speaker Carter held initially that these matters are not debatable, but upon reconsideration, he ruled they are debatable.

MR. N. TAYLOR: At that time?

MR. SPEAKER: At that point in the proceedings, Presenting Reports by Standing and Special Committees.

Following that ruling, nothing much happened for another year. Then in 1991 the hon. Member for Edmonton-Gold Bar was unhappy about a recommendation by a chairman of the Private Bills Committee relating to a private Bill she was interested in. So she got up and let her unhappiness be known. She moved an amendment to the report by the chairman of the Private Bills Committee, and that was debated. It all ended up in a recorded vote of the Assembly, still under the heading Presenting Reports by Standing and Special Committees.

I hope that clarifies the history of this type of thing. That is the way it is, and the only time a person can complain about what happens in the Private Bills Committee is when the report is made to the Assembly. Then it's fully debatable and amendable. Once that is passed, it's passed. Therefore, the Chair with regret has to advise the hon. Member for Redwater that this matter, if it comes forward again, will have to be at the next session of the Legislature.

#### Bill 211 Conservation Easement Act

MR. SPEAKER: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Speaker. I suppose on that note we'll have to mention to the hon. Member for Redwater that whether or not he's wearing his legal hat, we're not going to

let him practise law. With those previous disparaging remarks about the legal profession, I felt I owed him one.

Mr. Speaker, the debate on property rights continues. It is indeed my pleasure to present and bring forward today for second reading Bill 211, the Conservation Easement Act. This Bill attempts to recognize that private as well as public lands in this province are of special value for their wildlife habitat or other natural attributes and could be or should be preserved in their natural state in perpetuity. The Bill attempts to provide a clearer legal framework for private landowners who wish to voluntarily conserve some of their land or all of their land in its natural state or, indeed, wish to revert land back to its natural state.

As we move toward the end of this century and indeed this millennium, governments and business are both seeing that the electorate and their constituents and their customers are requiring a change in attitude toward the proper stewardship of our environment. We are now dealing with issues of proper stewardship. We are dealing with concepts such as sustainable development. As governments, we are beginning to recognize that in all our jurisdictions, whether provincial or federal, there are certain spaces that are now becoming endangered and certain species that are becoming endangered. We need to move in the direction of conserving those lands and those species for future generations.

[Mr. Deputy Speaker in the Chair]

We have many examples of where difficult decisions are being made by governments in the area of conservation. Mr. Speaker, I was privileged to attend a conference of the Pacific Northwest Economic Region in Coeur d'Alene, Idaho. In the timber workshop of that conference, there was discussion about the recent federal government decision in the United States on the spotted owl. That decision meant that for the region of the Pacific Northwest, a great deal of timber that would have been allocated for the timber industry was not available because it represented spotted owl habitat. There's no question that that was a very difficult decision made by the government of the day and certainly it will have and has had its repercussions. But it recognizes that we as a society are moving toward conservation.

In this province, Mr. Speaker, while we may often be critical of the government on how it may be handling issues of conservation, we certainly recognize that the government is moving forward in areas such as forestry conservation strategies and wetland conservation strategies. We as a government have endorsed the program Special Places 2000 and are working toward setting aside portions of this province under that Special Places 2000 to recognize the various ecosystems and habitats we have in this diverse province. In addition, we have also endorsed the heritage rivers project for the Clearwater River, which again will enhance, protect, and conserve that river for future generations.

Now, Mr. Speaker, all those initiatives relate to public lands. As a government, there is opportunity through legislation and policy to deal with how we act as landlords of our public lands, but it does not in the same way relate to or deal with private lands. In various legislation and indeed in common law, there are ways right now that private landowners can set aside land in a private conservancy strategy, but each of those initiatives, each of those abilities to do that have some difficulty in terms of the legal framework. Through common law there are easements, there are restrictive covenants. In legislation we do have provisions in the Land Titles Act. We do have provisions in the heritage resources Act. Indeed, with the new Environmental Protection and Enhancement Act we do have some provision for private conservancy. But as I said, in each of those pieces of legislation there is some

difficulty in reaching all the objectives private landowners may wish to avail themselves of in a voluntary divestiture of land or a portion of land toward conservation.

4:20

I might just point out that perhaps the introduction of this Bill, Mr. Speaker, is somewhat timely. We have been having a discussion on property rights and how individual property owners can deal with those. I might mention to the Assembly that the Association of Municipal Districts and Counties, the AAMDC, is putting forward at this year's conference a resolution entitled Perpetual Easement Enabling Legislation. In essence, the resolution being put forward to the AAMDC from Strathcona county is that the AAMDC request the government to provide legislation necessary in the Land Titles Act to enable the application of perpetual easements. While in sponsoring this Bill I am not bringing forward amendments to the Land Titles Act, we are dealing with the issue of private conservancy and perpetual easements.

Mr. Speaker, for the benefit of all members of the Assembly, the objective of the Bill is conservation easement legislation to provide landowners who want to engage in private conservancy with the necessary legal tools. How this works is that a conservation easement is a recorded land use agreement in which a property owner conveys to either a government or an agency certain rights to be enforced by the holder for public benefit. The intent of the easement is to bind current and future owners with respect to the terms of that agreement. What it means is that an individual property owner can pass some rights to the uses of his or her land on to what we call in the legislation a covenantee, whether that's a government or a government agency or perhaps a society, and I'll deal with that in a minute. It can pass on those rights, and those rights are enforceable in the future.

Why I'm bringing forward this legislation, Mr. Speaker, is that there are objectives that have been identified for a private landowner who may want to become involved in a voluntary private conservancy arrangement. I believe the objectives are these. Number one, an individual may want to divest himself of certain property that may be of particular benefit, whether that's critical wildlife habitat or other natural attributes. That individual may want to divest himself of that property without actually having to sell that property to someone who will maintain that property in its natural state in the future. As it stands right now under some legislation and under the common law, that individual may be forced to sell that land and in fact may be forced to subdivide that land to piece off the land they would like to see conserved and deal with it in that way. Many landowners may not want to deal with the lengthy process or perhaps the expensive process of doing a subdivision approval simply to take out a portion of land they want to conserve in its natural state for the future. So one of the objectives is to find a legal framework to allow an individual to divest himself of land without actually having to sell that land.

The other objective that I believe a landowner will want is that they can then be given a range of, again what we call in the legislation, covenantees. If I have a piece of property or a particular part of an acreage or quarter section or section of land that I want to set aside under private conservancy, I may want to give that right, that agreement to a government or a government agency or perhaps a nature conservancy organization such as Ducks Unlimited or Conservation or some other group that may want to take that property and by agreement – because this legislation does talk about an agreement – maintain that property in the future. So what we're attempting to do in the legislation is

provide the landowner – and again this is all voluntary – with a range of covenantees that they can offer this agreement to. Comments have been made to me with respect to the Bill that perhaps governments may not want to participate in something like this, so in fact it does give the opportunity for other conversation organizations to become involved in these kinds of arrangements.

The other thing it does in terms of the covenantee, that party that takes the obligation to maintain the land in its natural state, is also assignable. In common law right now, Mr. Speaker, that's not the case, an assignment by an organization such as Ducks Unlimited to another organization. Assignment is very important, because what it means is that as there is a successor entitled to this property, that easement continues to be binding on the property. We don't lose that easement simply because that organization may in fact no longer exist. If it as a society winds up and no longer has the ability to care for that property, there is ability to assign it so that conservation easement can continue. We don't lose the chain just because the original covenantee may no longer have the ability to continue in that capacity in the future. I think that's a very important point.

I did touch on the third objective, Mr. Speaker, and that's whether or not this conservation easement arrangement can be one in perpetuity or one for a fixed term. Now, there are provisions, as I say, right now for fixed-term arrangements, but we do not have anything in legislation that allows for a conservation easement in perpetuity. This Bill would do that.

As I say, Mr. Speaker, we do have legislation that exists right now that does deal with some of these aspects. The most important one that I want to touch on is the Environmental Protection and Enhancement Act, because that particular piece of legislation has gone a great distance in creating legislative opportunities for conservation strategies by private landowners. Section 22 of that Act, Mr. Speaker, enables the minister to enter into an agreement with the registered owner of land to restrict the purposes for which that land may be used

in order to protect or enhance the environment. That agreement under the Environmental Protection and Enhancement Act may be registered under the Land Titles Act. The agreement does run with the land. In other words, a successor owner of that property is bound by that particular agreement, and it is also enforceable by the parties.

What we've done, Mr. Speaker, is identify what the Act does not do that we hope this legislation does do in improving upon what has already been started under the Environmental Protection and Enhancement Act. What the legislation that exists right now does not do is that it does not enable these agreements to be made in perpetuity; they are for a fixed time. It does not enable the landowner to enter into an agreement with another organization such as Nature Conservancy or Ducks Unlimited. The agreement is only with the minister under the Act. What the Act does not do is alter the restrictive common law prohibition against assignment of the restrictive covenant or easement. As I mentioned before about the assignability of the agreement to a particular group, our proposed legislation does do that. The existing Environmental Protection and Enhancement Act does not do that.

4:30

In some detail, Mr. Speaker, what Bill 211 does say and what it attempts to do is create what we call a conservation easement, which may be made with the minister, may be made with a government agency, may be made with a council of a municipality in which the land is located, or may be made with a society registered under the Alberta Societies Act, for private conservancy purposes.

I know some concern has been raised, in proposing this legislation, that you would have to be very careful the agreement is not given over to an organization that is not going to fulfill the obligations under the agreement. Certainly that's the case, and we would require that the objectives of the society would be for conservation purposes. What we've done in our Bill, Mr. Speaker, is attempt to go a little bit further than the Environmental Protection and Enhancement Act has gone as to who can obtain one of those agreements and one of those arrangements.

As with the EP Act, Mr. Speaker, the conservation easement would be registered at land titles for that particular piece of property, and the easement would run with the land. In other words, it would stay in force when the land was sold. All successor owners of that land would be bound by the terms of that agreement.

The enforcement of the covenant – let's say, for example, Mr. Speaker, that as a successor owner in title I decide that I don't want to be bound by the conservation easement anymore, and I want to develop that property and drain the wetland. The party that can prevent me from doing that as an owner of land would be the minister or the owner of the interest in the property. So the nature conservancy organization, whether Ducks Unlimited or some other group, would have the ability to prevent me from developing that land under the agreement. Just as important, on the other side of the coin there is also provision built into the legislation that because times change and because situations change, there is also an ability on the part of the covenantee to bring application to the court to change or modify or even in fact discharge the conservation easement should circumstances dictate. So while we do talk about the fact that the benefit of this Bill is to hold land in a natural state in perpetuity, there is still opportunity and ability under the legislation to deal with a situation that may require some reconsideration under the conservation easement arrangement. I did make reference to the fact that the conservation easement may be assigned by the covenantee, and that's an important aspect of the legislation.

Some examples of how a conservation initiative could work. There has been in the past, Mr. Speaker, as you may know, discussion about the development of the Wind Valley area in southwestern Alberta. There has been some work done by the NRCB on wildlife corridors through that region. The work that has been done is excellent work and has come a long way, and we're really ready now to move forward with some conservation strategies in the area. Perhaps one of the impediments right now is the full and complete and comprehensive legal tool to continue with a protective wildlife corridor, where you may have, for example, public lands interspersed with private lands followed by public lands. It wouldn't work very well, I don't think, if we were able to protect the public lands and not have some vehicle or mechanism to protect the private land that may be interspersed between the two areas of public land. This would be an excellent opportunity for government to deal with that private landowner and enter into some arrangement to protect that land through the conservation easement strategy approach under this Bill.

Again, Mr. Speaker, I recognize that there are other strategies available right now. The point is that it's not complete; it's not comprehensive. It still leaves some barriers out there that I'm hoping this Bill will overcome.

The parties that can initiate this are the landowner – because, as we say, it is a voluntary approach on the part of a private landowner who may want to become involved in private conservancy – conservation groups, and the government under certain programs where they have in the past endorsed and promoted these kinds of initiatives. In fact, Mr. Speaker, those programs are no

longer available because of funds, and I'm thinking specifically of programs like the landowner habitat program. This may be a good alternative.

Thank you, Mr. Speaker.

MR. DEPUTY SPEAKER: Lacombe-Stettler.

MRS. GORDON: Good afternoon, Deputy Speaker. It is my intention to rise and speak against Bill 211 as sponsored by the hon. Member for Sherwood Park. Although I am speaking against this Bill as presented, I would like to congratulate the member for bringing forward this initiative. The idea of conservation easements is one that should not be discarded outright. It is a sound principle that reduces the pitfalls faced by private landowners who wish to set aside land for conservation purposes. A conservation easement allows a private landowner to place development and usage restrictions on land registered under his name. This Bill will allow the landowner to enter into agreement with the Minister of Environmental Protection or a private conservation group approved by the minister to protect the land. This partnership may be entered into at any time and may be made in perpetuity. The conservation easement would run with the land, meaning that if the landowner transfers his title to the land, the agreement is not broken by the change in landowners. The new landowner must honour the agreement for the remaining term of the agreement.

This Bill is a positive initiative, and I must say it is a pleasure to see proactive legislation come from the opposition. I do notice, however, that Bill 211 is based almost entirely on model legislation developed by the Environmental Law Centre Society in 1991. We must involve as many interested groups and people and conservation initiatives as we possibly can. This type of initiative should not be confined to the government to act on by itself. We must bring together any and all groups that are interested in the preservation and conservation of our natural resources, not leave it as the responsibility of a select few.

The major problem with this Bill is one that cannot be resolved in Committee of the Whole, and therefore this Bill should not proceed beyond second reading. While the idea of conservation easements is sound, there is a great deal of public consultation that needs to be done before conservation easements are brought into law. Many stakeholders would want to say in this debate not to discard the idea in entirety but to ensure that no group is severely disadvantaged because its needs were overlooked. Our government legislation priority is to reduce the number of regulations in the province, but where we can improve existing laws, we must be sure we are introducing effective laws and not changing laws just for the sake of change.

Given the need to reduce the number of laws affecting each and every one of us, I must question why this Bill was written as a separate Bill and not drafted as an amendment to the Environmental Protection and Enhancement Act. This Act amalgamated a variety of smaller environmental laws on the books in Alberta under one comprehensive piece of legislation. The consultation process developed by Premier Klein when he was environment minister brought together all sides of the environmental debate in a co-operative forum.

Section 22 of the Environment Protection and Enhancement Act already addresses conservation easements. Although it is limited in nature, the minister, under section 22, may enter into an agreement with a landowner to place restrictions on the usage of the land. These agreements run with the land, reducing one of the major obstacles to conservation easements under Alberta common law.

Section 22 does have shortfalls that the Bill before us today covers. Bill 211 allows private conservation groups to take the initiative of setting up land restrictions with private landowners. This is an important idea and one that should be considered as possible expansion of the Environmental Protection and Enhancement Act. Initiatives such as this should be encouraged by private citizens to take the burden off the government to do everything.

During the public consultation process for the Environmental Protection and Enhancement Act, public comments supported expanding the section so landowners and nongovernment organizations could enter into an agreement for the purpose of land or natural area conservation. During this debate, however, it was recognized that further consultation would be needed before section 22 could be expanded to allow initiatives by nongovernment service groups. I believe that we should view conservation easements as a future amendment to section 22 of the Environmental Protection and Enhancement Act. This Act has already in place regulations to deal with people who contravene the environmental regulations.

4:40

Mr. Deputy Speaker, it would be irresponsible of us to pass this Bill on to committee stage at this time. Under our new Standing Orders we would have to consider this Bill in committee stage within eight days of its passage at second reading. It must be given third reading four days after Committee of the Whole reports on it. Clearly, we need more time to ensure that all aspects of this issue are considered. The mechanism we operate under in this Assembly makes it impossible to consider this Bill beyond second reading. There are a number of groups that need to have input on conservation easement legislation before we proceed. Local authorities have concerns about how easements would affect the local tax base. If the land placed under the easement is not considered productive land, then the municipality will lose tax revenue. If the landowner must pay taxes on the land as if it were in full production, then the cost of the easement may be too much for some farmers or landowners to absorb. If the tax structure is not addressed, I am concerned that it could dissuade landowners from offering their land for such easements.

Oil and gas producers in this province also have concerns about the implementation of conservation easements. They want to be sure how the registration of a conservation easement will affect their access to the mineral rights they have purchased.

I am also aware of concerns raised by the agriculture and ranching community. Farmers and ranchers want to be sure that a conservation easement on land adjacent to their property will not restrict development. For example, if an easement is registered on a parcel of land because the land has value for local wildlife, the surrounding landowners want to know that the easement will not restrict their ability to use fertilizers or pesticides to protect their crops. If conservation easements will affect their ability to harvest their land as they see fit, we must be clear on the effects before the legislation is enacted. Trying to address these issues after the fact in my opinion is a poor way of making laws.

There are also many government departments that must be involved in the development of this legislation. Agriculture and rural development: we will need their input, as well as the Department of Energy. But the department that needs the most input into this legislation is the Department of Municipal Affairs. Conservation easements will impact local authorities to a great extent, as there will be tax implications. Also, the issue of conservation easements will have a great impact on the Land Titles Act. Once the easement is agreed to, the registrar of land titles is required to endorse a memorandum to ensure that all future

purchasers of the land are aware that the easement exists. The Department of Justice and the registrar of land titles must decide whether a conservation easement as outlined within this Bill creates an interest in the land. Currently only the person designated to have title to the land is recognized as having an interest in the land. We must be clear as to whether the conservation group gains an interest in the land under the conservation easements. I believe it is also necessary to seek input from regional planning commissions.

Mr. Speaker, the implementation of conservation easement legislation would not be unique in Canada, but it would be rare. Only one other province, Prince Edward Island, has enacted this type of legislation. Their legislation, the Natural Areas Protection Act, only permits agreements between the landowner and the minister of the environment. There is no provision for private initiatives.

I believe that we soon will have conservation easement legislation in the province of Alberta, legislation that has considered the interests of all the stakeholders, but until the appropriate level of public consultation can be completed, I feel I must vote against any initiative that tries to rush this legislation through. It would be irresponsible for us to support this legislation, as we cannot be sure that we know every impact the legislation will have. Despite the well-meaning intentions of the Member for Sherwood Park, I feel that the timing of this Bill does not allow this Assembly to proceed with an effective Bill, one that will benefit all groups that have an interest in this debate. I must vote against Bill 211, and I encourage all members of this Assembly who are committed to the principle of thorough public consultation to do the same.

Thank you.

MR. DEPUTY SPEAKER: Calgary-*Buffalo*.

MR. DICKSON: Thank you very much, Mr. Speaker. I'm delighted to rise and speak in support of Bill 211 for a couple of reasons. Firstly, I think what this does is represent an imaginative and creative approach, the sort of thing that Legislatures and legislators see and initiate too rarely. I think that we are slow, in terms of our law and regulatory regimes, to adapt to changing needs and changing public demands. One of the things I find attractive about Bill 211 is that it represents a positive way of harnessing a lot of the energy that already exists in the many very effective conservation and environmentally focused groups in our province. It's not a question of simply following the agenda of a single interest group or a single organization. What Bill 211 reflects is a much broader type of demand for this kind of enabling legislation.

If I stand back from the principle and the detail of the Bill for a moment, I can advise you, Mr. Speaker, that I'm interested in the legislative initiative and am able to support it for several reasons. One is that in my constituency of Calgary-*Buffalo* there is an initiative to create an earth market. The notion of the earth market is that this is going to be a facility in the Eau Claire Market in downtown Calgary. I'm delighted to tell you, Mr. Speaker, that I saw a note just today that the hon. minister responsible for Environmental Protection and his department have seen fit to contribute in a significant way and make an offer to support this valuable earth market. The proponents of the earth market, the people involved in advocating that enterprise and encouraging support for it, are interested in making sure that we do a better job of raising environmental awareness in the city of Calgary specifically, but in the province of Alberta more generally. One of the things the organizers of the earth market have pointed out to me is that in many cases we can look to other jurisdictions

where there have been creative ways of dealing with conservation, creative ways of giving more opportunities for private-sector, not-for-profit agencies to be involved in conservation. That's something that I think we've been slow in this jurisdiction to allow and to permit.

The other reason I'm delighted to speak to this is that recently I had a discussion with the hon. Member for Calgary-*Fish Creek* and the concern in terms of buffalo habitat. So it's of particular concern to me, when we see an opportunity here, that steps can be taken to ensure that the buffalo habitat is protected not just now but in the future as well.

AN HON. MEMBER: Is that in Calgary-*Buffalo*?

MR. DICKSON: Well, it's not in Calgary-*Buffalo*, but it's of interest not only to Calgary-*Buffalo* but to all Albertans that are anxious to see that noble beast continue to graze in Alberta wild spaces.

Mr. Speaker, I'd go on to say that I would differ with the last speaker. As I listened carefully to her comments, it seemed to me that for the most part her comments were lauding the initiative of the Member for *Sherwood Park*. I understood her to say that this is a very positive step forward. The types of concerns she raised – and I don't discount those concerns – surely are precisely the types of things that can be dealt with in committee when we deal with the detail of the Bill.

4:50

It seems to me the strongest objection I heard from the Member for *Lacombe-Stettler* was that because of the process we have, there would be insufficient consultation and there wouldn't be the opportunity for all interested sectors, whether municipal corporations or other bodies, to be able to make their views known. But it's a simple matter, and as members will appreciate, there's the possibility of a hoist amendment. There are lots of things that can be done in committee stage to be able to take an effective legislative initiative and be able to solicit views on a broader basis. I'd encourage the member to consider that, and encourage all members. If really we agree with the principle and it becomes a question of simply differing on the way it's going to be implemented and wanting to ensure fuller public consultation, as members on this side do with Bill 10, then I think we can look at those other kinds of vehicles. A vote against this would be seen by not only special interest groups and conservation groups but by all Albertans that have an interest in protecting the environment as a step backwards, and it would send out distinctly the wrong kind of message.

Some of the specific things raised by the Member for *Lacombe-Stettler* I do take issue with. As I understood that hon. member's comments, she suggested that only one province has moved in this direction. My information, Mr. Speaker, in fact is that not only Prince Edward Island but also Manitoba and Nova Scotia have introduced legislation to be able to facilitate the kind of conservation easement that Bill 211 contemplates.

The Member for *Lacombe-Stettler* expressed concern that this was change for the sake of change, but that seems to be wholly inconsistent with her very laudatory comments that this is, number one, an important initiative and, number two, that this is in fact providing legislative authority for something which doesn't currently exist under any of the other legislation. The hon. Member for *Lacombe-Stettler* said why a new statute at a time when we're trying to compress, consolidate, reduce laws and regulation, a cause I think all members support. The point is that we might be able to amend the Land Titles Act, we might be able

to amend the environmental protection Act to achieve the same thing, but we're not creating a new bureaucracy here. It's simply a very simple and specific provision, and I think that objection is certainly no reason to vote against Bill 211.

I want to say, Mr. Speaker, that I applaud the Member for Lacombe-Stettler. I applaud her frankness and her candour, because I think she acknowledged that we have no legislation now that is coextensive in terms of what Bill 211 proposes. She acknowledges that this is a step forward and it provides a kind of protection that doesn't exist now. It does allow private-sector, not-for-profit agencies to be involved in a way that they're not now. She pointed out, I think quite fairly, that section 22 in the environmental protection Act goes partway, but it doesn't address the concerns of these private-sector, these not-for-profit agencies. If really what we're trying to do is facilitate, encourage, and promote, then Bill 211 is a very positive step forward in helping to facilitate that.

I think the arguments raised by the Member for Lacombe-Stettler, then, included the fact that she wanted further consultation. I've suggested that can be done, and we can still vote in favour of this to move it to committee stage. She pointed out that she wants to reduce the number of laws, and my suggestion is that this could readily be revised to be an amendment to a different statute, but it comes in front of us in a stand-alone statute. It clearly is a much more useful kind of step forward than what we saw in the Bill earlier defeated, which would have dealt with property in a very general sense. I think this has the requisite degree of specificity. It focuses in on a mischief that's not currently addressed by any other legislation.

With that, Mr. Speaker, I encourage all members to support this particular Bill enthusiastically and wholeheartedly.

Thank you.

MR. DEPUTY SPEAKER: Calgary-McCall.

MR. SOHAL: Thank you, Mr. Speaker. It is a pleasure for me to join in the debate on Bill 211. Unfortunately, I must vote against Bill 211. The hon. Member for Sherwood Park has presented us with a rational, well-thought-out Bill proposal. It brings forward an idea that has a future in Alberta, an idea that is probably not far in the future, I might add. But the idea of conservation easements as outlined in this Bill must remain in the future, at least for the time being. Before we proceed with this type of legislation, we must have full public consultation to ensure that every impact, be it positive or negative, is explored to avoid enshrining in law a good idea with a bad result.

Mr. Speaker, there is no hurry to implement this Bill. There are mechanisms available to landowners who wish to place usage restrictions on their land to protect natural areas. The Environmental Protection and Enhancement Act already makes provisions for conservation easements. Section 22 allows landowners to enter into an agreement with the Minister of Environmental Protection under which restrictions may be placed on usage of land. This section is not perfect, and there are changes needed to reflect the current trends in natural area conservation. Section 22 does not allow private conservation groups to enter into agreements with landowners. I believe this is the greatest flaw behind our current legislation, one that needs to be resolved in the near future. But we should not act in haste and push through potentially flawed legislation just because an issue is not addressed under current law. Drastic action should only take place when the circumstances call for immediate action, such as a public emergency or where there is the potential to prevent the loss of taxpayer dollars. Passage of Bill 211 does not fit into either of these two categories. I see no

benefit in rushing through conservation easement legislation as a matter of public urgency. I believe that we have the luxury of proceeding slowly with this type of legislation to ensure it is drafted properly, with a requirement for input from all interested Albertans.

Mr. Speaker, I have looked at the current legislation in Prince Edward Island which relates to conservation easements, the Natural Areas Protection Act. Prince Edward Island is the only province in Canada that has conservation easement legislation at the present time. I believe this legislation is similar in purpose to our own Environmental Protection and Enhancement Act and our Special Places 2000 initiative. The Natural Areas Protection Act was enacted to allow the Prince Edward Island government the ability to preserve that province's natural areas for scenic or conservation reasons. This includes the protection of areas that provide opportunities for scientific or educational programs. In the past year Prince Edward Island has designated 35 properties as natural areas. That initiative has won Prince Edward Island a grade of B-plus from the World Wildlife Fund Canada for 1993. Although the World Wildlife Fund recommends that an additional 30 areas be protected under the legislation, unfortunately the Prince Edward Island legislation had a pitfall similar to section 22 of the Environmental Protection and Enhancement Act, in that landowners must enter into an agreement with the minister, not private groups.

I believe the trend today is for people to take initiatives themselves to protect our natural resources. The public does not wish for the government to be involved in every conservation enterprise. Most people don't want to wait for government to precede us, to finish before they can proceed, and we should not discourage any person who wants to take the lead and protect their valuable piece of land so our children have the opportunity to enjoy it as we have.

5:00

Mr. Speaker, I believe that we as a government should work together with private interests to ensure that our natural areas are preserved. I believe that the most effective way to accomplish this is to take the time needed to solicit the options of everybody interested in conservation. The environmental protection Act stands as a perfect example of what can be accomplished when people set aside their prejudices of others and work together. We now have a strong, comprehensive set of regulations dealing with environmental law.

The same process is being used to ensure that Special Places 2000 is a success. Special Places 2000 is an initiative that does not look at a single issue. It will encompass every aspect of the debate over special areas such as what areas should be restricted, what users are allowed in areas, and what level of development can be achieved by preserving the natural characteristics unique to a region. The key to developing the comprehensive network that Special Places 2000 has as its mission is to proceed in a rational, proactive manner.

I believe that if we are to pass Bill 211 at this time, we would not be proceeding in this manner. Conservation easements are an idea whose time is near, but we must do it right. Having no law in place is better than a bad law passed in haste just because the time was right. We need to start the public consultation process for conservation easements again. The public debates should not be rushed by time lines that we have created within this Assembly. The intent of the consultations should not be a public relations exercise. They should also be conducted in conjunction with Special Places 2000 to ensure that we are not being redundant as both strategies take place.

My last point, Mr. Speaker, is that the principle of conservation easements should be included under the Environmental Protection and Enhancement Act. I am confident that if this Bill was drafted as an amendment to the existing law, which already addresses conservation easements, there would be support for it on both sides of the Assembly. I feel that the enactment of a stand-alone Bill would not serve the purpose that the hon. member is trying to achieve.

In conclusion, I cannot support this Bill because amending it to make it part of the Environmental Protection and Enhancement Act would change the nature of the Bill, something that is beyond the mandate of the Committee of the Whole.

We should not let the issue die due to a procedural flaw in Bill 211. We must begin the consultation process today so that we are prepared to amend the Environmental Protection and Enhancement Act in the near future. I said earlier that this is an issue whose time is near. I ask the members of the Assembly to not support this Bill at this time so that we may study and bring conservation easements into law in a rational, proactive, consultative manner.

Thank you.

MR. DEPUTY SPEAKER: Spruce Grove-Sturgeon-St. Albert.

MRS. SOETAERT: Thank you, Mr. Speaker. I stand in support of Bill 211. In simple language this means that a person can pass on some rights or uses of the land or protect it in its natural state while at the same time retaining ownership. All rights not specifically given up in the easement remain with the landowner. So this Bill would benefit government, conservation groups, landowners, and developers, and it would make it easier for government and nongovernmental conservation groups who have a proven track record to acquire certain rights without the cost of purchasing the land.

I think specifically of the example very near my home. There's a couple that owns a beautiful pasture area. They would like to pass on their land to their children, but they're very concerned about that one beautiful piece of pasture that they would like to keep safe from development. With this Bill they could pass it on to their children and guarantee that it would stay a beautiful piece of property rather than developing into some development.

What this Bill says is that a conservation easement may be made with

- (a) the Minister,
- (b) a Government agency . . .
- (c) the Council of the municipality in which the land is located,
- (d) a society registered under the Alberta Societies Act . . . for private conservancy purposes.

To make this point clear, I was thinking that if I owned a quarter of land and a gravel company came along, which is prevalent out in Sturgeon, and I wanted to sell that land to gravel, which would mean a fair bit of money, but there was a river running through it and I wanted to protect that land for the sake of the environment, I could do that with this, still make money with the government, and still make money selling it to gravel. I could preserve that piece of land. The gravel company would be happy. They'd still make their money. Then when it came back, the only people who could change it was the conservation group that had the rights to it. So it would always be in the land titles that that section of land was protected, and I like that idea.

The other one is that the World Wildlife Fund's goal is that 12 percent of each province's land be set aside for conservation purposes, either public or private. They're increasing pressures for conservation, but current laws make it difficult on private land.

The initiative for conservation easement can come from the landowner, many who want to protect the habitat on the land, the government, conservation groups. In fact, in the counties of Barrhead and Parkland they have schemes to protect natural habitat, and because the county and landowners are interested, better legislation would facilitate this protection.

So just a few final points. Conservation easements have been described as sustainable development in action. Conservation easements would make it much easier to keep land in its natural state, to enable land to be returned to its natural state, to protect agricultural land, and to plan for better development by enabling land to be set aside in its natural state in new subdivisions without penalizing the landowner or developer. These easements are of value to private landowners wishing to protect, for example, natural habitat or agricultural land, conservancy agencies, government programs. At a time when money for compensation is very limited, conservation easements provide a way to encourage those interested in conservation to dedicate lands for that purpose at very little expense to government.

Preserving and maintaining the land, water, flora, and fauna in Alberta will enhance the integrity of the complex ecosystems of Alberta and consequently improve the province itself and accordingly benefit present and future generations of Alberta.

What I will say is regretful about this Bill is that because it's been presented by a member over here, it is praised yet shot down. We all talk about the urgency of this Bill. I guess I can handle the fact that probably next session it will be brought back by a member on the other side and probably passed, and we will support it at that point. We can live with that as long as they remember where it originated.

Thank you.

MR. DEPUTY SPEAKER: The hon. Minister of Environmental Protection.

MR. EVANS: Thank you very much, Mr. Speaker. I've listened quite attentively to the comments from the hon. Member for Sherwood Park, who is sponsoring this Bill, as well as the comments from members both on the government side and on the opposition side. I think the constant that comes out from all of the comments is that the concept of a conservation easement certainly has substantial merit.

### 5:10

I've had the opportunity to work with the Nature Conservancy of Canada and Larry Simpson, the executive director in Alberta, over the past two or three years on this very concept. In point of fact, I believe the first time that I became aware of it was when I was chairing the Fish and Wildlife Advisory Committee on behalf of the minister of forestry, lands and wildlife. The opportunity was then given to Mr. Simpson and, as a matter of fact, to some members from Ducks Unlimited as well to make a presentation to the Fish and Wildlife Advisory Committee. Now, I stand to be corrected on that. It may have been the forestry, lands and wildlife advisory committee, a later public advisory committee to the minister of forestry, lands and wildlife. The point I'm trying to make is that both of those organizations had very comprehensive public input processes with membership from virtually every part of Alberta society that was dealing in any way, shape, or form with our natural resources in the province.

The presentation was made speaking of the merits of this kind of legislation. Quite frankly, the major contention that came from that very thorough conversation was a concern by local municipalities particularly in the approach that was being taken by the



Nature Conservancy at the time, which was that a dedication of a conservation easement should be a dedication in perpetuity, that this would create a problem for municipalities in the sense that the taxing ability of that municipality would be fixed for all time at the level of development that the lands were at at the time the designation was put in place. For the most part we'd be talking about agricultural land here, Mr. Speaker, but municipalities are quite concerned that if, for example, the agricultural land was close to subdivided properties, over time they would be losing considerably in the opportunity to deal with a higher tax opportunity were the owner to at some time in the future decide to subdivide the property. So their concern was just the fact that this might very well go into perpetuity.

The reason that I think it was forwarded that way by the Nature Conservancy was that the conservancy recognized that for a number of parcels of land, particularly larger parcels of land, owners might very well be inclined to make a designation of a conservation easement provided they could have some tax relief. If you'll bear with me, Mr. Speaker, I just want to run through with you the kind of tax relief that we might be considering. Let's take, for example, a thousand-acre piece of property that was in agricultural production but had residential development around it. The highest and best use of that land would likely be some type of residential development. However, if you were to take the fair market value of the property as agricultural use, that would be substantially less than the fair market value would be were the property to be subdivided and were it to be developed to its maximum density as residential subdivisions. Now, the owner of that hypothetical 1,000 acres would be looking at a substantial difference in value between the highest and best use density and an agricultural density and would wish to have some tax relief for the difference in value. That could be anything from a hundred thousand dollars to millions of dollars depending on the size of the parcel involved.

In order to get that kind of tax relief there would have to be an agreement with Revenue Canada taxation. I believe it's premature to deal with that, because the Nature Conservancy has not received any kind of a ruling from Revenue Canada that this kind of a designation would result in a positive tax credit to the owner who would so designate his or her property. So from the perspective of the landowner, particularly a landowner who was wishing to designate a larger tract of land, it's extremely unlikely at this point in time that a nature conservancy Act, if in place, would resolve all of the issues that would come up in the minds of that registered owner of the property from the point of view of tax planning and estate planning.

That said, there certainly is a benefit, an emotional benefit, to the landowner who wants to designate a piece of property and keep it in the current state that it is in, whether that be agriculture or what have you. There are mechanisms today outside of a conservation easement strategy that could well deal with that particular piece of property that that individual wants to designate. A caveat could be placed against the property, for example. Again, the problem that happens there from the point of view of longer term protection is that you would have that caveat subject to removal by a purchaser who would argue for removal of the caveat before that purchaser would pay a price for the property. You also would get into a legal argument on whether that caveat was intended to run with the land or not. The same thing would apply, Mr. Speaker, with a conventional easement.

The point I'm trying to make is that there are mechanisms currently that give a registered owner of property certain rights to curtail the expansion of a piece of property that that owner owns or an upzoning of that property, moving it from anything other

than what the property is currently being used for. Until such time, Mr. Speaker, as we get an agreement with the municipalities to embrace this concept and we deal with the issue of taxation at the federal level, I think it is premature to put a piece of legislation on the books.

From the point of view of our relationship with municipalities, we have had as the government of the province of Alberta a very good relationship with municipalities. It has been a relationship based on trust, mutual respect, and concern for the legitimate issues that are identified by those municipalities. We want to continue to operate in that way. That's why when I spoke to Larry Simpson of the Nature Conservancy two to three years ago, I indicated that I did not expect that government would proceed with a conservation easement Act until such time as the Nature Conservancy itself had persuaded those municipalities that this was a positive initiative and one that they could and should support. I think we're quite some place from that at this point in time, Mr. Speaker.

I also want to talk, though, about another way that we as government and particularly my department are trying to deal with the issue of designation of special places in legislation. There's already been reference to the Environmental Protection and Enhancement Act and provision that can be made by agreement – again, that's the intent of section 22 of the Environmental Protection and Enhancement Act – to protect landscapes.

We also have the Wilderness Areas, Ecological Reserves and Natural Areas Act, provincial legislation that gives us the opportunity to designate important pieces of property. Now, again I am not, Mr. Speaker, suggesting in any way, shape, or form that such a designation should occur without the consent and support of the registered owner of the property. I'm a little concerned that the Bill presented by the hon. Member for Sherwood Park could turn out to be a piece of legislation that would allow a designation to occur without that kind of consent and without the need really to protect a very sensitive piece of property but rather just as a whim almost of the government of the day. That gives me great cause for concern.

5:20

I think all hon. members are also aware that through Special Places 2000, an initiative of the Department of Environmental Protection, we are at present trying to identify a process that would see us in the province of Alberta designating at least 12 percent of our total land base in some kind of a protected designation by the year 2000. That does not mean, Mr. Speaker, that it would all be a matter of taking over title of the property or trying to restrict private landowners in the use of their own property but rather that we could have a mix of interests, if you will, that would be registered against lands in the province.

What we have done through the months of September and October under the chairmanship of my colleague the MLA for – what is it now? – Innisfail-Sylvan Lake: we have gone out and about around the province taking input into this concept and asking for suggestions from Albertans as to how we could designate those lands and how we could ensure that we are able to meet that target of 12 percent protection of lands by the year 2000. I expect that the hon. member along with his committee of private-sector individuals will be presenting a final report to me in the very near future. I'm talking about probably by the end of November. Once that report has been reviewed by caucus and cabinet and hopefully endorsed by my colleagues, then we will go about the process of implementation.

I would like to point out, Mr. Speaker, that the reaction of people such as Monte Humel, who is very active in the endangered

spaces program, and others has been very, very positive to this Special Places 2000 initiative. In fact, they put out regularly a report card on initiatives in various provinces, and they've given us an A on this initiative and certainly on the public input process leading up to that initiative.

The future of designation of lands in this province, whether we are talking about public lands or private lands, I think of necessity must be firstly by virtue of a commitment and a voluntary relationship between government and the private sector. I do not wish to either support or initiate any kind of legislation, Mr. Speaker, that would have the effect of taking away property rights from individuals arbitrarily. I feel that the history of this country is such that we have always had great respect for property rights, and I think this Legislature would want to continue to move in that direction in the future.

There does seem to be some debate as to the amount of land that is protected in this province, and that is another issue that I think we have to focus on as well, Mr. Speaker. My colleague the Minister of Municipal Affairs has, I believe, on a previous occasion made reference to as many as 13 or 14 percent of the lands in the province of Alberta being protected in some way, shape, or form through provincial legislation and/or federal legislation. The point is that we do have a substantial part of our province already protected under some kind of designation. Special Places 2000 will give us the opportunity to identify those areas, those ecosystems where we may be deficient in protecting lands, and I think that will give us a focus towards the year 2000.

Unfortunately, because I feel that this Bill is premature in terms of consensus building and in terms perhaps of allowing the public generally to input into such a very important initiative, I cannot support the Bill as it has been presented by the hon. member. But again I must say that it is a concept that I think will soon come to the fore, and as has been mentioned by one of the hon. members opposite from Spruce Grove-Sturgeon-St. Albert and all those other good places, if there is consensus between the Nature Conservancy as the sponsor and municipalities in this province and perhaps with input from the federal government through Revenue Canada taxation, we may very well see the government

of the province of Alberta bringing forward a piece of legislation which may indeed come very close to the legislation that the hon. member is bringing forward today.

So I believe, Mr. Speaker, that this is a positive piece of legislation, a positive concept but that the time is just not here, is not now for this kind of legislation to proceed.

Given the hour, I would now move that we adjourn debate.

MR. DEPUTY SPEAKER: The hon. Deputy Government House Leader has moved that we now adjourn until this evening at 8 p.m., when we'll be in Committee of Supply.

MR. EVANS: That was going to be my next motion, Mr. Speaker, but that's fine. We'll wrap them all up together.

MR. DEPUTY SPEAKER: Okay. We'll adjourn debate on this Bill. All those in favour, please say aye.

HON. MEMBERS: Aye.

MR. DEPUTY SPEAKER: Opposed, please say no.

Okay; now we'll let you make the motion, hon. Deputy Government House Leader.

MR. EVANS: I would now move that we adjourn the Assembly to reconvene at 8 p.m. as Committee of Supply to consider the estimates of the capital fund.

MR. DEPUTY SPEAKER: Okay. It's been moved by the hon. Deputy Government House Leader that we now adjourn and that when we reassemble this evening, it be in Committee of Supply on the capital estimates. All those in favour, please say aye.

HON. MEMBERS: Aye.

MR. DEPUTY SPEAKER: Opposed, please say no. Carried.

[The Assembly adjourned at 5:28 p.m.]