

## Legislative Assembly of Alberta

**Title:** Thursday, May 16, 1996 1:30 p.m.  
Date: 96/05/16  
[The Speaker in the Chair]

head: **Prayers**

THE SPEAKER: Let us pray.

Our divine Father, as we conclude for this week our work in this Assembly, we renew our thanks and ask that we may continue our work under Your guidance.

Amen.

Please be seated.

The Chair would also like at this time to bring members' attention to the fact that the hon. Member for Sherwood Park is celebrating a birthday.

head: **Tabling Returns and Reports**

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

MR. CARDINAL: Thank you, Mr. Speaker. I'm pleased to file six copies of answers to issues raised at the designated supply subcommittee and at Committee of Supply on March 15 and March 18.

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

MR. DICKSON: Thank you very much, Mr. Speaker. I have two tablings. The first one is a copy of the motion passed by the Calgary board of education at their meeting on May 14, 1996, which urges the Alberta government "to implement the recommendations of the Alberta Human Rights Review Panel, contained in the report, Equal in Dignity."

The second tabling I have is of equal interest I'm sure to all members. This is the news release yesterday from the Dignity Foundation, which notes two things: firstly, that the Alberta Teachers' Association has now added their powerful corporate voice to the opposition to Bill 24 and, secondly, that the Dignity Foundation indicates that the government must proceed to make major amendments to the Bill.

Thank you very much.

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. I'm pleased to table copies of the press release and the official program of the 17th annual Jazz City Festival, which commences officially on June 28 here in Edmonton and involves hundreds of artists who come from far and wide. It's co-ordinated by dozens of enthusiasts and volunteers, such as Deborah Harrop, Taras Ostashevsky, and of course Jazz City Festival producer Marc Vasey. It's part of the \$1.3 billion contribution that the arts make to our GDP in this province.

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

MR. WHITE: Thank you, Mr. Speaker. I rise today to table four copies of some information that was asked for yesterday by the minister of transportation in proof of the statements that I made yesterday in the House with regard to truck safety. There are

four copies of Edmonton Police Service reports of the last four months outlining the disastrous state of truck safety in this province.

As well, sir, I'd like to table with you a photocopy of Road-check '95 results, also stating that the province of Alberta is not in fact comparable to other provinces in their truck safety.

Thank you kindly, sir.

MR. MITCHELL: Mr. Speaker, I would like to table a petition on behalf of 127 residents of Cayley, Alberta, who are very concerned that their village status will be dissolved and are fighting hard with this petition and in other ways asking the government to reconsider that decision.

I would also like to table copies of information circulated to the residents of Cayley indicating that the plebiscite that was held by the government was only to be a guide and of course inferring that it wasn't to be binding.

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

MR. SAPERS: Thanks, Mr. Speaker. With your permission two tablings. I don't have a poem, like the Minister of Community Development. The first tabling is a letter to the Premier from Mr. Peter Hawker, who lives in my constituency, concerned about health care cuts. Mr. Hawker says in part: at least we know unequivocally where you stand against . . .

THE SPEAKER: No, hon. member.

MR. SAPERS: Thanks, Mr. Speaker. He goes on to say that he doesn't like . . .

THE SPEAKER: No, hon. member.

MR. SAPERS: Perhaps if I made it rhyme, Mr. Speaker, I could say it all.

The second letter is from Mr. and Mrs. Rogers of the city of Edmonton and also addressed to the Premier. To the Premier's statement that the Canada Health Act is outdated, the Rogers ask, amongst other things, "How dumb do you think we are?"

head: **Introduction of Guests**

THE SPEAKER: The hon. Member for Highwood.

MR. TANNAS: Thank you, Mr. Speaker. I am delighted today to introduce to you and through you the winner of the Commonwealth Parliamentary Association award, an essay writer, Samantha Roeland. She's accompanied today by her mother and father, Shawna and Grant Roeland, and sister Vanessa. She attends Good Shepherd school in Okotoks. I would ask them all to rise and receive the traditional warm welcome of the House.

THE SPEAKER: The hon. Member for Calgary-Mountain View.

MR. HLADY: Well, thank you, Mr. Speaker. It is indeed an honour and a pleasure for me to introduce to you and through you to members of the Assembly the Canadian Olympic synchronized swimming team. They are truly a national team. I was fortunate enough to see a preview of their program that they will be competing with in Atlanta on Saturday night in a special program in Lindsay Park in Calgary. They are truly a national team that represents virtually all of Canada. Their goal and part of their

program is to identify national unity, and they use *O Canada* as part of their theme for the program.

The team consists of Lisa Alexander from Toronto; Janice Bremner from Vancouver; Karen Clark, currently Calgary, originally from Toronto; Karen Fonteyne from Calgary; Sylvie Frechette from Montreal; Valerie Hull-Marchand from Quebec City; Kasia Kulesza from Montreal; Christine Larsen from Vancouver; Cari Read from Calgary; Erin Woodley from Toronto. Julie Sauve from Montreal is the head coach. Sheilagh Croxon from Toronto is the assistant coach. Marlies Brand from St. Albert is the team leader. I ask them to please rise and receive the warm welcome of the Assembly.

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

MR. STELMACH: Thank you, Mr. Speaker. It's both an honour and a pleasure to introduce to you and through you to members of the Assembly Miss Katy Wilson, who is seated in your own gallery this afternoon, winner of the Alberta Girls' Parliament bursary award sponsored by the Commonwealth Parliamentary Association, Alberta branch. She is accompanied by her parents, Dr. Malcolm and Sally Wilson, and also accompanied by Mrs. Sue Schroder, adviser to the Alberta Girls' Parliament. I would ask that all of them rise and receive the traditional warm welcome of the Assembly.

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

MR. PHAM: Thank you, Mr. Speaker. It gives me great pleasure to introduce to you and through you to the Assembly my constituent Miss Helen Russell. Miss Russell is the recipient of the 1996 Commonwealth Parliamentary Association bursary. She is also the Leader of the Opposition this year for the Alberta Girls' Parliament. It is very important to note that she got to that position without any ethnic war, and no, she did not help me with my WCB question last week. She's accompanied today by her parents, Anthony and Geraldine Russell, and possibly by her grandmother Mrs. Marjorie Bull. As well, I would like to recognize Mrs. Schroder, who is the adviser to the Alberta Girls' Parliament. They are seated in the Speaker's gallery, and I would ask them to rise and receive the warm welcome of the Assembly.

1:40

THE SPEAKER: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you. It's my pleasure this afternoon to introduce to you and through you to members of the Assembly an exceptional young man from Sherwood Park and his family. David Watt is the winner of the Canadian Parliamentary Association, Alberta branch, Tuxis Parliament bursary for 1996 and received that, Mr. Speaker, in a presentation in your suite earlier this afternoon. David is very actively involved in the Tuxis Parliament and in fact this year sits as the Premier of the Tuxis Parliament. David is very active in Sherwood Park and is involved in the same church congregation that I am and is very active in youth leadership in our congregation. David is accompanied this afternoon by his father, Don Watt, his mother, Linda Watt, and his grandparents George and Margaret Watt. They are seated in your gallery, and I'd ask them to rise and receive the traditional warm welcome of the Assembly.

THE SPEAKER: The hon. Member for Dunvegan.

MR. CLEGG: Thank you, Mr. Speaker. I want to introduce to you and through you today 12 students from the Heart Valley school in the wonderful constituency of Dunvegan. These students are from grade 5 to grade 9. They are accompanied by two instructors and four parents: Deborah Hobbs, Joleen Toews, Doug and Lorrain Thiessen, Keith and Marion Issac. I'd ask them now to rise and receive the warm welcome of the Assembly.

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

MRS. SOETAERT: Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to members of the Assembly 60 people from Millgrove school. They are excellent students. They've enjoyed their tour of the Leg. and even enjoyed hearing the band that was here today. They are here with their teachers Debbie Schellenberger and Patricia O'Callaghan, teacher's aide Sharon Lundeen, and parent helper Chris Ebdon. I would ask them to please rise and receive the warm welcome of the Assembly.

THE SPEAKER: The hon. Member for Little Bow.

MR. McFARLAND: Thank you, Mr. Speaker. It's with a great deal of pleasure that I would introduce to you and to Members of the Legislative Assembly today a group of 29 people from the Kneehill Christian school. This group of people have come down to visit the Legislative Assembly. Knowing a little bit about the background, I imagine they'd like to be home seeding. Their MLA, our colleague from Three Hills-Airdrie, met them earlier and was unable to be with them this afternoon and has asked that I have the pleasure of introducing them to you. Along with their teacher Miss Terri Miller are Mr. and Mrs. Jim Baerg, Mr. and Mrs. Ellis Reimer, Mr. and Mrs. Les Toews, Mr. and Mrs. Burton Toews, Mr. and Mrs. Delton Boese, and Mr. and Mrs. Brian Baerg. Would the members please accord them a warm welcome as they rise and are introduced to the Assembly.

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

MR. ADY: Thank you, Mr. Speaker. Today our Premier will be presenting the 1996 awards of excellence to the Alberta public service employees. I am especially pleased that one of the very deserving recipients is the Students Finance Board for the work that they did on the risk-sharing arrangement with banks. Joining us this afternoon with 400 other Albertans is Fred Clarke, the chairman of the Students Finance Board. He's sitting in the members' gallery, and I'd ask Mr. Clarke to rise and receive the warm welcome of this Assembly.

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

DR. TAYLOR: Thank you, Mr. Speaker. I'm pleased to introduce to you and through you to the House an old friend.

AN HON. MEMBER: One of two?

DR. TAYLOR: No. I've more than two friends actually.

He's perhaps not surrounded by such attractive members as the previous guest. He's an ex Medicine-Hatter that now has lived in Edmonton for the last number of years, but he still considers

himself a Medicine-Hatter, and that's Alvin Kurpjuweit. I'd ask him to stand and be recognized by the House.

head:

### Oral Question Period

#### Health Care Transfer Payments

MR. MITCHELL: Mr. Speaker, this government continually claims to support the principles of the Canada Health Act. This claim, however, becomes pretty weak when it is revealed that yet another \$422,000 in fines are being levied today against this province for contravention of the Canada Health Act, bringing the total to more than \$3 million. To the Minister of Health: why has she not fulfilled her promise to end facility fees, a promise she made eight months ago in a letter to the Minister of Health, or was it just another typo?

MRS. McCLELLAN: Mr. Speaker, I would be pleased to inform the hon. Leader of the Opposition that I have had two meetings with the Minister of Health Canada, the hon. Mr. Dingwall, and that significant progress has been made in this area. I would encourage him to work with us to resolve this in the best interests of the practitioners in this province as well as the best interests of patient services. That's what the hon. Mr. Dingwall and I are working towards, and we are both confident that this will be resolved in the very near future in those best interests.

MR. MITCHELL: Why can the minister not understand that the best interests of Albertans are served by a publicly funded health care system that is not eroded by private/public hybrid clinics like the ones that she's supporting in contravention of the Canada Health Act?

MRS. McCLELLAN: Well, frankly, Mr. Speaker, I guess the question certainly outlines the lack of knowledge of the health system in Canada because there has been no instance, not one, where the federal government has raised the issue of access in any of those services with Alberta. In fact, Alberta can show that we provide more access to those services in the publicly funded system than pretty well anywhere else in Canada. So it is not an issue of access.

Frankly, I would be appreciative if the caucus opposite would get involved in a very proactive, progressive way in ensuring that we have a health system that is of high quality and that is sustainable into future generations. That's what this caucus is interested in, and we would welcome their help. We're still waiting.

MR. MITCHELL: I wonder whether the Premier could get involved in this discussion in an aggressive and proactive way and inform us how many doctors could be encouraged to practise in rural Alberta if the \$3 million that he's squandered over the last year were put into a special scholarship fund for rural doctors.

MR. KLEIN: Well, Mr. Speaker, there already is a scholarship fund, and we don't feel that this money has been squandered. There is a principle here relative to the Canada Health Act and the federal government's interpretation of that Act. It all relates to the fundamental question of the rebalancing of federal powers, especially federal spending powers, and especially in light of the very significant reductions in transfer payments to the province of Alberta.

### Village of Cayley

MR. MITCHELL: Mr. Speaker, rural Albertans are fighting to maintain viable communities. Cayley has had village status longer than Alberta has been a province. Despite the plebiscite result, Cayley residents now feel that they were not properly informed and are fighting desperately to maintain the status of their village. To the Premier: is he aware that 127 people have signed the petition to save their village, over twice the number of people who voted in the plebiscite to dissolve it?

MR. KLEIN: That's a pretty interesting case, Mr. Speaker. Yes, I have been briefed by the minister. It's really quite bizarre what happened there, and I'll have the minister explain.

1:50

THE SPEAKER: The hon. Minister of Municipal Affairs.

MR. THURBER: Thank you, Mr. Speaker. This process goes back a little over a year to when the village of Cayley realized that their assessment base was becoming very narrow. They came to our department and asked to have us do a dissolution study. Now, part of a dissolution study brings out all the facts and presents them to the citizens of that community, and the further part of that dissolution study is that there must be a vote taken. We went through that process. The vote was taken. They decided to dissolve to hamlet status, and I have a copy of the ballot right here. It's very plain. It says: village of Cayley to dissolve to hamlet of the MD of Foothills No. 31, yes or no. The majority of the people voted to dissolve into that. A few days after that, some people took a petition around and had 127 people sign that. I have to live by the vote. They voted to dissolve.

MR. MITCHELL: Mr. Speaker, if the minister has to live by the vote, if the minister considers that vote to be binding, then why was it very clear in the information that his department distributed to the people of Cayley that the vote would only be a guide, inferring that it would not be binding?

MR. THURBER: Mr. Speaker, again, as usual, the member from the opposition is very much misinformed. The information was all put out there. It was given to them in public meetings. There were drops made at every door. All of the information was there. It clearly outlined the process. It clearly outlined what was going to happen. They had the information, and a decision was made by the people of the community.

MR. MITCHELL: Mr. Speaker, to the Premier: in light of this petition that 127 people in Cayley have signed saying they want to save their village, that has existed since 1904, will he at least place a moratorium on the decision to dissolve it until he gets a chance to sit down with the residents of Cayley and listen to their concerns?

MR. KLEIN: Well, Mr. Speaker, I will discuss this further with the minister, but perhaps the minister can advise as to what remedies are available both from a legal point of view and a political point of view.

THE SPEAKER: The hon. minister, as to the political point of view at least.

MR. THURBER: Again, there are some options available to them

at some point in the future. If they actually have acquired village status, they can reapply to become a village. My understanding right now is that they do not have the population base for it, and they may not have the assessment base for it either. The village council voted for this. They asked for the dissolution study. The people were well informed. They made the decision in a vote. At some point in the future if they grow to village status, then certainly we'll look at it again. But they made the decision, Mr. Speaker.

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

### Calgary Hospital Services

MR. DICKSON: Mr. Speaker, thank you. In a May 12 letter to the Calgary regional health authority Calgary alderman John Schmal posed several excellent questions about the capital costs projections for keeping the General hospital open. The Calgary regional health authority claims that it will take 180 million tax dollars to keep the facility open. Alderman Schmal and downtown Calgary residents affected by this potential closure, however, deserve answers to the following questions. The first one would be this to the hon. Premier: is he prepared to instruct the Calgary regional health authority to provide Calgarians with a detailed breakdown of how the authority arrives at the \$180 million cost to keep the General hospital open?

MR. KLEIN: Well, Mr. Speaker, as I understand, it was their own study. I have the letter here, and I thank the hon. member for sending a copy of it over. Alderman Schmal, Councillor Schmal – I guess now that we're in Edmonton they're councillors; down there they're aldermen – has written the chairman of the Calgary regional health authority asking for that information. When the information is prepared, I'll ask Mr. McCaig to send me a copy of the information, and I'll be glad to table it in this Legislature.

MR. DICKSON: Mr. Speaker, the follow-up question would be this: will the minister responsible for health care tell Calgarians why the Calgary regional health authority has been allowed to ignore the Price Waterhouse scenario number 3, which stated that keeping the Bow Valley centre open would only cost \$23.8 million, obviously a far cry from the \$180 million now being bandied about?

MRS. McCLELLAN: Mr. Speaker, I think the hon. member knows some of these answers, but maybe we should refresh his memory. It wasn't the Minister of Health that brought forward the design of a redeveloped Bow Valley centre; it was the Calgary Bow Valley centre board. It was between \$180 million and \$190 million to build that hospital, and the case was made to me as minister that this had to happen, that the Bow Valley centre could not continue. It was old; much of it was very old. It needed to be replaced. Now, in the Price Waterhouse study they talk about an operational cost of continuing that, not necessarily a capital redevelopment cost, and the member knows that full well.

I would also remind him that there was one other part of the Price Waterhouse report that we rejected, and that was to move the Children's hospital in Calgary to the Foothills site. We didn't accept that report in full. We examined it carefully, reviewed it carefully, and made the decisions that were in the best interests of delivering health services. My question to this hon. member is: why doesn't he get involved with the committee that is examining

the health needs for the downtown residents, as the members from Calgary caucus on the government side are doing? Why doesn't he do that, get involved, look at what's in the best interests? The Member for Calgary-Mountain View is working on behalf of his constituents to ensure that they receive the most appropriate, the best health services, not the status quo, not an outdated discussion. Let's get with it, Mr. Speaker. The hon. member could really do something for the citizens of Calgary if he'd do that.

MR. DICKSON: Well, Mr. Speaker, those citizens of Calgary expect me to ask questions of the minister responsible, not the token delegated body she's set up.

Mr. Speaker, I think I want to go back to the hon. Premier and ask him this: since there's obviously a great deal of confusion in the city of Calgary about the true cost of the health care restructuring and hospital closures, what's the specific plan of this hon. Premier to ensure that every Calgarian who's interested knows exactly what the dollars and cents involved look like?

MR. KLEIN: Mr. Speaker, generally, I think the Calgary regional health authority has done a commendable job of keeping Albertans informed and involved. Again, I would reiterate the hon. minister's challenge to the Member for Calgary-Buffalo to get involved and contribute in a constructive and useful way for a change.

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

### Discrimination against Criminals

MR. JACQUES: Thank you, Mr. Speaker. My constituents are outraged. They are outraged over comments made in this Legislature, in this Assembly, that legislation should be enacted to give special hiding privileges for people with a record of criminal convictions. For example, that would mean protecting a person with a criminal record from being denied employment. All my questions are to the Minister of Justice. Under existing legislation can the minister confirm that a convicted child molester applying for a job in an Alberta day care centre cannot hide from having his criminal convictions taken into account by the employer?

MR. EVANS: Well, certainly, Mr. Speaker, day cares and others who deal with those who are vulnerable can ask questions about previous criminal history and previous criminal convictions. That is the law in Alberta, and I think it's quite appropriate.

THE SPEAKER: Supplemental question.

MR. JACQUES: Thank you, Mr. Speaker. The second question: is the minister working presently on legislation that would enable convicted criminals to effectively hide from their criminal convictions?

MR. EVANS: No, certainly not, Mr. Speaker. In fact, we're focusing our attention on trying to recognize the rights of victims. Unfortunately they've not been recognized historically to the level that they should be. Yesterday we passed in second reading a Bill dealing with domestic violence – it was actually introduced by the opposition – again, very much focused on what we're trying to do in government. Our attention is on the victims.

MR. JACQUES: Mr. Speaker, given that the federal Liberal

government is working on legislation to continue to keep offenders like Clifford Olson incarcerated, will the minister confirm that he will not bring forward legislation to protect convicted criminals, as suggested by the Liberal opposition?

MR. EVANS: I'll say, firstly, Mr. Speaker, that although the federal Attorney General and I have had our disagreements on some issues, we certainly don't disagree on dangerous offender amendments to the Criminal Code. We want to keep people who are a continuing risk to society in prison for a longer period of time. We certainly are not going to produce any legislation in this province that would be in direct opposition to that philosophy. Those who break the law and who are creating a risk to Albertans will be dealt with accordingly.

THE SPEAKER: The hon. Member for Sherwood Park.

## 2:00 Hazardous Waste Disposal

MR. COLLINGWOOD: Thank you, Mr. Speaker. The Minister of Environmental Protection has said in the past that he's not seeking public input yet on the deregulation of his department because right now the changes are merely administrative. The minister said in *Hansard* on March 18, 1996, "When we get into the more delicate regulations, then we are committed to some public participation." My question is to the Minister of Environmental Protection. Can the minister explain why the document Talking with Albertans, an update on public consultation released in early April, says that there has already been public consultation on deregulation when the minister himself admitted in late March that there hasn't been any public consultation on deregulation?

MR. LUND: Well, Mr. Speaker, I'm not sure what the hon. member has a problem with. Is the problem that we are having some consultation prior to when I said that there would be broad consultation? The fact is that even on some of the administrative changes we invited consultation. There were a number of groups that met a couple of times with the assistant deputy minister and some of his staff. The Law Society had some input. When I'm talking about the consultation that I said we would be getting into in detail when we got into the more delicate issues, that is a very broad consultation and not the narrow that we have been doing up to this point.

THE SPEAKER: Supplemental question.

MR. COLLINGWOOD: Thank you, Mr. Speaker. To the minister: since no public consultation was allowed on the deregulation of hazardous waste landfills, is the minister's position that changing the rules on hazardous waste landfills is just administrative changes rather than of a delicate nature?

MR. LUND: Well, Mr. Speaker, of course this issue about the changes in the regulations was the subject of a question the other day, so maybe I should go over that once again. The regulations that were there in the past were very broad; they were very difficult to interpret. So the determination was to address more specifically the areas. For example, the old one stated that you couldn't be within 300 metres of a wetland. Well, what is a wetland? So it was more clearly defined what a wetland is.

Also the old regulation said that you couldn't be within 300 metres of a watercourse. Well, if you look up a definition of a watercourse, you find that in fact they talk about intermittent

water. Well, as I explained the other day in this House on that issue about an intermittent watercourse, that would mean you couldn't be within 300 metres of any hollow in the ground that would eventually tunnel into an area where there may be some water run sometime; i.e., in the spring runoff or after a heavy rain.

Furthermore, Mr. Speaker, for clarification, those changes did not change a number of other conditions that a landfill has to meet; for example, the percolation, how close to an aquifer, the specifications relative to the runoff off the surface. All of those things are in place. There was a very narrow area that was difficult to interpret.

THE SPEAKER: Final supplemental.

MR. COLLINGWOOD: Thank you, Mr. Speaker. I think we have a problem when the Minister of Environmental Protection says that he doesn't know what a wetland is.

To the same minister: since the public has been squeezed out on changes to hazardous waste landfill rules and will be squeezed out on changes to all other landfills in the province of Alberta, just exactly when is the minister going to involve the public in the wholesale deregulation of the Department of Environmental Protection?

MR. LUND: Mr. Speaker, the notion that somehow the public is going to be shut out of the discussion relative to landfills is absolute nonsense. Number one, the landfill has to have a municipal permit. That is a public process. It will have to meet very stringent environmental regulations, and if there's a feeling that in fact those regulations are not adequate or that the site doesn't adequately meet those, there is an appeal to the Health Facilities Review Committee. So the notion that the public is going to be shut out of the siting of landfills is absolute nonsense.

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

## Student Achievement Tests

MRS. BURGNER: Mr. Speaker, this week the publication of the provincial achievement awards at the public and separate school boards in Calgary has generated a variety of responses. Recognition of student achievement at the school-based level was a key element in the accountability framework report and a part of Alberta Education's business plan. Effective use of this information is now at the centre of the discussion. To the Minister of Education: how will Alberta Education hold school boards accountable for their results?

MR. JONSON: Mr. Speaker, in terms of the achievement test results which were recently publicized in Calgary – for that matter they've already been the subject of discussion in Edmonton as well. The accountability framework that we've established actually envisions three stages in terms of dealing with accountability measures. As far as the achievement tests are concerned, Alberta Education provides the results, provides backup information on interpreting the results, and also we have developed throughout our school system a set of documents, in-service materials that help teachers establish very clearly what the standards are in various grade levels and various courses in the core area.

So, Mr. Speaker, the levels of accountability are first of all – and I think this is what is of concern to most students and most

parents – that they be able to discuss with their students, teachers, and with the local school staff the achievement of that student, where it stands, what remedial actions will be taken, if necessary, to enhance that particular student's performance. That's the first level of accountability, a very personal one, and it's the most important one as far as the student is concerned.

Secondly, we expect that in terms of the broader results if there's an area of concern, this will be the subject of discussion and collaboration on making improvements among the school board, the local school council, and the school staff.

Thirdly, Mr. Speaker, if it is a situation where there seem to be prolonged deficiencies in terms of the results, this is something that Alberta Education will monitor. If concerns are brought to us or if we notice particular patterns that are troubling, we will intervene in terms of asking the school board and all those involved to review a particular situation.

I think, Mr. Speaker, the bottom line is that with this information in the hands of particularly the people at the local school level and the parents that are involved, they will address the deficiencies that are identified. I also expect that they will recognize positively the good results that are produced. I think that overall, this will work out into a situation where there is mutual understanding, the factors involved in this achievement program will be recognized, and we'll have good progress in the future.

THE SPEAKER: Supplemental question.

MRS. BURGNER: Thank you, Mr. Speaker. Again to the minister: are there time lines for improving their results to meet acceptable provincial standards?

MR. JONSON: Mr. Speaker, we do not have any set time lines. However, if there is a major problem which is identified in this year – and we have responses from school boards indicating that they're taking action. If it's a major problem that's been identified, we'll do it as quickly as possible and we will address it as quickly as possible. If there is something that develops over a number of years and starts to build up – again, we don't want to set a specific time line here. We want the problems, if there are those, identified as quickly as possible.

2:10

THE SPEAKER: Final supplemental.

MRS. BURGNER: Yes. Thank you, Mr. Speaker. Again to the minister: are additional supports available for those schools with socioeconomic factors which are not currently classified as high-needs schools?

MR. JONSON: Mr. Speaker, perhaps I'm reading something into the question which is not there, but I do not accept that because a family's income may be below the average for the province, there is anything predetermined there, that those students aren't going to be achieving as well as somebody who may have a higher income. I do not think that we should ever . . . [interjections] Maybe the people across the way say that because you might have a lower income, you're not going to be able to achieve as well as somebody else, but I don't buy that. [interjections]

I've visited many schools which might be considered to be perhaps not in the high-class neighbourhoods of some city, but they are achieving very well. What the factor is, Mr. Speaker, is that if you have the students with their abilities and you have good

support from the community and you have good support from the teachers, you do achieve. We should not fall into this class categorization that they have over here as to what students can and can't do.

### Victims' Assistance Programs

MRS. ABDURAHMAN: Mr. Speaker, I would first like to congratulate all members of the House for the unanimous support of Bill 214, the Victims of Domestic Violence Act. The Minister of Justice already acknowledged that.

Supporting the principle of preventing violence in Alberta is a good start, but it's simply not enough. There is also a need for consistent, adequate funding. Mr. Speaker, volunteers with victim service units do a tremendous job working with victims of violence, but they need the resources in order to continue their work. My question is to the Minister of Justice. Why is there no provision for appropriate stable funding to these units so that victims of crime can continue to get the assistance they deserve?

THE SPEAKER: The hon. Minister of Justice and Attorney General.

MR. EVANS: Thanks, Mr. Speaker. The victims' assistance programs that have been set up in the province have been set up on a community-based model. From the very beginning, when this was set up, we recognized that unless the communities had a take on this important initiative, it wouldn't be successful, because it requires people in the communities to deal with victims on a one-on-one basis, face to face, and it requires that buy-in. So we have been providing and will continue to provide seed funding to start these victims' assistance programs. It's extremely important that we do that, and we're trying to get the message out to expand this program in various parts of the province.

You know, Mr. Speaker, I'll tell you how members in this House can try to assist this. I'll give you an example in my own constituency. I have a golf tournament every year, and funds from that golf tournament are raised for the victims' assistance programs in my constituency. That gets the message out, and it puts money into these valuable community-based organizations.

Again, in conclusion, these have to be community-run. They have to be community-based. They have to show the community that they're meaningful. Therefore the community has to buy into them. So we'll continue to provide seed funding and continue to provide funding where necessary to keep them going, but I want to see communities buy into this, and I want to see them take on the financial as well as the emotional responsibility.

MRS. ABDURAHMAN: Mr. Speaker, acknowledging that communities already have bought into it, 55 units across the province, has your department done an evaluation to determine the level of funding that's needed to assist innocent victims of crime in Alberta? Volunteers are doing an incredible job already.

MR. EVANS: Well, that's a very simplistic question, extremely simplistic. Each community has different demands, each community has a different type of background in terms of criminal activity, the kinds of stresses and strains that the community has, the makeup of those who are committing crimes, and of course the makeup of those who are the law-abiding citizens in those communities. So it would be pointless to try to average out what a community needs to make one of these programs effective. That's again, Mr. Speaker, why we have tried to continue to

impress upon communities – and I do it every time I go to a victims' assistance annual general meeting – that to make this program work, they have to be active participants.

MRS. ABDURAHMAN: Acknowledging, Mr. Minister, that they are an active part of this process, explain to Albertans why it will not be core funding through the police forces in these local communities. Why not include it in the core funding?

MR. EVANS: All of these victims' assistance programs are operational because of the input from our police forces. They would not begin without the active support of the Royal Canadian Mounted Police and municipal police forces. They are finding the resources to accomplish that, again because they believe that these are community-driven, community-based programs. They are set up to meet specific needs in individual communities. The model is very well accepted by those who have hands-on experience with it, whether that be the volunteers or the police organizations.

At this point, Mr. Speaker, I have no intention of changing that very successful formula. It's working, and it will continue to work in this province.

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

### Unemployment Insurance

MR. AMERY: Thank you, Mr. Speaker. The federal government is reforming the federal unemployment insurance program. These changes will of course have very significant ramifications for Albertans in my constituency and across this province. This week the federal government forced through the unemployment insurance Bill that cuts \$2 billion over the next five years from the \$17 billion program. To the Minister of Advanced Education and Career Development: can the minister advise the Assembly of the impact of these changes on our province and when they will come into effect?

MR. ADY: Mr. Speaker, as the hon. member indicated, the House of Commons passed the UI reform legislation earlier this week, and it will now move to the Senate. The federal government has indicated that this legislation will come into effect on July 1 of this year. Essentially the legislation consists of two parts. The first part deals with income benefits, which provides the benefits for Canadians who are out of work, which we have historically had. The changes here will involve eligibility requirements and decide who can access the benefits and how they might access them. That's where most of the \$2 billion in reductions will come from, out of that component of the new legislation.

The second part deals with the employment benefits, which are designed to cover active measures to enable people to get into the workforce or back into the workforce. We understand that some of the savings generated from changes to part 1 will be moved to this part to assist with that, but we'll have to wait until we see what the Senate does and to find out what impact our new, appointed, unelected Alberta Senator, Mr. Taylor, might have on that.

THE SPEAKER: Supplemental question.

MR. AMERY: Thank you, Mr. Speaker. These changes will greatly affect seasonal workers. Can the minister advise how many Albertans would be included in this category and how they will be affected?

MR. ADY: Well, Mr. Speaker, in Alberta we don't measure directly how many jobs in our province are seasonal in nature. We don't have a measurement of that. However, we can give a rough estimate. The total Alberta labour force of approximately 1.4 million people . . .

MS LEIBOVICI: Bring back the Bureau of Statistics. You'll have a measurement then.

THE SPEAKER: Hon. Member for Edmonton-Meadowlark, you don't have to be commenting on everything under the sun.

2:20

MR. ADY: Mr. Speaker, of the total Alberta labour force of approximately 1.4 million people roughly 50,000 jobs could be described as seasonal. This would represent about three and a half percent of the total workforce in the province.

THE SPEAKER: Final supplemental.

MR. AMERY: Thank you, Mr. Speaker. Clearly the ideal situation for workers is not to have to rely on UI at all. Again to the minister: what steps has the province taken to provide Albertans alternatives to the unemployment insurance program?

MR. ADY: Well, Mr. Speaker, the hon. member is right. The best alternative to UI is a job, and that's what Albertans want to have. Our government's approach, unlike the federal Liberals in Ottawa, is to provide an economic climate which will be conducive to private-sector job creation. We have never really bought into the large scale job-creation programs that are promoted by the federal government where they take taxpayers' money and provide short-term jobs.

How is our strategy doing? Well, the record speaks for itself. It's doing very well. Employment in Alberta is at 1.4 million, an all-time high in this province: more people working than ever before, up by 54,000 from a year ago, the lowest unemployment rate in the country, 6.8 percent, the lowest since 1990, and the highest employment participation rate in this country.

### School for the Deaf

MR. WICKMAN: Mr. Speaker, the province is transferring operation of the Alberta School for the Deaf to the Edmonton public school board. The staff of the School for the Deaf were told time after time that assistance would be given in transferring their positions to the teachers' retirement fund. A commitment was given when staff agreed to the transfer of this school. Now this promise seems somewhat shaky. To the minister responsible for education: why is there a problem in delivering on the original commitment?

MR. JONSON: Mr. Speaker, I certainly acknowledge that the working out of reciprocal arrangements between the pension programs involved is taking some time, but there has not been any retraction of the original commitment. The departments involved and the plans involved are working towards the technical parts of resolving that problem. There is no shifting away from our commitment to do so.

THE SPEAKER: Supplemental question.

MR. WICKMAN: Thank you, Mr. Speaker. Again to the

minister: is the minister, then, giving a commitment here today that that pension fund will be transferred to the Alberta teachers' retirement fund?

MR. JONSON: Mr. Speaker, I think all members here would be concerned about the individual pension rights and access to a pension plan being dealt with fairly for the individuals that were formerly under Alberta Education and are now working under the Edmonton public school board, and that will be done. In terms of the transfer of an overall fund. I think that if the hon. member thinks about it, we're talking about the overall fund of the provincial employees, which involves many, many, not as many as before, but many, many thousands of people. We would not be transferring that entire fund into the TRF.

MR. WICKMAN: Thank you for clearing that up. I meant that the commitment was being made that it would be done.

My final question to the minister is: will the minister inform this Assembly as to when we can expect this matter will be resolved and put to rest once and for all?

MR. JONSON: Mr. Speaker, certainly it's everybody's desire to have this done very quickly, but I could certainly make the commitment that this will be in place before the next school year.

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

### Flood Preparedness

MR. COUTTS: Thank you, Mr. Speaker. With the wet spring that all Alberta is experiencing plus the higher than average level of snowpack in the mountains, all conditions are similar if not equal to the conditions that were present in the spring of 1995, when major flooding occurred in southern Alberta. My constituents of Pincher Creek-Macleod who live along the creeks and the rivers between the Continental Divide, the Oldman dam, the Waterton dam, and beyond have expressed to me recently their concerns about possible flooding this year. My question is to the Minister of Environmental Protection. Can your department confirm that these conditions are ideal for flooding, and is there danger of flooding this year, sir?

THE SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you, Mr. Speaker. The fact is that the snowpack is 100 to 140 percent of the most recent average. It is true that if we were to get above normal rainfall in June, there could be a problem. We have to caution, though, that in fact last year the flooding was really caused by record-breaking rainfall in a very short period of time. While it did melt a lot of the snow, the total volume of water coming into the dam was about 3,500 cubic feet per second. The dam did hold back 22 percent, so the outfall was about 1,700 cubic feet per second. The estimations currently are that if there's normal rainfall in the latter part of May and through June, we may see something like about a flow of 11.5 percent above the short-term average.

MR. COUTTS: What preparations, then, are being made and/or implemented by your department at the Oldman River dam to handle the runoff should this flash flooding occur this year?

MR. LUND: Well, Mr. Speaker, currently there has been a drawdown on the dam because, as I said, of the possibility that if

we do have a normal rainfall, there could be an increased flow of about 15 percent. So the dam has been drawn down so that it is about 64 percent full. Normally the period from the 1st of June on through June and into the first part of July is the period that we try to get the reservoir full so that in fact during the course of the summer and into September the lake level can be drawn down to a level that is acceptable through the winter to continue to provide adequate water for the downstream uses and maintain the in-stream flow that is necessary over the course of the winter.

MR. COUTTS: My final supplemental is to the Minister of Alberta Transportation and Utilities. What procedures or plans are in place for emergency measures in the areas of advanced notification for individuals and the mobility of services to assist towns and villages in need in case of a flood? [interjections]

DR. WEST: Quite a humorous bunch today, Mr. Speaker.

The question is a good one because after every disaster that we've had in the province of Alberta, we've learned something and studied them and come forward with better programs and directions. We've been working on that in the province of Alberta as it comes to early warning systems.

I'll just add that we put in place the Alberta emergency public warning system. It became operational in the Edmonton area in June of 1994 and then in the Calgary area in November of '95. The system, which uses CKUA FM frequency, enables a warning to be broadcast over 46 cable, radio, and TV outlets to about 63 percent of Alberta's population. Access to the system is available to about 150 municipalities and First Nation communities, disaster services branch of Alberta Transportation and Utilities, and the Calgary and Edmonton weather offices.

Now, Mr. Speaker, we also have an Alberta emergency public warning plan, and we have developed messages that will go out over this system as it would relate to the flood. We work with such examples as the Oldman River dam early warning system. We tested this last fall following a flood that was in place to make sure that it would be ready, and it's properly working at the present time. We have a government backup in Edmonton here to tie in in case there is any breach in that system.

We also have 120,000 sandbags ready at the present time sitting at Fort Macleod, and we have access to the private sector that will produce immediately thousands more bags if needed. If we get an indication from the department of environment and a message from the area where the flood was last year, we'll be mobile very quickly.

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

2:30

### Trucking Regulations

MR. WHITE: Thank you, Mr. Speaker. Yesterday in this House I asked the minister of transportation why he had not taken any action to improve truck safety in this province. His response was: gee, there's no problem at all in this province with truck safety. In fact he asked me to prove to him that 75 percent of the trucks coming into Edmonton are unsafe. Well, earlier today you'll notice that I tabled those documents that prove that fact and personally delivered those same copies to the minister. I tabled those documents, and there was a minor error. In fact it's not 75 percent of the trucks; it's 80 percent. How does the minister of transportation justify his position that trucks coming into Edmonton are safe when in fact they have an 80 percent failure rate?



DR. WEST: Mr. Speaker, traditionally vehicle inspection records will show that failing a safety check does not mean that it isn't roadworthy. I look at . . . [interjections] Well, the hon. opposition go on and on and on about this not being true, but back when we had compulsory vehicle inspection in the province of Alberta, 80 percent of the vehicles were found not roadworthy and sent off to garages because their lights weren't fixed in the proper manner. Anybody knows that you could take a vehicle in, readjust the lights, fix them on the wall, send them back out, and within five days in rural Alberta give them another ticket for not being roadworthy.

Now, after we got through with that program where they were going on against a light that didn't work today or some other miscellaneous safety issue, we removed that because it wasn't functional. You can't penalize every vehicle on the road. When I look at this report that was tabled in this Assembly, I see here that we did 24 inspections and we took 20 out of service. I mean, there are 400,000 registered commercial vehicles in this province. You take 24 targeted vehicles off the side of the road and you'll find something wrong. Usually you're targeting those vehicles because you see something visually wrong with them. Do you mean to say that you're going to apply that statistic against 400,000 vehicles and the track record in this province? That's not responsible.

MR. WHITE: Mr. Speaker, it's déjà vu all over again. The minister keeps denying and denying and denying that there's a problem here.

In the filing of the documents today, Roadcheck '95, his facts, randomly selected vehicles in the province of Alberta: 32 percent failed to the extent not that they were just sent for minor repair but that they were pulled off the road. Do you believe, sir, that that is safe?

DR. WEST: Mr. Speaker, he said 32 percent. I think Roadcheck said that the Canadian average was 31.9. I said that we'll chalk up against any other jurisdiction in the country.

THE SPEAKER: Final supplemental.

MR. WHITE: Thank you, Mr. Speaker. Mr. Minister, are you telling the citizens of the province of Alberta that their Alberta advantage is the fact that one in three vehicles on the road today that pass your car and my car when we're driving down the road are unsafe and that is acceptable?

DR. WEST: Mr. Speaker, the term unsafe is one that would be left on the floor of this Assembly as a negative innuendo. I pointed out before that there are many reasons why you might stop a vehicle: you don't have a mudflap today; your mirror is cracked; your windshield's cracked. Yes, you go off and get that repaired, but that doesn't mean that that individual issue is going to cause an accident.

The track record in this province when we go and study all collisions by transports, the majority by 80 to 90 percent is driver error and not the safety of the vehicle. Yes, you can bring all the reports, but they're not conclusive as it relates to our accidents. You can, as I say, state any safety feature you want, bring it in here and level a statistic, but it's not reality when we go to the actual fatalities and injuries as related to truck traffic.

THE SPEAKER: Hon. members, the time for question period has

expired, but before going on to Members' Statements, might there be consent in the Assembly for the introduction of guests?

HON. MEMBERS: Agreed.

THE SPEAKER: Opposed? Carried.

head: **Introduction of Guests**  
(reversion)

THE SPEAKER: The hon. Minister of Economic Development and Tourism.

MR. SMITH: Well, thank you very much, Mr. Speaker. It gives me great pleasure to introduce to you and through you to the Assembly a man from Silver Springs, particularly from the Silver Springs Golf and Country Club, who has contributed a great deal to junior golf in Alberta and has worked tirelessly with volunteers and tirelessly with the youth of Alberta in promoting this great sport. Also he has probably the best left-handed sand wedge I've ever seen and has beat my pants more than once. I'd ask Tony Krivoblocki to stand up in the members' gallery and receive the warm welcome of the Assembly.

head: **Members' Statements**

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

#### **Bow-Crow Forest**

MR. COUTTS: Thank you, Mr. Speaker. The West Castle area situated in the very southwest corner of Alberta is a very special and pristine area of what has commonly been known as the Bow-Crow forest. Its rugged beauty stretches from the B.C./Alberta boundary on the west to the gentle rolling hills on the east and from the majestic Waterton park in the south to the municipality of Crownest Pass in the north. This area has traditionally been the backyard of local residents and southern Albertans, where wildlife, cattle, oil and gas exploration, forestry, and recreation users have enjoyed winter and summer seasons.

The community of users of the area recognizes that to preserve the pristine environment not only for the present enjoyment of all society but for generations to come, the area must be protected. The community initiated a consultation program in 1986 to design an access management plan that eventually was agreed to by all users. Formal approval for implementation of the access management plan was given in February of 1996 following failure of the Castle River Consultation Group, which dealt with the NRCB report on the restricted wildland recreation area.

A local advisory board working with Environmental Protection will evaluate the voluntary compliance period of the access management plan in relationship to achieving the objectives of protecting wildlife habitat and minimizing user conflict and soil erosion through an education awareness program to evaluate its effectiveness after two seasons of summer and one season of winter use. Local advice and public involvement will be sought through public meetings, user questionnaires, field surveys of clients, and evaluation of trail usage. Signage, maps, information packages, and user pamphlets will provide information to all users on the access management plan. This long weekend will see some early implementation of the access management plan, and full implementation will progress by this summer.

Voluntary compliance with this local plan will not only guarantee access and enjoyment of all of this beautiful area, but

it will provide protection so that all future generations may enjoy what we presently take for granted today.

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

#### **Constituent's Need for Cancer Treatment**

MR. WICKMAN: Thank you, Mr. Speaker. Hearts are going out to young Peter Jang in his courageous battle with cancer. I recognize the position that the minister finds herself in. The right to make that decision as to whether Peter can receive treatment outside of the country is by governmental policy now in the hands of a medical committee, but there are relatives, friends, 700 fellow students, and Peter himself who do not look at government only to be blocked by policy. They reach out to government as a ray of hope. They see a possibility of treatment to extend Peter's life. Any of us that saw young Peter interviewed on a local television station in the company of a caring schoolmate would have been wracked with emotion.

To thousands of Albertans a case such as young Peter's becomes a test of government compassion. Government is judged by its ability to reach out and extend a helping hand. The Minister of Health can demonstrate her government's ability to be judged as a compassionate guardian of the public dollar. I advocate for young Peter as his MLA. I ask the minister to pursue this matter in any method that may be open. A subject in the third stage of treatment: is that a possibility? Tying into other research projects: is that a possibility? Whatever it takes, I ask the minister to give this young fellow hope and to give thousands of Albertans touched by Peter's plight faith in their government's ability to extend that helping hand when desperately needed.

Thank you.

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

#### **2:40 Palliative Care Week**

MS CALAHASEN: Thank you, Mr. Speaker. This is Palliative Care Week in the province of Alberta. With the support of organizations like the Palliative Care Association of Alberta health providers across Canada will be joining together this week under the theme Support through the Journey to draw awareness to this important aspect of our health system. I'd like to table copies of the Palliative Care Association of Alberta newsletter.

As our government has discussed health issues with Albertans, we have heard the clear message that our health system should not only enhance life; it should also allow Albertans to die with dignity. It is therefore important that we have well co-ordinated, responsive, and flexible palliative care services in the province. Keeping this goal in mind, in 1993 Alberta Health established a policy statement on palliative care. It emphasized community-based palliative care services that are effectively co-ordinated with acute care facilities and continuing care centres. This policy statement is a guide for regional health authorities to use in developing palliative care programs.

To assist the regional health authorities, a number of initiatives are in place. The Aids to Daily Living program provides basic medical equipment and supplies necessary to care for a terminally ill patient at home. Sub acute care services provide care for patients who don't need to be admitted to a hospital but aren't ready to be at home. Respite care gives friends and relatives a break from the demands of caregiving, and the ongoing expansion of home care services allows many patients to receive care and

treatment in the comfort of their own homes. These programs help give Albertans more choice in their health care, particularly the choice to die with dignity in one's own home.

In addition to these programs, several government departments are currently working out advanced planning legislation which would allow Albertans to leave instructions on their care in the event of incapacitation. Furthermore, to help offset the drug costs often associated with palliative care, Alberta Health provides premium-free Blue Cross drug benefits to seniors, and the Alberta Cancer Board covers many costly cancer treatment drugs.

With the support of these programs the regional health authorities are developing new models of palliative care that meet the needs of the local community and ensure a seamless continuum of health services. Many RHAs have already put mechanisms in place that allow patients to receive the medication they need at home without financial hardship.

Mr. Speaker, I would ask my colleagues to join me in recognizing this important event. Thank you.

#### **head: Projected Government Business**

THE SPEAKER: The Opposition House Leader.

MR. BRUSEKER: Thank you, Mr. Speaker. I'd like to ask the Deputy Government House Leader what the plans are for the order of business for the House next week.

THE SPEAKER: The hon. Deputy Government House Leader.

MR. EVANS: Thank you, Mr. Speaker. We are moving through the government's legislative agenda, and we will of course be working on second readings, committee, and third readings next week. I would point out to the Opposition House Leader that, as this week, we will be giving him an update each and every day as to the projected government business of that day. Hopefully the camaraderie that has existed up to now will continue.

THE SPEAKER: The hon. Member for Calgary-Buffalo gave an indication that he might have a point of order.

#### **Point of Order Allegations against Members**

MR. DICKSON: I did have a point of order, Mr. Speaker. I'm relying on Standing Order 23(h), (i), and (l), and if there were a Standing Order for mischief-making, I'd cite that too. The point of order arises from an exchange between the Member for Grande Prairie-Wapiti and the Minister of Justice and the allegation made by the Member for Grande Prairie-Wapiti that any member on this side would be prepared to countenance Clifford Olson or a convicted pedophile working in a child care capacity and the further representation that somehow this would be permitted under one of the Liberal draft amendments tabled on April 4, 1996, I think, to Bill 24.

The points to be made to that, Mr. Speaker, would be that the amendments that were tabled with respect to Bill 24 would not in any fashion allow a convicted pedophile to work in a day care. This caucus has always vigorously opposed the abuse of children, sexual abuse or any other kind of abuse of children, and we continue to vigorously oppose that kind of criminal activity.

Thankfully, the Clifford Olson example is an extreme one, and a monster like that has little company. The more common situation with criminal records are men and women in this province who have been convicted of impaired driving, shoplift-

ing, writing a bad cheque. That's the more common case in terms of a criminal record.

The points to be made would be two. The first one is this. The amendment that the Liberal opposition put forward clearly reflects . . . [interjections]

THE SPEAKER: Order please. The Chair regrets to interrupt the hon. member, but we seem now to be descending into a debate over amendments to Bill 24. The Chair was of the opinion during question period – and that's why the Chair didn't call the hon. Member for Grande Prairie-Wapiti to order – that he had crafted his question to avoid making reference to Bill 24 by asking the Minister of Justice some wider questions about the position of the government on convicted persons in our society.

The Chair is therefore recognizing the hon. Member for Calgary-Buffalo on this area of being allowed to clarify one's position, but that leeway doesn't go to allowing a full-blown debate on something that is on the Order Paper for discussion this afternoon. The hon. member should have an opportunity to elaborate on those points in debate in committee. Therefore, the Chair is going to close further discussion on this point on the basis that the hon. member has given some clarification and he's going to have an opportunity to give more.

head: **Orders of the Day**  
 head: **Government Bills and Orders**  
 head: **Committee of the Whole**

[Mr. Tannas in the Chair]

THE CHAIRMAN: I'd call the committee to order.

**Bill 38**  
**Child Welfare Amendment Act, 1996**

THE CHAIRMAN: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Chairman. Bill 38 is in another form the amendment that was put forward by my colleague from Edmonton-Highlands-Beverly last year in debates on more comprehensive amendments to the Child Welfare Amendment Act. The amendment that was introduced last year by my colleague from Edmonton-Highlands-Beverly is essentially the amendment that allows for birth parents of adoptees to do a search. The decision last year by the government was to only allow the adoptees themselves and not the parents to do the search. Our position last year was that the same opportunity ought to be extended to the parents because it would be within the same framework, within the same procedure, in that there would still be the veto power available: unless there was consent on both sides, the contact could not be made. So it would be the search agency that would be making the contact on behalf of the child and now in terms of this Bill on behalf of the adoptive parent.

**2:50**

For myself, Mr. Chairman, I've had many situations in my constituency office where people have come asking why it was that the government did not allow both sides of the adoption issue to do that search. I had trouble finding an answer for them other than to refer them to the hon. Member for Innisfail-Sylvan Lake's comments that we just want to wait and we'll just take our time, without giving any substantive reasons as to why that was the case. They wanted to move slowly on that one but quickly on the

other one. So we are here now, and we want to move this along and indeed give that opportunity to those parents.

While I have had in my own circumstance calls from constituents who want the amendment to go through and want to have that opportunity to find a birth son or daughter through a search agency, I am also aware of the argument that occurs on the other side. That is that parents of children who have been adopted do have, I think, a legitimate concern that a natural parent will initiate the search process and potentially disrupt the family environment and relationship that occurs between the adoptive parent and the adopted son or daughter.

There is also another component of this, which I can't say that I am personally familiar with, Mr. Chairman, and perhaps other members are. That is that in a government adoption a generation ago there was essentially an agreement made between the adoptive parents and the government as the adopting agency that there would be an ongoing confidentiality about the adopted child. Now, what I don't know is how this particular piece of legislation is going to impact on those agreements that were made that generation ago between the government of Alberta as the agent and individual Albertans who became parents of adopted children. Will this be in fact a contravention or an interference in that agreement between the government and that particular parent of an adopted child? As I say, I don't know. I've had the concern expressed to me. I don't know the answer to that.

I am in favour of Bill 38 and am prepared to allow this particular Bill to move through committee stage without amendment because indeed, as I said, the amendment is in virtually the same form as the amendment that the opposition proposed last year. So I am prepared to let Bill 38 go through. I do put the question on the record because there is some concern about whether or not there is interference with agreements that were originally made with respect to the confidentiality aspect of parents and their adopted children.

So those are the comments that I wanted to make, Mr. Chairman. As I say, I am indeed speaking in favour of Bill 38 and will look forward to its completion. Perhaps other members may wish to speak to Bill 38 at the committee stage.

THE CHAIRMAN: The hon. Member for Edmonton-Highlands-Beverly.

MS HANSON: Thank you, Mr. Chairman. Just a few words in third reading of Bill 38. I'm pleased the Bill has reached this stage. The inclusion of birth parents into the search system I believe is an appropriate response to the large number of birth parents who have been asking for this amendment to the Child Welfare Act for a long time.

I have several requests of the Minister of Family and Social Services in regard to the lack of controls on the fee schedule – and that does seem to be an issue that keeps popping up for some search agencies – and also the apparent lack of consistency between agencies about the fees that will be charged. Apparently, sometimes clients or people who are searching do not have a clear understanding at the start about how much it's going to cost, although I don't believe that to be very common. I think that if the minister could monitor the fees, that they're within reason and based on the type of search that is involved, it would be very helpful.

A second and probably less common public issue has been the concern of some birth parents that it is incumbent upon the birth mothers to arrange to put a veto on the file if they wish to remain

anonymous or incumbent upon the adoptees. People certainly are entitled to their privacy. My colleague from Sherwood Park brought this up as well. I think that over time, when the public becomes more informed, it will gradually become less of a problem. Also, when agencies are searching, they contact the adoptee or the person who is being searched for, and if there is no veto on their name, they phone them and find out whether or not they need to be contacted, because there probably are quite a few people in the province who don't realize that this is going on.

Aside from those two things, which will doubtless work themselves out in time, I'm pleased to support the legislation. Thank you very much.

THE CHAIRMAN: The hon. Member for St. Albert.

MR. BRACKO: Thank you, Mr. Chairman. I raise the concerns of some constituents in St. Albert about this Bill. They are parents who adopted a child and feel that it's not appropriate for them to have to put a veto on access. They feel it should be the other way around: if they want access, then they could apply for it. They feel this invades their privacy, a decision they may have made to carry on the family. The past is the past, and they want to let the past stay as part of it. They made a decision that this would be the way they'd carry on, and now at the age of 18 the adopted child could be approached by the birth parents or by siblings that may be involved in the situation, and it could be very disruptive. They feel that the veto should be the other way around. Also, they were concerned that it be grandfathered to the time of this Bill being passed and not going into the past.

Lastly, the publicity for this Bill needs to be carried out by the government so that all adoptees may be aware of what's happening and they then could put a veto on if they wished.

With those comments, I think it's important to recognize their concerns, their rights as parents who have adopted and as the adopted children. They would like, if there was some way to be protected, that that would take place. With that, I conclude.

THE CHAIRMAN: The hon. Member for Leduc.

MR. KIRKLAND: Thank you, Mr. Chairman. I stand in support of Bill 38. I view it for those that have given up children due to adoption as an opportunity to fill that void in their hearts. The Bill has taken on an evolutionary process since it was first introduced last year. There have been some potential shortcomings addressed. I think that when we look at the evolutionary process that's been undertaken - and the hon. Member for St. Albert pointed out one: who should be responsible for actually placing the veto, whether in fact it should be incumbent on the department to include a veto unless otherwise advised. Certainly it is a concern. I look at the veto process as it worked when the adoption records were first opened up for children to search for their birth parents. It seemed to be effective.

I would compliment the minister for moving it along in a process that gave the opportunity to determine whether it would be workable or unworkable. It has proven to be such. I would suggest it's a good Bill. There were many people that unfortunately gave up children for adoption years ago due to societal pressures or attitudes. This gives them the opportunity to revisit that decision, and I think that for the most part it would probably end in a happy reunion of blood individuals. As I indicated, it's an opportunity to fill the void in one's heart when one was involved with an adoption or forced to give up a child through adoption.

3:00

The hon. Member for Edmonton-Highlands-Beverly indicated that fees could become a problem. We're dealing with an emotional issue here. Whenever you're dealing with an emotional issue such as death, such as a reintroduction of a long-lost member into the family, there is potential for those that are less than ethical to play upon those emotional fears or those emotional connections. Mr. Chairman, I would indicate that the fees should be monitored very closely, and if they appear to be becoming a little excessive, then some action should be taken accordingly.

So with those comments, Mr. Chairman, I would again offer my support to Bill 38. I would also compliment the Member for Innisfail-Sylvan Lake for bringing it forward and finally completing the Bill in its entirety. I'm sure it will serve most Albertans positively.

[The clauses of Bill 38 agreed to]

[Title and preamble agreed to]

THE CHAIRMAN: Shall the Bill be reported? Are you agreed?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

### Bill 39 Environmental Protection and Enhancement Amendment Act, 1996

THE CHAIRMAN: The hon. Member for Calgary-Mountain View.

MR. HLADY: Thank you, Mr. Chairman. I have amendments being handed out right now. They're all on one page. There are three amendments, and I'd like to move them as a block. I'll wait for a moment as they're handed out around the Assembly.

SOME HON. MEMBERS: They're around.

MR. HLADY: They're around? Okay.

THE CHAIRMAN: They're called A1.

MR. HLADY: They're called A1. Thank you, Mr. Chairman.

Quickly going over some of the proposed changes, the first one is section 7: 36(2). The rationale is to eliminate the need for the minister to decide whether a person must be affected by the standard or the code. This will allow anyone to have access to the information.

The second amendment is under section 26: 92.1. What it does is bring into account natural justice, and that will allow for everyone who is involved in any particular hearing to know what the board is going to be doing in regards to appealing or revoking any decision it had made before. So everyone will be informed through natural justice.

What section 92.2 will do is simplify the wording and make the clause more easily understood. It still maintains the intent, yet it still will allow the board to function with the privative clause.

Thank you.

THE CHAIRMAN: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Chairman. Speaking to the amendments to Bill 39, I guess I just want to clarify for the record that while this is amendment A1 and is being voted on as a block, the amendment is in fact two amendments. Although three sections of the Bill are affected, there are only two amendments. The mover has moved one relative to section 26 and one relative to section 27. So there are actually only two sections of the Bill that are being amended by virtue of the government amendment.

Well, I'll start this afternoon, Mr. Chairman, by recognizing the amendment put forward by the government on section 7. Members will recall in second reading that a number of members on this side of the House were rather taken aback with the kind of heavy-handed wording that was contained in this particular section of Bill 39. In fact, that would apply generally to the tenor of the entire Bill as to how oppressive it is in its tenor relative to the people of the province of Alberta.

The original wording in this section made reference to standards, codes, and guidelines. These are with respect to the changes that the minister is making where certain activities which now require an approval from the Department of Environmental Protection will now only require a registration under the Department of Environmental Protection. So where previously under an approval for an activity the minister would set conditions on the approval, we now with the registration procedure will only have those activities governed by "standard, code, guideline or other rule" that will be set generically and applied generically rather than specifically to the individual activity that's being undertaken.

Now, the original wording of the Bill, Mr. Chairman, had the minister saying that the "standard, code, guideline or other rule [would be made] available" to only those "persons who may be affected by it;" in other words, squeezing out and shutting out the people of Alberta, because we see that over and over and over again in Bill 39: squeezing out and shutting out the people of the province of Alberta.

Now, I recall in debate in second reading, Mr. Chairman, that members of this side of the House rose and spoke, expressed their concern, shall we say, with the wording of section 7. On what basis, it was asked, are the people of Alberta squeezed out on knowing the content of the standards and codes and guidelines and other rules that are to be incorporated by regulation under the Act? In fact, I recall that my colleague from Fort McMurray was most vociferous in his opposition to this section, and I believe that he extracted from the Minister of Environmental Protection in debate across the floor, "Okay, okay; I'll take it out," or words to that effect. Lo and behold we now have the first amendment before us this afternoon from the sponsor of the Bill which in fact does just that. It will mean that I don't have to introduce my amendment that was essentially going to do the same thing, because the minister has come forward to do that.

I want to congratulate the Member for Fort McMurray and members on my side of the House, because it's only through this kind of debate that we get the minister to actually change his mind. His original intent was absolutely and fundamentally clear: squeeze out the people of the province of Alberta; shut them out. It was absolutely clear in the original wording of section 7. Through opposition and through some pressure that was put on the minister, he recanted and he relented and he said: okay, I'll just open that door a little tiny bit, and I'll let the public actually see what the standards, and codes, and guidelines, and other rules to be adopted actually look like.

Now, what are these going to be for? Well, for the most part,

Mr. Chairman, what we can consider when we're looking at that section are things like landfills. Now, I guess I should back up for a second and say that we don't know what activities under the Department of Environmental Protection that currently require an approval will only now require a registration, because that's a big part of Bill 39 as well: the ongoing wholesale deregulation of the Department of Environmental Protection without the involvement of the people of Alberta. What will be going through the registration process, and what activities will be going through the approval process? We can't say, Mr. Chairman, because that's all going to be done by regulation, and of course regulation is done behind closed doors without any public input whatsoever. I'm sure that the minister will consider those to be administrative changes and not the kinds of changes that are of a delicate nature, as he stated on March 18, 1996.

So there won't be any public input. We won't know what the registration activities will be and what the approval activities will be. So we can't specifically say in debate here on this first amendment what we are talking about when we talk about "a standard, code, guideline or other rule." What the Bill does do is say very clearly that the things that are going to be activities through registration are the construction and the operation of landfills that are below a volume of 10,000 metric tonnes per year.

### 3:10

Now, that will be, Mr. Chairman, the majority of landfills in the province of Alberta. So for the operations of landfills in the province of Alberta that will be deregulated down to the registration process, the minister's original position was that people who live in the areas that serve those landfills cannot see what the codes and the standards and the guidelines are. They are not allowed to see them. That's what the original section 7 of Bill 39 said. We raised issue with that, and now we have the first amendment where the minister in his generosity is actually going to let normal Albertans, not necessarily those who are directly affected by those standards, codes, rules, and guidelines – ordinary Albertans are actually going to be able to see what those standards, codes, and regulations look like. So that amendment, Mr. Chairman, I am obviously in favour of.

Alas, the Member for Calgary-Mountain View has moved the amendments as a block. So now that takes me to the next amendment, which is B of amendment A1, which deals with matters before the Environmental Appeal Board.

Now, Mr. Chairman, it's going to take me some time to go through the rules as they currently exist relative to the Environmental Appeal Board to get some understanding about the original sections in section 26 of Bill 39 and the amendment that is being proposed by the Member for Calgary-Mountain View. The section that we're talking about says in the margin "privative clause." What a privative clause is: when an administrative tribunal rather than a court deals with substantive issues within a particular area of expertise, that particular board has the final say about the decision relating to the merits of the arguments on both sides of the issue. The parties have the opportunity, in reliance on the rules of natural justice, to come before that administrative tribunal to have their case heard, to have the arguments and the cross-examination and the full hearing process subject to the rules of natural justice, and for that particular administrative tribunal to make the final decision.

A privative clause in the legislation that empowers that administrative tribunal says that the decision of that tribunal is final and binding. The purpose for that, Mr. Chairman, is that

the parties, or the litigants, can't then go to the courthouse and clog the courts with a review of the decision of that particular administrative tribunal. Indeed, the courts have said: "We are not going to overturn decisions of administrative tribunals because they have the expertise. They've heard the substantive evidence from the experts, and they have a better ability to make the right decision than we do."

So, Mr. Chairman, the privative clause is there for an administrative tribunal, and it's there in fact in some way to protect the courts so that they don't get caught in a position where they have to adjudicate on a very technical matter, on a very technical aspect. So that's the reason for a privative clause. It is for the efficiency in fact of quasi-judicial tribunals. There are many, many quasi-judicial tribunals in the province of Alberta who have the ability to adjudicate and to have privative clauses associated with their empowering legislation. But that does not generally or necessarily in the privative clause prevent a review by the court as to whether or not the rules of natural justice were abided by: whether or not there was bias, whether or not there was undue influence, whether or not the parties had a fair hearing. Whether or not there was a breach of natural justice is still the kind of issue that can be heard before the court to determine whether or not the administrative tribunal acted fairly. The court is not going to listen to whether or not the substance of the argument came out with the right decision. The court is going to decide whether or not the parties were given a fair hearing in the first place, if the chairman was biased towards one of the parties, if one of the parties was not allowed to have their full case heard. Those kinds of breaches of natural justice constitute the kinds of reviews that the court can do.

Now, this particular privative clause, Mr. Chairman, is particularly odious for a whole variety of reasons. I want to point out that the amendment that was put forward by the Member for Calgary-Mountain View – and I think he actually stated this and admitted it – does nothing to change the intent and simply takes out words that are redundant and superfluous. The section can get by without those particular words.

Let's look at the words that the member has taken out. He's taken out the words "by application for judicial review or otherwise." Just redundant words, that's all they are. He's taken out the words "whether by way of injunction, declaratory judgment, prohibition, quo warranto or otherwise." All just superfluous, redundant, words because those are all subcomponents of a judicial review anyway. With the rules of court they are all lumped together essentially, and there's no separate distinction anymore whether or not it's certiorari, whether or not it's quo warranto, whether or not it's prohibition and so on.

The member has done nothing in his amendment other than a simple editorial change. The substance of the privative clause is exactly the same. Let's be clear on that, because it is the substance of the privative clause that is entirely and totally repugnant and is totally an affront to the people and the public of Alberta in their ability and their opportunity to have fairness in an appeal process to the Environmental Appeal Board.

What's interesting about what the government and the Member for Calgary-Mountain View are attempting to do in Bill 39 by squeezing out the public of Alberta and having its fair hearing process through this administrative tribunal is that the Environmental Appeal Board by virtue of the rules that currently exist is not the kind of administrative tribunal that would normally have a privative clause associated with it. So this is, on the part of the minister and the Member for Calgary-Mountain View, going the

full distance to try and protect themselves and to squeeze out the people of Alberta through a fair hearing process in front of the Environmental Appeal Board.

Why is it that I say that? Well, it's very clear from the legislation as it currently stands that the Environmental Appeal Board is not an administrative tribunal that has the ability to make a decision. Any decision of substance that is made by the Environmental Appeal Board has to, by virtue of section 92, go to the minister to see whether or not the minister concurs in the report or chooses not to concur in the report. They are not an administrative tribunal that can make a substantive decision. If they are not an administrative tribunal that can make a substantive decision, then why do they need a privative clause? It's not their decision to be made. It's a decision of the minister.

So who are we really trying to protect in this new section that's being added to the Environmental Protection and Enhancement Act under the provisions of the Environmental Appeal Board? The only one that is being protected by this is the Minister of Environmental Protection. He is the only one who is being protected because the Environmental Appeal Board can't make a decision.

3:20

You know, Mr. Chairman, we recently had the Minister of Environmental Protection reject a recommendation of the Environmental Appeal Board without any reason, without any substantiation, without any aspect of natural justice as to why the Minister of Environmental Protection overturned a recommendation of the Environmental Appeal Board. No reasons were given. But the minister used the power and the authority that he had and slapped the Environmental Appeal Board square in the face and said: I reject your recommendation, and I will not tell you why. So who are we protecting with a privative clause? It becomes crystal clear who we're protecting with the privative clause. We are protecting the Minister of Environmental Protection and the Minister of Environmental Protection only.

That case, Mr. Chairman, just for reference, was Keller and the director of the land reclamation division, December 1, 1995, EAB hearing 95-009. The interesting comment that was made to that is "Well, now, that's very interesting." If the minister can overturn the decision of the Environmental Appeal Board without any reason whatsoever, why waste your time with the Environmental Appeal Board? Take the minister for dinner. Why would you bother spending your time making your case in front of the Environmental Appeal Board when all you have to do is wine and dine the minister? That's all you have to do. Right? [interjections] Well, there you go. So that's the kind of influence and power that the Minister of Environmental Protection had. He hides behind this facade of the Environmental Appeal Board and says: "Natural justice? We'll give you natural justice to have your case heard. But listen; if you want the decision overturned, give me a call and we'll go and have a drink." Right? That's the way the law is in the province of Alberta. That's the kind of law that we have in the province of Alberta.

Now, Mr. Chairman, that's not good enough. That's not good enough for the minister, that he can, you know, sort of be massaged and influenced as to which way the decision is going to go relative to the Environmental Appeal Board, whose decision is nothing more than a recommendation. He wants more. He wants a privative clause to protect himself from the people of Alberta. That's what he wants.

Mr. Chairman, I see that there's some communication going on between the Member for Edmonton-Manning and the minister.

I'm wondering if you have an appeal in front of the Environmental Appeal Board, hon. member.

On the amendment, Mr. Chairman, and indeed all of this discussion has been relative to the amendment, because it's about changes to the Environmental Appeal Board procedure, and it's about the repugnant privative clause that the minister is proposing in Bill 39.

Now, I want to deal specifically with the two sections that the Member for Calgary-Mountain View is proposing, and when I next get a turn, Mr. Chairman, that's indeed exactly what I'm going to do.

THE CHAIRMAN: The hon. Member for Edmonton-Whitemud on amendment A1.

DR. PERCY: Thank you, Mr. Chairman. I, too, am on the horns of a dilemma. I was glad to see amendment A brought forward by the hon. member, which addressed the concerns of the Member for Fort McMurray, the Member for Sherwood Park, and others on this side of the House, yet the issue of the privative clause I do find of a real concern. I mean, it was a concern in the initial Bill, and it remains a concern because all that has been done is in fact editorial work and sort of an unmasking of the intent. It's far clearer as to what is contemplated.

Privative clauses should be used sparingly, and I can understand the role of those clauses when there are specialized tribunals who do not want to see themselves simply as a way station in the litigation process. To the extent that in fact some tribunals have been used that way, it's a very costly use of society's resources, and it in fact trivializes the whole purpose of such a tribunal. I understand and I have seen instances where privative clauses exist and where they are used in a sense to ensure the integrity of the tribunal process and ensure that those tribunals are then approached in a very careful manner and that the arguments presented to them are well considered.

Once, however, you allow the minister to basically undo and not be bound by the findings of a tribunal and you then bring in a privative clause with respect to the undertakings of the minister with regards to the tribunal, it's really I think unpalatable, to put it mildly, Mr. Chairman. It really does then turn a tribunal into a way station. It simply is, you know, halfway to the supper table. You're seeing the maitre d', but really the action takes place at the supper table.

I have a very serious concern about the privative clause. I had in the initial Bill, and I had hoped, when I'd heard that there were amendments forthcoming, that they would deal with this issue. I think the hon. Member for Sherwood Park has put his finger on the issue, that this really protects the minister from Albertans. It basically reduces the power, the authority, the scope, and perhaps the respect that would be accorded the board in light of the fact that their decisions are so subject to review, reversal on the part of the minister, and that the minister's or the board's findings are absolute.

I, too, echo the concerns that my colleague has about the privative clause. I would hope that the hon. member would reconsider this privative clause or would in fact give us a compelling set of arguments under the circumstances why this is needed for the protection of the minister. As I say, I can see why it may be needed by a tribunal, particularly if it's a specialized tribunal, but I really fail to see why, with regard to the issue of easements and other factors, a privative clause is needed for the purposes of protection for the minister.

Mr. Chairman, with those comments I have to say, then, that I'm two-thirds against the amendments, and unfortunately in our parliamentary democracy it's either one or nothing. So I would have to vote against amendments as a package in light of the privative clause.

Thank you.

THE CHAIRMAN: The hon. Member for Leduc on amendment A1.

MR. KIRKLAND: Yes, Mr. Chairman. Speaking to amendment A1, and that's specifically dealing with the amendment that's submitted to deal with section 7 and onward towards clauses 92.1 and 92.2. Now, on initial glance I looked at that section 7 and I thought it was a positive step when I saw that they eliminated "who may be affected," because that in fact opened up in my mind the opportunity to perhaps challenge for many Albertans that weren't directly affected but could see a long-term impact on their lifestyle, on their environment in the province of Alberta. So on initial glance I thought that it would be positive, and I would certainly be supportive of that small step.

Mr. Chairman, I would also have to caveat my comments by stating that even though I thought it was positive, I'm still bothered by the term "adopted or incorporated by regulation" in that amendment mainly because, unfortunately, regulations never come before this Assembly for review and for a filtering process, as they should, through the Standing Committee on Law and Regulations. If in fact regulations that were passed in cabinet came before this House on a regular basis, then I would not be unsettled by the inclusion of "regulation." Regulation, as you know, is a decision that's made outside the view of the Alberta public, and they only become aware of it once it's in place, and their opportunity to deal with it at that point comes to a standstill. If regulations came here before the House, it would simply be a filter and I would suggest would result in a better quality and all-encompassing, thorough piece of legislation. Now, it's unfortunate that the member did submit these amendments as a block. I mean, I was willing to bite my lip on that particular component, because the removal of "who may be affected" in that amendment improved it considerably.

3:30

However, I take great exception to the following two proposed amendments that have been included in this block of amendments, and that's 92.1 and 92.2, Mr. Chairman. Now, when I read 92.2 – and I don't have the learned background of my colleague from Sherwood Park, and I would perhaps put it in different terms than he uses. It reads that

no decision, order, direction, ruling, proceeding, report or recommendation of the Minister or the Board shall be questioned or reviewed in any court, and no order shall be made or process entered or proceedings taken in any court to question, review, prohibit or restrain the Minister or the Board or any of its proceedings.

Now, clearly that puts the minister of the environment above the courts of the province of Alberta. It puts him in a position that I would suggest is totally unsatisfactory or unpalatable to Albertans. That should not exist. Our court system comes with the highest of respect and the highest of regard throughout the entire country, and the minister wants to take this particular clause and put himself above the law. That's just not acceptable, and I don't think there's anyone in this Assembly that should accept that as an amendment. It clearly, in my view, undermines our court

system, and it sends a message to the court system that they in fact are somewhat less than respectable in the eyes of the environmental minister, and I think that is wrong. The minister himself should not ever be above the courts of this land, and the Albertans who live in this province and who need and require and cherish a clean environment certainly should not be cut out of the decision-making process because a minister has elevated himself above the law of the land.

It would seem that this clause would be included simply because we have some very dedicated and very sincere environmentalists in this province that will on occasion challenge the government and their decisions as far as environmental undertakings or threats to the environment are concerned.

We can never take the environment too lightly. What we undertake in this province of ours today will impact on future Albertans many times over, and I think it's extremely important to have a process that will allow Albertans to slow down any sort of decision that impacts dramatically on the environment. I think it's extremely important, Mr. Chairman, that in fact Albertans have the opportunity to force those decisions to review. To date we only have the courts of this province to do such. With this amendment the minister wants to put himself in the position of being far, far more powerful and greater than the courts, and I would take very strong exception to that particular approach. No Albertan should be denied the opportunity to challenge a decision that will impact on our environment today and for generations to come.

If a government is making sound, solid decisions, Mr. Chairman, there is no need for this sort of clause. There is no need to elevate the minister of the environment above the courts of the land. I find this sudden elevation and this sudden collection of power to be quite repugnant.

Although I was willing to compromise on the first proposed amendment of this block, even though this government refuses to send regulations that are passed to the Standing Committee on Law and Regulations, even though I was willing to compromise on that, I find myself in the very untenable position of having to vote against that small, positive step towards improving the legislation because the following amendment which is included in this block is not only, I would suggest, repugnant to me, but it's repugnant to most Albertans. It would be interesting to see what sort of comment the Minister of Justice would have when the minister of the environment is looking to elevate himself above any powers that the Justice department in this province has presently in place.

I would ask all in the House to keep it in mind when you look at the second component of this block of amendments. I would ask all members to keep in mind what it clearly is stating, and that is that a minister that is elected is looking and asking and requesting and putting himself in a position where he's above the courts. If in fact this should occur with the minister of the environment, why would this not occur with the Minister of Education? Why would it not occur with all the ministers on the front bench, Mr. Chairman? I would suggest that that is not what is intended: being elected and through this Legislative Assembly elevating our positions and the positions of this House to be superior and usurp the powers of our provincial courts.

So with those comments I would ask all to consider it very seriously when they vote on this amendment. I would ask all to vote it down. There is no reason that we as elected officials should expect at any point in our political careers to be put in a position that will usurp the powers of the courts of this province.

I clearly read that in clause 92.2, and I would ask all members, Mr. Chairman, to vote against this amendment.

THE CHAIRMAN: The hon. Member for Clover Bar-Fort Saskatchewan.

MRS. ABDURAHMAN: Thank you, Mr. Chairman. I rise to speak to the amendments to Bill 39, and this is one of those cases that I find troublesome when it comes to procedure. The intent of these amendments to this very important Bill, which I find most troublesome, the Environmental Protection and Enhancement Amendment Act, I would suggest have very different values attached to them. When you're dealing with amendments that have very different values attached to them, I think it does a disservice to this Assembly for them to be tabled and voted on as one major vote. Indeed any thinking person would be able to support the A amendment to section 7, which is striking out the proposed section 36(2) and substituting the following:

Where a standard, code, guideline or other rule is adopted or incorporated by regulation under this Act, the Minister shall ensure that a copy of the standard, code, guideline or other rule is made available to a person on request.

That's democratic. That's fair.

#### Chairman's Ruling Decorum

THE CHAIRMAN: Order. There seems to be a delightful storytelling activity going on there. It's causing great mirth, which unfortunately is interfering with the sound system, and we're not able to hear the hon. member.

#### Debate Continued

MRS. ABDURAHMAN: As I was stating, for those who are interested, I would think that this amendment could be supported unanimously in this House if it had stood alone when it was presented to the House. It is a good amendment. It is a democratic amendment. It recognizes the rights of Albertans to get that information shared with them. I commend the mover for bringing this forward to try and improve what I would say is a fundamentally flawed Bill. I find this Bill, Mr. Chairman, very troublesome, and all Albertans should share that concern.

When we look at amendment B, Mr. Chairman, I find this quite frightening, that any minister of the Crown would presume to be above the law, and that's in essence what this amendment B . . . Section 26 is amended by striking out the proposed sections 92.1 and 92.2 and substituting the following:

Subject to the principles of natural justice, the Board may reconsider, vary or revoke any decision, order, direction, report, recommendation or ruling made by it.

Now, that is a section that governs many boards within the province of Alberta, and unless there's an administrative error, that decision stands. In fact, when I was a member of the Public Health Advisory and Appeal Board that was written right in the public health legislation, and the only time that anyone could take action against that board was when it was taken to the courts to show that an administrative error had been made. Indeed, even the judge who heard that petition could not vary or adjust that decision of that board. The only thing that that judge could do was redirect the board to rehear that hearing, but the judge had no authority to vary it or alter it in any way.

3:40

Mr. Chairman, I would ask all hon. members over there: do



you know what you're doing when we now go to 92.2?

Where this Part empowers or compels the Minister or the Board to do anything, the Minister or the Board has exclusive and final jurisdiction to do that thing and no decision, order, direction, ruling, proceeding, report or recommendation of the Minister or the Board shall be questioned or reviewed in any court, and no order shall be made or process entered or proceedings taken in any court to question, review, prohibit or restrain the Minister or the Board or any of its proceedings.

Every Albertan should be scared by this amendment. This makes the minister and the board all-powerful, overruling. [interjection] They're ridiculing what I'm saying over there. The Minister of Community Development is ridiculing what I've just stated. But the bottom line is – and I want all Albertans to hear what I'm saying. Do you know what this is saying? When we got into the process of looking at the Aurum dump, if we look at Pine Lake – and I could mention many landfill sites around this province – where after all the evidence and the expert witnesses that were brought before the board and the decision was made and it defied the logic of that evidence or administratively they erred, it makes the board and the minister all-powerful. They can make a final decision irrespective of what that expert evidence was.

I can't believe that any government would bring an amendment like this into this House. I mean, Bill 39 is fundamentally flawed already, but this adds insult to injury, quite frankly. I can't believe that the government members will sit there and allow this amendment to be voted on with a supportable amendment that actually does recognize the democratic process for Albertans to have the right to have full information, and then on the same page, to add insult to injury, they're taking away that democratic right and they're actually overriding the courts in the province of Alberta. Now, I would ask the Justice minister to stand up in the House and tell me if that's not the case. If it's not the case, then I would want him to show me where my interpretation is in error.

The other question I would want the mover of this Bill to share with this House: who indeed will be the board that's going to review where landfill sites are going to be placed in the province of Alberta? Is it the Public Health Advisory and Appeal Board, that historically has done that and at this time, to the best of my knowledge, is still arm's length from the government and the minister can't overrule any of their decisions? It's up to the integrity of those individuals, and I fully believe the people that serve on that board are people of integrity, and they base their decisions on the evidence before them. But quite frankly, with this amendment B that integrity is gone, because no one – no one – should have this kind of power. It's dangerous, quite frankly, Mr. Chairman.

There's an attitude that I find very disturbing evolving in the province of Alberta, and that is that we don't look at the bigger picture when it comes to governments, when it comes to the elected individuals. We tend to isolate issues. The question that seems to be foremost on people's minds right now is that financial question of balancing the budget. I would say, Mr. Chairman, "Please, Albertans, look at what this government's doing through Bill 39 to our environment, to the land that we cherish in the province of Alberta," because they're not being good stewards, they're not being good trustees. I want people to take note that through this amendment it removes that trusteeship, it removes that stewardship, and it makes a minister all-powerful. We're seeing that far too often in this House, and I find it very disturbing.

Thank you.

THE CHAIRMAN: The hon. Member for St. Albert.

MR. BRACKO: Thank you, Mr. Chairman. I rise to speak to the amendment to Bill 39, the Environmental Protection and Enhancement Amendment Act, 1996. I want to speak to the amendment to 92.2. Others have spoken to 92.1.

I find this very disturbing that a democratic right of all Albertans is being taken away by this amendment. I haven't heard the rationale for it. I don't know what the rationale was when you make a minister and a board all-powerful. It's unbelievable that they feel they can do this without Albertans not reacting. As the Liberal Party here we'll fight for democracy, fight for Albertans, fight for urban and rural Alberta to make sure that this does not happen. To give anybody absolute power is disgraceful, to even put it in, which would make them above the law, the minister and the board, whatever happens. They could promote any activity they wished, and it cannot be challenged in the courts. Questions can't be reviewed. Decisions can't be reviewed. The minister or the board has final say on this.

This amendment is one that backbenchers on the other side should be speaking against. They came in here. They were going to change things, give Alberta a new way of doing things: open government; honesty. How can this be open government when the power's in the hands of the minister? You can't even take it to the courts. The power's in the hands of the board. You can't take it to the courts. Their decision's final, right in law.

That is not acceptable to Albertans. It's not acceptable to my constituents in St. Albert or the constituents in Redwater and Smoky Lake or the constituents in Whitecourt or the constituents up in Dunvegan. They want to make sure that the democratic process is carried through and they're represented. By doing this, this gives the minister the power, not the people. In a democracy the people have the power. The people are the ones that should have final say through their representatives. The MLAs should be representing the views of their constituents. Have you taken this to your constituents? Show us the research that says that the constituents or Albertans want this amendment in, that they feel it's good, that they feel it's the way to go, that this will speed up efficiency and make wise use of the taxpayer's dollar by giving the minister this control. Where's the research? Millions of dollars are spent for each department but never any research comes back to show the need for it or even an explanation of why it should take place or why it should happen.

The environment is one of the most important areas that represents not only the present but the future. Things we do today will have an impact down the road on our children, our children's children, and we have to make sure that we have a vision ahead, that we have input into it, that we can have a process that allows Albertans to do this and not be at the whim of the minister or the board.

You can see how the younger generation has changed the environmental practices of my generation and the older generation through education, by going home and talking to their parents: why are you doing this when it's environmentally unfriendly? That process has to continue. It has to carry on, but now they won't have any say. The minister or the board could just say, "Forget it; you don't know what you're talking about." I know the Minister of Community Development, when we were speaking to this amendment, said: the sky is falling. We can say that for that \$35 billion. Yes, the sky did fall, and we'll still be paying for that for years and for all the other things that have happened. So instead of taking proactive means of doing things, leading us

into the 21st century, we're going back to a dictatorship, to where there's power in the hands of one minister and the board. That's not acceptable to Albertans.

3:50

So I'd encourage every member in this House to speak up, to say, "Yes, we're against that," to vote down this amendment, to make sure that they represent their constituents. They're getting paid to do that here, and they should be doing it. It's almost embarrassing to have colleagues who are unable to do it, to stand up. I heard a colleague today who said his constituents are outraged, yet I've heard his constituents say he doesn't even meet with them or contact them. Unbelievable, you know. It seems like the new members here, the backbenchers – how many new members were there on the government side? A number. They're here, and instead of standing up for what is right, standing up for democracy, like a bunch of trained seals who vote and keep quiet they sit on their hands, don't speak up, and they allow this type of arrogance and nondemocratic way of proceeding.

So we now need to move forward and vote against this amendment for all Albertans, for our children and for our children's children, Mr. Chairman.

MR. MAR: Oh, thank you, Martin Luther King.

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

MR. MAR: That's the least inspiring speech I've ever heard.

MR. SEKULIC: Thank you, Mr. Chairman. It's difficult to follow on the heels of such a passionate speech on behalf of Albertans. I have to say that there's some criticism coming across the floor from the government side about my colleague's speech, yet at least he is up and speaking on behalf of Albertans with concerns.

Speaking directly, Mr. Chairman, to the amendments to Bill 39 which are before us today, in listening to debate I have to say that I now am equally as concerned as those who spoke before me. When I think, I try to draw an analogy: where else do we see similarities to this type of clause? One that came to mind was the Workers' Compensation Board, because they also have, I believe, a quasi-judicial body which can meet as a board and then pass down a ruling and which, because it's arm's length, doesn't have any political influence or political interference. So quite rightfully I think they can exist, and there's no concern that somehow there's any degree of political interference.

That quasi-judicial body, Mr. Chairman, every time they meet to assess, every time they have a hearing to pass a judgment, have to do it with or under the principles of natural justice, those being due process and fairness. They are the root of every hearing and at the root of every decision that's made, yet I believe that a healthy democratic political process maintains at all times or seeks to maintain an arm's-length distance from direct case intervention into the application of the laws that we debate and that we pass in this Assembly. Clearly our role in this Assembly is to bring forward ideas and concepts that would reflect the needs or the interests of Albertans.

Mr. Chairman, clearly the role of those members that are elected to this Assembly is to bring forward the ideas of their constituencies, the ideas from their constituents, then to debate them in this public forum, and then they are passed into law, and everything is transparent. Yet what we see here is that now this

amendment will go completely opposite of the direction that we have in this Assembly. The minister will be able to intervene – and this is certainly the case as we've seen it in Alberta in the past 10 or 15 years; in most situations it's behind closed doors – interfering in what we consider to be a quasi-judicial process. So this now is what I would say a foot in the door of an undemocratic process, and this concerns me, Mr. Chairman.

I'm worried that this is a new trend, a new direction where no longer does a judicial or quasi-judicial process have that safe, arm's-length distance from politics. I think that for a healthy, democratic political environment to continue, we have to beware and make sure that amendments such as this one aren't passed and that when there are hon. government members which have legal training and which see merits in amendments such as these, they rise to their feet and they say: "Hon. member across the way, let me assure you that this is in fact consistent with past practices. Let me assure you that this is consistent with a healthy democratic process where in fact politics is arm's length from quasi-judicial or judicial matters and that it really isn't a change from the status quo." At that time, I have to say, I'll be one of the first to rise and say that I look to support such an amendment if it is no threat – if it is no threat – to what I consider to be a healthy democratic political process.

With those few comments, Mr. Chairman, and failing any response or explanation from the government side, I would urge all members of the Assembly to vote against this amendment.

THE CHAIRMAN: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Chairman. I was attempting to listen intently to the submissions made to the Chamber, to the Assembly from my colleagues for Clover Bar-Fort Saskatchewan and St. Albert and Edmonton-Manning, but it was difficult for me to hear over the chortling of the Minister of Community Development, who was heard to be saying things like the sky is falling. Now, I think that's unfortunate, because the Minister of Community Development is a minister of the Crown. He is a colleague of mine at the bar. He is also a distinguished Queen's Counsel. If the minister can remember back to what a privative clause is, maybe he'd like to join in the debate and tell us about his interpretation of the privative clause. Rather than sitting back in his chair, drinking coffee, and chortling to the other side, he could enter into legitimate debate in this particular House.

Mr. Chairman, if I pick up where I left off in speaking directly to the amendment that is proposed by the Member for Calgary-Mountain View, we need to look at section 92 of the Environmental Protection and Enhancement Act as it currently stands. This is what the legislation is today. Any decision of the Environmental Appeal Board on the substance of the appeal when someone files a notice of objection and the hearing takes place at the Environmental Appeal Board is not a decision in any way, shape, or form. It is a recommendation to the minister. That's all it is, a recommendation to the minister, and that's under section 92 of the legislation as it currently stands.

The rest of the provisions or some of the provisions that are contained in this part of the Environmental Protection and Enhancement Act give the board some ability to make some decisions about whether or not they're going to hear the appeal. They can make those decisions. The decisions that they make are all decisions relating to process. They are not decisions relating to the substance of the appeal that is before them. That's all it is.

So the kinds of decisions that can be made by the board are decisions that deal with process. For example, an objection is filed with the Environmental Appeal Board on a particular approval that has been granted by the government. The board can decide whether or not they can hear that appeal under some of the conditions that currently exist under the legislation.

Now, the one that the Environmental Appeal Board has perhaps struggled the most with is whether or not they can hear an appeal from someone who is questionable, as to whether or not they are directly affected, because the legislation will only allow the board to hear from someone who is directly affected. A decision of the Environmental Appeal Board that recently went to the courts – let's remember that what this is trying to do is prevent that from ever happening again – was on the question of whether or not the board was correct in its decision about who was and who was not directly affected to gain standing in front of the Environmental Appeal Board.

The outcome of that particular court case, Mr. Chairman, was that the Minister of Environmental Protection won a tremendous victory over the people of Alberta, because the court said that given the legislation that the minister has put in place under the laws of the province of Alberta, the interpretation of “directly affected” is very, very, very narrow. Only a very few people can actually gain standing through the “directly affected” provision that is contained under the section dealing with the Environmental Appeal Board. So from the minister's perspective, a tremendous victory over the people of Alberta because now he can squeeze out even more people from being involved in the environmental decision-making process in the province of Alberta.

4:00

We look at the specific provision, section 92.1. What it used to say is:

The Board may at any time reconsider, vary or revoke any decision, order, direction, report, recommendation or ruling made by it.

All right. That's what is contained in Bill 39.

Now we have a new provision under 92.1 that says:

Subject to the principles of natural justice, the Board may reconsider, vary or revoke any decision, order, direction, report, recommendation or ruling made by it.

Well, I have some real problems with that because all the minister has done, all the Member for Calgary-Mountain View has done is added the words “subject to the principles of natural justice.” One of the real problems is that some of the other provisions contained in Bill 39 allow the Environmental Appeal Board to wander around the principles of natural justice by precluding a hearing about the matter: simply give us your written submission. In my opinion, Mr. Chairman, that in and of itself is a breach of the rules of natural justice.

So how it is that the board is going to change their decision on the rules of natural justice? They didn't use the rules of natural justice in the first place, but now, subject to the rules of natural justice, they're going to change a decision about using the rules of natural justice. I mean, it's just absolute nonsense what the minister is doing by adding “subject to the principles of natural justice.”

Now, “reconsider, vary or revoke any decision, order, direction, report, recommendation or ruling made by it.” That is no significant change to what is already in Bill 39, but as I've said, the only decision they're going to make is a decision relating to process. There is no decision that they're going to be making relative to the substance of the case they're hearing in front of

them. That simply goes as a recommendation to the minister, and then the minister, subject to who buys him the best dinner, will decide whether to approve the decision of the board or whether to change the decision of the board and reject their recommendation. So the change that the minister is proposing in 92.1 really changes nothing and in fact becomes even more of an insult because the minister is suggesting in other provisions of Bill 39 that the board can get around the rules of natural justice anyway by not compelling, by not requiring an oral hearing in front of the board.

[Mr. Clegg in the Chair]

The new provision in section 92.2, which as I've indicated, Mr. Chairman, is simply editorial changes to take out some of the redundant words, is again very interesting. What it says is:

Where this Part empowers or compels the Minister or the Board to do anything, the Minister or the Board has exclusive and final jurisdiction to do that thing and no decision, order, direction, ruling, proceeding, report or recommendation of the Minister or the Board shall be questioned or reviewed in any court.

That's basically the essence and the guts of this thing, that the decision of the board or the decision of the minister is final and binding.

Now, the irony of all of this – and this was contained in the original Bill 39, and nothing changes in the amendment – is that the decision of the board is final relative to the people of Alberta and they have no ability to challenge or question that in any way, shape, or form, but the board can change its mind at any time. Then when it changes its mind, that decision becomes final and binding. Then the board can change its mind again, and that decision becomes final and binding. Then the board can change its mind again, and then that decision becomes final and binding. It is just an absolute affront to the whole quasi-judicial process that is established and traditional in the province of Alberta.

There are, as I say, those kinds of decisions that the board can make which relate only to process. All right. So what we have – and I just alluded to it a moment ago – is a matter before the Environmental Appeal Board, and the Environmental Appeal Board says that we decree, we decide that the person who has brought this appeal to us is not directly affected. Now, let's assume that there is a project going on in a wilderness area in the province of Alberta which does not have a landowner contiguous to it or someone who is on a watercourse adjacent to it or at least contiguous with it or whatever. So we don't have someone who is directly related as a landowner to the activity or the development that's occurring in the wilderness area. The Environmental Appeal Board, given the minister's recent victory over the people of the province of Alberta, may say, “Well, there's nobody living around the wilderness area, so we're going to decide that nobody is directly affected, and no Albertan can become involved in the environmental decision-making process through our procedure at the Environmental Appeal Board.” That becomes the decision of the board. That is a decision the board can make because the Act says they have to dismiss if there's nobody directly affected. There's no route of appeal. That's it. It's finished. It's done. There is nothing left for the people of Alberta to do.

There has been up to this point in time, and in fact that's how the minister got the decision about the court's interpretation of “directly affected.” Without having had that ability and that opportunity, we would not have been able to build up case law as to how that whole section is to be interpreted. But now the minister needs to protect himself even more from the people of

Alberta by using this privative clause and saying: if the Environmental Appeal Board decides that a particular individual in Alberta is not directly affected, that is the end of it; nobody can challenge that.

How about some other things? Now let's go to the recommendations that are made by the board and the decisions that are made by the minister. As I've said, Mr. Chairman, under section 92 the substantive decisions are made by the minister; they are not made by the board. The recommendation comes from the board to the minister, and he either confirms it or he varies it or he revokes it or whatever he does with it.

Now, let's assume that the minister is very, very biased towards one of the parties to that Environmental Appeal Board hearing. Let's assume just for the sake of argument, Mr. Chairman, that the minister is very, very, very biased toward industry and very, very, very biased the other way, unfavourably, to Albertans who are interested in protecting the environment. Let's just assume that for the sake of argument. If the minister decides that the Environmental Appeal Board decision goes in favour of those he doesn't like, then the minister can change that rule of the Environmental Appeal Board, and he can change it so that it's in favour of those parties he does like.

So for the sake of argument, there is a clear, clear, clear bias on the part of the Minister of Environmental Protection. Well, that's a breach of the rules of natural justice, so can we appeal that? Absolutely not. Absolutely not, under this privative clause, can you appeal. Clear and obvious bias. Undue influence, an improper process. Anything that relates to a matter about the unfairness of the process should be able to be appealed to the court, so that the parties can go to court and say, "We were not treated fairly in a quasi-judicial environment." This minister says: "Well, isn't that just your tough luck. Too bad, Albertan. You cannot have that decision reviewed in any way, shape, or form."

That is exactly what the privative clause that the minister wants to put in does. I find that for the most part, the substantive decisions about whether approvals go or whether approvals don't go or whether approvals have conditions or whether approvals don't have conditions in those matters before the Environmental Appeal Board – the minister makes the decision and the Environmental Appeal Board simply makes the recommendation. Who is this privative clause for? The privative clause is to protect the Minister of Environmental Protection, period, because the Minister of Environmental Protection doesn't want to deal with Albertans who want to protect the environment.

#### 4:10

You know, not that long ago, Mr. Chairman, before the Environmental Protection and Enhancement Act was actually introduced and passed in this Legislature, a committee chaired by the Member for Banff-Cochrane, the Minister of Justice currently, said and recommended in its report that "directly affected" was too narrow for the legislation, that it ought to say "persons with a legitimate concern," because that member knew that the Environmental Appeal Board had the ability to control its own process. The Environmental Appeal Board even now today has the ability to dismiss an application on the basis that it is frivolous or it is vexatious. They have the ability to do that now. They can control their own process, but the Minister of Environmental Protection doesn't believe they can. He doesn't want to deal with anybody who is not directly affected by a decision of a director or whatever under the Environmental Appeal Board. He simply doesn't want to deal with the people of Alberta, so that's the kind

of protection that he is giving to himself in this privative clause.

You know, it even says in here, Mr. Chairman, that the minister is protected from "recommendation of the Minister." Recommendations of the minister? Who's the minister making recommendations to? I mean, he wants so much out of this particular clause that he's even protecting himself from recommendations that he makes, but we have no idea who he's making the recommendations to. Of course, what it is meant to say is "recommendations of the board to the minister," but it doesn't say that because he wants so much in this privative clause, so much protection from the people of Alberta that he'll even go to the length of writing nonsense to make sure that he gets full and complete protection and a wall between himself and his decisions and the people of the province of Alberta.

It says, Mr. Chairman, in the privative clause in section 92.2 – and it sort of puts the board and the minister on the same kind of plane, the same kind of level, but that's really not what's happening. The board in and of itself right now is not a final arbitrator in a normal or what we consider to be normal quasi-judicial tribunal. They are not the decision-makers. Privative clauses are there for the benefit of the courts and the benefit of administrative tribunals that actually make decisions. This is an administrative tribunal that does nothing more than make recommendations to the minister, who leaves unto himself in the Environmental Protection and Enhancement Act the power to interfere with those decisions because the minister can't leave the board alone to make decisions on their own. He needs to interfere. That's what he did the first time round in the Environmental Protection and Enhancement Act, and this time round now he has to protect himself from the people of the province of Alberta. So he's now going to go that extra mile and set up that protection.

What's really, truly amazing, Mr. Chairman – and I have to get this on the record, because it does relate specifically to the amendment – is that when you then move down to the next section of the Bill, not only is the minister going to protect himself from the people of the province of Alberta; he is going to take an order that he makes and register it at the courthouse for his own protection. He is going to get the protection of the courts, and at the same time he's going to say to the people of Alberta: "You have absolutely no recourse to the courts at all. The only one who has the protection of the courts is me, with the filing of my order." Unbelievable. Shocking, Mr. Chairman. Shocking that the Minister of Environmental Protection would actually come forward with this kind of an affront to democracy.

AN HON. MEMBER: It's becoming a dictatorship.

MR. COLLINGWOOD: Other members across the way that I will not recognize consider this kind of scenario to be something akin to a dictatorship. As I say, to be generous to members of the Assembly I won't identify the member of this House who suggested that it may be akin to a dictatorship.

AN HON. MEMBER: A benevolent dictatorship.

MR. COLLINGWOOD: Mr. Chairman, I hear him say, "A benevolent dictatorship," but nonetheless a dictatorship.

MR. LUND: Exactly.

MR. COLLINGWOOD: I hear the Minister of Environmental

Protection saying, "Exactly." Thank you.

Mr. Chairman, I think I've made my points about why this particular amendment that is brought forward by the Member for Calgary-Mountain View does nothing to change the substance of the original sections that are contained in Bill 39. It is of no benefit to the people of Alberta and absolutely, positively must be rejected.

[Motion on amendment A1 carried]

THE DEPUTY CHAIRMAN: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Chairman. I think I can find room on my desk for a few more amendments. I will put on the record that the Member for Calgary-Mountain View and I had some opportunity to discuss the amendments that I would be proposing this afternoon or whenever to Bill 39. We've had some discussion, not debate but discussion, of the amendments that I was planning on putting forward. I've handed them to the pages, and they will be distributed. Upon distribution I'll make some comments, and then I will move the amendments. I will tell members of the Assembly that I will be moving the amendments independently, separately. Rather than collectively, as a block, they will be moved separately.

Now, Mr. Chairman, on behalf of the people of Alberta and on behalf of the people who really do care for the environment of the province of Alberta, for those people I have included in my amendments an amendment to Bill 39 in section 2, which is essentially a definition section. I am going to encourage hon. members to finally come to a point where we will accept that recommendation put forward by the Minister of Justice, who was the chairman of the task force dealing with the Environmental Protection and Enhancement Act in its draft form, and recognize that "directly affected" is far too constricting a term and that what we ought to do to be fair to the people of Alberta is allow the environmental decision-making process to include Albertans who have a legitimate concern about that particular activity or about that particular approval.

Let me assist you, Mr. Chairman, by saying at this point that I am now moving the first amendment on the page, which I understand you will call amendment A2.

4:20

THE DEPUTY CHAIRMAN: Correct.

MR. COLLINGWOOD: Thank you, Mr. Chairman.

We have had situations in this province where groups of Albertans who are clearly affected by an environmental decision of the Department of Environmental Protection have not been entitled to be full participants in environmental decision-making because of the narrow and constrained view of what constitutes directly affected. Let me give you one particular example.

We have the use of "directly affected" throughout the Environmental Protection and Enhancement Act and involved in various tribunals that deal with environmental decision-making. One of those is the Natural Resources Conservation Board. In the hearings that were being conducted relative to that money-sucking boondoggle, the Swan Hills hazardous waste treatment plant – in the money-sucking obscene boondoggle, hon. members, known as the Swan Hills hazardous waste plant, Bovar sucked out half a billion dollars from the taxpayers of the province of Alberta. The Member for Calgary-Shaw, in his attempts to negotiate when he

had absolutely no position to negotiate from, thanks to former governments and their caving in on the agreement – we now come to a point where there's a half billion dollar taxpayer loss that was sucked up by the Swan Hills hazardous waste treatment plant.

When those hearings were going on, the members of the aboriginal community who made up the Lesser Slave Lake Indian Regional Council made submissions and applications to that board and submitted to that board that they, as a nation who live in a traditional way on the land in the Swan Hills area, were directly affected by decisions relating to that hazardous waste treatment plant. But once again and incredibly, Mr. Chairman, they were told that they were not directly affected. That is an incredible conclusion relative to those individuals who live off the land in the Swan Hills area. Now, that tells me that the scope of what we have been using as persons directly affected is far, far, far too narrow.

As I've indicated, Mr. Chairman, the recommendation prior to the Environmental Protection and Enhancement Act coming into force, before it was introduced as a Bill in the Assembly, was that consideration be given to using the terminology "those Albertans with a legitimate concern." What it then recognized was that whatever boards or tribunals or hearings were taking place, they had the ability and they had opportunity to control their own process to allow Albertans who had a legitimate concern to make their presentation.

Now, the minister is going to say: "Oh yes, but they're all horrible. You get so many of these submissions, and then they get clogged up. The same groups come in one after another, and they're all saying the same thing." Well, I think the minister, if he had some initiative, could easily convince, through his leadership, those kinds of boards to control their own process, to consolidate those kinds of submissions, to allow parties to work together, but nonetheless to have their say and to be heard in the process and in the decisions about environmental decision-making.

How do we do that at this point in time? The most efficient way of doing that at this point in time, always being one striving for efficiency wherever possible, Mr. Chairman, is to make an amendment to what we consider "directly affected" specifically in the legislation to be. Remember that at this point in time what we have are tribunals and courts interpreting what the Legislature intended by the term "directly affected." To change the world's view of how the Legislature intended "directly affected" to be in terms of its scope and parameters is to change the legislation and to be much clearer about what we intend "directly affected" to mean.

What I want "directly affected" to mean is: to include those Albertans who have a legitimate concern. Why is it necessary? Because at this point in time, given the minister's recent victory over the people of Alberta in the court case relating to this particular issue, the question now remains as to whether or not an activity or an approval that will be taking place in a wilderness area in the province of Alberta – whether it's going to be oil and gas activity, whether it's going to be logging activity, whether it's going to be diamond mining, whatever, any kind of activity that's going on out there, the minister or a tribunal hearing the matter or a director of the department can say, "Yeah, but if you live in Athabasca, and this is north of Slave Lake, then you're not directly affected." Well, yeah, but who is going to be directly affected?

Who's going to be directly affected if it's in a wilderness area north of Willmore park? Who's going to be directly affected if it's somewhere on the Eastern Slopes, in the green zone, where

no one owns land in the area? Who's going to be directly affected in terms of decisions that may be made about cutting down the trees or drilling oil wells in the Cariboo Mountains just outside the park gates of Wood Buffalo national park? Who is going to be directly affected? The minister is going to say: "Nobody is directly affected. We'll make whatever decision we want." Nobody has the right of appeal. Nobody has the right for public input. Nobody can be involved in environmental decision-making in the province of Alberta relative to those areas. That's not good enough, Mr. Chairman. That's certainly not good enough for me, and I want to find a way to fix that problem.

The way I'm going to find a way to fix that problem is to change what we intend "directly affected" to mean in the Environmental Protection and Enhancement Act by including a statement that says, "'Directly affected' includes having a legitimate concern." So if there are experts, if there are advocates for environmental protection who have knowledge of the area, who have studied the area, who have views that are legitimate and valuable about what can or cannot be sustained in a particular pristine or wilderness area, those individuals can be heard from. They have to be heard from. With the rules as they stand now, with the decision of the court as it stands now, the minister has all of the tools and all of the ability to say, "I can exclude absolutely everybody, and that's exactly what I intend to do."

This particular amendment will solve what is a very, very difficult and unnerving problem for those who are interested in environmental protection in the province of Alberta. By saying that "'directly affected' includes having a legitimate concern," we will be sending a message to the people of Alberta that their voice can be heard, that they do have a right to participate in environmental decision-making, that with rights come responsibilities, that tribunals can control their own processes, that the minister does not have to interfere, and that we can return once again to a circumstance and a province that recognizes and acknowledges and embraces democracy as opposed to a government who says: "My way or the highway. You have no right whatsoever to be involved in decision-making about the land you live on, the air you breathe, the water you drink, and the areas of wilderness that you want to protect in the province of Alberta." That's what it boils down to, Mr. Chairman, and that's what it's all about, giving people an opportunity to have their voices heard in a government that does everything it can to silence the voices of the people of Alberta.

4:30

So let's turn the ship around, Mr. Chairman and hon. members. Let's allow those Albertans to have their voices heard. Let's accept the first amendment that I'm proposing this afternoon. Let's cure the Environmental Protection and Enhancement Act once and for all. Let's go back and accept the recommendation from the Member for Banff-Cochrane, which by the way, members, came from the public consultation process that took place in the drafting of the Environmental Protection and Enhancement Act: the significant public consultation that took place in terms of developing the legislation and the significant public input that took place in terms of the regulations that were being developed at the same time as the Environmental Protection and Enhancement Act. Not like today, where the minister says: "I'm going to change all the regulations behind closed doors, and I'm going to call them all administrative. When I get to the delicate ones, then I'm going to involve the public. Well, actually, what I discovered is that there were no delicate ones, so I never had to involve the public. They all, as it turned out, happened to be

administrative in nature." This is probably what we're going to see in the long run.

So we have the opportunity. We can take this opportunity. We can vote in favour of the first amendment, which you are calling A2, Mr. Chairman, and give Albertans their voice by allowing "directly affected" to include those Albertans with "a legitimate concern."

Thank you, Mr. Chairman. Those are my comments with respect to the first amendment.

THE DEPUTY CHAIRMAN: The hon. Member for Calgary-Mountain View.

MR. HLADY: Thank you, Mr. Chairman. I move that progress on Bill 39 be reported when the committee rises and reports.

[Motion carried]

THE DEPUTY CHAIRMAN: The hon. Member for Calgary-East.

#### **Bill 42 Wildlife Amendment Act, 1996**

MR. AMERY: Thank you very much, Mr. Chairman. During second reading of Bill 42 the hon. members for Sherwood Park, Fort McMurray, West Yellowhead, and Calgary-North West had raised some good questions and concerns. Instead of taking the time and going through the questions and the answers one by one, I have taken the liberty of providing the hon. members with a copy of the answers.

Thank you.

THE DEPUTY CHAIRMAN: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Chairman. Speaking to Committee of the Whole on Bill 42 – and I'm sorry. As I was getting my notes organized, I didn't catch all that the Member for Calgary-East had said. He had indicated to me previously that there were a number of questions that were asked of the member in second reading stage that dealt with the various interpretations of a number of the sections and some commentary about the intent of those particular sections and why they existed.

I think I want to put on record, before I introduce my amendments to this Bill, Mr. Chairman, that I think it's unfortunate that the Government House Leader actually brings back to committee stage a Bill that is extensive in nature, that myself and the sponsor of the Bill have indicated a willingness to work together on, to discuss amendments prior to their introduction here in less than 48 hours after the Bill passes from second reading stage. The Government House Leader rushed this Bill back into the Legislative Assembly, in fact preventing and precluding myself and the Member for Calgary-East from spending some time together talking about and working through amendments to see if we had any consensus at all, because the Government House Leader had some other agenda other than the legitimate debate of Bills in this Legislative Assembly.

So what is the agenda of the Government House Leader? You know, last year, Mr. Chairman, the Government House Leader gave me a birthday present actually. He did. He actually moved a motion on the Order Paper, and it's the motion on the Order Paper that all members are waiting for this year. I'm still waiting

for the Government House Leader to give me a birthday present this year. But I have a feeling he's not going to be moving that motion today, hon. Minister of Energy, and it'll be sometime in the future.

Nonetheless, here we are this afternoon in Committee of the Whole on Bill 42 when we've barely had an opportunity since this Bill came out of second reading stage to give it some further thought and to have the questions that were posed in second reading answered.

Now, in a legitimate process, if we had one in this Assembly, the Member for Calgary-East would have taken all of the questions that were asked in second reading, would have gone back and looked at those questions carefully, analyzed those questions carefully . . .

MR. AMERY: I did.

MR. COLLINGWOOD: . . . and come back with answers, hon. Member for Calgary-East, in time for us to absorb the answers that you have given so that we can determine whether or not further amendments are necessary.

For example, Mr. Chairman, I asked a number of questions of the Member for Calgary-East about what was happening with the fish and wildlife trust fund. It was unclear in the legislation as to whether or not those separate funds were still contributing to the fish and wildlife trust fund or whether or not they were stand-alone, because a section of the Bill repealed a section in the Wildlife Act that laid out specifically that the funds of those particular funds, the Buck for Wildlife fund and so on, constituted and formed part of the fish and wildlife trust fund. So until the Member for Calgary-East and I have an opportunity to look at that, I have no opportunity and no ability to determine whether or not an amendment is appropriate to that particular section of the Bill.

How can I help but think, Mr. Chairman, that that's exactly what the Government House Leader wants to happen? He doesn't want legitimate debate in the Legislature. He doesn't want me looking to see whether or not the Bill has something that may be flawed or has something that's fine by explanation of the Member for Calgary-East so that I have some comfort level with respect to that issue or any other issue that came up in second reading debate. You know, somebody should tell the Government House Leader that that's the way this Assembly works. That's the way this Assembly works. In second reading we speak to the principle of the Bill, we then have some time to look carefully at the specific provisions, and then we come back to the House and we debate meaningful and relevant amendments on both sides.

You know, it's funny how the government can wait for as long as it wants and then bring in three or four or five or six pages of amendments, toss them on the Table, and say, "There you are, members of the opposition; have at it, good luck, and now we'll call the question," which is what happened on Bill 24. No, no, no. There is no intent on the part of the government to work legitimately with the opposition on amendments that are coming forward so that we can have meaningful debate in the Legislative Assembly about those amendments. That's not what it's about, Mr. Chairman. It's about the government jamming amendments through, calling the question every two seconds with all of the chirping that they do, the Member for Calgary-East screaming "question," the Minister of Community Development screaming "question" . . .

### Chairman's Ruling Relevance

THE DEPUTY CHAIRMAN: Hon. member, please sit down. Hon. member, for the last three or four minutes you have been going on about the process in this Assembly. That hasn't anything to do with Bill 42. You must speak to Bill 42, whether you want to bring in amendments or something. The process can be discussed another day. Now is not the time to do it. Please get on to Bill 42.

MR. COLLINGWOOD: Thank you, Mr. Chairman. I thought I was speaking to the Bill, because I asked the member for answers to questions that I asked in second reading which the Member for Calgary-East never answered. So before I stand in my place again, Mr. Chairman, I'll ask the Member for Calgary-East if he will please rise in his place under the process of this Legislative Assembly and answer the questions that were asked in second reading. If he doesn't, then I'll stand in my place and I'll continue speaking to the Bill.

### 4:40 Debate Continued

THE DEPUTY CHAIRMAN: The hon. member.

MR. COLLINGWOOD: Thank you, Mr. Chairman. I see that the Member for Calgary-East is not prepared. He does not have the answers to the questions. I guess the Bill came up a little too fast for him to be able to take all of the issues that were raised at second reading, and I see that he comes before us today ill-prepared to deal with the Bill that he is the sponsor of. Nonetheless, I'm now prepared to continue because I am prepared to deal with Bill 42, notwithstanding that I don't know whether or not the Member for Calgary-East is going to have any opportunity to enter into debate because I don't know if he'll have any understanding of what we need to talk about in committee stage with respect to Bill 42.

So with that, Mr. Chairman, I'm going to introduce, to distribute the amendments that I have for Bill 42. As usual, I am going to move them all individually and I am going to speak to them all individually, and I'm going to encourage all members of the Assembly to participate in the debate on these important amendments to Bill 42, the Wildlife Amendment Act.

MR. BRACKO: Save the fish and wildlife.

MS LEBOVICI: They want to kill the gophers. Someone's got to save those gophers.

MR. COLLINGWOOD: Mr. Chairman, as the amendments were being distributed to hon. members, I overheard some conversation about gophers in the province of Alberta. What would we ever do if the gopher became an endangered species in the province of Alberta? We'd have no plans for the recovery of the gopher if it became an endangered species. There goes the ecosystem.

MS LEBOVICI: I've even got a letter here about gophers for you. See? A handwritten letter on gophers.

MR. COLLINGWOOD: A handwritten letter on gophers. Wonderful, hon. member.

Mr. Chairman, I will now speak to and in my comments will move the first amendment. I will direct hon. members to section

10 of Bill 42, which deals with recovery plans for endangered species. Now, what this Bill does in section 9.1 is establish yet another committee of the government. This one, unbelievably, is not a committee of the Health minister; this is yet another committee of the Minister of Environmental Protection.

Now, the commitment that was made by the Premier of the province of Alberta was that he would introduce endangered species legislation. What the Member for Calgary-East on behalf of the Minister of Environmental Protection has done is introduced an endangered species committee legislation. So rather than doing anything about the problem, they're going to talk about the problem. You'll recall, Mr. Chairman, that after having made a firm commitment and an undeniable commitment that he would introduce endangered species legislation, the Premier stood in this Assembly and said: "Well, I set up a committee, so I've discharged my obligation. I've kept my promise. I set up a committee. We're going to talk about the problem, and maybe we'll do something about it, and then again maybe we won't do something about it."

Now, why would I say that maybe we won't do anything about it? The reason I say that, Mr. Chairman, is because I go specifically now and directly to the first amendment that I am going to move. The section as it currently reads in section 9.1(3) says:

Endangered species recovery plans may include population goals and identification of critical habitats and of strategies to enable populations to recover.

Now, what would an endangered species recovery plan be other than "strategies to enable populations to recover"? I wonder what else it could be. [interjection] You see, when a species is endangered, hon. Member for Stony Plain, that means there aren't enough of them. That's what that means. I guess if you want to make sure that they're not endangered anymore, you'd have to make sure that there were more of them. So what that would mean is that you would have to have a strategy to enable populations to recover. What else would an endangered species recovery plan be? This minister and this government, true to its form, will commit to absolutely nothing. No commitment to anything.

All we have to do, Mr. Chairman, is read the section: "Endangered species recovery plans may include." May include? It's like saying: vehicles in the province of Alberta may have a steering wheel. [interjection] You said that in second reading, hon. member. We could think of many other analogies where it becomes utterly nonsensical for the minister or the government to use the word "may" when it is absolutely fundamental to the whole process.

Now, what the minister is saying is that we'll create a device that allows us to skirt the issue, that we'll stand before the people of the province of Alberta and say: "Look how wonderful we are. We have an endangered species advisory committee because we're really committed to talking about the problem." They are really committed not to do anything about the problem. Then the minister is going to announce an endangered species recovery plan. Now, he won't tell us what the plan will include. He'll just say: well, it might include this, or it might include that.

MR. BRACKO: Pie in the sky.

MR. COLLINGWOOD: Pie in the sky. Nothing tangible. No commitment. Nothing you can sink your teeth into. Nothing you can grab onto, that you can give a shake and say: "There, that's a solid kind of plan or strategy that's going to work, that we are

in favour of. We are in agreement with the Minister of Environmental Protection. We can get on board because we know it's a solid and reasonable and tangible and workable plan that we can all buy into."

This is nothing but puffery. This is nothing but a bunch of Shreddies. The minister will probably create a document to deal with a recovery plan and then shred it. Nothing is going to happen, Mr. Chairman. Nothing is going to be legitimate. Nothing is going to be supportable by the people of Alberta or the members of this caucus if it is not clear in its intent that an endangered species recovery plan must include the fundamentals to make the plan workable.

Members will note that my first amendment takes out the minister's wishy-washy word "may" and puts in an action word: must.

MRS. BLACK: That's it?

MR. COLLINGWOOD: That's it. Mr. Chairman, the amendment that I put forward even the Minister of Energy understands. So we're making some progress. We're making some good progress because the Minister of Energy now understands the amendment, and she can give it some serious thought to decide whether or not she wants to support it.

It's clear, Mr. Chairman, and it is vital that the Minister of Environmental Protection, even if all he's going to do is set up a committee to talk about the problem rather than doing something about the problem, at the very least has to say in this legislation that when we finally get around to doing something about it, we will at least put in place the fundamentals that are necessary to make the plan work, that we are not going to say to the people of Alberta that we have no commitment and we're entirely wishy-washy. We are actually going to do something about it.

Now, the minister has not brought forward this particular amendment. He's left it to me to speak out for the people of the province of Alberta, and I'm very happy to do that. He's left it to me to help Albertans protect endangered species in the province of Alberta and to help those populations recover through appropriate planning, identification of critical habitats, population goals, and strategies to enable populations to recover.

4:50

I mean, right now, Mr. Chairman, we have a perfect example. We have in the province of Alberta a population of grizzly bears that is below the population goal set by the Minister of Environmental Protection. The population goal is in the range of about a thousand. The actual population is in the range of 800 to 850. So it's below the population goal.

MR. LUND: In certain areas.

MR. COLLINGWOOD: I hear the Minister of Environmental Protection sort of chirping the sounds of an endangered bird species over there, but I don't think he's disagreeing with me on my numbers, because I'm speaking in approximates. The point is, Mr. Chairman, the population of the grizzly bear in Alberta is below the population goal.

Now, what's the minister's response? To issue hunting licences for grizzly bears. That's the minister's response. Why doesn't the minister put a moratorium on the hunting of grizzly bears until we have reached the minimum population goal level in the province of Alberta?

You know, believe it or not, Mr. Chairman – and I can't verify



these numbers, but I have heard these numbers – the population of grizzly bears in the province of British Columbia is 13,000. The population of grizzly bears in the province of Alberta is about 850.

MR. LUND: What percentage of B.C. is farmland?

MR. COLLINGWOOD: Mr. Chairman, the minister wants to engage in debate, but he won't take his place, so I'm just going to ignore the Minister of Environmental Protection.

His point is well taken that a great deal of Alberta is the white zone, and the other portion of the province is the green zone, which is grizzly habitat, but what the Minister of Environmental Protection should recognize and understand – I had the distinct privilege many years ago of working on a grizzly bear population and distribution study for the department of fish and wildlife and the Canadian Wildlife Service here in Alberta. We did an historical search of the population and distribution of grizzly bears in western Canada. Grizzly bears used to live right out onto the plains in Saskatchewan, and they were pushed right back into the habitat that they currently exist in because of the encroachment of man. That's why their habitat is now gone.

There are many, many stories of grizzly bears down in the Medicine Hat area that would attack folks picking berries along the riverbank, because that was their normal and natural habitat, the plains in southeastern and southwestern Alberta. That was their normal habitat, but they got killed off and pushed back and squeezed back into the Eastern Slopes of the Rocky Mountains and into the United States as well, so now their numbers are dwindling.

Mr. Chairman, when I next get my turn again, I will continue my debate on the first amendment on Bill 42, but I'll look for other members to join in debate at this point.

MR. DICKSON: Mr. Chairman, I have been trying to get some work done in my office in the Annex, and I've been listening to my colleague from Sherwood Park for what seemed like the better part of the afternoon, and I thought the least I could do would be to come over and give him a short reprieve.

The only contribution I wanted to make to this key amendment would be this: we might want to see some consistency from ministers of the Crown. Yesterday, I thought, on Bill 26 we were in an analogous position when we brought forward an amendment. In the statute on Bill 26 there was the permissive "may," and we said that when it comes to child welfare, why wouldn't we want all of those various tests to be a mandatory, prescriptive kind of requirement? Why wouldn't we make it "shall" rather than "may"? After some persuasive presentation from my colleague the hon. critic responsible for Family and Social Services, the Minister of Family and Social Services was persuaded.

So let's at least establish some consistency on the front bench opposite. I think that for all of the good and compelling reasons, if we were consistent with the position taken by the Minister of Family and Social Services just the other evening, the government would embrace this amendment.

[Mr. Herard in the Chair]

What we're talking about in section 10, the new section 9.1(3), is something that is of critical importance. Being able to identify population goals, identification of habitats ought to be essential components. It's not prescriptive in terms of saying what the population targets have to be, it's not prescriptive in terms of saying what habitats must exist, but it simply says that it would be

a prerequisite before taking the next step. It would be an essential ingredient and element of the kind of work that would be done as part of a recovery plan. It makes sense to me, Mr. Chairman.

I would think that even just on the basis of attrition even members of the government now would be prepared to accede to the request from the Member for Sherwood Park, because it makes good sense and because we only have another 35 minutes left in deliberation this afternoon.

Mr. Chairman, thank you.

THE ACTING CHAIRMAN: The hon. Member for Calgary-East.

MR. AMERY: Thank you, Mr. Chairman. Just for clarification and for the record. When the hon. Member for Sherwood Park was debating his amendments, he mentioned that I did not provide any answers to the questions that he raised in second reading. I provided all the answers to all the questions that he and the members for Fort McMurray, West Yellowhead, and Calgary-North West raised in second reading. So apparently he did not have the time to read them.

Mr. Chairman, I'd like to adjourn debate on this Bill.

THE ACTING CHAIRMAN: The hon. Member for Calgary-East has moved that we adjourn debate on Bill 42. Everyone in favour of that motion, please say aye.

SOME HON. MEMBERS: Aye.

THE ACTING CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE ACTING CHAIRMAN: Carried.

MRS. BLACK: Mr. Chairman, I move that the committee now rise and report.

[Motion carried]

[Mr. Clegg in the Chair]

THE ACTING SPEAKER: The hon. Member for Calgary-Egmont.

MR. HERARD: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration and reports Bill 38 and reports progress on Bill 39 and Bill 42. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

THE ACTING SPEAKER: All those in favour of the report, please say aye.

HON. MEMBERS: Aye.

THE ACTING SPEAKER: Opposed, if any? Carried.

MRS. BLACK: Mr. Speaker, we are entering into a wonderful celebration weekend, the Victoria Day weekend. In keeping with that, I would hope that all hon. members have a very pleasant weekend back in their own homes with their families and friends.

[At 5 p.m. the Assembly adjourned to Tuesday at 1:30 p.m.]

