

Legislative Assembly of Alberta

Title: **Wednesday, February 24, 1999** 1:30 p.m.

Date: 99/02/24

[The Speaker in the chair]

head: Prayers

THE SPEAKER: Good afternoon. Let us pray.

Our Father, keep us mindful of the special and unique opportunity we have to work for our constituents and our province, and in that work give us strength and wisdom.

Amen.

Please be seated.

head: Presenting Petitions

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

MRS. SOETAERT: Thank you very much, Mr. Speaker. It's my pleasure today to bring a petition signed by 109 people. This is organized by the SOS parents, Save Our Schools. This petition reads that they

urge the Government to increase support for children in public and separate schools to a level that covers increased costs due to contract settlements, curriculum changes, technology, and aging schools.

THE SPEAKER: The hon. Member for Edmonton-Castle Downs.

MS PAUL: Thank you, Mr. Speaker. I, too, rise to give a 112-name petition of the SOS group, which is Save Our Schools. This is to

urge the Government to increase support for children in public and separate schools to a level that covers increased costs due to contract settlements, curriculum changes, technology, and aging schools.

head: Notices of Motions

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

MR. DICKSON: Thank you, Mr. Speaker. I give notice that after the daily Routine I'm going to move for a declaration that the Premier and the Minister of Health are in contempt of the Legislative Assembly and members thereof and that the right of the said Premier and minister to sit and vote in the Legislative Assembly shall be suspended until they have purged their contempt by permitting any member wishing to attend the health summit in Calgary the right of access to that summit.

Thank you.

THE SPEAKER: Hon. Member for Calgary-Buffalo and hon. members, the House will deal with that matter at the conclusion of the daily Routine. Hon. Member for Calgary-Buffalo, please be prepared at that time to use the appropriate citations with respect to this. In all likelihood the chair will recognize one spokesperson from each of the three caucuses in the House.

head: Introduction of Bills

Bill 11 Public Sector Pension Plans Amendment Act, 1999

MR. DAY: Mr. Speaker, I request leave to introduce Bill 11, the

Public Sector Pension Plans Amendment Act, 1999. 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.

Mr. Speaker, the tabling of the Public Sector Pension Plans Amendment Act allows specific employers such as Alberta Treasury Branches and the Workers' Compensation Board to opt out of the management employees' pension plan and establish their own plans -- that is of course with the concurrence of their employees -- enables the government to make regulations allowing employees who move within the public service to take their full pensions with them, so it grants that greater portability, and it recognizes that the pre-1992 service has become fully funded under the LAPP. [interjection] Thank you. I'm glad one member of the opposition is not afraid to give credit, even as we do when opposition members do something good.

As a result, this removes the government's obligation to pay the additional contributions towards the unfunded liability. Mr. Speaker, this is a very positive moment for employees and employees alike.

[Leave granted; Bill 11 read a first time]

head: Tabling Returns and Reports

MR. JONSON: Mr. Speaker, I'm pleased to table today with the Assembly five copies of the annual report of the Public Health Appeal Board for the year ended July 31, 1998, and also five copies of the annual report of the Provincial Mental Health Advisory Board for the year ended March 31, 1998.

MR. DAY: Mr. Speaker, I'm pleased to table the third quarter update of the government's 1998-1999 fiscal year. This is a requirement of section 9 of the Government Accountability Act. It keeps Albertans informed. I'm pleased to report that as the results of third quarter are now in, despite worldwide global concerns related to economic issues and other challenges that we face here in the province, as we look at our third quarter update, we indeed are staying the fiscal course, we are on track, and we are going to have a surplus, as it looks right now, slightly larger than we had projected, which of course will go to reducing our net debt. It's a very favourable report.

Also, as required by law, I'm tabling the third quarter investment report of the Alberta heritage savings trust fund. It shows that the investment projections are indeed on course, and if they continue throughout the next quarter, it will show that the interest earned by the fund at the end of our fiscal year will be \$774 million. That money goes to health and it goes to education, and it's \$73 million ahead of what we had projected last year.

Thank you, Mr. Speaker.

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

DR. OBERG: Thank you, Mr. Speaker. I have two tablings today. The first tabling is the Clinical Practice Guidelines for the Prevention and Diagnosis of Fetal Alcohol Syndrome. This is a discussion document that is being circulated amongst Alberta physicians, and we are aiming to have it finished by the 1999 Alberta prairie province conference on fetal alcohol syndrome, to be held on May 4 to 7, 1999.

Mr. Speaker, my second tabling is a result of the protection of children involved in prostitution incident report from February 15, 1999, through February 21, 1999, which shows that seven youths were apprehended in Edmonton, four in Calgary, with three charges

being laid under section 9 in Edmonton. Just of note, five of these children were under 16 years of age.

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

MS LEIBOVICI: Thank you, Mr. Speaker. I have three tablings this afternoon. The first is a copy of a competition for the program manager of the mobile crisis team in Calgary that has a closing date of February 26, 1999.

The second are copies advertising for crisis intervention therapists for the mobile crisis team in the Calgary area, and I believe there are similar ads out for the Edmonton area as well requesting applicants for members of the crisis intervention mobile team.

The third is a letter from the Member for Calgary-Buffalo to the CEO of the Calgary regional health authority indicating a very serious matter involving a youth who was unable to receive psychological or psychiatric services for close to nine days while that individual was under lockdown.

Those are my tablings for this afternoon. Thank you, Mr. Speaker.

THE SPEAKER: The hon. Member for Edmonton-Glengarry.

MR. BONNER: Thank you very much, Mr. Speaker. I beg leave to table the appropriate number of copies of an update from the Disenfranchised Widows Action Group on their negotiations of a settlement with their concerns.

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

MS CARLSON: Thank you, Mr. Speaker. I have two tablings today. One is from the Pembina Institute, and it's a paper warning the government and industry to respond quickly to concerns about the health and environmental impact of the oil and gas industry.

The other tabling is a series of correspondence to and from the Department of Environmental Protection.

head: Introduction of Guests
1:40

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

MRS. SOETAERT: Thank you very much, Mr. Speaker. I'm very honoured today to introduce to you and through you to members of the Assembly just a wonderful group of people that are here. They're in both galleries. They are the grade 6 students of Brookwood elementary school. I was there in their classroom a couple of weeks ago, and they had some excellent questions. They're very keen students who very much enjoyed their tour today. They are here with teachers Mrs. Debbie McFarlane, Mr. Ray Shapka, Mr. Brian Broda, Mrs. Bonnie Weiss, and Mrs. Ev Nixey and 19 parents, which I think speaks highly of Spruce Grove and area, who took the time out today to come and enjoy the tour and learn with their children. I will take the liberty to introduce them: Mrs. Ann Vander Griend, Mrs. Valerie Ziegler, Mr. Brian George, Mrs. Wendy Brulotte, Mr. Roy Thornton, Mrs. Cheryl Iwashkiw, Mrs. Ros Davidchuk, Mrs. Pam McClocklin, Mrs. Joan Soehner, Mrs. Gunn Kureluk, Mrs. Janet Rinas, Mrs. Connie Foisy, Mrs. Colette Burnham, Mrs. Linda Rust, Mrs. Geri Henitiuk, Mrs. Heidi Neis, Mrs. Emily Stanley, Mrs. Lucy Wakefield, and Mr. Brent Schumacher. I would ask all of them and the 90 students to please rise and receive the warm welcome of this Assembly.

THE SPEAKER: The hon. Member for Edmonton-Centre.

MS BLAKEMAN: Thank you, Mr. Speaker. I'd like to introduce to you and through you to Members of the Legislative Assembly a group of nine students from the native women career preparation program at Grant MacEwan Community College in the riding of Edmonton-Centre. They're in the members' gallery, and they are accompanied today by their instructor, Ms Lynda Ferguson. I would ask them to please rise and accept the warm and traditional welcome of the Assembly.

head: Oral Question Period

THE SPEAKER: Official Opposition first main question. The Leader of the Official Opposition.

Education Funding

MRS. MacBETH: Thanks, Mr. Speaker. Today yet another ex-Tory Education minister is saying that this government has no plan for education. Evidence that they have no plan is clear, for when asked about the inadequate support for our children in public schools, this government responds that inputs don't matter; what matters are outputs. When asked about specific outcomes like overcrowded classrooms and textbook shortages and obsolete equipment, all the government can do is talk about inputs, especially their \$380 million three-year reinvestment announced and reannounced each year. My questions are to the Premier. How much less crowded will students' classrooms be as a result of the inputs that this government keeps reannouncing?

MR. KLEIN: Well, Mr. Speaker, what we try to do is identify and address pressure points in the education system just as we do in the health system. The program that was announced by the hon. minister last year in January of 1998, certainly addresses growth and the pressures related to growth, about \$171 million over three years, and that is a substantial amount of money. But things change, and as things change, we will monitor those changes, and if pressure points start to occur, we'll address those pressure points.

MRS. MacBETH: Mr. Speaker, will children with mild and moderate special education needs finally see some adequate and timely services provided?

MR. KLEIN: Mr. Speaker, in the document that was released by the minister in January of 1998, it specifically alluded to children with special needs. At that time there was a substantial increase in funding allotted for precisely that purpose.

MRS. MacBETH: Not mild and moderate, Mr. Speaker.

As a result of this input, spread of course over three years, mind you, how many fewer bingos and casinos and bake sales will students and their parents be able to look forward to?

MR. KLEIN: Well, Mr. Speaker, I don't know how many fewer bingos or casinos the parents might want to become involved in, but associated with schools and school councils are various charitable endeavours, and if they want to take advantage of the resources available to them through bingos and casinos and other fundraising activities, that's entirely up to them.

THE SPEAKER: Second Official Opposition main question. The Leader of the Official Opposition.

Municipal Infrastructure

MRS. MacBETH: Thanks, Mr. Speaker. I'm looking at a report prepared by the working group for the Premier's Task Force on

Infrastructure. Earlier this week the Premier said that the task force is looking at long-term and sustainable funding for municipalities in Alberta. My questions today are to the Premier. Which one of the recommendations for sustainable long-term funding for municipalities from the Premier's task force working group does the government prefer?

MR. KLEIN: Mr. Speaker, I don't have the document in front of me, but certainly there was an administrative working group put into place with representatives from the city of Calgary, the city of Edmonton, the Alberta Urban Municipalities Association, the Alberta Association of Municipal Districts and Counties, and top administrators from various government departments including Municipal Affairs, Transportation, Treasury, I believe, and a representative from my department. Their endeavours are indeed a work in progress.

Mr. Speaker, one of the things we did immediately was to put in this budget year -- that is, the 1998-1999 budget year -- \$148 million to address emergency infrastructure needs. We committed over the next three years \$150 million in each of those years to address infrastructure needs, but we did say that over the long term we would put in place and examine recommendations for a program of sustainable infrastructure funding.

MRS. MacBETH: Thanks, Mr. Speaker. Let me refresh the Premier's memory and ask: how would the recommendation in the report to increase driver's licence and vehicle registration fees by 10 percent result in sustainable long-term funding for municipalities?

MR. KLEIN: Mr. Speaker, all I can say is that the hon. leader of the Liberal opposition is privy to a report that I haven't seen. That's not to say that I wouldn't have access to the report, but I simply haven't seen that recommendation. If she would be so kind as to pass it over to me, I'll have a look at it and refer it to the appropriate ministers.

MRS. MacBETH: Mr. Speaker, it's interesting who might be the head of government.

How would the recommendation to increase provincial fuel tax by 2 cents per litre result in sustainable long-term funding for our municipalities?

MR. KLEIN: Again, Mr. Speaker, I have not seen that recommendation formally in a report, and I don't believe that any such report has come to any of the ministers. Maybe it has, but it certainly hasn't come to me.

Relative to the 2 cents fuel tax undoubtedly the mayor of Calgary, for instance, has raised this as a method of increasing revenues for infrastructure purposes, Mr. Speaker, but there has been no decision on that particular matter, nor has it been brought to me or Executive Council in the form of a formal recommendation.

THE SPEAKER: Third Official Opposition main question. The hon. Member for Edmonton-Glenora.

West Edmonton Mall Refinancing

MR. SAPERS: Mr. Speaker, yesterday in discussing the possibility of an out-of-court settlement on the West Edmonton Mall deal, the Premier said that his government has never been directly involved with the mall. Yet the Auditor General on page 13 of his WEM report - and that's a report I know the Premier's familiar with -- says that the government's political involvement was there; it just wasn't successful. Now, paraphrasing the Premier, this is yet

another contradiction from the government of the five Cs: chaos, conflict, confusion, confrontation, and controversy. My questions are to the Premier. Will the Premier explain, short of selling off the mall, how taxpayers will be protected from further losses beyond the \$152 million already recorded by the Auditor General?

1:50

MR. KLEIN: Mr. Speaker, I believe that question is purely hypothetical. When the hon. member alludes to the Auditor General's report, I would remind him to read page 7, page 12, and page 13, where the Auditor General -- I won't go over what he says on each of those pages, but he makes the same general remark. He concludes that he could not find any evidence that any elected official gave a direct order for ATB to provide the October 1994 financing.

Relative to involvement, yes, there was involvement. Indeed, there was involvement by the Liberal Party, and again I allude to the letter that was written to me by the hon. Member for Edmonton-Meadowlark at that particular time urging the government to get involved to protect the mall in light of the mall being a major economic and tourism generator in this province and providing something like 23,000 direct and indirect jobs.

MR. SAPERS: Jeez, I wish he'd answer a simple question.

Mr. Speaker, will the Premier assure Albertans that not one dollar of the \$102 million in Treasury Branch income this year will be used to direct an out-of-court settlement with West Edmonton Mall?

MR. KLEIN: Well, Mr. Speaker, if this hon. member wants to stick his nose into the business of the Alberta Treasury Branch, that's entirely up to him. We aren't going to do that.

MR. SAPERS: I noticed there wasn't really a denial there.

Mr. Speaker, what assurance will the Premier give Alberta taxpayers that the mall loans will not be hived off and put into some dark corner out of public view so that the government can pursue its real agenda for the ATB, which is quick privatization?

MR. KLEIN: Mr. Speaker, I don't know. Has he been reading the book of Revelation? Is he referring to *Apocalypse Now*? You know, in my wildest dreams I can't even think of the current Provincial Treasurer, who's very imaginative, or any subsequent Treasurer coming up with a scheme like that, even a Liberal Treasurer, God forbid.

THE SPEAKER: The Hon. Leader of the NDP opposition, followed by the Hon. Member for Clover Bar-Fort Saskatchewan.

Health Care System

MS BARRETT: Mr. Speaker, this morning the government announced for the seventh consecutive year that its budgeting is extremely bad by noting that again the government will have more than \$2 billion in surplus revenue compared to its budget estimates of less than a year ago. Seven years in a row, multibillion dollar surpluses while they cut, cut, cut. Coincidentally, today is the day that the Friends of Medicare released its report following widespread consultation with Albertans around the province, the result of which contains 15 well-considered recommendations based upon public input. My question to the Health minister is: does he plan to follow any of these but in particular the second of the recommendations by the Friends of Medicare, which says that the health care "umbrella should be extended to cover prescription drugs, dental care and ambulance services," and perhaps the latter most urgently?

MR. JONSON: Mr. Speaker, I have heard that the report exists. I have not received it, but I certainly will look at its recommendations.

With respect to the three items, for instance prescription drugs, we have programs in place currently to provide medically required pharmaceuticals to people in need. We also have the vehicle of Blue Cross, subsidized to some degree, for people who are in need but also available to the general public of this province. As far as medically required dental services, once again that is covered through Alberta Health. Finally, I would just like to make the statement that compared to other provinces and territories in Canada, Alberta already provides public health funding to a wider range of services than, as far as I know, pretty well every other province.

MR. DAY: This is information to the budget. There was a reference to a surplus of over \$2 billion. I just tabled today, Mr. Speaker, that we had hoped last year when we tabled the budget that the surplus would be \$585 million. We think now it will be \$672 million because of good management. There was a reference to over \$2 billion. I would suggest the member has been inhaling the same rarified air as the Treasury critic, who thinks we can hide a loan. She thinks we can hide \$1.5 billion. It's just not happening.

MS BARRETT: Mr. Speaker, I'm not as green as I am cabbage-looking. I can read a budget. Revenues and estimates don't match by \$2 billion.

My second question to the Health minister . . .

THE SPEAKER: No preambles. Let's move on, because inherently there could have been a question in there, whether or not the hon. member can read, and somebody would have been willing to answer that.

MS BARRETT: I didn't put it as a question, though. You taught me too well.

Mr. Speaker, my second question to the Minister of Health is this. I agree. He did introduce the program for the prescription drug coverage, but will he follow the recommendations of the Friends of Medicare and bring in a universal pharmacare program with no co-payments or deductibles, which Blue Cross, of course, charges, that covers all Albertans facing catastrophic prescription drug costs as a result of serious illness?

MR. JONSON: Mr. Speaker, the programs that I just alluded to in my previous answer are designed to deal with what might be termed emergency or, as the member states, catastrophic situations with respect to the need for pharmaceuticals, but I also have to respond to the first part of the question. That is no, we do not have any program or plan to introduce a universal, government-covered drug program. This is tremendously expensive. Once again, we are targeting the funds available to the areas of highest need, particularly those who have severe health conditions and those who have an inability to pay.

MS BARRETT: Well, Mr. Speaker, would the minister at least consider extending the principles of universality and accessibility to Albertans like the family of five-week-old Fosta Moch to ensure that his parents will not have to endure catastrophic costs when they choose to care for their very sick child at home instead of having the child in the hospital?

MR. JONSON: Mr. Speaker, I'm not familiar with the particular case the questioner refers to, but certainly, as she acknowledges, we have made moves in the area of palliative care and in the whole area

of extending home care support and providing for those unable to pay. Without knowing further about the specifics of the case, I cannot provide a more complete answer.

THE SPEAKER: The hon. Member for Clover Bar-Fort Saskatchewan, followed by the hon. Member for Edmonton-Meadowlark.

Health Summit

MR. LOUGHEED: Thank you, Mr. Speaker. As I'm out and about the constituency of Clover Bar-Fort Saskatchewan, many of the constituents let me know about their priorities. The main one is with respect to health care. They want to see a strong, publicly funded health care system remain as it is today. We know that the health summit is coming up, and that will be an excellent way for people to provide input. We also know that only 200 people will be attending the health summit. It's been pointed out that during the time the health summit will be in progress, that many people will be coming to this great province of Alberta from other provinces. Many people ask how they might provide input into the health summit and its recommendations that will be coming out. I'd like to have the Health minister tell us how the rest of the public can best do that, the other 2.9 million Albertans.

MR. JONSON: It is important to first of all emphasize that as the member has correctly pointed out, we do have 200 people coming to the summit as official participants, 100 from the delivery side of health care, the stakeholders, and 100 randomly selected, average Albertans from the general public. But in addition to that, Mr. Speaker, we have through the chair and the overall organization of the health summit provided widespread publicity about the questions being posed at the summit. We have provided information brochures available to every Albertan. The information is posted on the web site, and it's been advertised.

2:00

The very sincere invitation is there to all Albertans to avail themselves of the opportunity to look over the material that's provided, fill out the questionnaire, add any additional comments or recommendations they wish to, and send those in to the chair of the summit. All that information will be pulled together and compiled in an overall report back to Albertans.

MR. LOUGHEED: Thank you, Mr. Speaker. With respect to the document which has been circulated, the four main questions that are addressed in there, could the minister explain why the questionnaire is limited to those four questions?

MR. JONSON: I think, Mr. Speaker, those four questions actually cover the four basic issues that are involved in health care or in the discussions and debate that goes on over the future of health care in this province and other provinces and other parts of the world, quite frankly.

Let's take the issue of the question which relates to the sustainability of the health care system in terms of the relationship between what the expectations are and what the funding available might be. Every day we know that there is a debate, there are issues raised with respect to that, and I think it comes in various forms, but basically the question is: how do we provide for a sustainable health care system in this province, one that can be supported by the revenue available to government, without harming other sectors of our economy and other programs? Then, of course, another very basic question that follows from that is: with the funds that are available, how do we best deliver services most efficiently and effectively to Albertans?

I could go on, as you know, with this at great length, Mr. Speaker, but . . .

MR. LOUGHEED: Mr. Speaker, I'd like to ask the minister how the results from the summit and the questionnaires will be used in the future?

MR. JONSON: Well, Mr. Speaker, as I indicated, the results from the questionnaire, from written submissions, from the results of many mini summits that are being held across the province -- and I know that government members are very interested in holding those and are holding them. I don't know about the opposition; I haven't heard anything over there. We will take the reports that come in from those particular meetings. They will also become part of the input into the overall reports.

THE SPEAKER: The hon. Member for Edmonton-Meadowlark, followed by the hon. Member for Little Bow.

Children's Mental Health Services

MS LEIBOVICI: Thank you, Mr. Speaker. Mental health services for youth are in crisis in this province. For instance, a suicidal teen from the Calgary area was held under lockdown for nine days without receiving treatment from a mental health professional. While this minister dithers, children across this province are continuing to suffer. Meanwhile, mobile services that respond to mental health crises in both Edmonton and Calgary are being dismantled by the Provincial Mental Health Advisory Board. My questions are to the Minister of Health. The minister said in November that mental health would be given priority. What kind of a priority is it when children can't get the treatment they need?

MR. JONSON: Mr. Speaker, it's kind of interesting how something can be turned around and interpreted in a particular way. First of all, I wish to acknowledge the point that the member is making with respect to an individual case. I would be interested in the details of that case and what the problems may have been. But in terms of the statements which surround the question, there has in the past number of months been added emphasis given to mental health in this province. We have added additional moneys into community care. We, in the sense of the minister in charge of the children's initiative and myself, have launched an initiative in terms of reviewing and developing additional strategies with respect to children's mental health.

I suppose that buried in the question is something that we have done here in Edmonton, and that is, yes, we did discontinue services with a particular agency which was providing, I guess you'd call it, the first stage of intervention with respect to children needing mental health services. Instead we moved and provided additional funding and opened I think it is six crisis beds at the Royal Alex hospital in this city. So it's not only a matter of phoning someone and getting some counseling and then they phone somebody else; there's a number to phone. There are professional people available. There's a site to go to to provide crisis intervention for children. So action is being taken.

MS LEIBOVICI: Can the minister tell us whether it's government policy to allow children to be locked up without having immediate access to ongoing mental health services? How long does a child have to stay and be locked up before they'll be seen by a psychologist, a psychiatrist, someone who can help with their treatment?

MR. JONSON: Mr. Speaker, a child who goes for care -- let us say it is an acute-care hospital such as the Royal Alex. The first concern of the professionals, I'm sure, the people that are dealing with the case, is to make sure that no harm comes to that child either through their own action or through the action of anyone else. It is a fact that in some cases there have to be measures taken to protect children against that eventuality. I am quite sure that in terms of staffing and professional care that is provided quickly and, certainly under the new arrangements that I outlined, more quickly than before.

MS LEIBOVICI: Under this new arrangement that the minister is talking about, given that the Provincial Mental Health Advisory Board is still advertising to fill those positions for the mobile crisis teams, what assurances can the minister give that those teams will be up and running by April 1, 1999? They're still advertising for those positions now.

MR. JONSON: Well, Mr. Speaker, the program that I just indicated is at the Royal Alex hospital, and the hospital is not mobile. So that is one initiative that has been taken.

Now, a second initiative, Mr. Speaker, that is being worked on by the Provincial Mental Health Advisory Board for both Edmonton and Calgary and other places as resources allow, is to work on and put into effect a model that they have looked at with respect to having a mobile intervention team that can go not just to the north side of Edmonton but to the south side of Edmonton, can operate out of Red Deer for rural areas, or other examples might be used. So that is a further dimension of the work that we're doing in mental health.

THE SPEAKER: The hon. Member for Little Bow, followed by the hon. Member for Edmonton-Gold Bar.

Cardiac Surgery

MR. McFARLAND: Thank you, Mr. Speaker. After reading and hearing numerous releases and news stories about long hospital waits for lifesaving procedures such as cardiac surgeries, some of the constituents in Little Bow have expressed concerns to me. My question today is to the Minister of Health. Mr. Minister, what is our government doing to address waiting lists for cardiac surgery that is provided in Calgary to Albertans who live all across the province?

MR. JONSON: Well, in this very important area of cardiac surgery we have, as I think all hon. members in the Assembly know, invested significant additional dollars in our health care system, one of the areas being in this specialized area of provinciewide services, of which heart surgeries are one. I think the results are there.

2:10

Recently in Calgary a report has been provided by the physicians, by the health authority. It is not something that we in any way created. There, Mr. Speaker, you see a drop, a very significant drop, by half as I understand it, of the mortality rate with respect to cardiac procedures, also a reduction in the waiting times for cardiac surgery and treatment, and thirdly, the overall volume of course of procedures has gone up dramatically.

There's been a great deal of action taken, Calgary being one example. I think you would find a somewhat similar trend in Edmonton.

MR. McFARLAND: Thank you, Mr. Speaker. I appreciate the significance of the minister's comments, considering the waiting lists and the impact that it's had on cardiac surgeries.

If I could ask a following question to the same minister: what is the reason for the improvement in the cardiac surgery rates in the Calgary region?

MR. JONSON: Well, I think, Mr. Speaker, as I indicated, the infusion of funds, the increased priority put on health care, and the focus, particularly in this area in the case of this question, on provincewide services. I think we have to also give credit to the surgical teams, the hospitals involved, in this case, if it's Calgary, the Foothills hospital, where we have some of the very most skilled surgeons I think probably in this entire country working. We have had them looking at the whole area of managing cases. So I think that along with the results that funding provides in terms of volume, we also have working in our system people who are very concerned about quality care, performance of the system. That is something that we always have to look at as we plan for health care in this province; that is, the actual results have to be emphasized as well.

MR. McFARLAND: Thank you, Mr. Speaker. Personally I know that there have been some significant improvements.

My final question of the minister: will the government be helping to provide any additional funds to allow the Calgary regional health authority to achieve their expanded goals?

MR. JONSON: Well, Mr. Speaker, I think it is safe to predict at this point in time that with the very significant infusion of funds from the federal government, which was brought about through the representation of first ministers, including of course very effectively by our Premier, and our overall commitment to match those federal funds, which incidentally the opposition seems to have had a total lack of interest in -- I can't remember during the past session that they ever referred to all the representation they were making to their colleagues in Ottawa and so forth for additional federal funding. They were only complaining about our level of funding.

Mr. Speaker, we recognized that there was that inconsistency in the system, and we did get additional funding. Certainly as we develop our business plan over the next three years, we're going to be working with regional health authorities and physicians to put more emphasis on the performance of the system, the volume of care but also the quality of care.

Pine Shake Roofing

MR. MacDONALD: Thank you, Mr. Speaker. In response to a question on the pine shake scandal, the Minister of Labour said, "As any information becomes available, it's immediately brought out and is available for discussion." However, in a September 24, 1998, memo a Department of Environmental Protection official confirms that information about PQ-57, a toxic spray, was withheld from the public by the Department of Labour. My first question is to the Premier. Is it government policy to not disclose information to Albertans at public meetings, only disclosing the information privately if the person knows the right question to ask?

MR. KLEIN: Well, Mr. Speaker, I don't know what was deemed to be the right question at that particular time. Perhaps when information is inconclusive, it is not released to the public. I don't know the circumstances surrounding this particular memo or this particular incident. Perhaps the Minister of Labour does, and perhaps the Minister of Environment does. The hon. member was kind enough to send a copy of the memo over just prior to asking the question, and I appreciate that. Clearly this was a memo that was internal, so I don't believe that either one of the ministers would have been involved in that particular discussion, but I'll have them respond.

MR. MacDONALD: Our Minister of Labour has nothing to say.

My second question, then, is to the Minister of Labour, Mr. Speaker. Why did you withhold this information?

MR. SMITH: Mr. Speaker, the opportunity to speak about PQ-57 in the Legislature yesterday was taken. It was very clear. The memo that the member has sent over to the Premier, which subsequently came to me, we'll have a look at with respect to this specific meeting, and then we'll respond. We haven't withheld anything. In fact, I think we're taking up valuable time in this House when we've tabled 1,500 pages of information and then the member continues to table them back one at a time.

MR. MacDONALD: Thank you, Mr. Speaker. My last question is also to the Minister of Labour. Will the minister confirm that he is not withholding any documents from any month or any other year on untreated pine shakes?

MR. SMITH: To the best of my knowledge, Mr. Speaker, everything is in the public domain.

THE SPEAKER: The hon. Member for Calgary-West, followed by the hon. Member for Edmonton-Ellerslie.

Special Places 2000

MS KRYCZKA: Thank you, Mr. Speaker. Many of my constituents in Calgary-West have recently expressed concern for preservation of the Whaleback, an area south of Calgary that is indeed unique in its landscape. With increasing industrialization, many of my constituents believe it is important that we have provincial policies in place that preserve unique environmental and heritage sites for future generations. My question is to the Minister of Environmental Protection. Has there been progress toward resolving the protection and development issue of the Whaleback?

MR. LUND: Thank you, Mr. Speaker. Certainly the Whaleback is one of those jewels that we're very anxious to protect. I must point out that the provincial co-ordinating committee -- there were three environmental groups on it plus a number of other individuals representing various stakeholders -- recommended that nothing be done. In fact it was this minister who said that in the Castle, the Bow, the Whaleback, and the Bighorn there had to be something done. Those areas are truly special, and we must do something. So we are anxious to proceed with the protection of the Whaleback. There's a montane area there that is extremely important to us.

Currently, there are interim measures, which means that there are no new activities allowed in the area that has been sent out. The area had been sent out to the local committee, the local committee have reported back, and we are currently working with ranchers who have leases both south and east of the nominated area. There are some minerals, and I would refer to the Minister of Energy to comment on the minerals and how he is dealing with that issue.

MS KRYCZKA: Mr. Speaker, my first supplemental is also to the Minister of Environmental Protection. Does the Department of Environmental Protection indeed intend to withdraw its support for the Special Places program?

MR. LUND: Well, Mr. Speaker, no. By the time that the program is completed, we will have a representative sample of the 20 areas.

Mr. Speaker, getting back to the Whaleback, as it relates to the minerals in the area, we have been trying to negotiate with Amoco.

They own a large block in there, and we're trying to negotiate with them. We do have a problem along the west side with freehold minerals. Of course it's not the government's policy that we would confiscate any property, so we will be working with those.

2:20

As far as the overall program is concerned, there have been reports that we were trying to roll up the program. That is absolutely false. What actually happened is that in '95, when we set up the PCC, the provincial co-ordinating committee, they were to have completed their work by the end of December. The fact is that we extended, Mr. Speaker. We gave them three more months to do their work. It's very interesting that since we wrote the letter last fall, prior to that the provincial co-ordinating committee had only been able to get through about one designation or site in a meeting. In the meeting in January they were able to kick out three sites, and in fact in the meeting in February they kicked out nine sites.

MS KRYCZKA: My second supplemental is also to the Minister of Environmental Protection, Mr. Speaker. Will the minister continue to use an open and fully consultative approach with area residents and stakeholders?

MR. LUND: Mr. Speaker, it was our objective right from day one that we would have a very open and consultative approach to this program. The idea about setting up local committees ensured that we would have local input, because those are the people that are most directly affected. I've had many comments from people that know about the program and how it works complimenting us on the fact that we've been able to keep it open with a lot of public input. Right today there are in excess of 30 local committees working. There's another number of sites that will be going out, and we'll be having that local input. We will continue to do it that way. We are not going to arbitrarily take a site and designate it without public input.

Pine Shake Roofing

(continued)

MS CARLSON: Mr. Speaker, the trouble in the Department of Labour has spread to the Department of Environmental Protection. PQ-57 is a toxic chemical spray that has not been specifically approved for large-scale surface applications in the treatment of pine shake roofs. My first question is to the minister of federal and intergovernmental affairs. As PQ-57 is federally regulated, did either the Department of Labour or the Department of Environmental Protection tell this minister about the concerns they had with the possible unregistered use, safety, or efficiency of PQ-57 before he attended the July 11, 1998, meeting on pine shakes?

MR. HANCOCK: Well, Mr. Speaker, first of all, I'd like to indicate, because I'm very proud of it, that the name of the department is Intergovernmental and Aboriginal Affairs. It was changed for very significant reasons and purposes.

We have on a number of occasions discussed the question of PQ-57 and its appropriateness and the proper uses of it. I can't advise the hon. member at this point whether I talked to other ministers before or after July 11 on a particular topic of that nature.

MS CARLSON: My next two questions are to the Minister of Environmental Protection. How, when there have been over 200 pages of documentation from his department, can the minister justify withholding his concerns about this product from Albertans?

MR. LUND: Well, Mr. Speaker, we don't withhold information. As a matter of fact, in 1998 -- up until that point there hadn't been work done on this particular product, and the manufacturer, who happens to be ISK Biosciences, contacted UBC and Forintek to do some work on the product. It was just this week that we got the information and the results of the work that Forintek did looking at how effective this particular product is. The Minister of Labour just yesterday, because we just got the information, made it very known to the public through this House.

MS CARLSON: Then, Mr. Speaker, how does this minister explain the memo from his own department saying that they deliberately withheld the information on the advice of the Department of Labour? They withheld that information from Albertans on purpose.

MR. LUND: Mr. Speaker, I haven't seen the memo, I'm not aware of the memo, and we will check out about its authenticity.

THE SPEAKER: The hon. Member for Edmonton-Mill Creek, followed by the hon. Member for Edmonton-Glenarry.

Nutritional Supplements

MR. ZWOZDESKY: Thank you. Mr. Speaker, I've been contacted by a number of constituents recently who are concerned about the regulatory status of nutritional supplements. Specifically my constituents and numerous others are concerned about the possibility that these nutritional supplements might become regulated as a subcategory of drugs. My questions are to the hon. Minister of Health. Can the minister explain the current status of nutritional supplements in terms of the relevant act and what jurisdiction he has in this regard at the provincial level?

MR. JONSON: Mr. Speaker, the overall regulation and approval of nutritional supplements and their relationship to the whole area of pharmaceuticals is under the jurisdiction of the federal government and the federal Department of Health. They do the reviews. They have the scientific component which reviews the issues of safety and whether the proper research has been done and the effectiveness or danger of particular items.

In the case of nutritional supplements I know that this has been under review in the context of the federal government. It is their jurisdiction in terms of the approval. The provincial government gets involved in terms of looking at the viability of providing monetary coverage for the use of those drugs or substances.

MR. ZWOZDESKY: Would the minister please clarify for my constituents and others, then, what the difference is between nutritional supplements being subcategorized as a food versus those same nutritional supplements being subcategorized as a drug? What's the impact to the average consumer?

MR. JONSON: Mr. Speaker, in laymen's terms, which are mine, if a substance is categorized as a food, there are certain standards with respect to freedom from bacteria and proper storage and all the rest of it which apply. But if a substance is categorized as a drug, then it comes under a much more stringent overall regulatory and inspection regime. There is a much more careful analysis done of the item or the substance as to what its long-term effects might be, whether it's harmful, whether it really has any healing properties, that sort of thing. So that is the best way I think I can explain it.

MR. ZWOZDESKY: I want to just conclude by asking the minister

what he or what we can do at the provincial level to ensure that Albertans continue to have the desired personal health freedom that they're requesting in relation to nutritional supplements or what the constituents themselves can do to guarantee that personal health freedom.

MR. JONSON: Mr. Speaker, I think the most direct route is that given that all parts of this province and across Canada for that matter are represented by Members of Parliament, that is a direct route for electors of the federal government to have input. It is my understanding that the federal Parliament Standing Committee on Health is conducting hearings or meetings -- I'm not familiar with their terminology -- on this particular topic. There has not been any final decision made with respect to some proposed changes in legislation. I think that's the most direct route, and certainly Albertans' representatives here in this Assembly would also be interested in hearing about and passing on any views their constituents might have on the matter.

THE SPEAKER: The hon. Member for Edmonton-Glengarry, followed by the hon. Member for Bonnyville-Cold Lake.

WCB Survivors' Pensions

MR. BONNER: Thank you, Mr. Speaker. Widows whose spouses were killed on the job are being denied workers' compensation benefits. The WCB has stated that current legislation does not allow them to deal with this issue. To the Minister of Labour: is it the policy of this government to delay resolution of this issue because the longer they wait, the fewer widows will be left to receive the benefits they deserve?

2:30

MR. SMITH: Mr. Speaker, that's a pretty insulting question. There's no question that this government works hard, works diligently. I've met with the widows' group; the WCB has met with the widows' group; the executive officer of the WCB has met with the widows' group. There are discussions under way. There are changing situations throughout Canada. It's a difficult situation that looks for a sense of compassion, some tenderness, not an insulting question like this from a member I actually expected more from.

MR. BONNER: Thank you, Mr. Speaker. After four years of negotiations when will the minister correct this injustice?

MR. SMITH: Mr. Speaker, the executives from the WCB are meeting with the widows at this juncture. The WCB is discussing from a board governance perspective. They're in discussions with the widows, and we hope to be able to report progress on this matter.

MR. BONNER: Mr. Speaker, can the minister give these widows a time line for when they will receive their benefits and detail the steps he is taking to ensure that a resolution occurs as soon as possible?

MR. SMITH: Actually, Mr. Speaker, that's a much better question, because it talks about the sequence of events that would lead up to a disposition of the issue that has always two options, one of reaching an agreement satisfactory to both parties or seeking a legal remedy in the courts. Given those two broad choices, the exact details and time lines would be difficult to give to the member at this juncture, but I do know that both parties are working with the sense that time is of the essence.

THE SPEAKER: The hon. Member for Bonnyville-Cold Lake, followed by the hon. Member for Edmonton-Mill Woods.

Electronic Marketing

MR. DUCHARME: Thank you, Mr. Speaker. With more and more Albertans purchasing goods and services over the phone and the Internet, there seems to be a gap in the current legislation to deal with new consumer protection issues in this expanding area. To the Minister of Municipal Affairs: what is the Alberta government doing to address potential consumer protection issues in the electronic marketplace?

MS EVANS: Thank you, Mr. Speaker. Last year, as you know, we took the Fair Trading Act through the government. We have since that time been consulting on 10 regulations that apply to various sections of the Fair Trading Act. In the area of electronic marketing we've sent out over 100 releases and discussion papers, put the discussion paper on the Internet. We're soliciting input from the people in Alberta who both buy and sell goods.

MR. DUCHARME: Thank you, Mr. Speaker. To the same minister: will this regulation protect a consumer from Alberta who is buying something from a company in Ontario?

MS EVANS: Mr. Speaker. Buying and selling is always a transaction between the buyer and seller: buyer beware. In electronic marketing it is no different. We have, in fact, a member of the Alberta government from consumer affairs that works on the national committee that is establishing measurements for transactions. Essentially we're looking at the transaction between the buyer and seller, no attempt to police the Internet, to ensure that there's adequate disclosure, that all of the documents that should be in place are. Our hope is that when the final regulations are produced, they will reflect a standard that Alberta can be proud of.

MR. DUCHARME: Thank you. To the same minister once again: given that the Internet expanded by 123 percent last year to more than 4 million web sites, when will the government enact this legislation?

MS EVANS: Mr. Speaker, it is our hope that the legislation will be enacted in September 1999. It is also our hope that it will harmonize with other provinces in Canada.

Recognitions

THE SPEAKER: Hon. members, 30 seconds from now the chair will call on five hon. members for recognitions. We'll proceed first of all with the hon. Member for Fort McMurray, followed by the hon. Member for Edmonton-McClung.

Winnie Sommer

MR. BOUTILIER: Thank you, Mr. Speaker. Today I'd like to take this opportunity to recognize a former city council colleague and community leader who recently passed away and will be sadly missed by our constituency in Fort McMurray and surrounding area.

Mr. Speaker, Councillor Winnie Sommer served the citizens of Sapræe Creek and the regional municipality of Wood Buffalo with great distinction. She was indeed a lady who took pride in her community and was one of the founders and architects of the first specialized municipality in the province's history. Councillor Sommer will always be remembered by citizens as a strong leader who never wavered from looking out for the interest of the taxpayer. It was an honour and a privilege for me and, I know, members of the city council in Wood Buffalo to have worked alongside Winnie during her time on council.

Mr. Speaker, Councillor Sommer's skill and ability in balancing

a budget was respected by all citizens, and on behalf of the Members of the Legislative Assembly I'd ask that your heartfelt sympathy is to her husband and her family during this sad time.

THE SPEAKER: The hon. Leader of the Official Opposition.

Archbishop Joseph MacNeil

MRS. MacBETH: Thank you, Mr. Speaker. I rise today to bring recognition to a leader in our church community and in our province. That leader is Archbishop MacNeil, who has announced that he will be retiring as the archbishop of Alberta in April of this year. His Grace is an example of commitment to our province, an example of faith to young and old.

I was fortunate enough to get to know Archbishop MacNeil during the drafting of the School Act in 1986 as a new Minister of Education. He was instrumental in resolving the issues affecting the separate school jurisdiction under the Constitution and the issues of residential and corporate tax sharing with respect to the separate school districts in Alberta.

Archbishop MacNeil was born in Sydney, Nova Scotia. He did work as a student in organizing fishermen's co-operatives. He was a professor at Saint Francis Xavier university. He is a wonderful humanitarian, a man who has brought his enormous spirit to our province, and a man who deserves the recognition and the thanks of this Assembly.

THE SPEAKER: The hon. Member for Calgary-West.

Alberta Special Olympics Winter Games

MS KRYCZKA: Thank you, Mr. Speaker. I rise today to recognize the Alberta Special Olympics provincial Winter Games, which will take place in Calgary from February 26 to 28. The Special Olympics is a wonderful program providing year-round sports training and athletic competitions for mentally challenged children and adults. By taking part in the Special Olympics, these courageous athletes learn new skills, become more physically fit, and meet new friends.

This year 427 athletes and 148 coaches from across the province will gather in Calgary to compete in alpine skiing, nordic skiing, snowshoeing, figure skating, speed skating, and floor hockey. Some of these athletes will go on to represent Alberta in the national games in Ottawa in January 2000 and the International Special Olympics in 2001.

I would ask all the members of the Assembly to join me in extending our best wishes to the athletes, coaches, organizers, and volunteers for an enjoyable and rewarding experience at the provincial Winter Games.

THE SPEAKER: The hon. Member for Edmonton-Manning.

Northeast Edmonton Community Health Centre

MR. GIBBONS: Thank you, Mr. Speaker. I would like to take this opportunity to recognize and congratulate the Capital health authority on the opening of the Northeast community health centre. Yesterday I had the honour and opportunity to attend an event at the centre at which the Hon. Allan Rock, federal Minister of Health, the Hon. Anne McLellan, federal Minister of Justice, and the Hon. Halvar Jonson were present. There were also many members from the community who have worked so hard to make this centre a reality.

The event commemorates the opening of Northeast community health centre and celebrates its innovation and commitment to

servicing health needs for Edmontonians. The centre has the unique ability to combine acute care services with community care services in a one-stop location. It will also demonstrate a new way of paying physicians for service.

The first phase of the centre opened on January 27, 1999, with the emergency department scheduled to open in late spring. Public, mental, and family health programs and a laboratory collection site are just some of the services available at the Northeast community centre.

Thank you from the residents of northeast Edmonton and congratulations to everybody involved. Thank you.

2:40

THE SPEAKER: The hon. leader of the ND opposition.

Friends of Medicare

MS BARRETT: Thank you, Mr. Speaker. It's a pleasure to recognize the Friends of Medicare, a coalition established over 15 years ago and made up of individuals, service organizations, social justice groups, et cetera.

Recognizing that Alberta's health care system is going through a period of rapid and sometimes painful change and that these changes are made most of the time without full public consultation, the Friends of Medicare organized a traveling commission and dispatched them to Fort McMurray, Red Deer, Medicine Hat, Lethbridge, Grande Prairie, Edmonton, and Calgary. The commission gave Albertans the opportunity to tell their stories and voice their opinions about what medicare should look like.

The nine commissioners -- Christine Burdett, chair, Audrey Cormack, Neil Reimer, Dave Conroy, Walter Derksen, Dr. Harold Swanson, John Boros, Jane Walker, and Jerry Pitts -- found out what ordinary Albertans were thinking and feeling. They compiled their findings, published their report, and released it this morning.

I applaud them for their hard work in giving Albertans an opportunity to be heard and for the commitment to preserving a single, comprehensive public health care system accessible to all citizens. Having been a member of that coalition for many years, I'm proud of all of their endeavours over the last 15 years, including defeating extra billing by physicians.

Thank you, Mr. Speaker.

Privilege

Contempt of the Assembly

THE SPEAKER: Hon. members, during the daily Routine today one hon. member, the hon. Member for Calgary-Buffalo, rose and indicated that he was going to give notice and wanted to raise a point. I advised at the time that I'd be prepared to hear such a point. Now, hon. member, would you kindly deal with the procedural side of this matter and tell me what citations you're using for such a point.

MR. DICKSON: Certainly, Mr. Speaker. I'm pleased to share the authorities with you. I'm starting out, firstly, under the Legislative Assembly Act, section 10.

Might I inquire, sir? I'd asked that copies of a written argument and authorities be shared with your office in advance of question period. I don't know if you've received that yet.

THE SPEAKER: Well, hon. member, let's deal with what we've got here and see where we go.

MR. DICKSON: Very well, sir.

In any event, in terms of authorities, firstly, section 10 of the

Legislative Assembly Act, sections 10(1) and (2) in particular. Section 10(1) gives authority and in effect says that "the Assembly may inquire into, adjudicate and punish breaches of the privileges of the Assembly and contempts of the Assembly." The second subsection goes on to talk about a host of examples, but it's prefaced with the comment: "Without restricting the generality of subsection (1)."

Then if you go to *Erskine May*, 22nd edition, they talk about the difference between contempt and privilege, and I'm referring specifically to page 108, which I've set out in detail and don't propose to read now unless you require it, also page 117 and, further, page 120.

Then in terms of process, I go to Joseph Maingot's book, that is probably the locus classicus when it comes to parliamentary privilege and contempt. In the Maingot text the reference to contempt is on page 14, and it's distinguished from privilege at page 192 where in fact Mr. Maingot goes through and talks about the differences, indicates that privileges are enumerated and, I might say parenthetically, well known, because we have a body of rulings from you and previous Speakers on what constitutes privilege.

Contempt is not enumerated. In fact, if one goes back to *Erskine May*, I'd just quote the first paragraph on page 108.

Generally speaking, any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any Member or officer of such House in the discharge of his duty, or which has a tendency . . .

And I'd underscore this part.

. . . directly or indirectly, to produce such results, may be treated as a contempt even though there is no precedent of the offence. It is therefore impossible to list every act which might be considered to amount to a contempt, the power to punish for such an offence being of its nature discretionary.

So those particular authorities, *Beauchesne* 123, 124, and 125, identify that contempt does exist. It's clearly something different than a breach of privilege, although *Beauchesne* is less helpful because the focus tends to be primarily on what the remedy is after the finding.

Now, just as a process issue I take Joseph Maingot's direction starting at about page 223, where what he suggests is that the process for arguing a matter of contempt is similar to a matter of privilege, similar to the process we'd have under Standing Order 15 but separate. That's why you were provided with two hours' notice in advance, Mr. Speaker, and two hours' notice to both the Premier and the Health minister.

My respectful submission is that what you would be about this afternoon is hearing brief argument in support of the claim of contempt, hearing presumably from representatives of the other parties. You would then be in a position of having to make a determination whether there's a prima facie case, once again, analogous to what we are familiar with under Standing Order 15. If you were to find a prima facie case, then a motion would have to be moved at that point, and if you don't, then that's the end of the matter.

I'm not sure whether I'm being fully responsive to your query, but that's what I'm proposing, and that's the way I envisage the thing unfolding, Mr. Speaker.

THE SPEAKER: The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Speaker. It would be our submission that the notice of motion put forward today is clearly out of order. It's out of order because, firstly, the question must be raised under our Standing Orders, in our submission, in one of three ways. There are urgent and pressing orders, sections 30 and 40,

under which a notice of motion can be brought, or there's the section on privilege, section 15.

In the Legislative Assembly Act, section 10, it deals with the question of privilege and contempt and then lists a number of items. If we get into the discussion of the content of this, I'll point out very clearly that the items listed are in the nature of high crimes and misdemeanors and not in the nature of not having somebody come to a public forum.

On the question of procedure, normally -- if there can be a normal in the context of contempt -- it should be brought up in the context of privilege, which means it either has to be brought up in the face of the House when it happens or it has to be brought up by a member as a question of their privileges of the House at the earliest possible opportunity.

Privilege and contempt, in our submission, are the obverse sides of the same coin. That's why they're referred to in the Legislative Assembly Act in the same section and that's why they're referred to in *Beauchesne* in the same portion of the book and that's why there's no procedure set out specifically relating to contempt. Because contempt is the result of a breach of privilege in most instances. You have contempt because you haven't respected the privileges of the House.

So our argument would be that those two go hand in glove, that they're intertwined. To suggest that the Speaker should make up a procedure under Standing Order 2 is not necessary and not provided for. Under the rules and traditions contempt should be dealt with, as I say, in the same manner as privilege, and *Beauchesne* 115 indicates that a question of privilege should "be brought to the attention of the House at the first possible opportunity."

The question of how many members would go to a forum . . .

MR. DICKSON: Well, that's not process. You're getting into substance.

MR. HANCOCK: As the hon. member suggested, that's a question of substance, so I'll leave it at that point.

2:50

THE SPEAKER: The hon. leader of the ND opposition.

MS BARRETT: Thank you, Mr. Speaker. I'd just like to supplement what the Government House Leader has said with a few other observations about the references made by the Member for Calgary-Buffalo in an attempt to sustain legitimacy of this motion proceeding. For example, the item cited, *Beauchesne* 125. I'll just read part of it.

For more serious contempts the House may proceed further. Louis Riel and Thomas McGreevy were both expelled from the House, partly at least, for their refusal to attend in their places and answer charges. Imprisonment has been used on only one occasion.

You'll see other examples, that were also cited, with respect to failing "to attend a committee investigation." Reference was made in support of contempt being a parliamentary procedure that would be relevant for today's issue.

On the *Erskine May* reference that was made by the Member for Calgary-Buffalo, I'll just make one quote from there: "To prevent, delay, obstruct or interfere with the execution of the orders of either House or its committees is also a contempt." To the best of my knowledge, first of all, it was a government initiative, not a Legislative Assembly initiative, to establish a forum on health, so it can be in no way construed as an offence or contempt of the Assembly itself.

Secondly, it occurs to me that this is probably an attempt to get around our Standing Orders 15 and 22 with respect to privilege,

which would be the appropriate means by which to address a breach of an Assembly order or attendance, or a Standing Order 40. Even if we got to the motion itself, I submit it would be out of order because the person who determines who attends the summit is not the government but in fact the secretariat. So I don't see how the Premier or the Minister of Health could be considered in contempt of a motion or legislative order that never existed in the first place.

Finally, if it were to proceed, the issue of right of access to the summit is also proved moot by the very fact that live television feed into an adjoining room is available to all people wishing to attend.

So I, for a rare change, agree with the Government House Leader on this issue.

THE SPEAKER: Okay. Hon. members, first of all, the chair very much appreciates the opportunity for individual members to become parliamentarians. This is good. This is good. This is always enjoyable, and this is always important.

When the chair received the letter from the hon. Member for Calgary-Buffalo this morning -- it arrived in my office at 10:47 -- the chair read it repeatedly and reviewed it very, very carefully and took some time in dealing with statements that were provided by the hon. Member for Calgary-Buffalo at the time, and then a little later in the morning additional information was forwarded to the chair's office as well. The chair also took an opportunity to consult with the table officers with respect to this matter because it is not a normal type of request that is being made from a procedural point of view.

Normally under our rules we have opportunities for members to raise points in this Assembly via three different ways -- and I say normally -- either a Standing Order 30 provision or a Standing Order 40 provision or a point of privilege provision under Standing Order 15. In this case the Member for Calgary-Buffalo attempts to make it quite clear that he is not raising an item under the Standing Order provisions under privilege but in fact contempt and seems to go to quite a degree of length on that.

The chair would like, however, to point out that certainly during the tenures of at least three different Speakers, this one and three additional ones, my predecessors, various Speakers in this Assembly, have dealt with these questions of contempt in the Assembly in exactly the same manner as questions of privilege.

One can cite a variety of the learned authorities that we have in this regard, and I take hon. members to Maingot's *Parliamentary Privilege in Canada*, the second edition, chapter 12, on this point. In fact, the linkage between contempts and questions of privilege is found in section 10 of the Legislative Assembly Act, which lists matters that are breaches of privilege or contempts, there being no distinction. The member may recall that certain questions of privilege are often more properly classed as contempts but are dealt with by the same procedure.

Maingot, as well, goes further and provides the following statement on point in referring to contempts of Parliament, and he does it on pages 14 and 15:

Such actions, though often called "breaches of privilege," should more properly be considered "contempts." While it will become evident that one of the corporate privileges of the House is the power to punish for contempt, there is no restriction on what may constitute a "contempt of Parliament." . . . the "breach" in question is brought to the attention of the House by means of a "question of privilege."

One might go back, as well, in terms of the review that was made earlier today, to a ruling that occurred in this Assembly on May 23 of 1996. At that time it did involve the hon. Member for Calgary-Buffalo when a suggestion of contempt was raised through the procedures outlined in Standing Order 15. The ruling from the chair held that threatening statements contained in a letter to a member

amounted to contempt and concluded that a prima facie breach of privilege had been established under Standing Order 15.

One can go further with this in terms of the procedural side. There's no doubt at all that the member did give appropriate notice in terms of raising a matter. Certainly there is no requirement in terms of what is outlined in terms of contempt, but if one treats the two in exactly the same way, as has already been pointed out by the chair, then one would go to Standing Order 15. In that case, clearly notice was provided.

So when one goes beyond that, then one looks at the question to a degree of the matter about what is being restricted. If there is to be a matter of contempt or a matter of privilege, the chair finds it very, very difficult to see how that is possible in terms of the procedures that have been outlined.

The motion that has already been read into the record when the hon. member did so during the Routine of the day suggested that at least two individuals of this House are in contempt of the Legislative Assembly. To the chair's knowledge, interpretations of actions in terms of even privilege would have to do with matters that arise in the Legislative Assembly. This particular event in question is not a matter of the Legislative Assembly. It is a matter of the government. The chair has great difficulty trying to tie the two together. This is not a parliamentary proceeding. It's not undertaken by the Legislative Assembly of the province of Alberta. It's undertaken by the government and, more specifically, by the Minister of Health.

To the chair's knowledge, there is no right allowing members to attend, in the same way that members of this Assembly do not have the right to attend another party's caucus meeting. Members in this Assembly do not have the right to attend federal/provincial meetings or attend cabinet meetings or participate in meetings to which perhaps they're not invited.

There's nothing that the chair can see in this that precludes any member's right of speech in this Assembly. That is the most cherished of all privileges: the right to participate in this Assembly at this time. There's nothing that the chair can basically see is being eliminated in what has happened.

So a rather lengthy explanation in terms of the process, rather a briefer explanation in terms of the rest. This is an interesting parliamentary attempt, and it's one on which the chair again would congratulate all members for searching through the documents. Only by searching for the most opportune opportunities to deal with the processes and the procedures can we all improve.

So in dismissing the motion by indicating that it's not in order, the chair on the other hand also points out that he's always delighted to see these parliamentary exchanges occur.

3:00

MR. DICKSON: Mr. Speaker, under Standing Order 13(2) I wanted to ask, sir, just so I'm clear -- I didn't have an opportunity to speak to the merits of the claim; I was speaking only of the process. Is it the position of the chair that there cannot be a contempt by anything done outside of this Chamber? I'm trying to understand if in fact that's your rationale, sir.

THE SPEAKER: Well, hon. member, under our Standing Orders the chair is certainly prepared to provide explanation as much as possible for his type of rulings. The chair thought that he had provided that. The chair very carefully pointed out the connection between a point of contempt and a question of privilege. No argument was made or put forward by anyone with respect to this being a point of privilege, yet they're treated in exactly the same way.

This Assembly deals with the matters before the Assembly. Not

knowing where the turns in the road will be in the future or what might be deposited under a particular rock or something else, the chair is not going to make a ruling with respect to the latest question that the hon. member raised, because the chair has no way of knowing what circumstances will develop tomorrow or in the future. We'll only deal with the matters before us at a particular time, and we've cited certain things.

By the way, hon. member, these matters are also dealt with differently in the Canadian House of Commons than they are in this Assembly, because we have our own rules in the Alberta Legislative Assembly. They may not necessarily have been dealt with in the same way in the Canadian House of Commons. One has to be very, very careful that the authorities that we cite in this particular Assembly are the ones that were outlined by the chair in a recent memo to all hon. members, which very clearly cited those particular authorities. Not included on that list of authorities is the Canadian House of Commons.

head: Orders of the Day

head: Written Questions

THE SPEAKER: The hon. Deputy Government House Leader.

MR. RENNER: Thank you, Mr. Speaker. I move that written questions appearing on today's Order Paper stand and retain their places.

[Motion carried]

head: Motions for Returns

THE SPEAKER: The hon. Deputy Government House Leader.

MR. RENNER: Thank you, Mr. Speaker. I move that motions for returns appearing on today's Order Paper stand and retain their places.

[Motion carried]

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

Bill 202
Farming Practices Protection Statutes
Amendment Act, 1999

[Debate adjourned February 23: Dr. Nicol speaking]

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

DR. NICOL: Thank you, Mr. Speaker. It's a privilege to rise again this afternoon and conclude my comments on Bill 202. Just basically summarizing my comments, this bill does provide a statement that allows a farmer some degree of certainty as to the process that neighbours can undertake to raise concerns about their practice, raise concerns about the activities, the impact that that farmer is having on those neighbours.

But the issue also gets to the point of, as we talked about the other day, the conversion of land. Here we're dealing with the idea of farmers' practices, not their freedom of choice in disposing of their assets, the sale of their land. So this is basically not going to impact at all on the property right aspect of the landholder, the farmer, but it might affect in some ways their ability to deal with the issues of different alternative farming practices.

I guess the main thing that we have to look forward to, as I said in the previous debate, is the definition of what constitutes acceptable practice. There are some cases now that are arising where some particular aspects are being challenged: are they farms, or are they industries? We've seen a number of communities in Alberta now challenge some of the large-scale agricultural enterprises that are being established and question their identity as to being farms or as to being basically industrial complexes where they're very intensive. So this is going to all have to, I guess, look at the results that come out of the reviews that are in place for agricultural practices, and the agricultural practices act code of practice statements that are built on that.

So with that, Mr. Speaker, I think that it's a good bill. I would encourage everyone to look at it and to kind of deal with their perception of how the relationship of neighbours in a rural community can be improved. We have to look at it from the point of view of: can we through this piece of legislation in essence reduce some of the stresses that occur in rural communities?

On that basis, Mr. Speaker, I would suggest that, yes, this is a good piece of legislation. It creates a process. It creates some guidelines, and it's going to in essence create a little more certainty for farmers when they can look at this legislation and say: all right; if I've got neighbours that are not satisfied or not appreciative of what I'm doing, at least we'll know what the options are.

So on that basis, Mr. Speaker, I think I would encourage everyone to support this. It's a good thing for rural Alberta. It will allow even urban Alberta to better appreciate the complexity of agriculture and the practices that are involved in agriculture. It will also recognize that those of us that are involved in the farming sector will listen to them, but we don't want to be harassed by them either. So I hope everyone takes an opportunity to support this piece of legislation.

Thank you.

THE SPEAKER: The hon. Member for Little Bow.

MR. McFARLAND: Thank you, Mr. Speaker. I'd like to thank the Member for Drayton Valley-Calmor for providing this Assembly with the opportunity to debate the merits of Bill 202, and I'd also like to thank the MLA for Lethbridge-East, my constituent, for his support to this member's private bill.

Mr. Speaker, agriculture is in fact the most important industry, to paraphrase our previous Minister of Agriculture, Food and Rural Development. I'm sure everyone here has heard him explain: agriculture is Alberta's future; it's not its past.

MR. SMITH: It's pasture.

MR. McFARLAND: No, it's not pasture. It's actually one of the most important industries that we have.

Alberta's farms produce the low-cost food that many Albertans, North Americans, and people worldwide do consume, but I believe that this very bill raises the issue that perhaps should have been raised long ago in the Chamber and is one that's becoming increasingly important every day. The fact of the matter is that we do have a reason to be concerned about the protection of our agricultural operations. We also have reason to reach a workable solution between these operations and any new subdivision or land development.

Secondly, I would like to mention that the nuisance claims that we're trying to prevent with this bill do not always take place between a new landowner and agricultural operations. Oftentimes we will find that the disagreement is taking place between two existing agricultural operations. This dynamic of a nuisance claim

is very interesting, and it's beyond me, Mr. Speaker, to determine the legitimacy of these claims. Sometimes it's a Hatfield and McCoy situation, but I would be willing to say that the stronger the direction this Assembly can give through regulations or legislation, the more chance we have for resolutions that can be made outside our court system. It's also important that we work together to protect those agricultural operations that provide us with our very staples for existence.

Because of the fact that some of these operations have been in operation for decades, Mr. Speaker, they're part of our history. They're part of our heritage, but they're also an independent business. So when we hear of disputes between neighbours, whether it's two agricultural operations or an acreage owner against an agricultural operation, it all boils down, in my mind, to communication and co-operation.

I hope this won't become an issue of, quote, the urban or city dweller versus the rural resident or the farm business, especially those who bought residences or weekend homes in the country, some of whom now complain about smelly and noisy farms. I believe there's more to it than that.

3:10

It doesn't matter whether the landowner has issues relating to his operation or whether the acreage owner, or small landholder, has concerns about their safety and well-being. The fact of the matter remains that these people have to work together, but the primacy should lie with the historical use of the land.

Mr. Speaker, the attractive landscape that often includes the generation of smell, dust, and noise is legitimate, and I stress that complaints too often tend to err on the side of the unreasonable claims rather than an expectation of what people can properly and reasonably expect to encounter when they move out to a rural area. As was mentioned earlier by the mover of this bill, irrigation pumps that have to operate 24 hours a day, a tractor that has to be out spraying in the morning before the wind gets up, or a combine that has to take off the harvest all through the night because the weather forecast for the weekend isn't suitable for harvest are normal, necessary, everyday practices that anyone who has any knowledge of the rural way of life has become very familiar with and very comfortable with.

Complaints about noises from the chicken sheds or the noise from wind machines that are used to keep the frost off certain crops at night are in my mind unjust. They are directed at what is essentially a normal activity on a farm, which has provided, as I said earlier, some of the lowest cost food, the healthiest, and the safest food not only for Albertans but for all Canadians and other markets outside this country.

Mr. Speaker, the noises that I mentioned as well have a similarity to the noises that some of our urban friends, families, and cousins have become acquainted with. I suspect that not too many of us who live in the rural part are familiar with the nightly sounds of an ambulance siren or a fire truck or a police vehicle, but people who live in a city become accustomed to those essential services and the noises that they make. I suspect it's just as odd for people who come to the city for a weekend to experience these different noises as it would be for those people who come out to the country to experience some noises they don't necessarily hear back on their home turf. They're all necessary for safety, whether it's the police department, the fire department, or for that matter the noise of the combine, the baler, the tractor pulling a load out of the field. If you move to a city from a farm, these noises are just something that you have to get used to.

I suppose that the basic thing that we have to come back to is co-

operation and communication. Owners of agricultural operations probably will accept new neighbours if they have an agreement that they can understand the intrusions that they seem to have had forced on them. The growing number of urban people purchasing property in farming areas is a problem that's only going to increase as we experience suburban sprawl. We have no choice about the matter; or do we? The only solution is to work together.

This isn't happening only in the province, Mr. Speaker. As the Member for Drayton Valley-Calmar indicated, there's an alarming number of acres being taken out of agricultural production on a daily, monthly, and yearly basis in the States, our neighbours to the south and our trading partners. This is a very real threat that we're facing, and I believe it's time we made a statement, put in provisions that protect that historical use of a very important part of our Alberta heritage.

Mr. Speaker, we know that there has to be a need to protect agricultural operations. Basically, when it comes down to it, we're probably the only province that hasn't established right-to-farm legislation. As a point of interest, every state in the U.S. has right-to-farm laws that attempt to provide farmers with protection against nuisance suits that were launched merely because they're conducting standard farming practices. The majority of these laws were passed between the years 1978 and 1984, and here we are in the year 1999 without anything in Alberta.

There's also another different angle to the argument, and that's the factor of wildlife preservation, Mr. Speaker. Many urban dwellers in affluent countries today take food for granted, and they want control over the farmers' land and water because they are urgently concerned about the fate of wildlife. Well, in my estimation the truth is that a high-yielding farm and the practices that follow it are possibly the greatest allies wildlife has ever had. The modern food system is saving at least 15 million square miles of wildlife habitat from being plowed down. People just don't need as much land as they used to with the new practices to produce more food than they used to produce with more land.

This is not something that the continuing phenomenon of urban sprawl can lay claim to. I think you understand what I mean. When we drive around some of the larger communities, the larger cities, it isn't uncommon to see 80 or 40 acres of land being stripped. There's never any concern raised from people about the loss of productivity. It just seems to be an acknowledged fact that that's progress. There are never environmental impact assessments made when a city expands onto a prime land quarter, a quarter of number 1 soil, with trees that are torn down, bulldozed so that buildings can be put up for people that need them. But I daresay, Mr. Speaker, that if that same parcel of land was improperly farmed, there would be a hue and cry. If one tree came down on that farm quarter, somebody would be concerned that wildlife habitat was being degraded or taken out of the system.

I would just ask that people, when they're driving by some of our expanding communities, keep that in mind when they see piles and piles of good topsoil and we've scraped the land down to the clay and are starting to put up new homes, which are great. But it does beg the question: wouldn't it be better to preserve some of this prime agricultural land and encourage people to grow up rather than grow out?

Mr. Speaker, I'd like to go back to the communication process just for a moment, and that's with this point in mind. Agriculture would do well to spend some money on advertising and to consider doing so in the school system as part of that plan. This will not be hugely expensive, but it will require farmers, farm organizations, agricultural researchers, and agribusinesses to come forward and aggressively present their case. It's often heard that the educational system

is the place to start when trying to get a message across to as great a number of people as possible. I would suggest that perhaps we start by educating our children about the history of the farming industry, the importance of the agricultural industry to our future.

Mr. Speaker, I believe Bill 202 is the start of greater protection for these agricultural operations, a definite step towards acknowledging that our agricultural land is a nonrenewable resource and must be treated as such. With that said, I'd encourage members of this Assembly to support this bill before us and give some thought to the promotion of agriculture, of farming, and doing that through our school system.

Thank you, Mr. Speaker.

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

3:20

MRS. SOETAERT: Thank you, Mr. Speaker. It's my pleasure to speak to Bill 202 because . . .

MS CALAHASEN: You're a farmer.

MRS. SOETAERT: Well, I live in rural Alberta. Though I don't farm, there certainly are many around me.

I want to say right off the bat that the hon. Member for Drayton Valley-Calmar was most gracious, invited the Member for Lethbridge-East and myself over for a little pizza to discuss his bill. Now, bribery was not involved in support of this bill, but good knowledge was. [interjections] It was an attempt maybe but not contempt. [interjections] Oh, nobody over there got pizza? It was beef and onion, so we supported Alberta, if anybody cares to know. Now he's in trouble, I see, but that's okay. We went over and got some information about the bill, which I appreciate. You know, a little bit of knowledge beforehand helps you speak with a little bit of knowledge in here.

So with that, I'd like to speak actually in support of this bill. You know, when you look at it, in a way this bill could kind of be covered under the code of practice if we implemented that, if we stressed it more. But on the flip side, if we bring something like this to the Legislature and make it part of legislation, then I think it gets a little more public awareness. I think people maybe will think a little bit more about how precious our farmland is, especially where I live, because it's just outside of Edmonton, St. Albert, and Spruce Grove. It's the best soil in this province, bar none. It is prime agricultural land, and nobody there can argue that.

MR. BONNER: Better than what they have in Barrhead?

MRS. SOETAERT: Better than what they have in Barrhead. No offence, Mr. Speaker.

MS BLAKEMAN: This will be a large discussion.

MRS. SOETAERT: This will probably make other people rise to their feet.

But it is prime soil out in my neck of the woods. And you know what? It is being eaten up by housing developments. I know this isn't necessarily addressed in this bill, but we still have to bring up the issue of use of farmland. My understanding of this is that if you are going to buy or someone buys some property in rural Alberta in a farming neighbourhood, they cannot bring a nuisance claim against a farmer because of noise or smell or something like that.

I've actually seen that occur in my riding. There was an instance

where a farmer was charged with I forget exactly what, probably with nuisance, because his combine was running late at night and the yard light was on. It happened to be a dry night in the fall. Well, you and I both know that you'll combine all night if that's what it takes to take off the crop. There were all kinds of legal problems and bad feelings with the neighbour who had moved in there and expected, I guess, tranquil peace and wasn't getting his definition of peace. I think in this legislation, with people knowing right up front that they are moving into a farming community and a farming area, they can't be charging someone with nuisance if they don't like what's going on.

Often we're traveling through our constituency. When my children were younger, you know, we'd go past maybe a hog operation or a big poultry operation and they'd say: whew, what is that smell, Mum? I'd say, "Well, that's the smell of money," because in reality in rural Alberta it is. Mind you, I do have a good relationship with my neighbours, who are dairy farmers, and they don't spread manure when we're having a big family reunion or my annual golf tournament, which I think is quite considerate on their part. They usually come to my tournament anyway, so that balances out those things, which actually leads to the issue of neighbourhood relations in rural Alberta. I think this will help it, just by the simple fact that information will be right up front when you purchase land.

I did ask the hon. Member for Drayton Valley-Calmar if he had talked to any of the realtors. It isn't their issue, but it is their responsibility. He said: no, but I guess they'll find out about it. So I contacted a couple of the realtors in my neck of the woods. Some of them do it already, you know, out of courtesy to avoid conflict later on, and it didn't seem like a big issue for those that I heard back from. So that's fine.

I don't know if people truly appreciate rural Alberta. Some people think it's naturally quiet out there, but to me a good, healthy sound is the sound of a combine. Mind you, one thing that at 6 o'clock in the morning I didn't appreciate, however, was the spraying of crops with those ultralights. Though it was 6 o'clock in the morning on a canola field right next to my home -- canola has its moments, too, for smelling -- I do appreciate, however, the fact that that's part of the rewards of rural Alberta and part of the things that we learn and live with, and I feel most fortunate to be located out in Sturgeon county.

Another concern I have over this. It's not necessarily a concern, but it requires municipalities to establish policies to protect agriculture operations. Have they been given some guidelines? Have they been given a heads up? Maybe when the closing remarks come from the hon. member, he'll answer this, because I've only thought of this since we met last week. Have municipalities been given guidelines for this? Do they have an idea how they're going to implement this? Is it going to go to all their realtors? Is it going to be in a newsletter? It's one thing to say that we'll require municipalities to establish policies, but they're people sitting around a table. It would be nice to give them a suggested policy, and it would save them hours of time. It's probably been done somewhere. If you don't mind, I'd like to see that.

[Mrs. Gordon in the chair]

If I may talk about the code of practice for a minute. I would like to personally see that enforced a bit more or knowledge of it put out a bit more, an awareness of it, maybe articles across the province about some of the issues that face people that they don't really realize are there. One thing this bill doesn't address is the intensive livestock operations, and I realize it's a more difficult issue. I think that will be addressed through the code of practice, but once again, if it's brought to the Legislature, maybe it brings it into the light more and people will be more aware of it.

I realize that intensive livestock is becoming an issue all across the province. My hope for this legislation is that it supports family farms a bit more, because I think on top of all the expenses of running a farm, especially the way prices are right now, they certainly don't need lawsuits or nuisance suits that they have to deal with on top of all the other work and worries of their day. In that way I like the idea that we're promoting the family farm, making people a little bit more aware of how precious farmland is and of the responsibility to maintain as much farmland as we can.

I was always concerned when the Department of Municipal Affairs -- and it wasn't with this present minister; I realize that -- kind of did away with all the regional planning commissions. [some applause] Is that a city dweller thumping his desk over there? Most likely, Madam Speaker. [interjection] No offence to this person over there that didn't understand, a Calgarian. Oops. Okay; I take that all back. Many city dwellers appreciate farmland. You know what? I know that one of the members from this side, who probably lives in downtown Edmonton, wants to take the opportunity to speak to that, because she is one of those people who appreciates it.

3:30

But my concern was on regional planning and when that kind of all fell apart and became the responsibility of all the municipalities. Now some are working on co-ordinating the regional plans, but that's been about three years in limbo, as I see it, and I have seen all kinds of development. It used to be that just three-acre parcels could come out of an 80-acre piece. Now we see river lots all divided up and a hodgepodge mess of development around the province, and that concerns me. I realize that's not in this legislation. I realize there is some co-operation out there between municipalities, but I would really like to see more leadership on this government's part. Maybe the answer isn't in those old regional bodies, but I'd like to see some guidelines from the province, a bit more structure, about development in farmland, because we will run out of this land.

I also know parts of my riding where it is more conducive to developments than it is to farming. The development in Calahoo Hills: beautiful spots for homes. You'd never get a combine up and down those hills, but it's great for homes and skidooing and recreation.

MS BLAKEMAN: Skidooing?

MRS. SOETAERT: Skidooing, especially for Edmonton-Centre. She'll have to come out to Calahoo Hills one day, because she would appreciate that and the fine people out there.

I guess if we could focus on development in those areas rather than the loss of good agricultural land.

So this is one piece of a big puzzle, I think. I'm glad that it's here, and for that reason I will support it. I guess I'll conclude by saying . . . [interjection]

MR. WICKMAN: They want more.

MRS. SOETAERT: They want more? You know what? I bet that with unanimous consent they'd give me more time every time I speak, unless the microphones are having a moment like they did last night.

I'd just say that I'm glad this piece of the puzzle is here. I know it's actually out there, but I think this brings it to light a bit better. Maybe piece by piece we will protect the farmland in our province.

My concerns about the municipalities: give them some guidelines. They're busy people too, and I think they'd appreciate at least some standard they could follow or amend to suit their municipality. In

fact, I'd like to know if you've heard from municipalities on this and, you know, what they had to say. I would bet they're in support of it, but I'd like to know what they had to say.

I for one want to see our farmland protected. I think that's of course one of our greatest economic forces in this province. I have many farmers in my constituency and many people who are feeling a lot of the difficulties that farmers are going through right now. I think they'd appreciate this piece of legislation, which actually will help them work with neighbours. In my riding, because we are fairly close to the city, there are a lot of housing developments right close to farmers. I say, for the most part, that it's been a very good relationship with those people, and they are close friends in the community. In fact, lots of them are grown children who have jobs in the cities and want to still live out in rural Alberta.

So I understand them wanting to live there and have a chunk of property out where grandma and grandpa are. I appreciate that, but we also have to appreciate, where we allow those developments and also if you sell eventually, the rights of a farmer to always farm without hassle, I guess you could say, and with the respect of their neighbours. That's what I have seen: a real co-operation between farmers and their neighbours for the most part. I think this is just another thing to help the good relationships continue.

I end my comments in support of the bill with a few questions for the member, if he wouldn't mind answering them when he has an opportunity. I realize there are probably more who want to speak to this, so I thank you for that, Madam Speaker.

THE ACTING SPEAKER: The hon. Member for Innisfail-Sylvan Lake.

MR. SEVERTSON: Thank you, Madam Speaker. It's a pleasure to rise today to participate on Bill 202. Agriculture is one of the industries on which this province was built. It is a great concern when we hear controversies such as the Member for Drayton Valley-Calmar has outlined earlier in this debate. He mentioned the issue of suburban sprawl, or urban sprawl as it's sometimes called. As a person who was raised in town and moved to a farm and has spent the last 35 years living on a farm, I can understand why people like to move from the city to the country. It is something that I believe will continue to grow with the advancement of technology and the ability of people to work in their own homes.

Madam Speaker, I'm not saying that we should prevent the expansion. Instead, we have to take a look at this spread of population and determine the best way to accommodate it. I think the attempt by the member in making this bill to protect agricultural operations is a valid and necessary one.

My colleagues before me have spoken of the importance of agriculture and the threat of potential nuisance claims on these operations. This bill empowers municipalities to exercise growth, to manage and to protect the very industry that sustains many small communities across this province. A site that was last year an isolated horse farm may today be next to a large residential development. The sights, the sounds, the smells that are taken for granted in an agricultural setting may become extremely annoying and offensive to certain neighbours. The results are nuisance lawsuits against those agricultural operations.

This may seem unfair to the farmer or the rancher, who, after all, was there first. So long as the farmer or the rancher does not change his or her operation to become more intrusive and so long as he or she farms or ranches according to the accepted standards of the industry, should these operations not have the right to continue the operation as before? All farms are important to this province in terms of the products they provide. I don't believe that anyone has

the right to challenge any such operation unless there is justifiable reason to do so. The bill before us provides protection for these agricultural operations.

Madam Speaker, I realize there may be some discussion taking place during the course of this debate that will question the reasons behind this bill, particularly why the proposal of such amendments is necessary when we do in fact already have right-to-farm legislation in this province. Well, other provinces in Canada and many of the American states are finding that right-to-farm legislation currently in place is not sufficient in protecting the existing agricultural operations. I'd like to say that today's debate should not be made out to be an issue of rural versus urban; rather, it should be more about how we can co-operate and communicate and live with one another.

3:40

We can look at other provinces, such as British Columbia, that have amended their right-to-farm legislation to ensure that municipalities cannot use bylaws to limit normal farming practices. That is what Bill 202 is about, Madam Speaker. In the United States South Dakota recently enacted right-to-farm legislation that includes a state policy to protect agricultural operations from nuisance suits. It allows for the protection status to continue if the operation relocates, if it's been running for more than one year, and was not previously a nuisance. There is also a provision for costs and expenses to be recovered if an action brought forth is deemed to be frivolous by the courts.

So you can see, Madam Speaker, that what we have proposed here with Bill 202 is not new, is not out of the ordinary. It is in fact in keeping with what other provinces and states have found to be necessary to do to protect agricultural land and practices in their jurisdictions. In Minnesota 24,000 acres of farmland go out of production each year at a rate of one acre every 20 minutes. California, the nation's leading agriculture state and a source of most of the fruit and vegetables eaten, loses about 100,000 acres of farmland each year. In Pennsylvania the right-to-farm legislation was further strengthened in agricultural districts to give farmers some legal protection against nuisance complaints by nonfarm neighbours. Though the right-to-farm law is not foolproof, it meshes with agriculture zoning and agriculture districts to indicate that farming is the preferred land use in the area. That is what this bill is trying to accomplish.

In 1994 Carroll county, Maryland, enacted its own right-to-farm laws in addition to the state laws. The county requires sellers of real estate to notify potential buyers about nearby farming operations, and the county sets up a five-member panel to help settle disputes between nonfarm owners and farmers. One farmer in the area stated that the problem boils down to communication or the lack thereof, saying that the farmer has the responsibility of letting the neighbours know what's going on. That's a valid point, Madam Speaker, but I would say that the farmer also has to ask for respect and understanding of the activities required for the maintenance of agricultural operations. So you can see that it's really about communication.

Madam Speaker, the use and loss of agricultural land is happening all over this country, all over the world. I realize these are examples from the United States, but we are gradually seeing the same thing happen here in Canada and especially in Alberta with our growth. We see towns like Acme, in which the town has developed around an agricultural operation. Should that operation be forced out of business because it's now in the centre of an urban population? Should that operation have the rights because it was there first? Is it right to try to force out the operation when it is complying with all the codes of practice? I would say: yes, the agricultural operation

has these rights. This may be an example to the extreme, but it does make my point.

The peace and quiet of the countryside has always lured suburban dwellers from the city limits to come out and enjoy the countryside and reside there. Many are purchasing land and buildings and building homes in the country, and of course that is their right. All Bill 202 is trying to accomplish is to ask for understanding and co-operation with agricultural operations. Madam Speaker, it is important for the two worlds to work together in order to live together. This bill helps facilitate the process, and I encourage all members to support Bill 202.

Thank you.

THE ACTING SPEAKER: The hon. Member for Edmonton-Gold Bar.

MR. MacDONALD: Thank you, Madam Speaker. It's a pleasure to rise this afternoon and speak to Bill 202. I, too, would like to add my congratulations to the Member for Drayton Valley-Calmar for presenting this bill to the Legislative Assembly. I think at some point in the future historians will look back not only at this piece of legislation but at other pieces of legislation and say: these were the foundations to protect Alberta's agricultural base.

Farming will only continue as long as the land is there. I realize it's very important that the cities of Calgary and Edmonton and the faster growing smaller cities like Lethbridge, Red Deer, Grande Prairie, Fort McMurray are all growing at an impressive rate. I realize there are hon. members across the way that are very proud of the fact that now this province of Alberta has the third-highest manufacturing productivity, I believe, in the country. We've surpassed British Columbia, and the only provinces that are ahead of us now are of course Ontario and Quebec. It was a significant milestone that we passed. This milestone doesn't in any way undermine the importance that agriculture has had and will have in the future of this province. Long after oil and gas wells, at least conventional oil and gas wells, are not in prolific production like they are now, agriculture will still be the mainstay of this economy.

This bill, I believe -- and I agree with the hon. Member for Innisfail-Sylvan Lake -- will help reduce conflicts that may develop about the almost unique little suburbs that are springing up all over rural Alberta: the three-acre lots, the 10-acre lots. A family moves out from the city. They want to have a couple of horses to ride. They want land to operate their quads on. They want land to operate their dirt bikes on without restrictions. They want to run snowmobiles in the winter. This is the great attraction of rural Alberta.

But there's also another significant social trend, Madam Speaker, that attracts people to these various sizes of acreages in rural Alberta that are going to be located immediately adjacent to some of our most productive farmland in the province. The social trend I'm talking about is the information age and the increase in high-speed data transfer. This is changing our way of life because more and more people, because of this high-speed data transfer and Internet access, can now live and work on an acreage that is far away from the business centre of, say, downtown Calgary or Edmonton. It's not necessary that they go on a daily basis to the business centre, so there's no reason that they can't live, for instance, on an acreage outside Spruce Grove or on an acreage outside Wetaskiwin or on an acreage outside Edson or even Medicine Hat. People can live anywhere now and run a private business enterprise. A lot of people are exercising that option in leaving the city and deciding to live on a 10-acre lot in rural Alberta for the peace and quiet, except maybe at harvesttime. This is where possibly there would be a conflict.

Madam Speaker, I see this social trend continuing. The hon.

member's bill is certainly going to help reduce these conflicts, because what we need is a good land use planning process to prevent the conflicts between the use of land by either residential users or farmers or, I should say, for agricultural use.

The objectives of this bill I certainly do not disagree with. We have to, as I said before -- and I can't stress this strongly enough -- further protect our agricultural land base. The amendments to the Agricultural Operation Practices Act I believe will help strengthen a farmer's right to farm and reduce the probability that the public will bring nuisance actions against an agricultural operation, and other amendments to the Municipal Government Act will require better land use planning to take into account agricultural land uses.

This is another way of saying that we respect farmers and we respect farming.

3:50

I looked with interest at the definition of "nuisance," and I have two comments on that. One of course is that after I look at the snowfall we've had this winter -- and it's a great winter for snowmobiling -- I wonder how the farmers feel about snowmobilers coming from urban areas and if they would consider them to be a nuisance. The snowmobilers will come out, and the cow/calf operators are going to certainly be concerned about the noise, the buzzing around of these snowmobiles. Some of these are high-powered machines, Madam Speaker. Some of these have more horsepower than a family minivan.

Then also the hog operations. The price of hogs is hopefully going to increase, and hopefully we've seen the end of low hog prices. As the number of hogs in this province increases, snowmobilers are going to be buzzing around. We got the snow this winter. They're coming from the city, and I don't know if they have permission. I am curious as to whether this is going to be a nuisance to rural Alberta. It's a nuisance, and it's not mentioned in here.

Also, Madam Speaker, section 2. "Creates smoke, odour, noise or vibration." Well, I would like to talk a minute about smoke. Driving to different constituencies I see farmers, for instance in the fall but other times of the year as well, and you see off in the distance the smoke. We're burning stubble. That's a practice that is acceptable in some farming circles in this province.

However, I talked earlier about urban sprawl, and in a lot of the newer neighbourhoods in the city you just drive through them and you see these fine houses, shake roofs, manicured lawns, bicycles, minivans. It's a sign of the good life that's here in Alberta. But we have to be very careful because a lot of these shake roofs, as we all know, have to be removed. What we're going to do with these untreated pine shakes -- I hope we don't burn them and create smoke that's going to be a nuisance to the people who live in rural Alberta. We have to consider this.

THE ACTING SPEAKER: Hon. member, we are discussing Bill 202. Let's come back to the contents of the bill, please.

MR. MacDONALD: Yes. Okay, Madam Speaker. I will refrain from any more remarks regarding nuisance. I won't say another word about nuisance, about snowmobilers or smoke.

But with an increase in the number of intensive livestock operations, there has been an increase in court cases. This was discussed at great length, Madam Speaker. The other night on the CBC *Ideas* program Lister Sinclair discussed intensive farming at length, and I listened with interest. I was reading this bill, and I thought: how appropriate. When I started my remarks, I said that this is only the first of what I believe will be many pieces of legislation to outline how we're going to protect Alberta's land base. After listening to

Mr. Sinclair and his lecture, I'm convinced that this is so. Intensive livestock operations and an increase in the number of corporate farms versus the number of family farms is an issue that we're going to have to deal with. It is certainly not addressed in this bill, but it is addressed subtly by the discussion of intensive livestock operations in the background that the hon. member has so graciously provided to us.

We must be very careful, and coming from an urban area, Madam Speaker, we have to recognize the contribution that agriculture has made to this province and will make in the future. By standing up and congratulating the hon. member for the introduction of this bill, I am making my commitment not only to this bill but to improved agricultural land use well into the future for this province, because it's a resource, hopefully, that is not going to be squandered like others and is going to be there for many, many generations.

I thank you for your attention, Madam Speaker. Thank you.

THE ACTING SPEAKER: The hon. Minister of Municipal Affairs.

MS EVANS: Thank you, Madam Speaker. I appreciate the opportunity to speak to this bill and the initiative of the Member for Drayton Valley-Calmor for bringing this forward. The preservation of agricultural land is one of if not the most important issue in rural Alberta, but preserving agricultural land is of little consequence if we do not also provide Alberta's farmers with the right to farm that land. That is why I am proud to stand in support of Bill 202, Farming Practices Protection Statutes Amendment Act, 1999.

Madam Speaker, used in co-operation with Alberta Agriculture's various codes of practice and municipal land use bylaws, Bill 202 will reduce the potential for conflicts between agriculture and other land uses. A number of speakers on the other side have waxed eloquently about how municipalities do feel about this bill, and I can assure you this will be a welcome addition to the legislation of this province because it will clarify certain rights of farming practices.

Also, Madam Speaker, since the Municipal Government Act was passed and proclaimed in 1995, those municipalities are only too cognizant of their rights, responsibility, and accountability as it relates to land use planning. But as farming practices and other practices of doing business have changed considerably, I think some of the rationale that I will present will address those issues that the hon. member in promotion of this bill has brought forward.

This bill will require municipalities to recognize the importance of agricultural operations as a valuable resource in this province, and I see this as a progressive action. Municipalities already zone business districts, residential and country residential development, commercial and industrial areas. This makes sense. You want to know what type of development you will be next to.

Traditionally municipalities have recognized the importance of agriculture by creating districts where agriculture is the predominant land use. This bill ensures adjacent landowners will be notified of the presence of agricultural operations, and this also makes sense.

Recognizing agricultural operations will ensure that agricultural land is preserved now and in the future. Bylaws will also inform country residential and acreage owners and anyone else abutting agricultural-zoned areas by making it clear that farming operations are allowed on adjacent lands.

Lastly, defining the term "nuisance" will on one hand protect farmers from frivolous complaints and potential lawsuits, and at the same time adjacent landowners are protected from poor management in farming practices.

Madam Speaker, frequently when acreage development occurs, people who move onto those acreages love the pristine value of the farmland next door but in fact want to deny any imposition, either

the sweet smell of soil or farming practices. It seems to me that if land use bylaws would address those agricultural zones, address nuisance, people who move in and locate in those residences will have no surprises.

As an elected representative of an area that is blessed with a broad mix of urban, commercial, industrial, and agricultural land uses, I believe that Bill 202 provides a winning situation for all: a situation and a future that preserves agricultural land, protects the lands, provides further protection of a farmer's right to farm, while at the same time ensuring good farm management practices are used in order to protect adjacent landowners and the property rights of others and all concerned.

Thank you, Madam Speaker.

THE ACTING SPEAKER: The hon. Member for Edmonton-Centre.

4:00

MS BLAKEMAN: Thank you very much, Madam Speaker. Well, this is a fine occasion to have someone from the downtown of Edmonton-Centre wanting to speak on a bill that is primarily about farming practices in rural Alberta, but this is a good thing. I am very pleased today to speak to Bill 202, the Farming Practices Protection Statutes Amendment Act, 1999.

I have learned a lot about the issues that are affecting rural Alberta, and I thank my colleagues from Lethbridge-East and Spruce Grove-Sturgeon-St. Albert for that careful education and guidance. I'm very proud to be an Albertan, and a big part of that Alberta heritage is recognizing the integral part that farming and agriculture have contributed to this province. Yes, we have a wonderful resource industry with oil and gas and lumber and other natural resources, but I think farming is what drew most of our ancestors here. Certainly that was the case in my family. They came from Scotland via South Dakota to farm.

As we become more of an urban society and we have more Albertans living in the urban areas, I think there is a tendency to try and get everything our own way, and that isn't necessarily a good idea. We do have good agricultural land here in Alberta, and I will not get into the debate of which constituency has the best farmland. I will not get into that debate. I believe it should be carried on somewhere else.

One of the things that I've noticed in this debate and in thinking about the effects of the legislation is that it is about location, location, location. It's an irony but perhaps a fact of history that the rural centres that grew into the metropolitan areas in Alberta did indeed locate on prime arable land. There is a competition between those that wish to farm that land and those that wish to build a house and have a view, and I think we need to be looking for a reasonable accommodation there.

I see this bill as knowing what you're getting into with a neighbour and obviously particularly in the rural areas. Being a city gal, I'm going to have a city analogy to this, but truly I think it would be only fair that if you wanted to go and buy a house in a city and you went to view the house and next door were great big huge dogs in the yard and obviously they had the run of the yard and you didn't like great big huge dogs, then perhaps that's not the house that you really want to purchase. I think that's what we're trying to encourage, that kind of foresight and thought as to where people choose to purchase or to build their residential homes in the rural areas.

Actually it would be sort of interesting. I'm wondering if there's any consideration being given to encouraging this kind of thoughtful legislation, think before you leap, for urban dwellers. I think it might cut down on an awful lot of bad relations between neighbours in the city, and that is a particularly difficult situation. We all want

our homes to be a sanctuary. We want it to be a place where we're comfortable, where we can have fun with our families. We don't want it to be a place that is awkward and difficult and full of nasty words and recriminations, and I think that's what sometimes happens when we've got neighbours with different conceptions of what should be going on. It really does taint your home. You want to be comfortable there, and you want to be getting along with people.

If I'm understanding this bill correctly -- and credit goes to my instructors there if I do -- I think this is trying to set out those guidelines beforehand so people will understand what they are getting into and not place unrealistic expectations on their neighbours, particularly their farming neighbours. I was trying to think if I'd ever seen this situation develop, and in fact I had. About 30 years ago I used to snowmobile west of Edmonton, outside of the city.

MRS. SOETAERT: You're not that old. Couldn't be.

MS BLAKEMAN: Oh, thank you. Thank you so much.

AN HON. MEMBER: Did they have snowmobiles back then?

MS BLAKEMAN: Oh, yes, they did, duly insured and licensed, I might say, and with permission to travel on the farmer's land.

To tell you the truth, the area that I was snowmobiling on is probably part of Edmonton now. But at that time there were a number of very small acreage developments started, five or 10 houses sort of grouped together in the middle of a big farmer's field, and I remember some of those people sort of complaining about the surrounding farmers during the summer. It didn't seem to be a problem during the winter, but I guess the summer is, because you're outside more in the yard and noise is not stopped by the windows and doors of the house, or perhaps you're inside and you've got your windows open so you can hear things that are going on. These people were complaining about the noise and the dust and the smoke and all the other things that have been mentioned in this bill.

They didn't like the dust that was being raised and the sound of the machinery if they were out working in the fields later at night, and let's face it, we've got a short growing season here in Alberta. We don't have the luxury of farming eight months a year. We've got to get to it while the sun shines, so to speak, and happily it shines late into the night a lot, and that's when you farm. That makes perfect sense to me.

Here are these people who had built their houses right in the middle of this field now complaining about what the farmers did around them. At the time I thought: well, what did you expect? You put yourself here. Do you expect these farmers to now pack up and move away? You knew what you were getting into, or you should have known what you were getting into. You did build in the middle of a farming area; of course these things are going to go on.

It looks to me like this bill is going to address some of that and hopefully help people to understand that that's what the situation is. If you're going to build your house or buy a house in the middle of farming land, then you're in the middle of farming land and farming stuff happens. I'm sorry; I don't have a very good rural vocabulary. I know "farming stuff" doesn't rank up there, but you get the intent of what I'm trying to say. [interjection] Agricultural components; okay. I would have to say that it looks to me like that problem didn't go away. The one that I was experiencing and questioning 30 years ago has obviously gotten worse.

Having read the *Hansard* debate that went on earlier -- I think it was Monday night -- this bill looks to be attempting to protect the agricultural land base in Alberta, and obviously I'm supportive of

that. This seems to be a reasonable way to accommodate the interests of both parties rather than being sort of heavy handed or intruding too much into really the personal decisions of either group of people here.

I notice the farmers' right to farm term is coming up occasionally, but certainly if we interpret the farmers' right to farm as their ability to carry out the duties and the chores that they need to, seeding and combining and spraying and all of that, of course that's part of the farming practice.

Reducing the nuisance suits. You know, I've always thought that as Canadians we were a notch above our cousins to the south of us because we were a less litigious people. I hope the increase in these nuisance suits that are being talked about is not a precursor of an increased litigiousness generally in the Canadian public or in Albertans. Perhaps it's just this fairly isolated area where it's happening.

Oh, the other thing I've heard mentioned is the family farms.

DR. TAYLOR: Don't forget pine shakes.

4:10

MS BLAKEMAN: The minister of science and technology would like me to speak on pine shakes, but I'm not going to because I'm sticking to the relevance of the bill. There we go.

I am assuming that farming is the way I remember it or what I know, and that is the family farm. I don't know how this bill or how the conflict resolution process would work when you start talking about corporate farms or industrial farming. I suspect that that's a slightly different cup of tea, because if I was living in an area, if I had already built there and all of a sudden there's an intensive livestock operation being built next door to me, that isn't quite what I thought I was getting into. It doesn't seem to be addressed in this bill. Perhaps the sponsor of the bill could clarify that. Perhaps it's possible to bring forward an amendment when we're in Committee of the Whole that could deal with that, or is there any other legislation that's coming forward to deal with it?

I'm thinking of the areas that I'm so fond of in southern Alberta, in Livingstone-Macleod. Now, that's God's country. [interjections] Oh, I'm sorry, Madam Speaker. I didn't mean to start that when I said that I was going to stay out of it. But I have noticed in the time I have been going down there that there is a lot more industrial farming there, for want of a better word, from when I first started to go into that area, when I was a little kid and then much more frequently in the early '90s. I don't know how this kind of dispute that is trying to be dealt with in this bill would apply to that area, because I think that's a different cup of tea than what I've been talking about for the last 15 minutes. I'm interested in the code of practice and how that code of practice applies to those industrial farms.

I do want to reassure everyone that certainly with the Alberta Liberals we're not just an Edmonton party. We are concerned about the rest of Alberta, and we are very supportive of good farming in rural Alberta and access to and continued use of that good Alberta farmland.

This bill makes it possible for farmers who follow the recognized and acceptable agricultural practices to be able to continue to farm and not feel threatened by these nuisance lawsuits from people who are building residences in the rural areas. It does have a definition that's given in the bill, and the onus is on the claimant to prove the annoyance and inconvenience and all of that. Now, I think there are other legal matters in there, but I won't go into that at this time.

Just to close, I guess what we do need is a good land use planning process to prevent conflicts between residential and agricultural uses

of land, and to my understanding I think that's what this bill is trying to do.

I thank you for the opportunity to be able to speak to the bill. Thank you very much.

THE ACTING SPEAKER: The hon. minister.

DR. TAYLOR: Thank you very much, Madam Speaker.

MR. WICKMAN: Talk about shaky pines.

DR. TAYLOR: I've already been challenged to talk about shaky pines, and if I did, I'd have to talk about the number of knots in them and the number of knotheads on the other side, Madam Speaker, so I'll avoid the issue of shaky pines.

THE ACTING SPEAKER: Mr. Minister, you could go through the chair and stick to the relevancy of the bill.

DR. TAYLOR: Certainly, Madam Speaker, but I certainly would appreciate it if you would try to control the heckling from the other side.

THE ACTING SPEAKER: Mr. Minister, you provide debate, not provoke interjections.

DR. TAYLOR: Thank you. I'll absolutely do my best not to provoke the folks on the other side.

I come from a constituency, Madam Speaker, where there is prime farmland and much of it. I'd just like to correct the Member for Spruce Grove-Sturgeon-St. Albert and point out that for instance farmland and the productive value of farmland is determined by the value you get off the farmland. If we look at that, you will see that the productive farmland in my constituency certainly outweighs the productive value of farmland in her constituency.

MRS. SOETAERT: The only thing that outweighs me is you.

DR. TAYLOR: Well, I must admit, Madam Speaker, that I outweigh her substantially, as she has suggested, but she's working on catching up to me. I've noticed that substantially in the last several years.

THE ACTING SPEAKER: Hon. minister, the debate.

DR. TAYLOR: Thank you, Madam Speaker. I have to compliment the Member for Drayton Valley-Calmar for bringing forward this bill and for the fine research that he and his researchers have done on this. It's a very fine piece of work here, and I can fully support it. In fact I spoke to a bill just last week, and I would suggest that he give the researchers of the bill from last week a little advice so they could come forward with finely researched bills like this.

This bill, Madam Speaker, is to enhance the protection of agricultural operations from nuisance lawsuits. This can be accomplished by adding a section to the Agricultural Operation Practices Act. An attempt to do this is certainly worth while. You know, these amendments will prevent the nuisances from coming about.

I'm involved in some agricultural operations myself, and I might comment on some personal experiences that we have had. We've been in a particular location for some time. We'll end up with perhaps 4,000 calves that have just been taken off their mothers at one time, in one evening, in one day, at our location. That'll happen for several weeks in a row. Obviously calves make a lot of noise

when they've been taken from their mothers. Yet we get these urban folks that have built up around this operation of ours being a nuisance by phoning and talking to our staff and phoning bylaw inspectors and so on, trying to cause a considerable amount of nuisance for us in terms of the fact that calves make noise. I mean, we're very responsible. We put them in large pens. We provide them with all the feed and water they would like and provide excellent circumstances for them.

I can provide you another example of that, certainly in manure handling. We handle a lot of manure in our operation, Madam Speaker. I can certainly speak from experience. You know, working in that situation, as I did for about 10 or 12 years, was certainly a valuable training ground for listening to the people opposite.

We handle manure in an environmentally friendly fashion, yet we get complaints that the manure smells. Well, of course manure smells. In fact we have our manager, a man by the name of Delvin Stuber, who is an excellent manure handler. [interjection] No, he's not my campaign manager, but he works well with me. He has taught me many things and many practices on how to handle manure. Yet in spite of our manure handling, in spite of the way Mr. Stuber handles our manure, as I say, we still get a number of complaints about it. That's because we have urban sprawl coming up around us now. Urban growth and so on is growing around us.

We need protection. This business employs anywhere from -- I don't know -- 20 to 30 people on any one day. It's a valuable economic contribution to our economy. We need protection. We cannot afford to have urban people who have grown up around us causing a nuisance for this business. As I say, from a personal experience I certainly support this bill.

4:20

Now, what's particularly interesting to me in this bill is that it allows municipal governments to make zoning bylaws that would specify land on which an agricultural operation can take place. It would establish that any home development within this zone would have a caveat placed on it, and I think that's particularly important. We have, as you know, a lot of acreage owners coming outside, and you'll certainly see that in your area I'm sure. Municipal districts need to be given the ability to say: this is agricultural land; when you move out here, you are going to be in an agricultural area.

I'll give you another example, Madam Speaker, another practical example, not just a theory but a practical example that has happened in my constituency. We have the St. Mary River irrigation district, a large southern irrigation district, in my constituency. They are a very, very responsible irrigation district and look after their canals. We have a number of acreages -- I'd say there are 10 or 12 of these homes, all at over \$250,000, built right next to a canal. As it happens, the canal is somewhat higher than the acreages, so you get what is known as leaching.

Now, I know irrigation canals leak. I'm sure the Member for Spruce Grove-Sturgeon-St. Albert knows that irrigation canals leak, but these folks that moved out there didn't know that irrigation canals leaked. So we have a real conflict now between these folks and the irrigation districts with their leaky canals because the folks' basements are getting filled with water, and certainly it's a real problem for them.

What the irrigation district is proposing to do is put a pipeline through there to carry the water, which they will do, but that will raise another problem. These people's wells will be fed from the leaching from the irrigation canals, so as soon as they put the pipeline through there, I would venture a fairly strong guess that their wells will go dry. So then we're going to have another conflict between the irrigation district and these owners. Madam Speaker,

that's why it is so important to allow municipal districts to say: hey, folks, this is agricultural land; there's agricultural business happening out here, and you have to recognize that.

One other example from my constituency. We have a family of hog producers, very productive, who wanted to expand their operation on their own land. Of course, one of the things you have to deal with when you're in hog production is manure. Now, as a cattleman I really didn't mind the smell of cattle manure, but hog manure, no, that's a different issue. It stinks. It doesn't have that pleasant, nice odour of cattle manure. It really stinks. So what we have is some conflict now between acreage neighbours and the idea that these folks want to expand their hog operation, because of course as they expand their hog operation, they have to have some place to spread their manure. They may get jobs as Liberals. I don't know.

MRS. SOETAERT: Point of order, Madam Speaker.

THE ACTING SPEAKER: Hon. member.

Point of Order Abusive Language

MRS. SOETAERT: Standing Order 23(j). I think it's time the hon. minister retracts some of his comments about Liberals and manure, because really the hot air is coming from the other side. It is time he watches his abusive language and how he treats people on this side of the House, who are duly elected to do their job to make him accountable.

Thank you.

THE ACTING SPEAKER: The hon. member on the point of order.

DR. TAYLOR: I'll be more careful with my language. [interjection] No, I won't repeat that comment, Mr. Minister. I'll certainly be more careful and sensitive to the hon. member's feelings. We wish to be sensitive to your feelings, hon. member.

Debate Continued

DR. TAYLOR: It's very important for municipalities to be able to have this option, and they don't have it right now. So I strongly support this bill.

The other thing, of course, that can happen: a very important issue is that if you bring a nuisance lawsuit against someone, then you have to pay the legal costs. So if a group of landholders gets together to bring a lawsuit against an individual that wants to expand the pig farm or wants to expand the feedlot, it costs that individual a considerable amount of money to fight this lawsuit. He may spend \$20,000 or \$30,000. I can give you an instance of one case where an individual spent over \$30,000 fighting a lawsuit of this nature. Now, he actually won the lawsuit, but where does he get reimbursement for his legal fees from, Madam Speaker? It is a very serious issue, and I can assure you that if some of these people who were bringing these lawsuits against the agricultural producer recognized the fact that they would have to pay the legal costs if they lost, we would see many fewer lawsuits happening.

So that's another thing that is an important recommendation from the member, perhaps even the most important recommendation, because as you know we are, to quote the member opposite, becoming a more litigious society, and it's necessary to protect people from this unnecessary litigation. One way we can do that is to make people think and be more responsible and make lawyers more responsible before they're willing to bring forward lawsuits like this.

Now, as the Provincial Treasurer says, to quote him: there is a

challenge for you. I would certainly concur with his comments because sometimes lawyers encourage people to take on these foolish lawsuits, knowing they will get their fees paid anyway. But if the plaintiffs had to pay for the costs and lost the case, I think it would be very worth while.

So I think this bill brings forward some very important points. I congratulate the member for bringing it forward. It will cut down the nuisance value of some of these things that are happening in Alberta and certainly make it more convenient for the agricultural producer to go about his real business, which is producing agricultural products off our land base.

Thank you very much.

THE ACTING SPEAKER: The hon. Member for Edmonton-Manning.

MR. GIBBONS: Thank you, Madam Speaker. I am pleased to stand today to speak to Bill 202, Farming Practices Protection Statutes Amendment Act, 1999. I commend the sponsor of this bill, the Member for Drayton Valley-Calmor, for bringing this bill forward. Land is not a renewable resource. The constituency of Edmonton-Manning is the largest urban constituency there is in the province, and the farmland in that area is very valuable land for the city of Edmonton and for the province and extended into the city of Edmonton a number of years ago. Its market value for gardening and all that is tremendous. I get a number of calls on a continuous basis worrying about them losing it to urban sprawl.

I was raised on a farm and still own the farm. I use it as my lake lot, maybe as some urban people, but to keep my children alive because of asthma I live in the city. I can see that more and more acreages springing up throughout the province, especially around larger centres, is a major concern. On one of my tours to Cochrane last year I was listening to some seniors in a seniors' residence who informed me that their children were squeezed out and had to move to places like Sangudo and up to this area to actually be able to farm. Their parents, the seniors, actually made their living by this.

I wanted to make note and put it in *Hansard* that I was wondering if the member speaking prior to me, the gentlemen from the other side from Cypress-Medicine Hat, if what he was talking about is also maybe a conflict of interest if he's going to come down to voting on this issue.

The fact is that people are losing agricultural land to many subdivisions. Many new residents are very happy living in the country, but they're not always so happy with the agriculture operations. They become aware that the agriculture operation disturbs their belief in the quiet life that they move out to: the fresh air, the lifestyle. My belief is that if you move beside a railroad, then you should expect that there's going to be a train moving up and down that railroad once in a while.

4:30

The purpose of this bill is to enhance protection of agriculture operation practices from nuisance lawsuits. It is important for farmers who follow and recognize acceptable agriculture practices to be able to continue farm operations and not feel threatened by lawsuits from those who build residences in rural areas. What we need is a good land use planning process to prevent conflicts between the residents and agricultural use of the land. This bill may help reduce conflict.

Better municipal land planning legislation, as required by the amendment to the Municipal Government Act, should also help prevent friction between residents and farmers. In the past intensive livestock operations were not governed by regulation. There was a

code of practice, but this is not mandatory. It was left to each municipality to determine whether they adopt the code of practice bylaw. A lot of things happened in the past by code, actually, between people, between farmers, between residents out there.

Many other provinces have chosen to define nuisance as an odour, noise, dust, smoke, and other disturbances. I really feel that we have to take note of this but bring in an amendment that is actually going to work and is going to work to the betterment of Albertans and the farmers that have been in place for a long time.

My farm is starting to be surrounded by urban. If I do decide to move back out to it in the next few years, I'll probably be one of the people that the finger will be pointed to, as well as the member from the opposite side from Cypress-Medicine Hat, because the closest house to the farmhouse right now is about as far across as this Chamber is.

[The Deputy Speaker in the chair]

Now, the largest part of this bill deals with the Municipal Government Act. The amendments to this act require municipalities to address the protection of agricultural operations in the municipal development plan and in its land use bylaw. If municipalities pass a land use bylaw regarding protection of agriculture, the municipalities must also establish a method of providing notice to the landowners situated adjacent to the agriculture operation.

The purpose of this bill -- and I hope it does go through. Madam Speaker, I'll be supporting this amendment bill and hope that others in the Legislature will do so. The bill in itself will set a process in place that will bring a new agriculture operations code into place.

Thank you, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Speaker. I just want to make a few brief comments with respect to Bill 202. Given that references have been made to lawsuits and lawyers and claims and things like that, I thought it only appropriate that as one of the lawyers in the House I rise to speak to the bill itself.

In principle I think the bill has a lot of merit. There's one area which perhaps would be more relevant to deal with in committee should the bill pass second reading, but I think it needs to be spoken to in principle as well. That's with respect to section (3), which amends section 2 and relates to the question of security for costs for an action and awarding "party and party costs and solicitor and client costs or either of them." I think it's appropriate to raise in the House the question of whether that needs to be in a bill of this nature. It's been raised in the course of discussion this afternoon relating to discouraging people from bringing nuisance actions.

The House should be aware that the courts already have the authority to award costs on a party-to-party cost basis and usually do. They also have the latitude to award costs on a solicitor/client basis where and when it's appropriate to award costs on that basis. If it hasn't been contractually agreed to ahead of time, as it is in the question of mortgages, that's usually reserved as a punitive measure when actions are brought inappropriately or allegations are made inappropriately.

To legislate in one small area, not to say that this isn't an important area, in one narrow area of lawsuits going to the courts, is inappropriate in my submission. There are many areas where people would claim or could claim that lawsuits are brought frivolously or vexatiously, and the question of whether a lawsuit is frivolous or vexatious in and of itself is one that the courts need to have the latitude to determine. I would submit that that latitude is already

within the courts, and to re-emphasize it here puts an unnecessary emphasis on the situation.

Also, to say that they can award party and party costs and/or solicitor/client costs suggests that there might be double costs awarded, solicitor/client costs being the term that's used to allow for full recompense to someone for their solicitor and client fees, whereas party and party costs are those submitted pursuant to a schedule under the *Rules of Court*. To give both the schedule under the *Rules of Court* and all the fees incurred by that party would amount to allowing for an additional penalty over and above the penalty that's usually there.

So those would be my submissions, Mr. Speaker.

THE DEPUTY SPEAKER: According to Standing Orders we now have five minutes for the proposer of the bill to speak. The hon. Member for Drayton Valley-Calmar.

MR. THURBER: Thank you, Mr. Speaker. I've listened with interest, and I really appreciate the comments that have come forward from both sides of the House, although at times when you hear your colleagues speak, you're not sure if they're with you or agin you. Nevertheless, most of the comments were positive, and I've really enjoyed them. I just wanted to clear up a few things.

I have talked to former colleagues of mine on county councils and places in other municipalities, and certainly they welcome this type of an opportunity to further protect farmland within their area.

The process as to how it can take place. It can be as simple as a notation or a caveat against the title so that that's picked up in a title search anytime a title is changing hands.

Certainly my other comment to the distinguished House leader is that, yes, I was aware of all that, but I want no mistake made. I want it right up front and right clear that if you're going to file a frivolous lawsuit against some agriculture operation, you can be very liable for those costs. I don't care if it's double the costs.

With that, thank you, Mr. Speaker.

[Motion carried; Bill 202 read a second time]

Bill 203 Privatization Accountability Act

THE DEPUTY SPEAKER: The hon. Member for Edmonton-McClung.

MRS. MacBETH: Thank you very much, Mr. Speaker. It's a real pleasure for me to rise in this Assembly and speak to the first bill that I have been privileged to sponsor as the Leader of the Official Opposition.

On the first piece of legislation that I wanted to propose to the government we had a good deal of discussion, and I've had a good deal of reflection about the whole role of government in Alberta, the role of the public sector and, as well, the issue of the role of the private sector. One of the things we wanted to do by this bill was make a suggestion to government as to a manner in which the government might wish to proceed as it considers future privatization efforts.

Let me make it clear at the outset, Mr. Speaker, that I am referring here to privatization of nonessential services by this legislation. This in no way contemplates or supports -- because we do not support the erosion and the further privatization of, for example, the health care system and the education system that we have seen. However, we do believe that with respect to nonessential services there is a good deal that we as legislators can learn from other jurisdictions.

Past privatization efforts by this government which have caught the critical eye of the Auditor General include the Alberta tourism planning partnership, CKUA, the Alberta municipal housing corporation, and the Alberta Liquor Control Board, all of which were critiqued and criticized by the Auditor General in his subsequent reports. So our desire by this bill is to present to government a suggestion as to a way to proceed for privatization if it's deemed to be appropriate and in the taxpayers' best interest under this particular framework.

4:40

The object of Bill 203, the Privatization Accountability Act, is to establish a legislated framework to guide the privatization of noncore government programs and services. The legislation is designed to ensure that there is a systematic and well-documented process behind any decision to divest, delegate, or contract out any particular program or service based on the principles of, in fact, creating greater efficiencies and effectiveness from within government for Albertans.

The view of the Official Opposition is that just because something is privatized does not mean that it creates greater efficiency and effectiveness. It has been documented, certainly by the Auditor General, that in fact decreased effectiveness and decreased efficiency can be the result in an unplanned, unthought-through privatization based merely on an idea or perhaps an ideology. This is, of course, in very stark contrast to the current government's privatization activities, which truly are based on a more ideological approach to privatization as opposed to one that is cost-benefit analyzed and motivated primarily by the belief of getting out of the business of government entirely.

On this side of the House we do not share the view that good government means no government. In fact, we believe that good government and a role for the public sector is an important part of ensuring that Albertans have access to the kinds of services which they need. Certainly in the case of education and health care that is clear. From the point of view of the economics of it, we know that in Canada the costs of our public systems in both education and health care can reach excellent standards and do cost less than the two-tiered private, for-profit mix with public that we see in the United States. Why the government continues to want to go down that road is beyond us here in the Official Opposition, but that's another debate.

The discussion here today is with respect to noncore services by government. I think it's interesting to note the references which the Auditor General has made in several of his reports over the last six years. He has talked about some of these issues in the area of privatization and contract management.

He's spoken about:

The method of selecting a contractor should be appropriate for the service to be outsourced.

Contracting presents legal issues which must be addressed.

The contracting process must be fair and must avoid conflicts of interest.

The contract should protect government assets and manage the government's exposure to liability.

The contract should link compensation to results, with mechanisms to improve poor performance.

The contract should establish the framework for contract management.

The fundamental principles of accountability apply to contract management.

Performance is monitored through contractor reporting, inspection, and independent review.

Significant resources must be committed to ensure a rigorous contract review process.

Resources must be adequate to evaluate proposals.

And responsibility should be assigned to a ministry for the establishment of a process to determine and implement the best practices in contracting.

Mr. Speaker, those references were taken from previous Auditor General's reports, and those conditions, those issues are in fact identified and embodied in Bill 203, the Privatization Accountability Act.

Let me just briefly go through the various sections of the act. I think it might be useful to look at the way the act has been organized. Clearly the goal in privatization should be to ensure that the taxpayer takes benefit on the upside of a privatization endeavour and minimal risk on the downside. Unfortunately what's happened with government in some of its privatization efforts is that in fact the risk on the downside was all put with the taxpayer and all the benefit on the upside was put with the party to whom the contract had been given.

I well remember one example when I was the Minister of Health and the discussion of the day was with respect to the privatization of biomedical wastes in the health care system. One of the issues in this area was the whole question of whether in fact privatization would be a less expensive option. The province had in the previous four or five years invested substantially in incinerators to receive and dispose of, according to environmental protection regulations, biomedical waste in our province. The incinerators and the scrubbers that were needed to ensure appropriate burning had been a very important capital investment by the province over the previous five to seven years.

One of the proposals was for privatization of that incineration process. One of the proposals as well was to say to simply hand over these brand-new incinerators that had been paid for by taxpayers' money and then let the private sector run these incinerators. Well, the fallacy and the argument, of course, was that the taxpayer, who had invested substantially in these scrubbers, as the matter had been discussed was getting none of the benefit on the upside in terms of what the private sector was getting as it inherited, if you like, these incinerators.

Here was a so-called deemed nonessential service in health care. It was the disposal of waste. It didn't directly affect patient care within the health care sector. But it really pointed out to me and drove home to me the message that if the government is going to privatize an endeavour, then the government has to look at the costs that Albertans put into the investment in the first place and take account of that when they decide, through a process which is open, assesses personnel needs and the effect on the public service -- after all of that assessment is done, it then has to look at what is the benefit and the cost to both the taxpayer and the private sector. The problem is that the government forgets to do that and has forgotten to do that in the four examples I have outlined.

Let me just give, if I may, Mr. Speaker, a brief outline of the sections in the act to address some of the concerns which the Auditor General has of course identified often in his reports and one which we think would be useful for the government to consider in order to put a framework around this whole issue of privatization. The first one is a quote. It's actually the privatization profile itself, stage 1 under section 2 of the actual act. In the Auditor General's annual report of '96-97, page 27, the Auditor said:

There is a risk that contracting will not be a cost-effective replacement for in-house provision of services. As a prerequisite to contracting, existing performance levels must be clearly [determined and] defined to permit analysis of the costs and benefits and to serve as a benchmark for contracted performance standards. The full costs [and benefits] of each alternative should be properly identified and analyzed.

In other words, what the Auditor was saying was that this isn't happening in Alberta, and he wants to see it happen.

Part 2 of the bill provides for some of the following issues to be examined as part of the privatization profile; in other words, the preparation to consider privatization which would follow. Some of the questions that would be asked are: is the program or the service short-term or long-term? Can the program or service be made more cost-effective and efficient while maintaining accountability to Albertans? Remember, when government hands over something to the private sector, the accountability does not stop. It is not just off-loading. We don't believe in that. In fact, what it is to say: where is the accountability? Where can taxpayers see the cost and the benefit of the action? Can the private sector implement and deliver the program or service more effectively or efficiently than government? It is a very real statement.

4:50

Will privatization compromise public trust, confidence, safety, or welfare? Will costs decrease or increase to government if the program or service is privatized? It's a very real question, Mr. Speaker. Will the projected savings from privatizing actually lower government expenses and the cost of service to clients, or will the cost simply be transferred to clients and the private sector? A very real question and one that needs to be asked.

How great is the chance that the private firm may fail to provide the program or service? A very real risk to the taxpayer and to service provision. Is there a risk that private-sector providers will reduce or stop the program or service if financial losses occur to that private sector? Then does the taxpayer take the risk, take the downside of that? That's the real question. Does government benefit from sharing some of the risk with the private sector? Accordingly, do Albertans benefit from sharing some of the risk with the private sector?

The second section of the bill is with respect to the cost-benefit analysis. Once the privatization profile has been created, the cost-benefit analysis must follow. Again I quote from the Auditor General.

Benefits must also be clearly defined and assessed in relation to costs. Identifying anticipated benefits is also necessary to ensure opportunities for service improvement are incorporated in the contracting plan and meaningful targets are set for contract results.

Once it's decided that a particular government program or service is a feasible candidate for privatization, Bill 203 requires the preparation of a five-year cost-benefit analysis, which would be shared, of course, in the Legislature and with taxpayers. If used properly, the privatization profile means that there will be a way to evaluate whether a particular activity is in fact a good prospect for privatization. Many of the calculations, the provisions of costs include personnel costs, obviously, calculations to examine contract administration and support costs, and thirdly, a comparison of government provision costs versus contract administration. These would all be part of the cost-benefit analysis.

Stage 3, which is section 3 in the bill. Again I quote from the Auditor, who said in his 1996-97 report:

The method of selecting a contractor should be appropriate for the service to be outsourced.

The contracting process must be fair and must avoid conflicts of interest.

This is a very key part of the legislation. It certainly talks about the interests of ensuring that conflict of interest, which surely must be top of mind of any legislator in this province, is one where there isn't seen to be any kind of benefit to someone in some way associated with government and that the privatization effort was made in order to provide benefit to another individual. That is

wrong. That is certainly what the Auditor General has identified and one that is addressed in this legislation.

Stage 4 is a performance-based contract, section 4 of the legislation. Again, the Auditor says that

the organization must have a clear vision of what it expects the contractor to deliver. There is a risk that the contract may fail to clearly define the services to be provided or results to be achieved.

In other words, when the decision is made, when the decision is made to contract out, it must clearly define what is needed and what the services are that need to be provided.

Mr. Speaker, our rationale for proposing this legislation is that we've always maintained that privatization of government activities in the noncore sector, in nonessential services, is warranted when it can be conclusively shown that these activities meet cost-effectiveness and efficiency more readily through delivery in the private sector. That is the statement of our support.

There must be assurances that the transfer of an activity to the private sector promotes competition and doesn't lead to the creation of a private-sector monopoly with certainly no upside for the taxpayer. We acknowledge that in fact business does do some things better than government, but also we acknowledge that government does some things better than business. We don't confuse the two.

Bill 203 establishes as well a legislative framework to assess, evaluate, and monitor the privatization of government activities and programs and their delivery through the private sector. Implementing the elements found in Bill 203 will provide government with the formal process to identify these noncore functions where government should or shouldn't be involved. It represents an innovative step in redefining the role of government and ensuring that accountability becomes the major component in designing a program of privatization of government activities.

There is support for a legislated framework to assess feasibility of privatization.

Privatization of non-essential services has begun. This process must be methodical and well-planned. Orderly approaches are required to achieve effective results.

That's a quote, Mr. Speaker, from the chartered accountants of Alberta from *Staying the Fiscal Course*. However, what they are saying is that the process has to be identified. It can't simply be thrown out there as something that government wants to get rid of based on some kind of an ideological agenda. There needs to be a plan, a documentation. Otherwise, what is government saying about the risk to its own taxpayers?

Mr. Speaker, this government's ideological approach has contributed to such case studies in the lack of effective accountability as CKUA. [interjections] Hey, these are their own examples.

Speaker's Ruling Decorum

THE DEPUTY SPEAKER: Hon. members, if you wish to carry on conversations, would you please do so outside the Chamber. It's getting more difficult to hear the hon. member, whose voice is rather soft, and as you know, the chair has difficulty hearing. So if we could show that courtesy of going outside if you wish to talk. Stay inside if you wish to listen.

The hon. Member for Edmonton-McClung.

Debate Continued

MRS. MacBETH: Thank you very much, Mr. Speaker. I will continue. We're trying to propose this legislation in order to be helpful to the government. We're taking their own examples of privatization, ones that the government has obviously thought were important. We're taking actually those examples, using the Auditor

General's report to evaluate those examples, and coming up with a suggestion as to how to proceed from here. The government is perfectly able, if it wishes, to have this. We'll give it to them because we think it would be in the best interests of Alberta taxpayers to have that kind of a mechanism.

Anyway, getting back to the case studies on the lack of effective accountability, such as CKUA, Career Designs, Alberta Registries, the contracting out of services to the Alberta Tourism Partnership, the proliferation of delegated administrative organizations. It has also contributed to disasters of government intervention in the economy such as the Swan Hills waste treatment centre. The government believes that the private sector does everything better than government, in essence arguing against their very own existence. Only in the Official Opposition, of all the three parties represented here in the Legislative Assembly, have we organized and recognized that privatization should not be ideologically driven. We believe it must be driven by cost accountability and cost benefit to the taxpayer.

It should be recognized as well, Mr. Speaker, that privatization of itself is not wrong. It is the government's failure to assess the feasibility of privatization options and to establish clear guidelines and procedures for monitoring and reporting that has caused these high-profile failures in privatization.

Bill 203 is designed to ensure that a program of privatization of government activities is based on objective, comprehensive, and thoughtful analysis to achieve objectives of cost-effectiveness, cost efficiency, and competition for the taxpayer.

5:00

Bill 203 requires that the implementation of privatization occur through a full, public tender process with the results of the process to be made public. This would include the public release of the solicitation, the invitation to bid, or the request for proposal, which is circulated to the prospective bidders.

As well, Mr. Speaker, I wanted to just highlight some of the remarks of some of the members of the Executive Council in terms of their own views on privatization. I can't believe I'm doing this, but I'm actually going to quote the Minister of Energy in his rather infamous document called *Privatizing Alberta*. He says:

I'll make this boldest of statements: there isn't a government operation, a government business, a crown corporation that is as efficient as the private sector, and indeed they're 20 to 40 percent less efficient. You don't have to do a study. You can guarantee it because of the structure in the way they run their economies.

Another one is from the same document, *Privatizing Alberta*, and this was where the member of Executive Council listed the reasons for failure on privatization. This is what he said:

Failure number four: listen to the vested interest groups and get too close to them in developing models of privatization, including starting studies and committees . . . Instead, we chose to keep squarely focused on our objectives of getting out of the business that government shouldn't be in, maintaining revenues, and setting reasonable standards and controls.

Well, Mr. Speaker, perhaps the member, who was presumably speaking on behalf of all of government, would like to square his comments with the very critical reports of the Auditor General; the forensic audits of Deloitte & Touche; the internal audits of the Alberta Tourism Partnership by Connor Hind and Lim; CKUA; AMHC; and ALCB. These are all areas where the minister of privatization had some involvement.

So, Mr. Speaker, I will close my remarks by simply reiterating the view that in the area of nonessential services for government there may well be some areas that government needs to divest itself of. In fact we have some very good suggestions, but instead of looking for

those areas at the first juncture, let's look at a process by which this privatization could occur. The privatization would be a deliberate, cost-effective, and efficient way of delving into what is the role of government and what is not the role of government.

We look forward to the debate, to the discussion which will ensue, and we look forward to the government considering the importance of this legislation and perhaps even adopting some of it in the interests of the people of this province.

Thank you.

THE DEPUTY SPEAKER: The hon. Minister of Municipal Affairs.

MS EVANS: Thank you, Mr. Speaker. Bill 203 is not necessary. The Alberta government already has very successful privatization initiatives in place, the best example of which is the private registry agent network established in 1993 to deliver registry services to all Albertans. This success is due to the planning, management, and accountability framework we have in place, the Government Accountability Act, our departmental accountability framework, and Alberta registries' accountability framework.

Speaker's Ruling Decorum

THE DEPUTY SPEAKER: Hon. Member for Edmonton-Glenora and hon. minister for science, research, and technology, I'll take note of your anxiousness to speak, but would you wait your turn? Right now we have the hon. Minister of Municipal Affairs.

Debate Continued

MS EVANS: Thank you, Mr. Speaker. I'd like to quote from Alberta Municipal Affairs' accountability framework principles.

1. Three year business plans, updated annually, including expenditure and revenue reports and revenue generation plans.
2. Goals, objectives, performance measures and budgets [must all be in place].
3. Periodic (monthly, quarterly, annually) reporting on progress in achieving goals and objectives.

We also have:

4. Periodic revenue and expenditure reports.
5. Variance analysis identifying corrective actions, if necessary.
6. Audited financial materials provided in a timely manner.
7. Representation on Board of Directors.
8. Statement of roles and responsibilities of Board members.
9. Delegation of signing authority policy and segregation of duties for officers.
10. Filing of reports for review by the public.

Mr. Speaker, I note that CKUA has been highlighted frequently, and I want to make one observation. It was a regrettable circumstance, and fixing blame won't solve the problem. Quite simply put, in all of those measures including filing regular reports, business plans, quarterly financial statements, checking was done. Simply put and in defence of the board of CKUA, they waited for a full additional year for their licence to come through. For that reason, acknowledging the importance of CKUA to the public, I believe that there was every attempt to ensure that accountability would maintain.

Let me proceed, please, with the registry framework. All three levels -- the accountability act, our departmental accountability framework, and Alberta Registries' accountability framework -- ensure that there is a stringent process of accountability in place. Mr. Speaker, when I first became the Minister of Municipal Affairs and visited registry agents, they were quite frequently put upon by the fact that they had a hard time accomplishing their goals and objectives and their work and transactions because there were so

many people checking their every portion and progress.

Ministries under the Government Accountability Act must prepare public business plans with goals, measurements, desired results, as well as revenue and expenditure targets. Ministers must then prepare public annual reports that compare performance with desired results and outline expenditures. In line with the Government Accountability Act, Alberta Municipal Affairs is committed to being an open, accountable ministry focused on results. The department's accountability model clearly assigns responsibilities, sets expectations, monitors results, and reports on performance, and takes corrective action when necessary.

Alberta Registries has developed its own accountability framework, focusing quite specifically on our partnerships with private-sector organizations and businesses performing outsourced government functions. I would suggest, Mr. Speaker, in the action that we have taken in review of the privatization and the privacy concerns and the Auditor General's request, we have done just exactly that very thoroughly and with the assistance of Price Waterhouse. Controls are in place to ensure our accountability contracts for every outsource partner to guide their performance. Controls also provide effective monitoring to ensure compliance to establish performance standards.

The privatization of registries, I believe, is a success story. A customer satisfaction survey confirms a 95 percent satisfaction rate with registry services. Today this network successfully delivers 168 services and products, an increase of 113 percent since 1993. Consumers can choose from 230 registry agents throughout the province.

The corporate registry computer system uses leading edge Internet technology, which allows electronic corporate registration. Corporate registry functions are now accessible through 780 authorized service providers in 400 locations across the province. We have the only system in North America that offers multilevel corporate registry services. Turnaround times for customer services have improved dramatically. For example, CORES registrations now take one day instead of the four weeks previously. Registries privatization also includes enhanced service for Albertans for vital statistic transactions, searches for land titles, and personal property registrations.

5:10

Our new Fair Trading Act also adheres to the Government Accountability Act. The act allows for the establishment of regulatory boards, and as minister I may impose any conditions on how the regulatory board exercises its delegated powers, duties, and functions, and may revoke the delegation. In this way we ensure that regulatory boards operate within the government's accountability.

Mr. Speaker, I note that in the bill -- and I read it thoroughly -- there is primarily a process that would ostensibly ensure that there would be, in fact, accountability with privatization, but in analyzing cost benefit in any contractual release, there's always the quantum of educated guess. So quite frequently, that in itself could lead to a very subjective evaluation of whether in fact there was a benefit. Sometimes the benefit would only be known following.

My real concern about this, Mr. Speaker, is that right now we are in compliance; we are following the directions of the Auditor General. We have already done a lot of things to make sure that mitigative measures are in place and that we are privatizing in the most responsible fashion. But I think that the thing that our taxpayers want us to do most is to spend their money wisely and to spend it prudently and in fact ensure a cost benefit and ensure that we are accountable. I know that we will be accountable, and the election of this party in government certainly endorses that.

Mr. Speaker, I'd also like to make another observation. Community groups, management bodies for housing, and a number of other individuals and groups across this province receive moneys from this government. The CFEP program is an example of money that we give on behalf of taxpayers for particular programs in our community. Carrying Bill 203 to its logical conclusion, one might assume that it would be wise for us to engage in an audit of every single dollar that is sent out and spent on behalf of those groups.

So, Mr. Speaker, in conclusion I would say that this accountability framework that this government has in place is working well. In Alberta Municipal Affairs we work every day to improve. Bill 203 merely restates what's already in place, and for that reason I cannot support the bill.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Glenora.

MR. SAPERS: Thank you, Mr. Speaker. I thought you would recognize me and not the Treasurer or the Minister of Labour.

Mr. Speaker, I've had the privilege of working for a private entity that did business with the government of Alberta once upon a time. That experience taught me a couple of things about being both a contractor to government and also . . . [interjection] Did I just hear the Minister of Economic Development say that working for a charitable organization providing social services isn't work? Would she like to stand and have that on record in *Hansard*, that the charitable sector doesn't provide valuable work and service to the province of Alberta? Oh, I see. Now she's not going to. Okay. I didn't think that you would do that, Madam Minister.

Speaker's Ruling Addressing the Chair

THE DEPUTY SPEAKER: Hon. member, I wonder if you could address your remarks to and through the chair. The chair was fortunately unable to hear any remarks that were made at the moment, but hon. members are reminded that your turn will come. Right now it is the turn of the hon. Member for Edmonton-Glenora, through the chair.

Debate Continued

MR. SAPERS: Thanks, Mr. Speaker. In any case, that experience taught me a couple of things about doing business with the government of Alberta. What I found is that the onus was always on me and my colleagues to put the deliverables and the measures into the contract. In fact, it was even, once upon a time, the current Minister of Energy, who was then the Solicitor General, who I had to sign a contract with, and that was a very interesting negotiation in terms of delivering services to government and knowing that member's views of the private sector. So he had some high expectations, and I'm happy to say that the agency was able to meet them.

The problem was that we were always the ones that had to bring to the table the discussion of what the performance should be. Now, that brings us fast forward to today in Bill 203. What Bill 203 would do is set up a framework that in some way builds on the accountability framework that the government of Alberta has instituted. I note that the accountability framework was just again highlighted in the throne speech by the Lieutenant Governor, and it was referred to by the Premier and the mover, I think, of the throne speech debate. But the accountability framework that the government has developed doesn't go far enough. There is no legislative framework for the divestment, delegation, or contracting out of noncore government services. Bill 203 would accomplish that.

The bill would build on the government's own accountability framework by requiring a five-stage process in the evaluation and implementation of privatization of government programs and services. There would have to be, as the sponsor of the bill, the hon. Leader of the Opposition, has said, a privatization profile, a cost-benefit analysis, solicitation and bidding process, performance-based contracts and purchase agreements, and monitoring and oversight.

It's in this last area of monitoring and oversight that I would like to concentrate my remarks this afternoon. I'll do so also with the memory being fresh in my mind of a session we had in Public Accounts this morning, Mr. Speaker, where the Public Accounts Committee had an opportunity to quiz the Minister of Health about a number of performance issues. During that exchange of questions and responses, what we found is that even though the Auditor General has time and time and time again asked for some more accountability in terms of the allocation of funding under the population funding formula, about tracking of expenditures, the response often contained the phrase: you know, it's part of the accountability framework, and we're working on it, and it must be okay, and it must be good enough because it's better than other provinces have.

Mr. Speaker, I know of the hard work that many of the men and women in the Department of Health are engaged in in building some substance around the skeleton of the accountability framework in that department, and I am very confident in their abilities. What I'm not confident about is this government's seriousness or commitment to making sure that those accountability measures, once they are developed, will actually be implemented, because of course that takes political courage and political will. I'm not sure that that's always present in this government, in this province. I say that because we've heard the rhetoric of privatization, we've heard the rhetoric of accountability, we've heard the rhetoric of performance measurement, but we haven't seen the goods.

Now, where are the areas that I'm concerned about? Well, let me remind everyone here of what's happened with the Swan Hills waste treatment centre. This was a privatization of a Crown asset, which I think is well known to most members of this Assembly. I'll remind members that it was in July of 1996 that the government of Alberta and Bovar signed an agreement that led to the disposition of the province's 40 percent share in Swan Hills and released the province from its liabilities under the joint venture. The cost of the release of the province from this joint venture was \$147.5 million, almost 150 million bucks, Mr. Speaker.

Let me quote from the Auditor General's report of 1994-95, where he says on page 16:

In my view, the cost of the government's financial involvement in the Swan Hills special waste treatment facility would have been less but for the following two strategic mistakes . . . the decision to proceed with a major expansion of the Swan Hills facility in 1992 without first ensuring that the regulatory requirements necessary to obtain the facility's forecasted waste streams were in place.

The Auditor General, as far back as '94-95, noted that the regulatory requirements, the monitoring, the oversight weren't in place.

The Auditor General's report goes on in 1994-95 on page 27 and says the following:

In December 1989, however, the Minister of the Environment deferred the first review until 1990, to . . . gain experience about the facility's operational and financial results. The review was later deferred again until 1992.

From 1989 to 1992, Mr. Speaker.

Finally, in the 1994-95 report the Auditor General says this on page 33:

The possibility of invoking a buy-out of Bovar's investment in the Joint Venture for less than \$40 million provided powerful negotiat

ing leverage. I believe that the negotiating strategy outlined by the Corporation's President . . . was sound, and that not using all available leverage to improve the Province's position was a strategic mistake.

Now, the province, Mr. Speaker, is not finished with this particular boondoggle yet. It's still responsible for site remediation at Swan Hills, and these costs have been estimated to be between \$30 million and \$60 million. Bovar can also cease to operate the facility and could sell it back to the province for a dollar. This is not what I would call a shining example of a good deal on behalf of Alberta taxpayers.

5:20

The Minister of Municipal Affairs was speaking about CKUA and defending, I took, what happened with CKUA and saying that maybe some lessons were learned. I'm a fan of CKUA; I'm on their sucker list, I think. I keep on getting calls for donations to help support the foundation, the radio station, and actually I'm proud to support them. My comments are not about CKUA per se. My comments here are about what the Auditor General says in 1996-1997 on page 7 of his annual report: "My CKUA report is a case study of a failure of accountability resulting in a waste of public funds." So my comments are about this monumental failure of accountability, Mr. Speaker, not about the radio station.

In 1994 the board of directors of Access recommended to the Minister of Municipal Affairs that the assets and operations of CKUA Radio be transferred to a nongovernment, not-for-profit entity with the ability to raise funds and be self-sustaining. This proposal was approved by cabinet in May of 1994. In August of '94 Access transferred the assets and operations of CKUA Radio to a privately operated foundation called the CKUA Radio Foundation. The transfer was pursuant to an asset purchase and sale agreement between Access and the foundation. The sale agreement provided for the foundation to receive grants totaling \$4,725,000 over a three-year period to be used in accordance with the approved business plan. On March 20, 1997, CKUA Radio ceased broadcasting citing financial difficulties. The foundation's board of directors resigned effective April 14, 1997. A new board was appointed, and on April 25, 1997, the station resumed broadcasting.

The Auditor General's annual report that year on page 172 reads, in part, as follows:

There is also no doubt that if Access, and later the Department, had been monitoring the activities of the Foundation for compliance with the Business Plan, the problems could have been identified and corrective action taken.

Mr. Speaker, for emphasis I'll repeat the part: had the department "been monitoring the activities of the Foundation for compliance." This is at the heart of why we need Bill 203. Even when something with the best of intentions happens with an organization that should enjoy broad support, when it serves a public benefit, this government doesn't seem to be able to find it within themselves to provide the monitoring and accountability to make sure it works the way it's supposed to. Bill 203 would legislate that to happen.

Mr. Speaker, this government may talk about wanting to minimize interference, wanting to minimize bureaucracy, wanting to minimize paperwork, wanting to minimize legislation and regulation, but they don't sing that song when it comes to dealing with the debt or dealing with the deficit. We've had not one, not two, but three and more bills that would tie the government's hand, would legislate the pay-down of the debt.

The Treasurer, I believe, has said words to the effect of: well, of course we have to do that because we're not sure we can trust ourselves to act otherwise; we're going to make sure that we have legislation in place to see to it that we pay off the debt. Well, what's

wrong with having legislation in place to make sure that when we delegate out public services, we're accountable in this Legislature for that delegation? What's wrong with having legislation in place that would guarantee a decent measure of accountability and performance when we are spending tax dollars with a third party?

Mr. Speaker, the Auditor General's report on CKUA on page 11 made the following observation, quote: in my view the accountability required of the foundation by Access was seriously deficient, and there was a serious lack of accountability reporting by the foundation to Access. I could go on and almost read the entire report into the record, but that report is available to any members of this Chamber that are interested, and I would suggest that if they haven't read it, they should read it.

In August of 1997 a forensic audit of the CKUA foundation by Deloitte & Touche cited numerous fund-raising irregularities, breach of fiduciary duties by the board of directors, conflict of interest situations involving directors, and expense claim irregularities. This shows that Access and later the Department of Municipal Affairs had ineffective if not nonexistent monitoring mechanisms in place to ensure that CKUA met standards of accountability and performance.

Mr. Speaker, it doesn't end with waste management and radio stations. Let's look at the Alberta Tourism Partnership. This agreement was dated February 23, 1996, between the government of Alberta and the ATPC. It set the terms and conditions for the provision of tourism promotion activities by the Alberta Tourism Partnership. The agreement was scheduled to run for three years. ATPC was to receive \$10 million in funding from the government on an annual basis, \$8.8 million in grants, and an additional \$1.2 million in the form of land and buildings as well as licences related to physical and intellectual property. Funding for tourism promotion levers at a minimum ratio of \$2 for private sector for every \$1 of Crown contribution.

In 1996-97, the annual report of the Auditor General pointed out deficiencies in the contractual agreements and arrangements between the government and ATPC including a lack of performance criteria particularly relating to leveraging ratios and ineffective monitoring agreements. Are you beginning to see a theme here? Ineffective monitoring agreements. Time and time and time again this government rushes headlong into something because of some blind ideology or for goodness knows what other reason, and what we find is that after the money is spent, after it's lost, after it's all done, after it's time for crying and cleaning, it is ineffective monitoring by the province.

The Auditor's report in 1996-97 on page 79 reads: "It is not clear how all the performance measures relate to the specified goals, or if they are key to measuring the success of the ATPC." A shocking indictment of that partnership agreement.

Mr. Speaker, it's getting perilously close to 5:30. I have pages and pages and pages of notes that I would love to be able to enter in the debate, about delegated administration organizations, about highway maintenance. [interjections]

THE DEPUTY SPEAKER: We have a number of people who think they're at a baseball game at a crucial moment. You're not. You're in the Legislature. Just try and remember that.

The hon. Member for Edmonton-Glenora.

MR. SAPERS: Thank you, Mr. Speaker. M & M Careers and Career Designs: the list goes on. I can't wait to get into the debate, onto the record some of the foul-ups in ALCB.

[The Assembly adjourned at 5:30 p.m.]

