

Legislative Assembly of Alberta

Title: **Wednesday, November 9, 1994**

1:30 p.m.

Date: 94/11/09

[Mr. Speaker in the Chair]

head: **Prayers**

MR. SPEAKER: 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.

head: **Presenting Petitions**

MR. SPEAKER: The hon. Member for Lac La Biche-St. Paul.

MR. LANGEVIN: Thank you, Mr. Speaker. I beg leave today to table a petition in this House containing 755 names of Albertans – and many of these names are of Oriental Albertans – urging the government not to include sexual orientation as part of the Individual's Rights Protection Act in Alberta.

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

MR. AMERY: Thank you, Mr. Speaker. I wish to present a petition on behalf of some 83 constituents of mine, and the petition reads:

We the undersigned, believe that the E.C.S. program is essential to all children's education and that it should be:

- A mandated program,
- A minimum of 400 hours per year,
- Funded . . . by the government.

MR. SPEAKER: The hon. Member for Clover Bar-Fort Saskatchewan.

MRS. ABDURAHMAN: Thank you, Mr. Speaker. I wish to table a petition signed by 374 Albertans who hereby declare that they oppose the closing of hospital beds. I hereby table it.

MR. SPEAKER: The hon. Member for Edmonton-Mill Woods.

DR. MASSEY: Thank you, Mr. Speaker. I beg leave to present a petition on behalf of citizens in the Edmonton area "opposed to the implementation of health care user fees for seniors."

MR. SPEAKER: The hon. Member for St. Albert.

MR. BRACKO: Thank you, Mr. Speaker. I'd like to table a petition from 368 seniors from the province of Alberta who urge the government

not to alter funding arrangements for Alberta's Seniors Lodges and Seniors Subsidized Apartments until Seniors have been consulted and have agreed to any revisions to funding arrangements.

MR. SPEAKER: The hon. Member for Edmonton-Beverly-Belmont.

MR. YANKOWSKY: Thank you, Mr. Speaker. I rise to table two petitions. The first one urges the government "not to alter

the level of support for all benefits for Alberta's seniors until seniors have been consulted and have agreed to any revisions."

The second one, containing 205 names, urges the government "not to make sexual orientation a part of the Individual's Rights Protection Act."

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

MR. DALLA-LONGA: Thank you, Mr. Speaker. I would like to present a petition signed on behalf of in excess of 500 Albertans from areas ranging from Drumheller, Strathmore, Calgary, Longview, Okotoks asking that the Legislative Assembly not change the site of the Alberta Children's hospital.

Thank you.

head: **Reading and Receiving Petitions**

MR. SPEAKER: The hon. Member for Redwater.

MR. N. TAYLOR: Thank you, Mr. Speaker. I'd like to ask that the petition I presented in this House last May 31 outlining the horrendous mistake this government made by putting the Sturgeon general hospital in the Edmonton area rather than in the area to the north now be read.

CLERK:

We, the undersigned, petition the Legislative Assembly of Alberta to urge the Government to reconsider the inclusion of the Sturgeon General Hospital within the Edmonton Region and to allow the Sturgeon General Hospital to serve its customers from the City of St. Albert, the MD of Sturgeon, the Town of Morinville, the Village of Legal, the Alexander Reserve, the Counties of Athabasca, Barrhead, Lac St. Anne, Parkland and Westlock.

MR. SPEAKER: The hon. Member for St. Albert.

MR. BRACKO: Thank you, Mr. Speaker. I request that my petition of June 1 regarding the Sturgeon general hospital be read and received.

CLERK:

We, the undersigned, petition the Legislative Assembly of Alberta to urge the Government to reconsider the inclusion of the Sturgeon General Hospital within the Edmonton Region and to allow the Sturgeon General Hospital to serve its customers from the City of St. Albert, the MD of Sturgeon, the Town of Morinville, the Village of Legal, the Alexander Reserve, the Counties of Athabasca, Barrhead, Lac St. Anne, Parkland and Westlock.

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

MS CARLSON: Thank you, Mr. Speaker. I would ask that the petition I presented on October 20 with regard to maintaining the Grey Nuns hospital as an active care hospital now be read and received.

CLERK:

We, the undersigned, petition the Legislative Assembly of Alberta to urge the government to maintain the Grey Nuns hospital in Mill Woods as a full-service, active hospital and continue to serve the southeast end of Edmonton and surrounding area.

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

MR. SAPERS: Thank you, Mr. Speaker. With your permission I would now like to have the petition which I presented to this Assembly on October 19 regarding the importance of kindergarten instruction and urging the Assembly to take the appropriate action read and received.

CLERK:

We the undersigned urge the Legislative Assembly to call upon the Government of Alberta to provide quality kindergarten education for our children by maintaining a minimum of 400 hours of instruction per child per school year.

head: **Tabling Returns and Reports**

MR. DINNING: Mr. Speaker, I am providing by way of filing to the members of the Assembly the quarterly investment report for the Alberta heritage savings trust fund, a ministry overview and annual report for the year ended March 31, 1994, and the public sector pension plan annual reports for periods ended December 31, 1993, and March 31, 1994.

Mr. Speaker, I'm also providing a book that I would entrust into the capable hands of the interim Liberal leader in hopes that she will present this new book to the new leader if they in fact elect a leader on Saturday night. It is the story of Chicken Little, who went about crying that the sky was falling, and I know it will serve as a guide to the new leader in continuing on with the approach that the Liberals have taken heretofore.

MR. CARDINAL: Mr. Speaker, I'm rising to file four copies each of the Department of Family and Social Services annual reports for 1992-93 and 1993-94.

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

MR. ADY: Thank you, Mr. Speaker. I'd like to table four copies of the 1992-93 annual report for Mount Royal College.

MR. SPEAKER: The hon. Minister of Municipal Affairs.

DR. WEST: Yes, Mr. Speaker. I'm pleased to file with the Assembly the Alberta Municipal Affairs and the Access annual reports for 1993-94. The Alberta Municipal Affairs report includes financial statements for Alberta Mortgage and Housing and special areas.

MR. SPEAKER: The hon. Member for Edmonton-Beverly-Belmont.

MR. YANKOWSKY: Thank you, Mr. Speaker. I rise to table four copies of a resolution from a parent advisory council in my constituency urging this Legislature to mandate the right of access to fully funded kindergarten programming to a minimum of 400 hours per child per school year.

MR. SPEAKER: The hon. Member for Grande Prairie-Wapiti.

MR. JACQUES: Thank you, Mr. Speaker. As chairman of the Northern Alberta Development Council I am pleased to table with the Assembly four copies of the annual report for the fiscal year ended March 31, 1994. Copies of this report were distributed to members of the Assembly in June.

MRS. FRITZ: Mr. Speaker, I'm tabling with the Assembly four copies of a letter from the president of the St. Rose of Lima

School Council that has a resolution that urges the Legislature of the province of Alberta to amend the Alberta School Act to mandate the right of access to fully funded kindergarten programming to a minimum of 400 hours per child per school year.

1:40

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

MR. HENRY: Thank you very much, Mr. Speaker. I would like to table four copies of a letter from the chair of the Millarville Parent Advisory Committee. This letter urges the Legislature of the province of Alberta

to amend the Alberta School Act to mandate the right of access to fully funded kindergarten programming to a minimum of 400 hours per child per school year.

I would add that that's exactly what the Liberal-sponsored Bill 227 will do for children in Alberta.

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

MR. SAPERS: Thank you, Mr. Speaker. I'd like to table four copies of a resolution of the St. Vincent School Advisory Council made at their meeting held on Tuesday, October 19 of this year. It reads:

It was resolved that the St. Vincent School Advisory Council urge the Legislature of the Province of Alberta to amend the Alberta School Act to mandate the right of access to fully funded kindergarten programming to a minimum of 400 hours per school year.

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

DR. PERCY: Thank you, Mr. Speaker. I'd like to table four copies of a letter containing the following resolution:

We, the Yellowbird Community Co-operative Playschool Parent Group, urge the Legislature of the Province of Alberta to amend the Alberta School Act to mandate the right of access to fully funded kindergarten programming to a minimum of 400 hours per child per school year.

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

MR. DALLA-LONGA: Thank you, Mr. Speaker. I'd like to table copies of a letter from the president of the Westgate Elementary School Parent Council. The resolution reads:

We, the Westgate Elementary School Parent Advisory Council urge the Legislature of the Province of Alberta to amend the Alberta School Act to mandate the right of access to fully funded kindergarten programming to a minimum of 400 hours per child per school year.
Thank you.

MR. SPEAKER: The hon. Member for Leduc.

MR. KIRKLAND: Thank you, Mr. Speaker. Two tablings this afternoon, the first on behalf of my hon. colleague from Lethbridge-East. It is a resolution that indicates:

We, the Park Meadows Elementary School ECS Parents Group, urge the Legislature of the Province of Alberta to amend the Alberta School Act to mandate the right of access to fully funded kindergarten programming to a minimum of 400 hours . . . per school year.

The second tabling, Mr. Speaker, is from the parent council of St. Augustine school in Ponoka, and it reads:

We, the St. Augustine Parent Council, Ponoka, Alberta urge the Legislature . . . of Alberta to amend the Alberta School Act to

mandate the right of access to fully funded kindergarten programming to a minimum of 400 hours per child per school year.

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

MS LEIBOVICI: Thank you, Mr. Speaker. It gives me great pleasure this afternoon to table four copies of a report of a survey that was undertaken in my constituency. The purpose of the survey was to elicit feedback from constituents on a variety of issues. Those issues include the government cutbacks to government programs, employment issues, specific community issues, as well as a request for an evaluation of my performance as their MLA. I'd like to report that the majority felt that the deficit must be controlled and eliminated but that the methods undertaken to achieve this goal were debatable and that the . . .

MR. SPEAKER: Order. Order, hon. member. [interjections] Order. The Chair would remind all hon. members that the purpose of tabling is to get the material at the Table so it can be perused by all hon. members, and it should only be briefly described.

MS LEIBOVICI: Thank you, Mr. Speaker. I was just following the hon. Treasurer's example.

head: **Introduction of Guests**

MR. BRASSARD: Mr. Speaker, I'd like to introduce a former member of this Assembly, the member who represented West Yellowhead and who is present in the members' gallery. I'd ask that Mr. Jerry Doyle stand and receive the welcome of this Assembly.

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

MR. SEVERTSON: Thank you, Mr. Speaker. It's a pleasure for me to introduce to you today and through you to members of the Assembly 53 grades 5 and 6 school students from the Poplar Ridge elementary school. They're accompanied today by teachers Dirk Budwill, Tracey James, and 11 parents: Marilyn Nielsen, Carolyn Wilson, Melody Belich, Helen Stol, Shauna Harrison, Ray Miller, Cindy Wood, Linda Percival, Stewart Grant, Tracy Bodnar, and Tammy Edgar. They're in the members' gallery, and I'd ask them to rise and receive the warm welcome of the Assembly.

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

MR. SAPERS: Thank you, Mr. Speaker. If I take just an extra moment, I hope you forgive me, but I have to do these introductions absolutely perfectly, or there'll be dire consequences.

It's my pleasure to introduce some 60 wonderfully bright students from Holy Cross school in my constituency. They are accompanied by a number of parents, a number of teachers. One of the parents is Bonny Hodgson, the wife of our Sergeant-at-Arms, and with Bonny is their son Alastair, who has brought with him some 59 classmates and his teachers Marlena Tucci and Manuela Ferrante. Also, other parents accompanying them include Janet Edmondson, Sheila Tusz, James Carignan, Mary Shewchuk, Bill Letendre, Sharon Leeb, and Audrey Nooy. Also in this group of visitors today one of the students is young Kevin Campbell,* who helped build my garage a couple of summers ago. I'd ask them all to rise and receive the warm welcome of this Assembly.

MR. TANNAS: I'd like to introduce to you and through you to members of the Assembly three members of the Starland school

division in your constituency, Mr. Speaker: the superintendent, Dr. Douglas Knight, and trustees John Neill and Dave Sengaus. They are seated in your gallery, and I'd now ask them to rise and receive the traditional warm welcome of the Assembly.

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

MR. SEKULIC: Thank you, Mr. Speaker. It is my pleasure to introduce to you and through you to the Assembly a very special constituent of Edmonton-Manning. Mr. Victor Dawson is a long-time educator, and he has joined us today. He is seated in the public gallery, and I regret to see that his wife, Margaret, wasn't able to join us. I would ask that Mr. Dawson rise and receive the traditional warm welcome of the House.

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

DR. L. TAYLOR: Thank you, Mr. Speaker. I'm pleased to introduce some guests from southern Alberta, where it's warm all year, from the community of Foremost. Lowell Leffler, the superintendent of the county of Forty Mile, his daughter Andrea, and exchange student Mélissa Belle Rive as well as Lloyd Strain are all from Foremost.

Thank you.

MR. SPEAKER: The hon. Member for Lesser Slave Lake.

MS CALAHASEN: Thank you, Mr. Speaker. Last but not least.

Today it is indeed a pleasure to introduce to you and to members of the Assembly four special people from Slave Lake, approximately 250 kilometres north of here. They've come to watch the session. Their names are Bill and Hilda Watchorn. Bill is chairman of the Roman Catholic separate school district No. 364 in Slave Lake. Also accompanying him is the vice-chairman, Camile Joly, and a special lady, Mrs. Irene Simons, who serves as secretary-treasurer for the RCSSD No. 364. They are seated in the members' gallery, and I would ask that they rise and receive the warm welcome of the Legislative Assembly.

head: **Oral Question Period**

MRS. HEWES: Mr. Speaker, I want to thank the hon. Treasurer for the book. If he'll come along with me, I'll be glad to read it to him. [laughter]

School Board Amalgamations

MRS. HEWES: Mr. Speaker, this government continues to trample on the rights of elected representatives in Alberta. It has now fired school trustees, taken away school boards' autonomy, forced mergers of school boards, and now the minister has denied Albertans the right to hold a plebiscite on how well these mergers are working. My questions are to the Minister of Education. Why is the minister taking this right to hold a plebiscite from the boards that he first forced to merge?

MR. JONSON: Mr. Speaker, as I have indicated quite clearly, a process was put in place a number of months ago whereby the goal of the government to reduce the number of school boards in the province and hence the cost of governance and administration was fully enunciated, fully publicized. A number of months were quite clearly given with a deadline by which the voluntary amalgamation and regionalization of school boards would take

*This spelling could not be verified at the time of publication.

place under school boards' own plans and arrangements. That deadline was established. It was honoured. Therefore, after that particular point in time decisions had to be made in terms of completing the job of getting to the goal of 60 school jurisdictions in this province. Decisions had to be made, I repeat. I find it kind of ironic, given the series of questions from the members across the way, that, if I recall the debate going back even to Bill 19, it seemed that they were in favour of this effort to reduce administrative expenditures and governance. Therefore, it seems kind of ironic that today they seem to indicate that that should not occur.

1:50

MRS. HEWES: Mr. Speaker, that's not the question.

Mr. Speaker, the minister's gone even further than to decline to the people he forced to merge the capacity to hold a plebiscite. He's gone further than that. Mr. Minister, why are you taking away the right from the boards that voluntarily merged and then you pushed them, through your edict, into another merger? You've even taken away their right to a plebiscite? Why have you done that?

MR. JONSON: Mr. Speaker, the hon. Acting Leader of the Opposition obviously has not become familiar with the whole process and the extensive documentation that was provided at the beginning of this process. In that documentation there was careful note that school boards should consult with their publics in terms of finding partners and making new arrangements.

In terms of the reference to a plebiscite, I'm not quite sure what they're referring to. We have certainly urged them to check with their electorate and to work at moving towards the goal of reducing the number of school boards in the province. My assessment, Mr. Speaker, is that this is something that the public of this province is very, very much behind us on.

Further, we also indicated, given the tremendous effort that has been made by school boards across this province – and I commend them for it, and I think you should too. You should be giving support to the school boards who did amalgamate and regionalize before the deadline instead of saying or implying that we should be making exceptions.

MRS. HEWES: Mr. Speaker, the minister has taken away the rights of the boards that he forced to merge. That's unequivocal, Mr. Minister.

Mr. Speaker, may I ask the minister: will he now commit that all partners in all mergers, voluntary mergers or compulsory mergers, will be allowed to hold a plebiscite in three years if they wish to do so?

MR. JONSON: Mr. Speaker, I really have difficulty with the hon. leader's terminology. It seems that somehow they feel that you can bring about decisive decisions and bring about the reaching of a certain goal in terms of limiting the number of school boards by something called a voluntary forced amalgamation. I'm not quite sure what that is. In the legislation that was passed, it was clear that with respect to those jurisdictions where a county system was involved, there was a review period after four years, and that has not changed. It has not changed. But from that point onward we said that there had to be a fit of school jurisdictions across this province, and we want these amalgamations and regionalizations to be successful. We do not want people thinking from day one that they can wait four years or three years or two years or one year and not focus on that

necessary effort. And, by the way, that is what the bulk of school boards in this province are doing in what I think is a very successful initiative.

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

Canada Health Act

MR. DICKSON: Thank you, Mr. Speaker. The federal Minister of Health has now publicly stated that she will be taking action against this province for violations of the Canada Health Act, and her concerns relate to fast-tracking of private health care facilities in Alberta at the very same time our Minister of Health is starving the public system. My question is to the hon. Minister of Health. Why would this minister put at risk federal transfer payments to this province while she practises her negotiation skills?

MRS. McCLELLAN: Mr. Speaker, I have consistently stated that if the federal Minister of Health has any problems with the way Alberta is delivering its publicly funded health system, I would prefer that the federal minister would raise those directly with me. I do not find public television a very appropriate way for ministers to communicate.

Mr. Speaker, any time that the federal minister has communicated with me on issues, I have responded to the federal minister. I would assume by her responses or lack thereof that she is satisfied with the system. It's interesting that I shared a news conference with the federal minister this spring, where she publicly stated that she did not have difficulty with the way Alberta was delivering its health services. So I think that we should deal in fact, and if the federal minister has specifics that she wishes to raise with this minister, I believe she will raise them in a manner that is fitting interaction between ministers.

MR. DICKSON: Well, Mr. Speaker, I'm more interested in what's going on in November not what went on six months ago.

My supplementary question, then, to the hon. minister would be this: will the minister stand up and acknowledge that her government, this government is currently violating the Canada Health Act, that she's now gone over the line?

MRS. McCLELLAN: Mr. Speaker, this minister will stand up and state unequivocally that we believe in Alberta that we are within the spirit, the intent, and the letter of the Canada Health Act, and if the hon. member has specifics that he would care to back up with fact and bring forward, I would be quite prepared to deal with them. We have to deal with fact and reality in this province not with innuendo. [interjections]

MR. SPEAKER: Order. Hon. Minister of Municipal Affairs, please.

MRS. McCLELLAN: I do not find it very useful for the long-term good of this health system to deal in rumours and in innuendo, and again I challenge the hon. member to bring forward actual specifics of contraventions of the Canada Health Act in the province of Alberta.

MR. DICKSON: Well, if the minister is interested in specifics and since the Canada Health Act deals with access, I'd ask her: what does she say to the people in Claresholm and Stavely and Granum who've been told by her agent that if they want an empty hospital bed, they may have to drive two and a half hours to Canmore to find that?

MRS. McCLELLAN: Again, Mr. Speaker, I would like to see this backed up by fact not by rumour or by secondhand or thirdhand discussions.

Mr. Speaker, Alberta has a quality health system, and if Albertans require health services in this province today, they receive them in a publicly funded system. I believe that stands well in comparison to any other province in Canada.

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

2:00 Education Funding

MR. HENRY: Thank you, Mr. Speaker. Earlier this year the government wanted to take away local taxation powers from duly elected school trustees but was forced to back off and actually respect the rights of the Catholics in this province to govern and fund their own school system. Now the government wants to further erode Catholic school support by taking away their board's right to access any new revenue from new assessment growth. My question to the minister is: how can Catholic school supporters adequately fund their school system when you're planning to skim off the revenue from new assessment?

MR. JONSON: Mr. Speaker, it sounds, quite frankly, as if the hon. Member for Edmonton-Centre was not here during the debate of Bill 19 and all the extensive discussion last spring, although I do recall . . . [interjections]

Speaker's Ruling Decorum

MR. SPEAKER: Order. [interjections] Order. If hon. members would be quiet to allow the minister to complete his answer, he probably was going to say, as the Chair heard him beginning to say, that he knew that the hon. member was there. If the hon. members would give people a chance to answer the questions . . . [interjections] Well, he had started by saying "although."

MR. DECORE: No, he didn't say that.

MR. SPEAKER: Hon. Member for Edmonton-Glengarry, withdraw that comment. [interjections]
The hon. Minister of Education.

Education Funding (continued)

MR. JONSON: Well, Mr. Speaker, I would like to preface my remarks by saying that I do appreciate that there's a certain amount of tension across the way today. I was going to acknowledge as I worked my way through my remarks that I did recall spotting the Member for Edmonton-Centre across the way on several occasions during last spring's debate.

The point that I want to make is that it was very clearly outlined that we had made a move to provide equitable funding to all school boards in this province. With respect to the separate schools of the province there was that provision for them to opt out of the Alberta school foundation fund, but funding would be provided to make up the difference if they were below the provincial average or the per pupil grant, and they would be treated very equitably in this regard, Mr. Speaker. If there was any growth in assessment in this province, as outlined in our business plan, that growth in assessment would be going towards the cost of education or possibly a reduction in the overall

provincial mill rate. There was no discrimination in funding, no discrimination at all against Catholic school boards.

MR. HENRY: Mr. Speaker, if the minister is so sure of himself, why are urban Albertans and rural Albertans and public school supporters and Catholic school supporters – one's got to wonder why they're taking him to court.

What I'd like to ask the minister is: why did you not consult the Alberta School Boards Association or the Alberta Catholic School Trustees' Association before you tried to change the legislation so that you can skim off this revenue from new assessment?

MR. JONSON: Mr. Speaker, I too wonder about the various legal actions. I see little relevance with respect to the quality of education being improved, which we're all, I'm sure, interested in.

With respect to the matter of the growth in assessment, Mr. Speaker, this was stated very, very much up front. We indicated that the growth in assessment would be accessed provincially. As outlined in our business plan very clearly, this assessment would be accessed this year for the purpose of providing equitable funding across the province and in the future it would be used for the purpose of funding education, particularly enrollment growth, or possibly converted into a property tax benefit for the people of the province. That is in print. It's been in print for months. I can give the hon. member a copy of it if he would care to have one.

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

National Environment Policy

MR. RENNER: Thank you, Mr. Speaker. I've been receiving an increasing number of calls from constituents who are concerned about the rumoured environmental regulations and/or taxes being contemplated by the federal government. I understand that the minister . . . [interjections] As soon as we start talking about the federal government, they get a little antsy on the other side, Mr. Speaker. [interjections]

MR. SPEAKER: Order.

MR. DECORE: Isn't that hypothetical, Mr. Speaker?

MR. SPEAKER: We haven't heard the question yet.

The hon. Member for Medicine Hat.

MR. RENNER: Thank you, Mr. Speaker. I understand that the Minister of Energy has just returned from meetings to discuss these issues. Could the Minister of Energy advise this House if the environmental taxes and regulations being discussed in these discussions that she participated in could have serious implications on industry and the public in my constituency? [interjections]

MR. SPEAKER: Order. [interjections] Order.

MR. N. TAYLOR: A point of order, Mr. Speaker.

MRS. BLACK: Mr. Speaker, indeed the minister of environment and myself attended the joint meetings of environment ministers and energy ministers in Bathurst, New Brunswick, this last few days, and the topic was the climate change and global warming and Canada's position that will be taken to Berlin. [interjections]

I know, Mr. Speaker, that this is a joke to the Liberals opposite. Well, they may think it's a joke, but I can tell you that if they don't pay attention to this issue and stand up for Albertans, the consequences could be very serious not only for Alberta but for Canada. This is no laughing matter when you have a position that is presented by the federal Liberal Environment minister that is directly out of a political book called the red book and asked to be endorsed by the provinces. Clearly the provinces did not endorse the red book commitments to stabilization of climate change. [interjections] In fact, what was presented was a raft of alternatives ranging from everything from Alberta's position – just listen – to the complete elimination of fossil fuel use in Canada. I can tell you that the position that was put forward . . .

MS LEIBOVICI: Speech. Speech.

Speaker's Ruling Decorum

MR. SPEAKER: Order please. Hon. Member for Edmonton-Meadowlark, you can keep quiet. If you folks in that group want to make noise to delay people in answering questions, that's your business, I guess, but they're going to have a chance to answer the question.

MR. DECORE: Aw, that's not fair. That was a hypothetical question.

MR. SPEAKER: Order please. Would the hon. Member for Edmonton-Glengarry quit making these challenges to the Chair from his seat, or the Chair will have no alternative but to ask the hon. member to leave.

2:10 National Environment Policy (continued)

MRS. BLACK: Well, Mr. Speaker, it's very obvious in this House that Albertans cannot depend upon the Liberals opposite to stand up for Alberta's rights in this province. So we know where they stand. We know where they stand.

Mr. Speaker, Alberta's position is very clear. [interjections] I'm amazed that the energy critic coming from Calgary-West would not stand up for Albertans' rights.

The position we put forward was the position that was developed through CASA. You've heard me talk about CASA in this House before. That position was to go forward with voluntary measures and a national registry program. The position we said that we would not accept was to go into extensive regulatory processes that would be a burden without any kind of justification or added comment by the federal government. That was the position we put forward. I have to say that we did in fact stand alone, and we know that we don't have your support on it over there, which I'll be glad to tell Albertans.

MR. RENNER: Mr. Speaker, there needs to be consideration of these economic considerations. Did the discussions include any specific detailed reports on economic considerations and economic outcomes from the regulations being contemplated?

MRS. BLACK: Mr. Speaker, this is one of the things that's very difficult in this discussion. There were all kinds of positions put forward, and when we asked for the detailed economic analysis of those positions, while there had been some preliminary work,

there was in fact not a detailed economic analysis done. In fact, we had no ability to look at cost/benefit analysis.

I might remind this House that there has been extensive work done by universities in Alberta to look at that, and in fact some of the preliminary numbers coming out of our own universities have said that this would have a direct impact of around \$5 billion to the province of Alberta. So if you don't think this is serious, it is.

MR. RENNER: Does the minister have in place a strategy to deal with federally imposed actions that could be detrimental and discriminatory to Albertans?

MRS. BLACK: Mr. Speaker, our response was very clear to the federal ministry. We said that a Canadian position must involve input and have consensus from the provinces. First of all, you could not develop a Canadian document that did not have agreement by the provinces, keeping in mind that the natural resources belong to and are under the jurisdiction of every province. Any intrusion into those jurisdictional rights would naturally have to be fully challenged to the tune of the law by the province of Alberta, and we said that we had no qualms in making that challenge.

Health Care System

MR. SAPERS: Mr. Speaker, the latest Alberta health business plans tabled yesterday revealed that universal, publicly administered health care is dying in Alberta. The first victims of this will be seniors. The document tabled shows that universal coverage for seniors' Blue Cross benefits and charges for long-term care will soon be income tested. To the Minister of Health: will the minister confirm her plan that suggests that all individuals receiving long-term care will be income tested to determine how much money they'll have to pay out of their own pockets?

MRS. McCLELLAN: Mr. Speaker, I strongly suggest that the hon. member read the book as well, the one that the hon. leader is holding.

Mr. Speaker, there is a very valid document in this Legislature, and it is called the Alberta Health Business Plan, 1994-95 to 1996-97. I would invite the hon. member to read that document. I think he might find it quite enlightening. I must say that I spent about four hours with the hon. member during committee, plus budget debate, trying to enlighten him. Any other alleged document or plan will be tabled in this Legislature at an appropriate time and debated at that time.

The hon. member knows full well that Alberta has a formula for cost of lodging in long-term care facilities, and it is indexed to income. That is in the business plan, and it is clear, not like some other provinces, I might add, whose costs for long-term care accommodation far exceed pension and/or income, possibly even Liberal provinces.

MR. SAPERS: If the business plan that the minister's department is working on is just fiction, will the minister stand in the Assembly today and say that there will not be income testing for seniors in the future for Blue Cross benefits which they now receive?

MRS. McCLELLAN: Mr. Speaker, it has never been this minister's habit to discuss hypothetical issues. Our actions in this House clearly show that we produce plans at the appropriate time, and they are debated fully on the floor of this Legislature in estimates, in budget debate, and in committee, if the hon. member

so desires to call that minister. There is no extended business plan for Alberta Health at this time.

MR. SAPERS: Would the minister please assure the Assembly, in light of the federal Minister of Health's recent public comments, that acute care will not be on the hit list to become an income tested program in Alberta.

MRS. McCLELLAN: Well, what I will assure the hon. member in view of the federal minister's comments on national television is that I will communicate with the federal minister, and indeed have, and indeed invite her to provide to me specific instances where she considers that Alberta is contravening the Canada Health Act.

Mr. Speaker, the Premier and I and this government have made it clear over and over again that we adhere to the principles, the intent, and the spirit of the Canada Health Act. We believe that we are within that intent, and until somebody brings forward a valid suggestion that we are not, I stand by that.

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

Canada Health Act (continued)

MR. MAGNUS: Thank you, Mr. Speaker. My question is directed to the hon. Minister of Health. Madam Minister, last night on CBC *Prime Time* there was an interview with federal Liberal Minister of Health, Diane Marleau, in which she stated that Alberta Health had, and I quote, crossed the line, and threatened to withhold transfer payments from Alberta as we were contravening the Canada Health Act. Did Mrs. Marleau communicate directly with you on where or how Alberta Health is in contravention of the Canada Health Act?

MRS. McCLELLAN: Mr. Speaker, first of all I found it quite interesting that the Minister of Health from Alberta was not included in a discussion on Alberta Health on CBC *Prime Time*. I found that rather curious, and I have, through my office, raised that concern.

Secondly, Mr. Speaker, I have stated unequivocally that Alberta is not, in our opinion, in contravention of the Canada Health Act, and no, the federal minister did not communicate directly with me previous to her comments on the *Prime Time* show.

MR. SPEAKER: Supplemental question?

MR. MAGNUS: Thank you, Mr. Speaker. Again to the hon. Minister of Health. The federal minister suggested that access to care was restricted in Alberta to the point that people were not getting the care they need. Is this true, and what are we doing about it?

MRS. McCLELLAN: Mr. Speaker, it is our firm belief that Albertans have reasonable access to care in this province. We have a system of managed care in Canada, not just in Alberta, and in a system of managed care, you will have managed care. I again have to reiterate that until I have a specific example or instance where the federal minister finds us in violation of the Canada Health Act, I cannot explain her comments; I can only regret them.

2:20

MR. N. TAYLOR: A point of order, Mr. Speaker.

MR. SPEAKER: Final supplemental.

MR. MAGNUS: Thank you, Mr. Speaker. The question's been half answered, so I'll ask the rest of it. Madam Minister, as the news program was about Alberta's health system, why did you not appear on the show? [interjections]

MRS. McCLELLAN: Mr. Speaker, I think it's a very valid question. I'm sure that there are a number of people that are wondering why the Minister of Health did not choose to appear on a program in Alberta about Alberta health.

Mr. Speaker, my office was contacted by CBC *Prime Time*, and time was requested for me to participate. I did rearrange my schedule, did arrange to participate, and the participation was canceled by CBC. I have not had an explanation. [interjections]

MR. SPEAKER: The hon. Member for Lac La Biche-St. Paul.

Judicial System

MR. LANGEVIN: Thank you, Mr. Speaker. I will ask my caucus to be quiet.

Mr. Speaker, further to my member's statement of yesterday I would like to add that a large number of Canadians have lost a great deal of respect for our judges. A strong article against excusing criminals for drunkenness appeared in one of my local weeklies yesterday. The outrage of the public is expressed at the end of the article, and I quote: "As for the judges, kick them out, as incompetent, immoral and without the sense to tie their own shoelaces." My question to the Minister of Justice: where do the judges get the authority to read what they want into laws and to judge contrary to the intent of the law as was legislated?

MR. SPEAKER: The hon. Minister of Justice.

MR. EVANS: Thank you, Mr. Speaker. I listened attentively yesterday when the hon. member opposite read his member's statement, and I'd like to quote briefly from it:

We have to appoint respectable members of society who have a genuine concern for justice, who are prepared to protect the victim and the innocent and those who can least protect themselves, who are prepared to uphold our society's values.

Then he goes on to say: "We also have many respectable and good judges." Well, I agree with both of those comments.

The responsibility and the role of a judge or justice in this country is to interpret the law and to apply it to specific fact situations. We have a process which allows for appeals of decisions by judges in those circumstances where it is felt that the decisions that have been made are not valid and are not enforceable at law. We will have examples - we've had them in the past, Mr. Speaker, and will have them in the future - where decisions by judges are not felt to be within societal norms, not within the rules of law as we know them. We have a process to address those, and I would certainly welcome the hon. member to discuss this with me further, and I'd appreciate any recommendations that he would have to improve the system.

MR. HENRY: Mr. Speaker, a point of order.

MR. SPEAKER: Supplemental question.

MR. LANGEVIN: Thank you, Mr. Speaker. My second question, again to the Minister of Justice: what actions can be

taken by politicians or the public to make judges accountable to society as a whole?

MR. EVANS: Well, Mr. Speaker, the independence of the judiciary is a well-known and well-observed principle of our Canadian judicial system. Here in Alberta, where we appoint Provincial Court judges, we have a Judicial Council, which is an objective review of those people who wish to be candidates for judicial appointment, where their peers will review them and make recommendations as to whether or not they are suitable candidates for the bench. I cannot say with any certainty what the process is at the federal level with respect to federally appointed judges, but I expect that there is a similar process. I think we should be always looking to improve that system to ensure that we have the highest quality people at the bench. Again, I would ask the member to give me any specific recommendations he might have.

MR. SPEAKER: Final supplemental.

MR. LANGEVIN: Yes. My last question, Mr. Speaker, is: how is it that very often as long as you're a lawyer and you lose a nomination, you lose an election, or you face a political setback in your life, you automatically become a candidate to be a judge?

MR. EVANS: You know, Mr. Speaker, I certainly hope the hon. member isn't looking into his crystal ball and referring to me personally.

With respect to judicial appointments, again in Alberta they must be reviewed by the Judicial Council, an independent body of practising lawyers who analyze the credibility, the effectiveness, and the legal skills of the candidates. Before any kind of appointment is made, they must be cleared through that process. I trust that the hon. member was not referring to any specific Alberta examples.

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

School Board Administration

MR. McFARLAND: Thank you, Mr. Speaker. This government has said time and time again that it wants to see more dollars work their way through the system into the classroom, where they properly belong. Since Alberta Education already provides curriculum development services, will the Minister of Education indicate to this Assembly why the Calgary and Edmonton public boards of education need or justify operating their own curriculum development services?

MR. JONSON: Mr. Speaker, I would like to indicate this in response to the question, and that is that Alberta Education has the mandate of establishing standards and providing for a provincially based curriculum and a provincial program of studies. In the process of fulfilling that mandate, Alberta Education does draw extensively from the expertise that is across the province in terms of well-qualified teachers and educators. They are seconded for work or do work directly on the curriculum of this province, so it's an overall, provincewide effort. We do use a variety of sources and a variety of individuals and expertise. Therefore, given that we are using resources from across the province and one of our directions is certainly to eliminate duplication and overlap in the name of providing an effective and efficient way of preparing curriculum and programs of study so that money can be available for the classroom, I do not think we need any more duplication and overlap in this particular area.

MR. SPEAKER: Supplemental question.

MR. McFARLAND: Thank you, Mr. Speaker. Again to the minister: wouldn't the money spent by the Calgary board of education be better invested for the benefit of children in the classroom rather than on an item such as eliminating references to gender in administrative and policy manuals?

MR. JONSON: Mr. Speaker, the process of changing policy manuals and administrative handbooks and that particular process is a decision certainly for local school boards. I can only comment that school boards, I'm sure, across the province should be balancing something such as a gender-neutral policy and its possible cost against other needs within their school systems, such as special-needs programs and so forth. If that is the priority they set, that is something that they do, but I think they should always look carefully at priorities.

MR. McFARLAND: Sounds like we're headed towards personal latrines.

My final supplemental to the minister is: is it to the children's benefit for money to be spent on 170 custodial engineer management positions, especially where these positions don't do actual janitorial work?

2:30

MR. JONSON: At one time, Mr. Speaker, there were that many school jurisdictions in the province. There are somewhat less now. I think that in the large school jurisdictions, each school jurisdiction might have an administrator who's in charge of running the overall custodial services of the school board. In the smaller jurisdictions I'm aware that they're for the most part involved in frontline work. In a larger jurisdiction there would be probably a full-time or two or three full-time jobs to supervise the overall system. So in that regard there does need to be an administrative service there. The thing that I note in jurisdictions across the province is that where they are efficient and effective, all of the people working at custodial services have definite service jobs to do, whether they are directly hired or under contract arrangements.

Child Welfare

MS HANSON: Mr. Speaker, despite the minister's blatant attempts to distract Albertans from the truth about a recent child welfare case, this week's custody hearing verifies that department incompetence and neglect subjected the child to unspeakable abuse. Testimony from child welfare workers confirmed that the grandmother, a convicted child molester involved in an incestuous relationship, had unsupervised visits, access to this child.

MR. SPEAKER: Order please. Just for the Chair's clarification, is the hon. member referring to something that is before the criminal courts of this province?

MS HANSON: The judgment was this morning, sir.

MR. SPEAKER: Okay.

MS HANSON: Thank you. My questions are to the Minister of Family and Social Services. Mr. Minister, how could you embellish the truth so carelessly by claiming that the grandmother had only one supervised visit with that child, when your own case workers testified otherwise? Who can we believe here?

MR. CARDINAL: Mr. Speaker, I've asked for a complete report on this particular case. I'd just like to indicate that to date all I have is that there was one supervised visit that took place in 1990 in this particular case.

MR. SPEAKER: Supplemental question. [interjections] Order. Hon. member.

MS HANSON: Thank you, Mr. Speaker. Mr. Minister, the report indicates otherwise.

My second question is: how are you going to help the child overcome such horrible tragedies when you failed to protect the child from abuse and you couldn't even protect the identity? Why should we believe that you can do the right thing now?

MR. CARDINAL: Mr. Speaker, I think the hon. member knows how serious we are when we are dealing with children, a very sensitive issue. We are spending totally in our government over \$200 million a year in that particular area. We are ready, within three weeks, to file a complete report, once it goes through the process, of how children will be dealt with in the province. The opposition members, if they were serious at all, had over one year to participate in designing this process. We haven't heard from them yet, so they are not serious about dealing with children's issues.

MR. SPEAKER: Final supplemental?
The hon. Member for Calgary-Cross.

Municipal Taxation

MRS. FRITZ: Thank you, Mr. Speaker. The community presidents in Calgary-Cross are very concerned that the province is currently drafting regulations, which will come into effect January 1, 1995, that allow taxation of nonprofit and charitable organizations who hold liquor licences to operate pubs. As you know, these groups raise their funds through volunteer efforts and put the revenue back into the community. My question today is for the hon. Minister of Municipal Affairs. Mr. Minister, do you have any idea what the impact of this direct tax will be on community associations and if any will be forced to close their doors?

DR. WEST: Mr. Speaker, the regulations before read that community leagues who had a liquor licence in the class A or class C level that were open to the public on an ongoing basis, whether it be five days a week, six days a week, or seven days a week, and functioned normally as an open access to the public as a liquor establishment were taxable. It was left to the discretion of the assessors as to whether they had breached the rules of that day. Again assessors will go around, but the Act and the regulations will be very specific that if this is an operating pub or lounge with a liquor licence, a class A licence, that portion within the community league or that building will be taxed for school purposes.

Now, the city or the municipality can exempt that whole area. They can exempt the municipal portion, which they traditionally have done. They can exempt the school portion, but that portion then must be picked up by the rest of the rate base. The city will be asked for a package of money for the school purposes, and if the city chooses to exempt that, then they must pass that tax on to the rest of the rate base. The issue here is that because status quo exists mainly, I don't believe that this will be the cause of the demise of many community leagues.

MR. SPEAKER: Supplemental question.

MRS. FRITZ: Thank you, Mr. Speaker. My concern is about the impact on the community associations. In the event that the municipalities do not exempt the associations and the tax is too great for the nonprofit groups, will you look at the possibility of support, like phasing in the tax or offering a tax credit?

DR. WEST: Mr. Speaker, there's been a lot of discussion on the exemption of certain properties from tax in municipalities. We have made a monumental leap from what we did before. We used to bring in many people who applied to the Local Authorities Board and make decisions on whether they should be tax exempt in municipalities. In the new Municipal Government Act, in the regulations we have transferred that responsibility to the municipalities who can best judge that. How they help the volunteer organization is up to that municipality. We will have other programs and various grants through RPW or the Sport Council which are available to them. But the answer to your question is: no, we're not going to bring in some new, innovative tax concessions or alleviations. That will be left up to the municipality.

I'll wait for the supplemental.

MR. SPEAKER: Final supplemental.

MRS. FRITZ: Thank you, Mr. Speaker. Mr. Minister, if this new tax does put legitimate charities out of business, which it very well could do, can you see any change at all in the regulations that are forthcoming in January?

DR. WEST: Mr. Speaker, to answer this question, we have to go back to another principle that's involved here. We're talking about the area in a community centre that is operating as a pub or a lounge, a liquor licence as is out in the real world. These people are competing on a daily basis with hundreds, close to 6,000 licensees that operate with their own money operations under these classes of licences and are competing with this community league as a pub or a lounge. I don't believe those taxpayers want competition in the marketplace funded by tax concessions which are then put back on their tax bill. I don't believe they want that sort of arrangement made by this government.

MR. SPEAKER: The Chair thought it heard the signal that . . .

SOME HON. MEMBERS: No.

MR. SPEAKER: No?
The hon. Member for West Yellowhead.

Grande Cache Correctional Centre

MR. VAN BINSBERGEN: Thank you, Mr. Speaker. Last February the previous Minister of Justice announced that the correctional centre in Grande Cache would be closed down in 1995 unless the federal government would agree to take it over. He suggested to me at the time that the negotiations would take about three months. Well, we're nine months later and the residents still don't know what's going to happen, and the uncertainty is affecting the town as well as the economy. To the Minister of Justice: will the minister first explain why his government is even thinking about closing down a jail that was built only 8 years ago by a previous Conservative government?

2:40

MR. EVANS: Well, Mr. Speaker, the prior Minister of Justice was looking at all of the corrections institutions in this province and looking at a cost-effective and efficient way of managing those facilities and looking as well at the inmate populations. That process is continuing. Quite frankly, with my new responsibilities that's one of the things that I'm going to be concentrating on when we adjourn from this House. I plan to make a tour of the Grande Cache facility. In fact, the federal member for the hon. member opposite's area has invited me to take a tour, so has the hon. member opposite with respect to Fort Saskatchewan. I quite intend to visit both of those as well as the other correctional facilities in this province.

MR. SPEAKER: Supplemental question.

MR. VAN BINSBERGEN: Thank you, Mr. Speaker. The second question is also to the Minister of Justice. When is the town going to find out if Corrections Canada will take over the centre and, if so, whether the employees will remain in the job there?

MR. EVANS: Well, we are at the present time discussing the possibilities for Grande Cache with Corrections Canada, but as the hon. member would know, Corrections Canada is a federal organization. I have no control whatsoever over what they are going to announce and when they're going to announce it.

MR. SPEAKER: The time for question period has expired. This is the time for points of order. The Chair has received numerous indications that there are some points of order floating around.

The hon. Opposition House Leader.

Point of Order Hypothetical Questions

MR. N. TAYLOR: Thank you, Mr. Speaker. It was with respect to some of the questioning by government members. In general, Speakers get crankier and more disciplined as the session wears on, but you are an exception to that, very genial indeed. Three members over there – Calgary-Cross, Calgary-North Hill, and Medicine Hat – used the word "if." As you know, Dr. Carter, the previous Speaker, was very, very strong on that. That automatically meant a hypothetical question. Hypothetical questions are not to be asked. I don't want to sound as if I'm complaining too much, but I had to learn the rules, and they've been in the House long enough now that they should be able to craft a question that is not hypothetical.

The second item I wanted to mention is the other thing that's always a no-no in Westminster and all the others is to ask a question as to government policy. Now, this doesn't matter which side of the House, but I was just hoping that maybe you could sort of step on them gently and say automatically that if "if" is in the question, it isn't a correct question. We've all had to learn the correct method, so I would hope that maybe when we come back, you won't be as genial and kindhearted and full of Christmas spirit as you are right now.

Thanks.

MR. SPEAKER: On this point of order the hon. Member for Calgary-North Hill.

MR. MAGNUS: Thank you, Mr. Speaker. It's interesting that the hon. member from across the way has lumped three different

constituencies in the same thing. I just reread the question that I had written earlier. The word "if" doesn't exist within the question, and I'm sure the Blues will show that.

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

MR. RENNER: Thank you, Mr. Speaker. I would like to thank the member opposite for his constructive criticism. My question did have "if" in it. Certainly I should have known better, and I do apologize to you, Mr. Speaker. I will certainly attempt to structure my questions in a better parliamentary language another time.

MR. SPEAKER: Well, the Chair would like to say that a lot depends on the context, but there's certainly nothing wrong per se with the word "if." The Chair would say that if all hon. members would learn to listen to the question before interrupting, there would be fewer points of order.

Also, with regard to opinion, there is nothing wrong with asking about government policy. That's what all questions should be directed to: asking about government policy in regard to this, that, or the other subject, but should not ask about opinions on government policy. This complaint really applies to questions coming from both sides of the House. The government side or the opposition side doesn't have a monopoly on this complaint from the Chair.

The Chair does not think that in the end the hon. Member for Medicine Hat's questions were out of order or the Chair would have intervened.

The hon. Member for Edmonton-Centre.

Point of Order Reflections on the Judiciary

MR. HENRY: Thank you very much, Mr. Speaker. I rise on a point of order, and it's in relation to the question from the hon. Member for Lac La Biche-St. Paul. I don't have any quibble with the question per se, but the preamble I believe offends parliamentary practice. I direct you to *Beauchesne* 493. The nature of the hon. member's question had to do with the judiciary and judicial appointments, which are very legitimate questions. However, *Beauchesne* 493 says:

All references to judges and courts of justice of the nature of personal attack and censure have always been considered unparliamentary, and the Speaker has always treated them as breaches of order.

I distinctly heard the hon. member say that either he or members of the public had lost confidence in our judges. If the hon. member would like to stand up and talk about particular judgments and the value of one way or the other of a particular judgment, I don't have a quibble with that, but to cast aspersions on the members of the judiciary who, I might point out, come from all parties of this Legislature and the Parliament of Canada in terms of background as well as nonpartisan appointments, I think this speaks very disrespectfully of the judiciary. [interjections] If the members across the way would like to get into a debate about the appointments made by their government in the provincial courts, I'd be glad to do that at another time. Mr. Speaker, I believe that we should not in this Legislature, in discussing judgments or in discussing procedures, cast aspersions on the current members of the judiciary.

Thank you.

MR. SPEAKER: Well, the Chair is not going to call on the hon. Member for Lac La Biche-St. Paul because the Chair does not feel in this specific instance that there has been a breach of order

because it was not a personal attack on any one judge or any specific court. I think all members should be aware of the general thought of paragraph 493 of *Beauchesne* when discussing this matter, but in this case there were not specific words or comment towards any particular judge or any particular court. The Chair will find that there has not been a breach of order.

Point of Order
Inflammatory Language

MS LEIBOVICI: I had a couple of points of order as well, and they were mostly pertaining to the Minister of Energy's comments as well as the Member for Medicine Hat with regard to his questions. I'm no lawyer, Mr. Speaker, but when I look at what some of the comments were in terms of answers to those questions as well as some of the questions, what I find and in quoting certain citations in *Beauchesne*, which is our guideline within this Legislative Assembly, 408(2), 410(7), 417, and 23(h), our own Standing Orders, with regards to the comments from the Minister of Energy – what those basically say is that the answers to questions should be as brief as possible, deal with the matter raised, and should not provoke debate. What we had, however, within this Legislative Assembly were answers that seemed to provoke debate. When the Minister of Energy stands up and makes comments such as the federal Liberal government does not have the mandate to carry out its policies, all I need to look at is what this government's own arguments are with regards to that. The majority of Canadians did vote for the federal Liberal government and voted for their policies, which were outlined in the red book, and at least they had the courage to outline their policies in the red book.

Further comments made by the Minister of Energy were that the Liberals will not stand up for the energy sector. Well, Mr. Speaker, we have stood up not only for the energy sector, to give some fairly recent examples, with regards to orphan wells and fighting for the independence of the AEUB, which is more than what the Minister of Energy did with regards to that potential recent appointment.

MR. SPEAKER: Order please. The Chair does not see the point. The Chair has been fairly liberal with the hon. member in allowing her to put her complaints forward with regard to the answer given by the Minister of Energy, but the hon. member is not cutting any ice with the Chair on her complaint about the answer by the hon. Minister of Energy.

head: Orders of the Day

2:50

head: Written Questions

MR. DAY: Mr. Speaker, I move that written questions appearing on today's Order Paper stand and retain their places except for Written Question 235.

[Motion carried]

Magnesium Company of Canada Ltd.

Q235. Dr. Percy moved that the following question be accepted: What are the terms, conditions, and amounts of the fee arrangement – work fees and successful completion of transaction fees – entered into between the government and Burns Fry Limited to facilitate the sale of the government's investment in Magnesium Company of Canada Ltd.?

MRS. BLACK: Mr. Speaker, I believe an amendment to Question 235 has been circulated, and we'd like to put that forward as an amendment to the question.

Moved by Mrs. Black on behalf of Mr. Dinning that Written Question 235 be amended to move that the following question be accepted:

What are the amounts of the fee arrangement, work fees and successful completion of transaction fees, entered into between the government and Burns Fry Limited to facilitate the sale of the government's investment in Magnesium Company of Canada Ltd.?

[Motion as amended carried]

head: Motions for Returns

MRS. BLACK: Mr. Speaker, I move that the motions for returns appearing on the Order Paper stand and retain their places with the exception of motions for returns 222, 223, 244, 245, 247, and 249.

[Motion carried]

Provincial Income Tax

M222. Dr. Percy moved that an order of the Assembly do issue for a return showing any studies or reports prepared by or on behalf of the government between January 1, 1993, and May 24, 1994, regarding the feasibility of levying provincial income tax on the basis of taxable income as compared to a percentage of federal income tax payable.

MRS. BLACK: Mr. Speaker, on behalf of the Provincial Treasurer we will not be able to accept Motion for a Return 222. It's a question of internal studies not being filed in the Assembly. However, policy directions are certainly debated, and we would appreciate the debate on policy in this Assembly, but we will not be able to file internal documents.

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

MR. PERCY: Thank you, Mr. Speaker. This was in a sense a test of this government's resolve for openness, accountability, and transparency since in fact we've gotten much of this material already through the federal freedom of information Act, including actual submissions of the Provincial Treasurer to the federal government. So it appears on one hand that the federal government is in fact very forthcoming, and this highlights to a very significant degree why we need an effective freedom of information Act in this province, a commissioner in place. I had hoped that I would get at least what I had gotten under the freedom of information Act, and I've gotten nothing.

[Motion lost]

Property Tax Assessment

M223. Dr. Percy moved that an order of the Assembly do issue for a return showing any studies or reports prepared by or on behalf of the government between January 1, 1993, and May 24, 1994, evaluating the impact of using market value as a basis for assessment on residential and nonresidential property.

MRS. BLACK: Mr. Speaker, again, the government is well prepared to debate policy in the House, but there are internal

documents that are not available to the House. So we will not be accepting this motion.

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

DR. PERCY: Thank you, Mr. Speaker. I'm very disappointed that the provincial government would not see fit to release these studies. This is a significant move in terms of using market value as a basis for assessment on residential and nonresidential property. We're in the context of evaluating a shift from the M and E to other forms of taxes. One hopes that on occasion – I mean, one has to hope – there in fact is a basis for decision-making on that side of the House other than whim and fancy. So that's why we asked for such documents. It provides us a basis, then, for seeing whether or not the government is aware of the consequences of adopting certain types of policies. Although the hon. House leader may in fact say that they don't like releasing any study or report, surely there must be some studies or reports that they could provide that would allow an understanding of the factual basis on which they have made decisions.

MR. COLLINGWOOD: Maybe not.

DR. PERCY: Maybe not.
Thank you, Mr. Speaker.

[Motion lost]

Obligations under Guarantees and Indemnities

M244. Dr. Percy moved that an order of the Assembly do issue for a return showing a breakdown of the provision for obligations under guarantee and indemnity, by borrower, for the fiscal year 1994-95, \$25 million estimate, as contained on page 49 of Budget '94, February 24, 1994.

MRS. BLACK: Mr. Speaker, on behalf of the Provincial Treasurer we will not be able to accept this Motion 244. This information has been requested in similar motions for returns before. Motions, according to *Beauchesne* 428, should not be repeated if they have already been refused. So we will not be accepting this motion.

DR. PERCY: Well, I would object to what the hon. deputy House leader has said. It is true that I've asked for such material on previous budgets, but this is the first time I've asked for it on this budget, Mr. Speaker. I'd hoped, in light of liberating government, that it in fact would liberate some information so we could see the basis on which these estimates are being made.

[Motion lost]

Long-term Investments

M245. Dr. Percy moved that an order of the Assembly do issue for a return showing a breakdown of the \$32 million in long-term investments authorized and undisbursed by individual entity as of March 31, 1994, as contained in the 1993-94 public accounts, volume 1, note 4(c), page 10.

MRS. BLACK: Mr. Speaker, again on behalf of the Provincial Treasurer the government is prepared to accept the motion.

[Motion carried]

Undisbursed Loans and Advances

M247. Mr. Sekulic moved that an order of the Assembly do issue for a return showing a breakdown of the \$31 million in loans and advances approved and undisbursed as of March 31, 1994, as contained in the 1993-94 public accounts, volume 1, note 4(c), page 10.

MRS. BLACK: Mr. Speaker, again on behalf of the hon. Provincial Treasurer the government accepts Motion 247.

[Motion carried]

3:00 Tax Competitiveness Analysis

M249. Dr. Percy moved that an order of the Assembly do issue for a return showing a copy of the analysis of Alberta's tax competitiveness prepared and presented by the department of Treasury, budget and fiscal policy division, during 1992-93 to the business centre for tax research.

MRS. BLACK: Mr. Speaker, on behalf of the Provincial Treasurer I believe there's an amendment to this motion that has been circulated to the House, and I so move that

Motion for a Return 249 be amended to move that a copy of the speech about Alberta's tax competitiveness prepared and presented by the department of Treasury, budget and fiscal policy division, during 1992-93 to the business centre for tax research.

DR. PERCY: Well, it puts me in a difficult position, Mr. Speaker, because it's not going to keep me on the edge of my seat to get a speech from the hon. Provincial Treasurer. In fact, it may cause my head to hit the table as I peruse it. What I had asked for and hoped to receive was in fact the background documentation that would lead to that speech. In fact, what I will get is something that probably is desiccated, dried, and removed and devoid of any facts that would be of any use to anyone.

[Motion as amended carried]

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

Bill 218 Water Resources Amendment Act, 1994

[Debate adjourned November 8: Dr. L. Taylor speaking]

MR. SPEAKER: The hon. Member for Cypress-Medicine Hat wishes to continue?

DR. L. TAYLOR: On Bill 218, yes. When I was so rudely interrupted last time, I was pretty much finished. I don't have anything further to say on the issue.

MR. SPEAKER: The hon. Member for Bonnyville to close debate.

MR. VASSEUR: Yes. Well, thank you, Mr. Speaker . . .

MR. SPEAKER: Order. There appears to be somebody else who still wishes to participate. The hon. Member for Vegreville-Viking.

MR. STELMACH: Thank you, Mr. Speaker. I would like to make a few additional comments on the issues that are before us today as they pertain to Bill 218. Water is one of Alberta's most important natural assets. It is a primary and vital component of the environment. The wildlife and vegetation that inhabit this environment are absolutely dependent on this life-giving and life-sustaining substance. Of course, human beings are also indebted to water as the very source of life on this planet. Every so often I think we would do well to take a moment to realize and appreciate how important water is.

Mr. Speaker, water is very important in another sense. We as a society also are very reliant on water as an extremely important factor in balanced economic development. Farmers are dependent on water, manufacturers use it readily, the petroleum sector requires it, and on and on. For that matter, even politicians need it to quench their parched throats when speaking to private members' Bills in this Legislature from time to time. Because water is so important we would be foolhardy if we in our role as elected representatives did not take all steps possible to ensure that we are good stewards of the environment.

We must also be able to find ways in which the consumption needs of both industry and regular people are met in a sufficient manner. That is the challenge to the ladies and gentlemen here in this Legislature, the bureaucrats and experts in Alberta Environmental Protection, and the general public who are everyday users of this most valuable natural resource.

Sustainable water management means that water must be managed fairly and responsibly to meet current needs without compromising the ability of future generations to meet their own water usage needs. This is the type of thinking that surely went into the drafting of Bill 218 on the part of the hon. Member for Bonnyville. I have read the Bill, Mr. Speaker, and there are some really good provisions in there to be sure.

The foundation of sustainable water management is sound government policy. That does not mean that a member of this Assembly who is not part of the government can have no say or influence in this matter. On the contrary, for I would support a good piece of legislation no matter what side of the House it came from if I thought it was in the best interests of my constituents and the province as a whole. So I can stand up in this House and say for the record that I like many of the clauses and amendments in the Bill.

Mr. Speaker, I have listened to the arguments of my colleagues from this side of the Assembly as well as those points made by the members opposite. I have looked at the Bill, as I said, and have some relevant background material. All of this confirms that there is wisdom in Bill 218. However, the matter before us today is whether it would be wise to pass this Bill with a favourable vote in this Legislature. To answer that, we would look at the Bill within the context of a very broad scope so we can determine if it'll meet both the long-term and short-term needs of water users in Alberta. From the information I have available to me, I conclude that it does not.

Mr. Speaker, it is my opinion that this Bill, while adequate in the issues it does address, fails because of the issues that it does not. We need to bring the Water Resources Act up to date with regards to irrigation issues in the southern part of our province. We have to be sure that we accommodate the needs of the petroleum industry. We need legislation that's tight, concise, and very clear as to what it means to the people who are affected by it. In all these areas Bill 218 fails to make the grade, so to speak.

We have talked about the process that is necessary to overhaul legislation that has such magnitude both in sheer size of the Act and its importance to the lives of all Albertans. I have to agree

with the assertion that this process is necessary and important. The public consultations so that we can get these suggestions, views, needs, and concerns of industry, stakeholders, environmentalists, and regular people is so very important, Mr. Speaker. So is the approval of the democratically elected members of the government cabinet and caucus. So is the approval of the all-party panel of MLAs and civilians in the standing policy committee meetings. So is the approval, input, and expertise of the men and women of the Department of Environmental Protection, many of whom have it as their primary job description to be knowledgeable and competent in matters concerning environmental sustainability. These stages of approval are all part of the legislative review process that has been conducted so far and is continuing as we speak.

I will say this, though, Mr. Speaker. Perhaps this private member's Bill being sponsored by the opposition member is a prompting or an urging of the people involved in the legislative review to expedite the process. I have heard reference made throughout the course of this debate to the discussion paper entitled *Water Management in Alberta: Challenges for the Future*. In that document, final legislation was forecasted to be complete in the fall of 1992. We are now approaching 1995, and we have yet to have that new and improved Water Resources Act. I realize, as I have indicated, that this is certainly no small task, but I am eager to have this legislation completed. So if this Bill is a means of attempting to propel that completion along, then I am inclined to think that it has merits.

Because Bill 218 has many good things to offer, Mr. Speaker, I feel that it has been a worthwhile expenditure of our time in this House, yet because of some of the ambiguities and omissions, in my opinion, an opinion of many members in our caucus, the faults are implicit in this Bill. Therefore, I will not be lending my support to it.

Thank you, Mr. Speaker.

MR. SPEAKER: The hon. Member for Bonnyville to close debate.

MR. VASSEUR: Well, thank you, Mr. Speaker. When we first started debating Bill 218, I was somewhat optimistic because the Member for Dunvegan began by giving me a B plus rating and then he upgraded that to an A grading, so I thought that it was going somewhere. Unfortunately, the Member for Bow Valley stood up and talked about the requirement for public consultation. Well, there's been public consultation for the past 15 years on this issue and not only in my part of the province in northeastern Alberta. Debate and consultation have been occurring, I'm sure, in southern Alberta, where irrigation is a priority and a must.

3:10

When talking about public consultation, he mentioned: have you talked to the stakeholders? Have you talked to the mayor? Have you talked to the industry? We certainly have done that. As a matter of fact, it was the Premier of the province, in 1992, when he was the minister of the environment, that established the water task force in that area to do just that. That task force spent some 14 to 18 months preparing some resolve to their work and came back to the department and made a presentation in the early part of '94 with some pretty stringent recommendations about using freshwater, potable water out of the aquifers. Those recommendations at that time were strictly that the freshwater, potable water out of the aquifers not be used for chasing oil. They felt a lot more comfortable with using the freshwater that's

available in the lakes, with using water out of the North Saskatchewan River with the pipeline facility which the private sector was prepared to put in place and with using brackish water, which is the saline water in much deeper formations which is really not of any use for the farming industry or for municipal or domestic use. Now, in repeating this, Mr. Speaker, there has been an awful lot of public consultation going on. Our concern is that at some point in time the government has to take a stand and come out with some legislation and put the legislation in place so that the industry is comfortable and knows what the rules are and where to go.

The Member for Cypress-Medicine Hat also had some – are you listening, Member for Cypress-Medicine Hat? I don't think he is. Anyway, he was concerned about the amendment to the Bill not addressing the issue of irrigation at all. Well, the purpose of this Bill is strictly that: an amendment to the existing legislation. It was not addressing the irrigation issue per se because the priority in this Bill was to address the freshwater, potable water in the aquifers. That was what led to this piece of legislation.

I can also tell the Member for Cypress-Medicine Hat that throughout the last public consultation process we had the department that he's responsible for, the Alberta Research Council, do some extensive work in trying to define the quantities of water in the aquifers. There was presentation made of some computer models that were put into place, but unfortunately this is not an exact science. At best it's an opinion about the quantities of water in those aquifers. Now, when we proposed a total phaseout for use of these aquifers, we based that decision on the fact that we don't know how much water there is there.

If the government is concerned with the proposed legislation, why not offer an amendment to that particular portion of the legislation that you're not satisfied with? If it's the rule that we're going to phase the thing in four years that you have some concern with, well, we can look at that and we can make it the way that it is going to be acceptable to you people, because sooner or later the government has to abandon this buffalo mentality that they have, that we're going to look at it when we have a problem with it.

There's an opportunity here to work with industry. Industry's been in that neck of the woods for some 15 years, and we're not telling industry – because we talk to industry all the time – "You're out of here because we don't want you to use the water." There are different sources of water. There's the surface water, that they presently use. There's the brackish water down there, that they presently use. The brackish water is a little bit more expensive to the industry, but they're not going to go away because of a few extra dollars that they've got to spend. They're there, they're using it, and they're happy with that. They have to be working in conjunction with the government. You can't allow anybody to go in there and just deplete the water. Maybe there is water enough for them to use and to use for this injection, but what the government has to do is make sure that the quantities of water are there.

We have an opportunity right now to work with industry to do just that. The latest recommendations that came out of the water task force were to go back to Cold Lake because they're not satisfied with what they're taking out of the ground. So in this period of time that we're back taking surface water, we and the water task force, the people that are appointed – and they're totally volunteers – can and are prepared to work with environment to make sure that they can do some testing in the next year or two as long as industry is taking the water out of the surface licence, to check if those aquifers will replenish to the level that

they were at when they began pumping out of them. So here's an opportunity for the government to participate and to make regulations and amendments to this Bill so that it'll be acceptable to them.

In closing, Mr. Speaker, our concern in bringing this amendment forward is that there has been talk about legislation in this area for some 15 years, and in 1991 the water management in Alberta that came out of the department – and I believe some of the members referred to it awhile ago – promised to Albertans that we would have just that, that we would have new legislation in '93. Now the position of the government is that we may have – we may have – legislation by '95 and possibly by the spring of '96. So the problem is exactly that. It's always deferred, deferred, deferred. What we want the government to do is take some action and put some regulations in place, and industry will work with you. We know that because we've met with them on numerous occasions. The communities have been involved, and they're all concerned about the same thing: water. So let's look after a natural resource that is very dear to all our hearts, as some of the members mentioned awhile ago, and let's have some legislation, decent legislation, in place to look after it.

Thank you very much.

MR. SPEAKER: All those in favour of second reading of Bill 218, the Water Resources Amendment Act, 1994, as proposed by the hon. Member for Bonnyville, please say aye.

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

MR. SPEAKER: It sounds like the ayes have it. Call in the members.

[Several members rose calling for a division. The division bell was rung at 3:19 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Bracko	Leibovici	Vasseur
Collingwood	Percy	White
Decore	Sekulic	Yankowsky
Hewes	Soetaert	Zariwny
Kirkland	Van Binsbergen	Zwozdesky
Langevin		

3:30

Against the motion:

Ady	Haley	Paszowski
Amery	Herard	Pham
Black	Hierath	Rostad
Brassard	Hlady	Severtson
Cardinal	Jacques	Smith
Clegg	Jonson	Sohal
Coutts	Kowalski	Stelmach
Day	Laing	Tannas
Doerksen	Magnus	Taylor, L.
Evans	Mar	Thurber
Fischer	McClellan	Trynchy

Friedel	McFarland	West
Fritz	Oberg	Woloshyn
Totals:	For - 16	Against - 39

[Motion lost]

Bill 219
Natural Resources Conservation Board
Amendment Act, 1994

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

MR. COLLINGWOOD: Thank you, Mr. Speaker. It's my pleasure this afternoon to introduce for second reading Bill 219, the Natural Resources Conservation Board Amendment Act, 1994.

This particular Bill I think is timely in and of the fact that we are as a province embarking on a new program and direction of deregulation, of pro business, of pro development. At the same time, we must ensure, in the context of that attitude, that ideal that we protect as well as we possibly can our environment. We have mechanisms in place at this point in time that I believe, Mr. Speaker, can be improved through amendments to the Natural Resources Conservation Board Act to allow that body, that organization, and that legislation to be strengthened to allow for reviews of projects that are not at this point in time under its mandate. So I think that what Bill 19 will do is both amend and strengthen the Natural Resources Conservation Board.

Mr. Speaker, there's no question that the Department of Environmental Protection is on a road to deregulation, and I would open my comments this afternoon with some evidence to verify that indeed that is the direction Environmental Protection will be taking. In a director's meeting on September 22 of this year the Deputy Minister of Environmental Protection, executives, and directors had a one-day planning session in Edmonton to discuss its future and its programs. Some of the comments that come from that director's meeting update indicate that the Department of Environmental Protection considers that it has an "image as being the 'regulators,' and an obstruction to business." That is the view that Environmental Protection has of itself in the context of protecting Alberta's environment.

On the same topic in the director's meeting update under the heading "Regulatory Obstructionist Image/Perception" the statement is made that "the deregulation action plan should be completed and implemented." So I think, Mr. Speaker, it's very clear that Environmental Protection is undergoing and will undergo major and significant changes. In the context of that, while I do not agree that Environmental Protection should concern itself with being obstructionist, they should of course run as efficiently as possible. But they are not obstructionist to business; they are there to serve a purpose. One of the ways that we can ensure that there continues to be environmental protection is to move to depoliticize that and to give greater strength and greater powers to the Natural Resources Conservation Board.

Mr. Speaker, I may just digress for a moment and remind hon. members that in second reading the debate is to consider the concept and principle of the Bill, not necessarily the specific provisions of the sections that are contained in the Bill. So as we go through debate as to whether or not to accept this Bill for second reading, I hope that hon. members will in their debate look at whether or not it is worth while and important to strengthen the NRCB or whether it is not important to strengthen the NRCB and whether or not environmental protection through this important

body is important. Again, I hope that hon. members will at least embrace that concept and support the Bill at second reading and leave debate on specific provisions of the Bill that may cause some concern or difficulty for debate in Committee of the Whole.

The Natural Resources Conservation Board at the present time is quite restricted in what it can review and provide recommendations on. There are under the Bill as it presently stands mandatory projects which the NRCB is able to review, and these include:

forest industry projects; recreational or tourism projects; metallic or quarriable mineral projects; water management projects; any other type of project prescribed in the regulations; specific projects prescribed by the Lieutenant Governor in Council.

I do in fact commend the government for creating a body such as the Natural Resources Conservation Board. I think we have seen since its inception that it has provided a very positive contribution to environmental protection in the province of Alberta. We have examples of reviews done by the NRCB for projects in the Bow corridor. We have examples of reviews done by the NRCB for recreational and tourism projects in the West Castle area. We have just recently had the NRCB review of the water project at Pine Coulee in southern Alberta for the dam project there, and of course under the provisions of the section of the Act that allows for specific projects prescribed by the Lieutenant Governor in Council, the Natural Resources Conservation Board is presently in deliberation on the recommendation to government as to whether or not to allow the import of hazardous wastes to the facility at Swan Hills, as applied for by Chem-Security, the operator of the Swan Hills facility. I think, Mr. Speaker, in all of the work that the NRCB have done, they have, as I say, provided a valuable service to environmental protection and to Albertans, and it is my belief in sponsoring this Bill to strengthen the NRCB that that will also serve Albertans in good stead.

Mr. Speaker, what this Bill does is strengthen the opportunity of the Natural Resources Conservation Board to review projects. What we have done in the Act is given the NRCB something that it does not have now; that is, discretion as to whether or not to review projects. There is under the Act presently the mandatory activities, the mandatory projects as I have just enunciated, and then those projects that are referred to it by the Lieutenant Governor in Council. To strengthen the NRCB, it must have the opportunity to review projects at its discretion, and that is one of the provisions we built into Bill 219.

3:40

We have attempted to bring together the Environmental Protection and Enhancement Act, which is a very good piece of legislation, and the NRCB so that the mandatory activities that the government has taken the time to identify as mandatory activities under the Environmental Protection and Enhancement Act that will require an environmental impact assessment will also be reviewable projects to the NRCB. The legislation as it exists under the Environmental Protection and Enhancement Act certainly goes through a process whereby mandatory projects must complete the environmental impact assessment, and it is our view that under the amendments to the NRCB, those should then go to the NRCB as a reviewable project.

There are a number of provisions in the Environmental Protection and Enhancement Act as to when the decision is made by the director as to whether a further assessment is warranted or whether a further assessment is not warranted. We have given the power under Bill 219 to the NRCB to determine whether or not under those particular sections - and they are, for the reference of the hon. members, sections 42(1)(b)(i) and 42(1)(b)(ii) of the

Environmental Protection and Enhancement Act. We give in Bill 219 the power to the NRCB to review at its discretion those projects that come before Environmental Protection under those two specific provisions.

There is a further aspect of Bill 219 in terms of environmental impact assessments that are ordered by the Minister of Environmental Protection. There is under the Environmental Protection and Enhancement Act, Mr. Speaker, discretion left to the minister that even if his director does not indicate that an environmental impact assessment is required for a nonmandatory activity, the minister may indeed order that one be done. So in that circumstance, again we would make that a reviewable project to the NRCB, which again, I would add, is at the discretion of the NRCB as to whether or not it would review that project. It is not a situation where we create under this Bill the requirement for the NRCB to review those activities and projects but to leave it to their discretion as to whether it is in the public interest to do so.

One of the amendments that we have included into the change to the NRCB Act has some history to it, and that is where we allow the board to review an activity when it is requested by a person having a genuine interest in the review of that activity. The Natural Resources Conservation Board Act as it stands and the Environmental Protection and Enhancement Act as it stands will only allow Albertans who are, quote, "directly affected" by a particular project to participate in the debate on the issue or to become intervenors on those issues.

The task force that was originally set up to look at the drafting of the Environmental Protection and Enhancement Act in the form that came forward to the legislation had put forward a proposal in that task force report that said that anyone with a legitimate concern and not necessarily a legal interest should have the right to participate in the process. Anyone with a legitimate concern: that was the recommendation that came forward in the drafting of the Environmental Protection and Enhancement Act by the Member for Banff-Cochrane. Unfortunately, Mr. Speaker, that recommendation was not included and only persons "directly affected" are entitled to participate in the process.

It has been seen over time that that has been too restrictive. It is not a threat to this government to have persons with a genuine interest in a review of an activity to be allowed to participate. This is a particular amendment that is a long time in coming. Granted it is only in reference to the Natural Resources Conservation Board Act and not the Environmental Protection and Enhancement Act; nonetheless, it is a provision that will give greater strength to the NRCB simply because it will allow for a full debate, bringing all sides of an issue for deliberation.

The Act as it stands has, as I indicated to you, the mandatory reviews under which the NRCB must look, and I referred specifically to water management projects. I made specific reference to the most recent NRCB hearing with respect to the Pine Coulee dam. As a companion to Bill 218, that was just put forward by the hon. Member for Bonnyville, we have added as an amendment to the Natural Resources Conservation Board a definition of water consumption projects. So the Act will then not only allow the NRCB to review water management projects, which is a very good idea and a very laudable idea, but it will also then allow the NRCB to review water consumption projects. Hon. members will see in the proposed Bill that there is a definition of water consumption project, which has been enhanced to some extent by the debate that has just taken place on Bill 218.

We then also give the Natural Resources Conservation Board the opportunity to review projects such as the one that the

Member for Bonnyville was specifically referring to in what has been described as chasing the oil with potable water. We have not in that debate allowed for a process to be undertaken that will determine whether or not it is in the public interest, giving consideration to the social, economic, and environmental impacts, to use a resource such as water for oil extraction. This would give the NRCB the power to do that.

So those are essentially, Mr. Speaker, the additions that we have added to the NRCB Act to give it greater powers, to move in a direction that depoliticizes the NRCB where it can only now look at its mandatory projects and those referred to it by the Lieutenant Governor in Council, to let the NRCB review at its own discretion those kinds of projects that are mandatory activities under the Environmental Protection and Enhancement Act and those that are not mandatory but are considered to be worthy of further assessment.

In terms of process, what the Bill does, Mr. Speaker, is it allows the Natural Resources Conservation Board to conduct a hearing to determine whether or not an activity is subject to a review. That will be the vehicle and the mechanism that will help and assist the NRCB in determining whether or not a review by it is a worthwhile effort for the NRCB. The board would then make a determination as to whether or not a review is justified and may simply end the process at that point, or it may continue on and then call for a full review of that particular project or activity that has an environmental impact. We have created in the Bill the process whereby if the board decides that an activity is subject to a review, there are notifications allowed, and the provisions of the Environmental Protection and Enhancement Act for that particular process is allowed to continue.

Mr. Speaker, what Bill 219 attempts to do is build on the strengths of the NRCB Act as it presently stands. It attempts to build on the strengths of the Environmental Protection and Enhancement Act as it stands. It attempts to deal with some of the concerns that have been expressed by Albertans about some of the weaknesses of the Environmental Protection and Enhancement Act, in particular the width and breadth of ministerial discretion under that Act. It is an attempt to give strength, greater credibility, greater opportunity to the Natural Resources Conservation Board to become a stronger and greater participant in the protection of Alberta's environment for a number of projects, as I indicated, in the Environmental Protection and Enhancement Act, and more specifically for something new that is included, and those are the water consumption projects, where significant amounts of water are used for industrial activity.

3:50

Again, Mr. Speaker, the Bill is what I consider to be a Bill that improves the situation that we now have. If hon. members agree that it is an attempt to improve on a structure and a process that we now have in place, if hon. members believe the Natural Resources Conservation Board is an important tool, if hon. members believe the Natural Resources Conservation Board can be improved and can be strengthened, then I would ask that those members support this Bill in second reading, and we can continue to debate the specific provisions of the Act by hon. members in Committee of the Whole.

With that, Mr. Speaker, again it's my pleasure to introduce Bill 219 for second reading and to move same.

Thank you.

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

MR. SEVERTSON: Thank you, Mr. Speaker. It is a pleasure to rise today and speak about environmental conservation. Alberta has a long and a proud tradition in conservation of the environment. We have led the country in many initiatives, and we continue to refine our approaches as more is learned about conservation and where an acceptable balance is between economic development and the environment.

Although I welcome the Member for Sherwood Park's attempt to add to the discussion on this issue, I cannot support this Bill because of its flaws. I'm sure many of my colleagues on both sides of the House feel this way. We want to support any initiative that genuinely improves how we safeguard our environment. However, we cannot support proposals that only serve to make the process of environmental regulation costly and cumbersome without improving the end product.

In order to explain my reservations towards this Bill, I would like to take a few minutes to talk about the history of conservation and resource development in Alberta. It is important to understand what the Alberta government does now in order to properly analyze any proposed changes. Bill 219 deals with the Natural Resources Conservation Board. However, in tracing the lengthy history of environmental protection, I want to take a few minutes to talk about other major conservation initiatives.

The NRCB is only one of the latest in a series of conservation efforts. It's been 80 years since the first oil was discovered in Turner Valley. It was during the '30s that the conservation efforts began to develop. The instigator was the third oil boom in Turner Valley. This boom began on June 16, 1936, when Turner Valley No. 1 struck pay dirt. The oil rush saw the streets of Calgary brimming with speculators and Turner Valley a hum of activity. It also marked the beginning of the people of Alberta and the government becoming concerned with the preservation of our great natural resources.

Back in the '30s it was a radical idea for government to intervene to try to conserve resources. Many people thought of Alberta as so resource rich that no constraints were necessary. However, there were forward thinkers then who had the vision to address the problem. The first conservation board dates back to 1932. The Turner Valley gas conservation board was formed to try to bring prudent energy management to the Turner Valley field. Unfortunately, this forward-thinking initiative was soon crushed by external forces.

However, the idea was planted, and a few years later, in April of 1938 the Petroleum & Natural Gas Conservation Board was formed. This forerunner to the ERCB survived pressures from groups that were initially resistant. This arm's-length board began as a three-member board with seven employees. In 1957 it evolved into the Oil & Gas Conservation Board. In 1966 the board employed a staff of 271 people, 50 of whom were engineers and geologists. The board was part of an improving conservation effort as well as improving the process for oil recovery. From the beginning the board used a co-operative approach wherever possible combined with more forceful measures when necessary. As Dr. Grovier, chairman from 1962 to '78, said, the board created an atmosphere permitting industry, and I quote, to operate with known and stable, reasonable, sensible rules, unquote.

In 1971 the board underwent another name change to become known as the Energy Resources Conservation Board. As well, its responsibilities were expanded to include not only oil and oil sands and natural gas but also coal, pipelines, hydroelectric generation, and transmission. Two more board members were added, bringing the total to five and a staff of 368.

Perhaps more importantly, in recognition of the public's right to have a say in the direction of energy development, the ERCB hearings increasingly involved special interest groups and individual Albertans. In 1978 the legislation was introduced which required project applicants to pay for some of the expenses of intervenors. This came about because of the recognition that individual Albertans could not afford to participate without some reimbursement for their costs.

Recently the ERCB has been transformed into the Energy and Utilities Board. This has been done in order to ensure that the regulations of energy and utilities are accessible, straightforward, efficient, and effective. The new board will ensure better co-operation of regulation's functions and cost savings to both government and industry. Now, that's a positive environmental initiative.

From this long-standing tradition of resource protection and environment initiatives the national conservation board was founded. The principles of conservation and the importance of intervening funding were well established in the ERCB. Hence, in 1991 when the NRCB Act was passed, the board was given a mandate to provide for an impartial process to review projects that will or may affect the natural resources of Alberta in order to determine whether in the board's opinion the projects are in the public interest, having regard to social and economic effects of the projects and the effects of the project on the environment.

Intervening funding is provided to anyone who in the board's opinion is directly affected by the proposed project. Although this wording requires the board to mull over various applications of intervening funding, it provides a vital mechanism for ensuring that no one who is directly affected is prevented from stating their case. People who are not directly affected can still present their case. However, because they are doing so out of interest instead of direct effect, they must cover their own expenses. Once again a balance has been struck between the needs of individual Albertans and the special interest groups on one hand and the need of industry and a fixed amount of financial resources on the other hand.

4:00

As it isn't enough, other environmental initiatives have been developed under the Environmental Protection and Enhancement Act. The hon. Member for Sherwood Park mentioned that and is highly in favour of that Act. Also, we have the Environmental Appeal Board, which was established on September 1, 1993, to hear appeals from applicants and their affected parties on decisions that have not been heard by either the NRCB or the ERCB. This includes decisions by the department regarding environmental approvals, enforcement actions, reclamation certificates, certificates of qualification, and other matters. Clearly, adding more formal hearings to the existing process has to be done very carefully in order not to overload industry and the public with unnecessary duplication.

The Environmental Protection and Enhancement Act deals extensively with monitoring and regulating environmental issues. Environment impact assessments are just one of the better known mechanisms by which the department ensures that the balance between environment and economic development is protected.

[Mr. Deputy Speaker in the Chair]

Yet another proactive example is the Water Resources Act. As was mentioned on the previous Bill, there have been extensive hearings throughout the province, and still going on, on input into

the Water Resources Act. As well, cabinet can refer projects to the NRCB if the public interest warrants more information and review. This has been done in the case of Swan Hills and will be done with other relevant projects in the future. My point is that just because a project doesn't go to a formal board for review doesn't mean that it's not being monitored. However, it does not make sense to have formal reviews for each and every project in Alberta.

As I've said earlier, the government has sought to reach a balance between the environment concerns and the development concerns. This is what Alberta wants. If we attempt to hold hearings on every proposed project, we will create enormous backlog with no real environmental gain. The Department of Environmental Protection is well equipped to make decisions on their various projects. In the interest of Albertans we must continue to protect from overregulation.

Earlier I mentioned Dr. Grovier, former chairman of the Oil and Gas Conservation Board. His comments about the board creating an atmosphere that permits industry to operate with well-known, stable, and reasonably sensible rules shed useful light on the debate today. Bill 219 proposes to expand the NRCB jurisdiction to include deciding whether to review projects currently outside its mandate. If it thinks it is in the public's best interest for the NRCB to become a superboard with the powers of holding hearings on virtually any project in Alberta, this might make sense, if we did not have such a complex and efficient system already in place to monitor environmental issues. However, I've explained all the different mechanisms, and it's so clear in my mind that it is not necessary to expand the NRCB.

I'll let my colleagues go into more detail regarding more of the problems in Bill 219, such as the provision that it will allow anyone to gain intervenor funding and the overlap of the ERCB and the Water Resources Act. My intention today was to prove that one of the main provisions of this Bill, that of expanding the role of the NRCB, will not assist in protecting the environment and therefore is inappropriate. By now my point should be abundantly clear, that Alberta has an extensive system of environmental assessment and regulations. The Alberta reality in the '90s is that you can't start a project with no consideration of the environment. The safeguards are there and will continue to be there. I am proud of these initiatives, and I'm proud of the fact that other provinces and the federal government have looked to us for ideas on how to shape their legislation to deal with the same concerns. I'm proud of our continued dialogue about the ways we can continue to refine our environmental assessments. For that reason I welcome the Bill from the Member for Sherwood Park, although I'm not able to support it.

Thank you, Mr. Speaker.

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

MR. KIRKLAND: Thank you, Mr. Speaker. I stand in support of Bill 219. I think if we quickly reviewed the objective of the Bill, it would give you the exact reason as to why I'm supporting it. That objective is to increase the powers of the NRCB so it can review not only projects on its mandatory list or referred to it by cabinet but also activities for which an environmental impact assessment is necessary and other projects which the board feels are in the public interest to review.

In essence, as I read that, that tells me it's a bit of a privatization model, and I'm somewhat appalled that when you consider the psychological bent of the government of the day, in

fact they would back away from that. Now, I've heard the Member for Innisfail-Sylvan Lake indicate that we have lots of agencies in stages that participate presently to ensure Alberta's environment has been looked after. If we think back on some of the scenarios in this province, Mr. Speaker, those agencies in many cases were set aside or overrun simply to achieve an agenda that was driven by a bottom line. We can have all the agencies that we want in this province, but we have to establish autonomy for them so they can operate without government interference. This Bill is intended to do that. Does it have to be when we have harvested the last tree in this province and poisoned the last river and eaten the last fish that we finally realize that we can't eat money?

So I would suggest that Bill 219 very much will lend credence and lend support to the environment of Alberta. We know, every one of us in the House, that we are bent on a very rapid pace in the forest industry, and I would suggest that there have not been thorough studies completed as to the impact. That tells me that in fact there's a deficiency within the province of Alberta today as far as protecting the environment is concerned, and I would suggest that this Bill 219 is a very positive step towards achieving that protection of the environment. It does give autonomy, and I don't know why we'd be concerned about autonomy. It would strike me that if we're concerned about the autonomy, Mr. Speaker, it would seem only that you're talking control away from the minister's desk or the government's desk. That seems to cause a great deal of fear in the members opposite, and I think that's really unfortunate.

Mr. Speaker, with those comments, in my usual brief manner I will conclude my words of wisdom as far as Bill 219 is concerned.

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

MRS. LAING: Thank you, Mr. Speaker. I am also pleased to join in the debate today on Bill 219, the Natural Resources Conservation Board Amendment Act. I read this Bill with some interest. I do think it's important to always look at new ideas and to look at ways that are suggested to improve government, especially when it's such a ground-breaking area as the NRCB.

Alberta is the envy of many of the other provinces in this area and even provided much of the model that was used in the federal environmental legislation. Our forward thinking is demonstrated through the initiative to create the NRCB in 1991. If it is possible to improve the board, I would be among the first to stand up and to applaud, and I would join in supporting whoever introduced that idea. However, these particular amendments do not represent an improvement to the NRCB but rather a distraction. The delicate balance that this government is constantly refining between regulations necessary to protect our world and overregulation is seriously damaged by this Bill. For this and other reasons I will be mentioning shortly, I find that I really cannot support the Bill.

Alberta has a comprehensive regulatory system comprised of independent boards such as the new Energy and Utilities Board and the Natural Resources Conservation Board. As well, the department of the environment is responsible for monitoring the environment, which it does through environmental impact assessments, inspections, and other means. This comprehensive approach has been developed over time and through consultation with many Albertans. If we remember back, the consultations went on long over a period of a year and began with an open letter to all Albertans. There was a great deal of consultation.

4:10

The NRCB has a very specific role to play within the overall environmental assessment in Alberta, and as was mentioned

earlier, four types of projects are under their jurisdiction. They are the project to construct a facility to manufacture pulp, paper, newsprint, or recycled fibre; a water management project where a dam is more than 15 metres high or a canal or water diversion is capable of conducting more than 15 cubic metres per second; the recreational and tourism projects; metallic or quarriable mineral projects and lumber plants for which an environmental impact assessment has been ordered by the minister of the environment; any other type of project prescribed by the cabinet. The expansion of the Swan Hills special waste treatment facility was the first of such examples. The NRCB has been given a specific jurisdiction that ensures that no significant duplication exists with other boards or assessment mechanisms. Overlap and duplication are costly, and they do not improve the environment.

Bill 219 proposes that the NRCB's mandate be expanded to give the board the prerogative to review any of the activities or parts of activities that are listed under a schedule of activities in the Environmental Protection and Enhancement Act. The schedule of activities is a list of all of the activities which the minister can make regulations on. It is a comprehensive list and includes projects currently covered by other assessment methods. It makes no sense whatsoever to expand the jurisdiction to what would create a duplication with existing mechanisms already in place.

Quite frankly, I have trouble understanding why the hon. Member for Sherwood Park is seeking to expand the NRCB's jurisdiction into areas already covered by other regulatory means. In this age of fiscal restraint we're working to reduce the overlap in all areas of government, and this proposal aims to increase duplication with no additional gain. I could see expanding the NRCB's jurisdiction if there were holes in the government's environmental assessment process, but the holes don't exist. Activities that are not covered by existing provisions, such as the Swan Hills project, are referred to the board by the Lieutenant Governor in Council or the cabinet.

The powers that are being proposed by this board are of serious concern. The fundamental role would be changed by Bill 219. The NRCB would no longer be enforcing existing legislation; it would be actively deciding what its own mandate is. Voters elect the government in order to have their wishes carried out, and it isn't appropriate for three people on an independent board to set government policy without even consulting with other stakeholders. The board members, while responsible and intelligent people, are not directly elected by the people of Alberta and therefore should not be directing our environmental policies.

The current setup of the NRCB does achieve a good balance between conservation of resources and economic development. The board is autonomous and as such is free to carry out its mandate. When the board sees fit to refuse an application, it does so without consulting cabinet. It makes sense because if its project is not in the public's interest, there is no reason why it should proceed, so the board's decision is final. In cases where the board does agree with or approve a project, the final say is left to cabinet, and the NRCB does not need further powers in order to protect the interests of Albertans.

Another concern raised in Bill 219 is water conservation. The Member for Sherwood Park wants to see the NRCB review all projects that conserve water. Once again he's ignoring the existing and proposed provisions that cover water conservation. The department of the environment is responsible for ensuring that water is conserved. Towards this end there is a review going on of the water conservation Act. Extensive public consultation is being used to devise amendments to the Act that will improve the

balance between the necessary use of water and its conservation. The legislation that will come forward from this review will reflect the needs and the concerns of all Albertans.

As well as existing and proposed provisions for water conservation under the department, the Energy and Utilities Board reviews water consumption when it involves energy. This is just another example of how extensive our current provisions are and the importance of not duplicating the various assessment methods. In effect, expanding the NRCB so sweepingly would make it a shadow of the Department of Environmental Protection. This is expanding the scope of the board well beyond what most people want. The NRCB has a specific and important turf in the area of environmental protection. However, it should not become the overall power in the assessment. The Department of Environmental Protection is responsible for the overall picture.

Another problem is the instability that this would bring to economic development. Routine projects would be processed efficiently and in a streamlined fashion in order to ensure that unnecessary roadblocks are not put in the way of business. Part of the Alberta advantage is the beauty and the health of our province. Another part is the orderly and regulated development of our resources. By controlling how we develop our resources, we ensure jobs for the future because resources are protected.

Bill 219 would end the orderly, efficient regulation of the environment. Instead of well-understood rules that are easily seen by companies interested in developing a resource, industry would never know for sure what steps were involved in the assessment process. If a person who doesn't like the company were to complain loud enough, the NRCB may decide to hold a preliminary hearing to see if a full-fledged hearing is necessary. This would be time consuming and would waste valuable resources that companies could use to improve their technology or to find new resources. The end result would be fewer companies doing business in Alberta and hence the loss of a key part of our Alberta advantage.

I cannot stand by and see a world-class environmental assessment process be destroyed by overregulation and duplication of services. I campaigned for a streamlined, efficient, and effective government. I'm proud of the initiatives that this government has put forth such as the proposed amalgamation of the Energy and Utilities Board. I will continue to support improvements to our environmental assessment process. However, Bill 219 would hurt, not help, us achieve the balance between development and the environment, and therefore I cannot support it.

Thank you, Mr. Speaker.

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

MR. BRASSARD: Thank you, Mr. Speaker. I'd like to thank the Member for Sherwood Park for bringing this Bill 219 forward for debate, and I appreciate his intent to bring new thoughts and ideas to a very sensitive issue. While I support the sincerity of those intentions, I find myself unable to support this Bill.

My opposition primarily surrounds the matter of intervenor status. As we all know, Mr. Speaker, intervenor status was established to enable the little guy to protect himself or herself from the larger corporation. I live in an area with a great deal of oil and gas activity. Every so often the exploration or drilling activity impacts in a significant way on a local individual. In order that they may adequately defend themselves on a level playing field basis, the intervenor status, together with the necessary funding, is available to the individual. It's a fair system.

Bill 219, however, would amend the definition of intervenor status to anyone "with a genuine interest in" a proposed project. The present definition grants intervenor status to anyone "directly affected by" a proposed activity. I'm concerned with this because this type of clause could almost ruin the NRCB. We all know that there are people out there who are opposed to progress. These people are opposed to any type of change, yet often in Alberta we are on the forefront of change. Our innovative businesses and ever improving technology mean that change is a constant challenge. If we expand the intervenor status to include anyone "with a genuine interest in" a project, we will open the doors so that the Alberta taxpayers are subsidizing almost every person who feels like speaking for or against a proposed project. This is clearly ridiculous. If people want to appear before the board and state their case, any person can do so. However, not everyone currently gets paid to appear before the board. I say "paid" because reimbursing someone's expenses even if their views are not central to the case amounts to paying them for presenting their not so relevant views. The board would soon become a mockery as it sat through days and days of people who had a genuine interest in the case but no direct involvement.

4:20

If the government or industry was footing the bill for anyone who wanted to speak, more and more people would come. In fact, I can see the huge advantage that this would have for environmental groups and some individuals who wish to become professional intervenors. Not all environmental groups want to stop progress by blocking each and every project in Alberta, but we know some groups who do. Bill 219 would give them the financial means to slow down the process drastically. Each of us has to ask ourselves whether we should be legislating the funding for special interest groups so that progress can be halted or at least slowed down. I know what my answer is, Mr. Speaker. It is an emphatic no.

We are well aware of the perils of being pulled into the web of special interest groups. Some may say that these special interest groups are representing Alberta's best interests. I disagree. Special interest groups are representing themselves, not the public. In order to illustrate this point, let me quote from the NRCB guidelines respecting claims for eligible intervenor costs. On page 2 it says: the board believes the term "directly" was intentionally used by the legislators to exclude from consideration for awards of costs the broad public in Alberta who may be affected by any Albertan project but in an indirect manner.

The document goes on to explain that an argument could be made that all taxpayers in Alberta, or even Canada for that matter, are affected by any project in Alberta that uses public roads, pays taxes, employs people, or in some other way affects the public purse. Fortunately, the existing Act does not provide people with intervenor funding if they qualify under any of these areas.

We don't have to worry that just because the board doesn't grant funding under such general grounds, the concerns of the general public are not considered. The board's legislated mandate is to examine the social, economic, and environmental effects of a project to see if it is in the public's interest to proceed. If it's a bad project, Mr. Speaker, harmful to Albertans, the NRCB will turn it down without needing special interest groups to intervene.

To illustrate just how I feel about this expansion of intervenor status, let's trace a hypothetical case which could be a very feasible situation. Let's suppose a pulp mill is proposed in High Level. Someone or a group in Medicine Hat decides that this mill would adversely affect Albertans and therefore wants to present

this case to the NRCB hearing. Because their interest is genuine – and indeed how can the NRCB say that someone's interest is faked? – the NRCB is forced to pay their costs to appear. Can you imagine how Albertans would feel when they found out that these people were being paid to fly from Medicine Hat up to High Level, stay in a motel, and eat out for a few days just in order to tell the NRCB that the general concerns of Albertans need to be considered? Albertans would be even angrier when we explained that, no, these people had no particular expertise, and no, no direct effect was attributable to them, but yes, they were slowing down the process and thereby slowing down job creation and possibly stopping it all together.

Mr. Speaker, the NRCB guidelines were carefully developed in order to prevent abuse of the system such as I used in this example. Careful thought was put into the Act in order to ensure that there is a balance between the various interests: the public, the environmental concerns, economic development goals, and social progress. The board balances these interests and is not under the control of any one stakeholder. Bill 219 would change this carefully designed balance and create a powerful group of professional intervenors. This would not serve the best interests of anyone but the environmentalists.

Perhaps we should look at what B.C. has done with regards to intervenor status. B.C. is the only province with environmental legislation that rivals ours, so a comparison could be insightful. Currently they are finalizing their policy regarding intervenors. They have developed nine criteria that must be met in order to be eligible for intervenor funding. The first two are important and relevant to this debate.

Point one is that the intervenor must have a significant interest in, or the potential to be directly affected by, the issue at hand. At first this sounds similar to what the hon. Member for Sherwood Park has proposed. However, the second point clarifies any confusion. The intervenor has to have an ability to make a substantial contribution to the decision-making process, which would not otherwise be represented. This key qualifier, Mr. Speaker, absent from Bill 219, makes B.C.'s proposed guidelines far more workable. I looked at B.C. because I know their government to be that much more supportive of environmental groups and of regulation and red tape than we are. If I were in B.C., I'd push for an amendment to the first point in their eligibility criteria because I think having a significant interest in a project is not enough to make a person worthy of intervenor funding. However, my point is that even in British Columbia they have had the sense to add point two to ensure that intervenors who receive funding at least have a substantial contribution to make. Bill 219 should have at least ensured that intervenors who receive funding have something worthwhile to say.

Mr. Speaker, I feel that Bill 219 would seriously harm our state-of-the-art environmental assessment methods, and therefore I am unable to support this Bill.

Thank you.

MR. DEPUTY SPEAKER: The hon. Member for Peace River.

MR. FRIEDEL: Thank you, Mr. Speaker. I welcome the opportunity to speak about this Bill 219. The way I see it, the mover has three objectives in proposing this Bill. Firstly, I believe it is to expand the jurisdiction of the NRCB, and this is what attracted my attention, because it's entirely contrary to my own personal philosophy that we need to reduce regulations and red tape and not to expand them. Secondly, he would like to

change the role of the NRCB from that of a review board to that of a policy-maker. I'll say more about that in a couple of minutes, but needless to say, I think this is a dangerous move. Thirdly, he wants to make it easier for special interest groups to obtain taxpayer funds for platforms to expound their philosophies under the guise of being an affected party. I will also elaborate on that in a moment.

Mr. Speaker, the NRCB is an autonomous review agency. It can reject any application, and political influence cannot overturn that rejection. Approvals, on the other hand, must be granted in co-operation with cabinet authorizations. To me, approvals reflect policy. I commend the Member for Sherwood Park for the thought to keep politics out of the NRCB activities, but he is forgetting that politics is probably the best assurance of accountability. Nonelected boards may have the best of intentions in their deliberations, but nothing ensures accountability to popular needs and concerns like having to answer at an election. Some people would have the word "politics" sound like something bad. No doubt some people have abused their privileged offices, but certainly that is the exception. Let's not forget why we're here, and that's to represent the interests of those who have elected us. I say: where does an appointed board have the same mandate assured?

4:30

Existing Alberta provisions for environmental protection are considered perhaps among the best in the country. This proposed Bill would require significantly more taxpayer money, and it would slow down the process through increased regulation. I do not believe it would improve the end result. The minister and cabinet can already ask the NRCB to review nonspecified projects if they are considered to be in the public interest. The Act does not have to be expanded to accomplish this.

Mr. Speaker, I'm concerned about the effort in this Bill to expand tax funding for intervenor groups. Presently the system protects and assists anyone who is directly affected by a project, and that's what it should do. The proposed Bill would provide a taxpayer-funded soapbox for any obstructionist special interest group. I have no problem with environmental or special interest groups making their views known as long as they pay their own way. But we're not talking here about a directly affected party. What we're talking about are groups looking for platforms to force their philosophy on the general public and using that general public's taxpayer dollars to do it.

The federal government appears to be moving towards removing its overlap in the review process, and that's very commendable. This Bill would now have us add another overlap because it would have the NRCB move into the influence area of the ERCB. Mr. Speaker, if costs and time requirements are to be kept reasonable, then environmental reviews need to remain streamlined. The rules are now quite straightforward. Bill 219 would add bureaucracy. It would add red tape and obstruction. It would add costs and time delays.

Mr. Speaker, having said all this, it should come as no surprise when I tell you that I'm going to vote against the Bill.

Thank you.

MRS. BLACK: Mr. Speaker, I'd like to just make a few comments on Bill 219 today, as we seem to be in the mood for talking about environment and environment meetings and energy meetings. Quite clearly, one of the things that I find so amazing is that Alberta is the leader in environmental protection through our environmental protection Act and through our regulatory

process. There doesn't appear to be another jurisdiction in Canada or even in North America that has as extensive and clear and concise environmental regulation and regulatory processes as we do in the province of Alberta.

We've heard the history today about the development of the Energy Resources Conservation Board and how it served as the framework for the NRCB when it came into being. I think clearly we can see that these boards have served a tremendous service to Albertans and indeed set a model for all of Canada to follow.

When we're dealing with a regulatory process, we don't always agree necessarily with the outcome but we do respect the process, and whether we agree with the decision or not, we must never get involved in that. Clearly, this is the way this NRCB is set up. It's fashioned after the ERCB. I've heard members sometimes complain about a ruling that has come out of these boards. As I say, you may not agree with the ruling, but the process that it has gone through must be upheld and respected.

I believe very strongly that the NRCB was fashioned after the ERCB framework to deal with the non oil and gas activities within the province of Alberta. Even in saying that, there clearly is a co-ordination between the bodies. When we talk about elements within this Bill that deal with groundwater, et cetera, that is used in oil and gas extraction, clearly the function or the facility is under the jurisdiction of the ERCB, but the actual groundwater use comes under the environmental protection Act. So there's a tremendous amount of co-ordination that goes on between the rules under the Environmental Protection Act and the ERCB. To add another element to this under the NRCB I don't think is appropriate.

Members have talked about the reviews that go on. Clearly, we in our ministry have gone through a very extensive review of all the regulations that pertain to the Ministry of Energy, and there are quite a number. This has been a very, very lengthy review that we have gone through and are at the final stage of being able to come forward with the results of that review, Mr. Speaker. We involved groups from all sides, all stakeholder groups, in that review process because we take this very, very seriously. We have to have the right regulations and regulations that protect the public interest. This has been, as I say, a very long process, and I believe in the end the regulations will be in the public interest. They again will be clear, concise, tough, but also fair, and that's something that we've been applauded for having in our conservation boards.

The other thing I also must comment on is the intervenor status. I believe it's very important that those who are directly affected have the opportunity to appear and state their case. However, I do have a concern of opening up the process to those that just might want to appear, and I don't say that without a lot of thought. I've watched processes evolve. In fact, while we were down east I ran into a friend of mine who had been off reviewing university campuses with their daughter, trying to select a campus that she'd like to attend next fall. The story was relayed to me that as they entered one of the student union offices to see what types of student union activities would be available for this new student next fall, on the bulletin board was a sign that said: if you want an opportunity to earn \$40 to \$60 a day, sign up here to go to environmental protests. Now, if you were a university student with the opportunity to earn additional funds to go and protest, I daresay that there would be very few that would turn that opportunity down, and I don't think that's what this process is all about. I think what you want to have is clearly like we have seen in the past: those that are directly affected have full intervenor status.

I watched another process at another regulatory body that was outside of the province recently unfold, and I'm not a lawyer, so I would have to ask the hon. member to review the filings. The process involved a hearing on a very general question. It should have been a one- or two-day hearing process. In fact, it ended up being a four-week process. But when I looked at the information that was filed, I could not find a substantive argument that had been presented from any one of the presenters. I found it very odd that the hearing would have gone on for the length of time that it did, because there were no substantive arguments presented that I could see. Now, as I say, I am not a lawyer - I'm not a regulatory lawyer - but I really have grave difficulty with that process, because what that did was it cost the taxpayers hundreds of thousands of dollars to hold that hearing. It cost the corporate citizens hundreds of thousands of dollars to hold that hearing, and I don't know to what end.

In fact, Mr. Speaker, the intervenor status list was reported in one of the local - well, the *Calgary Herald*. I'll be blunt with you. There were people who were receiving from Calgary information from the particular corporate bodies that is normally provided to an intervenor. The people, the individuals, were complaining bitterly that they were being bombarded with all of this information. The information was being sent to these people because they were listed as intervenors in the hearing process. Corporations don't generate that kind of information and send it out because it's a nice thing to do. They do it because it's an obligation to have that information filed with intervenors ahead of the hearing so they have an opportunity to review it.

4:40

When an investigation pursued, they found out that these people had attended a family picnic at Prince's Island park in Calgary on Earth Day, which is a very lovely picnic. A lot of us have taken our families down to that picnic. What occurred was there was a piece of paper passed around asking people if they were concerned about the environment, and naturally there isn't an Albertan here today in Alberta that isn't concerned about the environment. So people signed a piece of paper. What they didn't realize in the fine print was that they were filing a document to become intervenors at a regulatory hearing.

Now, what transpired was that those people received boxes and boxes of information from corporate bodies who were going to be at the hearing, and they didn't even know that they had intervenor status. The cost of that hearing process was hundreds of thousands of dollars, and not one of those people had a direct interest in the project. In fact, the project was on export licences outside of - that is, gas and that leaving Canada. There wasn't one person that really had a direct influence on that, those who were objecting to receiving that information.

Now, that's not to say, Mr. Speaker, that there weren't valid intervenors in that process, very valid intervenors that should have had the opportunity to make their arguments immediately, not being bundled up with people that really didn't want to be intervenors. For those people that were directly involved, the focus of the hearing should have been on their arguments, the pros and the cons of valid intervenors with a direct interest. That was not the case.

So I would caution hon. members that when you talk about opening this up, let's not lose sight of what we are trying to accomplish here. We are trying to accomplish protection of the public interest. When you're doing that, if you have people with the wrong motives, people that are not interested in that but are bent to stop progress, that are bent to stop development at all cost,

I claim that that is not in the public interest. There are groups around that are doing exactly that. There are also those that are very sincere and very concerned and have every right to be there as directly affected by some development, and they should be there. That's what's provided for today, but not for everyone else.

There also was a hearing that took place in British Columbia, Mr. Speaker, and what happened was there were people brought in from the United States to intervene in that process. The local people wanted to have their case heard, but what happened? The focus was on those that were brought in from outside of Canada, not on the local people, and I think that's wrong.

So I would caution hon. members: please don't get carried away with trying to promote hearings. Hearings serve a very valid purpose. They're very important. They must not be taken lightly, whether you agree with all of the decisions that come out or you do not. The hearing process is very, very critical. It should not be played with, and there should not be intrusion in it.

So I would ask hon. members to please go back and rethink this Bill, please go back and rethink this on two elements. One, as we've gone through, to provide a solid regulatory process that eliminates duplication and overlap: let's rethink that portion. Secondly, let's go back and think: what do we want to do on intervenor status? I think you have to leave it to those who are directly involved. Let's not go beyond that. Let's not experience what they experienced in British Columbia. Let's not do that. That's not the way to go. Let's keep it so that Albertans who are directly affected have that right to stand up and say what they believe to be the case in their particular community.

I would encourage members, Mr. Speaker, to vote against this Bill, and I would encourage the hon. member to go back and rethink those two elements.

Thank you.

MR. DEPUTY SPEAKER: The hon. Member for Cypress-Medicine Hat. If I accept . . .

DR. L. TAYLOR: Pardon me? I'm sorry; I couldn't hear you.

MR. DEPUTY SPEAKER: The hon. Member for Cypress-Medicine Hat.

DR. L. TAYLOR: Yes. I'm sorry; I didn't hear your comments after that.

MR. DEPUTY SPEAKER: The comment was that normally we go back and forth, but if there's no speaker over here except the mover of the motion, then it would close debate. As long as there's another member standing, then we will go to the other member, which is you.

Cypress-Medicine Hat.

DR. L. TAYLOR: Thank you.

MR. BRACKO: Go ahead; read your written speech, Lorne. Read your written speech.

DR. L. TAYLOR: Unfortunately, I don't have a written speech, Len.

I'd like to talk very briefly about this Bill. I think one of the first things I object to in this Bill is that it takes the responsibility away from elected members. What it does is create a totally independent body . . . [interjections] I'm quite happy to wait,

Mr. Speaker, till the nattering nabobs of negativism on the other side are quiet. [interjections] Another member has just suggested that they sound to him like seagulls squawking. Probably a good description.

Speaker's Ruling Decorum

MR. DEPUTY SPEAKER: The hon. Member for Cypress-Medicine Hat is invited to speak to the Bill at hand. Making protracted comments about what other people may be interjecting and so on is not really germane to the Bill. We are sure that you have some important words to get on the record and thoughts to put forward on Bill 219.

Cypress-Medicine Hat.

DR. L. TAYLOR: Thank you, Mr. Speaker. As you know, though, I am quite sensitive, so I find it very distracting. It's my understanding that it's kind of the role of the Speaker to keep the din down to a low level so that people can hear these words of wisdom.

MR. DEPUTY SPEAKER: Was that in the form of a question to the Chair? I thought there was another adage that you might like to add to that: do unto others as you would have them do unto you.

DR. L. TAYLOR: Thank you, Mr. Speaker. I'll try and continue.

Debate Continued

DR. L. TAYLOR: As I was saying, what this Bill does is take away the responsibility of the elected members by making this body, the NRCB, completely and totally independent. What I've heard from the members opposite for the last X number of days sitting in here was: we cannot take that independence away from the Legislature; the decision-making body must be here. We heard them on Bill 41, we heard them on Bill 57 talking about these issues, yet they all sit there and appear willing to support a Bill that takes the authority away from the Legislature. There is no consistency, absolutely and totally no consistency with the members opposite. They're sucking and blowing at the same time, it appears.

4:50

This expanded jurisdiction that they are talking about would cost the taxpayers an extremely great deal of money. We could happen to have anybody who wanted to be an intervenor an intervenor. The Member for Olds-Didsbury made an appropriate comment on this: that people who had absolutely no concern with the issue could then become intervenors; they would then be funded as intervenors.

Now, from my own personal perspective there should be absolutely no funding for intervenors, not one cent, whether you are personally affected by it or not. If you have a cause you believe in, if you have a legitimate case, then by all means pay your expenses to be able to say your piece. There is no reason for Albertans as a whole to subsidize these left-wing, environmentalist intervenor groups.

This increased regulation would slow down development in Alberta, particularly in the energy industry. We have in this province an industry which creates wealth. We have an industry in this province, the energy industry, which creates jobs, yet we have a party on the opposite side attempting to slow down this industry. We have a party on the opposite side attempting to do

damage to this industry, much as their federal counterparts would like to do. [interjections]

MR. DEPUTY SPEAKER: Order.

DR. L. TAYLOR: Thank you, Mr. Speaker.

This clause which would expand the eligible intervenor status would be costly, would result in very lengthy reviews where anyone who wants to speak to it could, and this is whether or not they have a direct involvement in the case. Taxpayers would be funding this platform for environmental groups, and quite frankly my constituents would strongly object to that.

We have had a recent experience with a particular environmental group in my constituency, which I will name in this House, the Alberta Wilderness Association, where they lie, they are dishonest, and they pass out false information in the public media.

DR. OBERG: He had his membership revoked.

DR. L. TAYLOR: No, I was never a member of that group.

What the taxpayers would be doing would be funding groups like the Alberta Wilderness Association to cause disruption, and that's all they are about, causing disruption. They have to continue to cause this disruption to allow them to raise funds. If they were not causing disruption and causing problems in the press, they would not be able to get their members to contribute, and this is a problem. This is a group that we as taxpayers would object to funding. I personally would object strongly to my tax dollars going to a group like the Alberta Wilderness Association.

AN HON. MEMBER: Are they economic parasites?

DR. L. TAYLOR: Well, economic parasites would be a good word for them.

The difficulty with this, Mr. Speaker, is that we don't have a choice. We don't have a choice as a taxpayer where our dollars are going. So with this recent experience that I've had with them in my constituency, I can say it was not a positive experience. Now, perhaps they act differently in other areas, but I can only go on my own personal experience in my own constituency. So as I say, funding this platform for environmental groups, as this Bill would do, I must say is really a foolish way to move.

Bill 219 as well would create a third overlapping layer of approval for water use in energy-related projects. We just went through that with the last Bill that was proposed by the hon. member opposite. We just went through a discussion of how valuable the energy area is and how damaging it would be to the wealth of the province in the way that this would be controlled. Now, the federal government is hopefully removing past overlaps with the provincial review process. This Bill would allow another overlap. Once again, Mr. Speaker, we don't need any more bureaucracy. We don't need more government bodies. We need less bureaucracy. We need fewer government bodies and fewer bureaucrats.

So, Mr. Speaker, I hope and I would encourage all the members opposite to think for a change and vote against this Bill.

Thank you.

MR. SMITH: A point of clarification, Mr. Speaker: would the other gentleman be rising to close debate then?

MR. DEPUTY SPEAKER: Yes.

MR. SMITH: Oh, okay. Well, thank you very much for recognizing me, Mr. Speaker, at an appropriate juncture in the debate.

Of course, I've listened to the debate with great interest and find that indeed the Bill is noble in purpose and a bit constrained in terms of its absolute direction. I have heard the hon. member who has proposed this Bill speak prior. I've heard him speak on other environmental issues, and from time to time we find ourselves on just a little bit different sides of the fence: you know, the one hon. member asking to completely ossify the regulatory system, to be able to put in absolute overregulations, and to continue on the move for the Baker Street regulators, Mr. Speaker, as opposed to a government that's clearly put forward in its three-year business plan that it wants to become more directly involved with those that those decisions affect, those that interact with government on a daily basis. In fact, that's where the classic part of government takes place.

I have been recently assigned to assist the Premier for economic development. In fact, we also have an Environmental Protection department. So we have created within the stream, Mr. Speaker, a natural level of advocacy, a natural level of give-and-take, a natural debate in order for the departments of government to be able to speak wisely about the stewardship and care of our wonderful natural resources and our wonderful environment and to use it to the effect of a heritage trust for future generations, but also to combine it with another heritage that we will be leaving future Albertans. That's the one of sustainable development, responsible government, a deficit-free province, and a province that has taken on a form and a plan for orderly payback of its long-term debt. So in effect we will be presenting to future generations a perspective of environmental management, resource conservation, and sustainable development.

Indeed, Mr. Speaker, as you're well acquainted, we have a standing policy committee that is titled, because of its very importance, natural resources and sustainable development and therein creates already the advocacy and the adversary role. It's already there. It's institutionalized in government. It's very clear from the documents that we have published that the Department of Environmental Protection has in fact a very strong mandate to protect and sustain the ecosystems that presently exist in this province. It talks about shared responsibility. It talks about public involvement, intergovernmental co-operation, and environmental enhancement.

In fact, we pay a lot of attention to the environment, Mr. Speaker. This government in 1994-95 will have expended over \$334 million on environmental protection. It has a department that is characterized by over 3,400 employees, I believe. It has a very strong commitment to the environment. Indeed, in the business plans it talks about the importance of integrating natural resource management and environmental protection activities.

5:00

The importance of water to this department, Mr. Speaker, is very clear. In fact, there's a complete program out. I'm sure that the hon. member, because of the diligence of his comments, the keen inquiring mind that he's always reflected, has in fact been through the 1994 government estimates. In fact, I'm sure the eminently qualified member who brings forth this Bill has realized that there is a program called water management, and the objective is to assure that the multipurpose water needs of Albertans are met to solve water-related problems.

It's very clear that this department, Mr. Speaker, in fact expends – and I just include some money on the waste side of it – well over \$40 million with a total capital investment of water

resources construction of \$3.7 million. In a time of very scarce resources being deployed effectively – and I'm of course referring to the taxpayers' dollar – to spend in this government over \$40 million per annum is indeed a very strong commitment. I think that the Premier, who involved himself in this department very efficiently and effectively from 1991 to December 5, 1992, as minister of the environment, in bringing forth the environmental protection Bill and in the discussion and creation of the NRCB, has done a fine job. In fact, within Environmental Protection there sits now a number of alliances and coalitions and interplays and intervenor possibilities and the ongoing byplay of advocacy and confrontation and issue management that is so important to exist in a forum of government so that we as government can provide a very open forum to those.

As a matter of fact, if I may just take this brief, brief moment to relate to you, Mr. Speaker, how effective the standing policy committee on natural resources and sustainable development really is. Let's take, for example, the Cold Lake water project. Now, we know that there we have a need to balance both the environmental interests as well as the business interests as well as the individual citizen's interests of what's happening up in that area, which is the basis for a very large steam-water injection process as well as a tourist side of the lake as well as the ongoing utility of water to be used by the citizens of those towns. In fact, the natural resources standing policy committee has met with all interested groups and in fact has provided a forum for that advocacy, for that interplay of opposing viewpoints.

AN HON. MEMBER: Duplication and overlap.

MR. SMITH: I find in fact that the overlap has been reduced, as the hon. member has just interjected and thank you for that support. In fact having the standing policy committees streamline this forum for debate and for policy guidance from the taxpayers of Alberta is well appreciated.

The interesting thing is that many of the things that the Natural Resources Conservation Board is doing right now, Mr. Speaker, are open for interpretation. In fact, should a board that's created by an act of government – at what level does it get truly judiciary? At what level is it quasi-judiciary? Does it have the authority to attach a value to certain sites that are enjoyed by all Albertans, the Three Sisters being one? For example, is it worth \$8.72 million, or is it worth \$108.72 million, or is it worth \$8.72? You know, when you start arguing the value of an environmental asset, I don't think that can be restricted simply to a very small group of individuals.

The other thing that would concern me about this Bill – and I've talked to others in the business – is that once the NRCB makes decisions, you know, where is the natural justice in there? Where's the recourse? In fact, is it situated properly at this juncture, Mr. Speaker? Can we dedicate our full trust and our full support behind it? Would it be an all-inclusive board? Once it makes decisions, are they final and binding? I would think the Provincial Treasurer would look askance at an arm's-length body making valuation decisions on property that is in fact owned by the taxpayer of Alberta.

With respect to water regulation, the Energy and Utilities Board which has just – as a matter of fact I'm proud to say that that was the first Act that I took through this noble House. The second one being yesterday with the Government Organization Act. The Alberta energy and utilities Bill in fact examines the use of water as it relates to projects coming before the board. Some overlap,

as the hon. member has stated, does exist between the Alberta Energy and Utilities Board and Alberta Environmental Protection with regards to the regulation of water use and energy-related activities and projects. Well, in fact some overlap, Mr. Speaker, is necessary to get that added protection. The extra protection, the extra operating in the public interest is indeed sometimes necessary. You ask the question, I'm sure: how much overlap is enough? I can see that going past you and you saying: how much overlap is enough? Well, we think there is enough there now. In fact, as the issue of environmental protection and sustainable development does evolve, it's subject to continuing and ongoing examination.

You know, it's interesting that the hon. member from Edmonton-Sherwood Park or just Sherwood Park.

MR. COLLINGWOOD: Sherwood Park.

MR. SMITH: Right. Because in fact the hospital in Sherwood Park is part of a regional health authority that's outside of Edmonton?

MR. COLLINGWOOD: Correct.

MR. SMITH: Right. Which makes a logical decision, according to the member, Mr. Speaker, and again I thank him for his ongoing support in more good decision-making by this government.

[Mr. Clegg in the Chair]

MR. SMITH: Let's talk for a second, though, about what happens out there in the regulatory marketplace with not only the NRCB, which is a new body, Mr. Speaker, but let's talk about the ERCB, which is out, it's running, it's worldwide in its reputation, it's a wonderful regulatory board.

Point of Order Relevance

MR. COLLINGWOOD: A point of order, Mr. Speaker.

MR. ACTING SPEAKER: The hon. Member for Sherwood Park on a point of order.

MR. COLLINGWOOD: Thank you, Mr. Speaker. I've been very much enjoying the debate by the Member for Calgary-Varsity on the NRCB, and I know he now would like to digress and talk about the Energy Resources Conservation Board, but I would cite to you *Beauchesne* 459. Our Bill this afternoon that's up for debate has nothing to do with the Energy Resources Conservation Board. As much as I would like to be enlightened by comments from the hon. Member for Calgary-Varsity, I would implore you to have the hon. member stick to the Bill at hand.

Thank you.

MR. SMITH: Well, Mr. Speaker, it's always a pleasure to react to the intent listening skills of those members opposite as well as those members that . . .

MR. COLLINGWOOD: Are opposite.

MR. SMITH: Are opposite. Thank you very much. I am really of a mind of two opposites here, Mr. Speaker. With that

guidance that I think is just a simple reminder to save you the words of attending to my direct needs, I will take that as counsel and move on directly to the NRCB, which it is so difficult to discuss in isolation.

5:10

Debate Continued

MR. SMITH: I think the hon. member brings up a very strong point. He wants to discuss this Bill in particular, and I think that's in fact how policy has become a gigantic web in this government, Mr. Speaker. In fact, let's just take this little NRCB and put it in here. Then some years ago we said: "Well, let's just take this little ERCB and put it in here. Well, let's just take this little water resources conservation board and put it in here. Let's just take this little irrigation and put it in here. Well, let's just take this little irrigation Act and put it in here." And after all the little put it in heres have come together, we found out that we were in fact spending \$2.4 billion more than we were taking in.

So good government requires vision, which we've put forth for the benefit of the hon. member. We in fact say: "Should Environmental Protection have the direction of headworks? Should agriculture have irrigation? Should water be addressed through many different departments?" I mean, the ability for the Natural Resources Conservation Board to work specifically with the Minister of Environmental Protection is something that should restrict itself to those specific issues that work within its present mandate.

Now, I think one of the things about this Bill that's important to look at is that the NRCB – and I was talking earlier of its authority – is empowered to grant intervenor costs to individuals or groups who are or may be directly affected by a proposed project. However, if they are not granted intervenor status, they have to pay their own costs for participation. Now, I think that brings up a good point, because I would bet you that you're probably saying: "Well, how do they make those decisions? How would I make that decision?" Well, you know, somebody comes up to you and says: "Mr. Speaker, I've got the deal of a lifetime. All I need is some money." Now, it's a really good deal if we can get somebody else's money, but how much do you believe in it to put your own money in? I think this is the question that the NRCB has to act on and under which basis it operates. In fact, they must determine if you're directly affected, and they're certainly not limiting debate, but they're saying: there is a limit in which we have to give you back taxpayers' money because we are the custodians of the public purse.

I think it's very clear that we find that that is a sacred trust and a trust that we have to discharge with diligence, vigilance, and in due course. In fact, I would be opposed fundamentally – and I don't have the eloquence of the Member for Cypress-Medicine Hat. I mean, to reach his level of eloquence is indeed another plateau. Really, Mr. Speaker, I don't want to expand the ability for this government to give money away. I think it's important that we keep very, very careful protection of the public purse, and I'm sure that if you weren't in such an impartial position as you are now, you would indeed agree. But we will see how the House feels when we come to vote on this Bill, which is consistent with the philosophy of the parties to my left in fact. "You know, we need more regulation. We need more participation in the intervenor process. I guess in fact we need to give away more money." Well, that's not the way this government thinks. It's not the way this government thinks.

The important thing and one of the reasons why we've got to make some very hard decisions, Mr. Speaker – and in fact we

have to vote against this Bill, which I will be advocating very hard in probably a form similar to the NRCB. Of course, there are other forms that allow that process to take place, jointly funded. That would be the ERCB and the Public Utilities Board.

Mr. Speaker, it's clear that with the passage of the environmental protection Act, the existing provisions for environmental assessment in Alberta are recognized already as being among the best in the country. We are and this government has been proactive. We do not need further regulation, although it is consistent with the philosophical approach of the members to my left here. In fact, if they would have had more regulation, they wouldn't have had so much busing on the information highway in their leadership review.

Another important reason why I'm contra this Bill, Mr. Speaker, is that the expanded jurisdiction would require significantly more taxpayers' money, and the increased regulation would slow down sustainable development in Alberta without either necessarily improving or protecting the environment. So, in fact, are we overlaying more regulation without getting to an appropriate end gain? I think that's the key thing. That's what one has to examine in his government or his opposition or his constituent representative heart of hearts: will I be serving the public interest by voting for this Bill?

Well, I think that with the compelling reasons of my argument, Mr. Speaker, if you were not in such an impartial position, you would immediately leap to your feet, when it was called, to vote against this Bill. Thank you.

MR. ACTING SPEAKER: The hon. Member for Grande Prairie-Wapiti.

MR. JACQUES: Thank you, Mr. Speaker. This is an interesting Bill, a very interesting Bill. In reading the Bill, one obviously has to relate it . . .

MS LEIBOVICI: Are you outraged?

MR. JACQUES: No, I'm not outraged. I'm not outraged.

I would have to say to the Member for Sherwood Park that it caused me a great deal of difficulty trying to really identify what the purpose of this Bill was, particularly as it relates to the existing Act and particularly in the language that this Bill uses. I thought initially that I was being put on. I know the member is from Sherwood Park, and I thought, well, if he's from Sherwood Park, then perhaps that's the reason for this type of proposed legislation. It may be described as innocent legislation, but it is very serious legislation in terms that it could virtually cause economic development in this province to come to a standstill, cease to exist.

Mr. Speaker, if we look at the provisions of the NRCB Act now versus what the proposal here is, we have very clear evidence under section 4 of the NRCB Act, which defines the activities that are subject to review in accordance with that Act, that when that Act was drafted, it was drafted in the best interest of Albertans to identify those items which in all due good conscience, from an economic activity point of view but also from an environmental point of view, should in some way ensure that there was a reasonable level of review. If we look at what the proposal is in terms of Bill 219, we effectively not only preserve to some extent the integrity of the existing Act pursuant to section 4 but through a litany of additional clauses we basically allow that for any type of activity that in any way, shape, or form involves some form of development, anybody can say: well, gee, I have

a concern. On would come the great big fear of the NRCB, and it would say: "Halt. Halt what you are doing. We are not convinced that this is in the best interests of Albertans and more particularly in the best interests of your constituents."

Mr. Speaker, I am outraged, and I'll give you the reason for it. It was not that many months ago that a British Columbia company announced a project in the Grande Prairie-Wapiti constituency consisting of an oriented strandboard plant costing in excess of a hundred million dollars, providing for over 160 direct jobs and somewhere in the order of another 200 to 300 indirect jobs by the utilization of some aspen timber. Aspen timber. That project is currently and has been undergoing reviews pursuant to various environmental considerations that are defined under the Act and also defined, if you like, pursuant to the ERCB and also pursuant to the issues that we have identified in environmental legislation. That type of legislation enables you to do some initial assessment and to determine whether or not that particular project falls within the mandate and the best interest, as we have set out for the NRCB. Quite clearly the project did not. The project did not meet those conditions, so the reasonable review processes involving existing legislation were adhered to, the interest of those that had any concerns with it were addressed, and indeed the project was able to proceed.

5:20

Mr. Speaker, I am outraged because if this in fact were in legislation, that project would not have proceeded. Anybody who had the slightest bit of concern would have driven it into the ground. It could have been forever delayed on an ongoing basis. We would become a vast wasteland of nothingness in terms of any economic development happening, in terms of nothing happening.

I don't think this was the intent of the hon. member. I honestly don't believe it was, but I kind of wonder: what was the motivation for this? I mean, how could that type of thinking find itself into this type of Bill, that would in turn amend some of the greatest legislation that we've ever seen in the form of the NRCB? Does it mean that they're concerned? Are they really concerned about the interest of intervenors? Are they really concerned? Are they really concerned that the intervenor can say: well, gee, I have an interest? "Oops, let's stop the project. Let's stop it. Not only that, we'll not only stop the project; we're going to give you some money to tell us not only that you have stopped the project but more money to say why you should stop the project forever. If you don't convince us the first time, you'll convince us the second time." We'll keep giving money until there's no money left, Mr. Speaker.

MR. BRACKO: NovAtel.

MR. JACQUES: NovAtel, yeah. This would prevent a NovAtel. This would prevent anything from happening in this province. I mean, if you want to talk about the most regressive type of legislation in terms of a simple private member's Bill, this has to beat anything I've ever seen in the short 16 months in this Legislature. [interjections] I haven't seen what yet?

Mr. Speaker, I come from an environment that was not political. I come from an environment that was associated with the forest products industry for 27 years, 17 years of those years as a resident in this province of Alberta and also in charge of a major forest products company. I would like to say that the record of the forest products industry in this province was without any concern or without any issues being expressed by Albertans, and that simply would not be true. What we have seen happening

in particular industries – and I'll use the forest products industry as an example of the whole issue of the responsibility, if you like, the social conscience in terms of what the ability is and what the responsibility is to Albertans. That has very clearly been demonstrated not because of the type of legislation that this type of Bill would promote. Rather it came about because all Albertans are concerned about the environment. All of us are concerned about the environment, and the best way and the most effective way of dealing with that issue is to recognize the social conscience that we as individuals have, and as we promote and as we discuss that, ultimately that social conscience becomes transformed in all of us. Whether it's the small businessman on main street or the forest products company with the pulp mill or the forest products company that wanted to build an OSB plant – it was through this changing environment of social conscience that ultimately we were able to deal with that.

Mr. Speaker, I think that as we go on and on through this entire process, it's important that we constantly reinforce the experience that we have seen come to date, that we've seen emerge. If we look at an association like the Alberta Forest Products Association, who, when dealing with environmental issues that would otherwise be dealt with pursuant to this Bill, have been very clear and very supported by the members in terms of defining their code of ethics and determining their standards, not only from an operating point of view but more importantly from a development point of view, that's exactly what this Bill is addressing: the development end, the economic end within our province.

What this is saying to Albertans is: "We can't trust you. We can't trust Albertans." This is what this Bill says: "We can't trust you, and we as a board in interpreting these broad, broad, broad provisions will be able to speak for you, Albertans, because you cannot speak for yourselves. You cannot judge for yourselves." That's what this Bill does.

I would not want to use the word "insidious", Mr. Speaker. I would not want to use that word, but it comes very close to it. One has to again question: why would this type of Bill surface?

Why would it have this form of intent to drive right-thinking Albertans, Albertans who have a social conscience, Albertans who care about the environment but also care about development – they care about jobs. They want to see things continue. They want to see sustained development. Those are foreign words to some people: sustainable development. They want to fund our universities. They want to fund the hospitals. They want to fund our public education. We do that not by regressive types of legislation, not by this type of legislation.

Mr. Speaker, it's a shame, an absolute shame that the intent of this Bill . . .

Point of Order Relevance

MS LEIBOVICI: Point of order.

MR. ACTING SPEAKER: The hon. Member for Edmonton-Meadowlark on a point of order.

MS LEIBOVICI: Twenty-three (h), (i), and (j). I feel as if the hon. member has not quite read this Bill. He seems to indicate that this Bill talks about taking away rights. In fact what this Bill is doing is giving the NRCB powers that will allow them to look at projects, not just those projects that the Tories wish to review. I request your ruling on that point of order.

Thank you.

MR. JACQUES: That was no point of order, Mr. Speaker. That was a debate. There is no point of order.

MR. ACTING SPEAKER: On the point of order, just a comment that there was certainly a disagreement between members, and we find that happening very often in the House.

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

