

Legislative Assembly of Alberta

Title: **Monday, March 4, 2002**

1:30 p.m.

Date: 02/03/04

[The Speaker in the chair]

head: **Prayers**

THE SPEAKER: Good afternoon.

Let us pray. O Lord, guide us all in our deliberations and debate that we may determine courses of action which will be to the enduring benefit of our province of Alberta. Amen.

Hon. members, would you now please remain standing for the singing of our national anthem, and please join in in the language of your choice as I call on Mr. Paul Lorieau.

HON. MEMBERS:

O Canada, our home and native land!
True patriot love in all thy sons command.
With glowing hearts we see thee rise,
The True North strong and free!
From far and wide, O Canada,
We stand on guard for thee.
God keep our land glorious and free!
O Canada, we stand on guard for thee.
O Canada, we stand on guard for thee.

THE SPEAKER: Please be seated.

head: **Introduction of Visitors**

MR. JONSON: Mr. Speaker, I'm pleased to introduce to you and through you to members of the Assembly Mr. Sulev Roostar, charge d'affaires of Estonia. He is accompanied today by his wife, Mrs. Anna Roostar.

Since achieving independence in 1991, Estonia has undergone major political reforms and has obtained very impressive economic stability and growth. In 1999 Estonia joined the World Trade Organization and is now poised to join the European Union. Alberta is home to a vibrant and active Estonian community, and we're proud of the many ways that this community contributes to our province. Today's visit by Mr. Roostar is an excellent opportunity for us to learn more about each other and to discuss ways to build upon the Alberta/Estonia friendship. I would ask that our honoured guests please rise and receive the traditional warm welcome of the Assembly.

head: **Introduction of Guests**

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

MR. RATHGEBER: Thank you, Mr. Speaker. It is indeed a great pleasure to introduce to you and through you to all the members of the Assembly a very special guest who's visiting me all the way from Melville, Saskatchewan. I've known this woman for all the 37 years that I've lived on this planet. I'd ask that my mother, Jean Rathgeber, stand and accept the warm reception of this Assembly.

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

MS BLAKEMAN: Thank you very much, Mr. Speaker. I do have two introductions today. The second one: they're coming into the gallery later. I'm not sure if the first group is here, but I am going to introduce them to you and through you to members of the Assembly. This is a group of 45 adult upgrading students from Alberta College,

which of course is located in the wonderful riding of Edmonton-Centre. They're accompanied today by their instructor, Miss Kim Rusnak, and I'm very glad to be able to welcome them to the Assembly. They're supposed to be sitting in the public gallery, and I'd ask if you could give them a warm welcome.

Thank you.

head: **Oral Question Period**

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

Teachers' Labour Dispute

DR. NICOL: Thank you, Mr. Speaker. I'm pleased that the Premier has agreed to meet with the head of the ATA. This is what the Official Opposition has been advocating for months. My questions are to the Premier. Why did Albertans have to wait so long and experience the hardship of strike before the Premier would agree to meet with the ATA?

MR. KLEIN: Mr. Speaker, I would remind the hon. Leader of the Official Opposition that this meeting was requested by the head of the ATA. It's been our policy that we stay out of the negotiations. I understand that this is not going to be – not going to be – negotiating a settlement. We simply want to see if there's some common ground that can be reached, and we want to see what can be done in the best interests of the students.

THE SPEAKER: The hon. leader.

DR. NICOL: Thank you, Mr. Speaker. Is the Premier free to elaborate a little bit on what he'll be talking about when he goes to meet with Mr. Booi?

MR. KLEIN: I have absolutely no idea, Mr. Speaker. It's Mr. Booi's agenda.

THE SPEAKER: The hon. leader.

DR. NICOL: Thank you, Mr. Speaker. Can the Premier explain why he excused \$85 million in oil royalties in the last two weeks? This is the amount that could have been used to resolve the teachers' strikes.

MR. KLEIN: Mr. Speaker, there is an explanation, and it's a reasonable explanation. Alberta Energy, the Surmont Producers Group, and Conoco Canada reached a negotiated settlement in their gas over bitumen issue that results in \$85 million in waived royalties in exchange for a gross overriding royalty of 11 percent on future gas produced from the 146 wells in the disputed area.

I think it's important that we point out why this settlement was reached. The agreement was necessary after the Alberta Energy and Utilities Board concluded that continued production of natural gas in the group's wells presented a risk to future bitumen recovery on oil sands leases held by Conoco. The deal doesn't affect our current revenue bottom line, and the waived royalties will largely be recovered over time.

THE SPEAKER: The hon. Minister of Learning.

DR. OBERG: Thank you very much, Mr. Speaker. The hon. Leader of the Opposition stated that \$85 million would solve the teachers' issues. I must remind the Legislative Assembly that for every 1

percent increase in teachers' salaries around the province it costs \$23 million. That amounts to roughly 3 to 4 percent being in this range, so I would respectfully say that \$85 million is not the number that it would take to solve a teachers' strike.

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

DR. NICOL: Thank you, Mr. Speaker. It's misinformation like we just heard from the minister that's really causing the problem in all of this right now.

The court's decision to uphold the teachers' right to strike leaves Albertans with some important questions. The reaction from the government leaves us wondering who's in charge. The minister of human resources said that the government would appeal the court decision, and the Minister of Learning said that they wouldn't appeal it. My question to the Premier: can the Premier explain why each minister tells a different story?

MR. KLEIN: Mr. Speaker, regardless of what the ministers have stated, this is a matter that is essentially in the hands of the Justice minister and Attorney General; that is, the issue of an appeal. I'll have him respond.

THE SPEAKER: The hon. minister.

MR. HANCOCK: Thank you, Mr. Speaker. This is essentially a labour negotiation issue. From a time perspective an appeal of the decision on Friday is not effectively a solution with respect to the labour discussions. However, it's still important that we consider the question of an appeal over the longer term with respect to the inherent underlying issues relative to the time frames and the tests that are involved when a court interferes with a decision of the Lieutenant Governor in Council.

THE SPEAKER: The Minister of Learning.

1:40

DR. OBERG: Thank you. I feel I must stand up to correct the statement that was just made, Mr. Speaker. At no time did I say that we would not appeal. I agree entirely with what the Minister of Justice has said. Perhaps the hon. Leader of the Opposition has been listening to some people that are telling them some falsehoods.

THE SPEAKER: The hon. leader.

DR. NICOL: Thank you, Mr. Speaker. To the Attorney General: is he looking into why his lawyers and the people who recommended to go ahead with the court action didn't understand their own law enough to make sure that it was right?

MR. HANCOCK: Well, Mr. Speaker, I would suggest to the hon. Leader of the Opposition that the opinion and the work done by the lawyers in our department were in fact correct, that the law as we read it from the Supreme Court of Canada would clearly set the bar at a higher level. There is a question which could be appealed. That's why we have appeal courts. In fact, making the decision that the Lieutenant Governor in Council made, I'm convinced that we had in front of us the evidence necessary to make the decision. The fact that the court disagreed with that does not make the opinion and the direction given by our counsel wrong. It just means that there was a different viewpoint, and unfortunately in this circumstance the viewpoint of the justice prevails.

THE SPEAKER: The hon. leader.

DR. NICOL: Thank you, Mr. Speaker. The ATA prefers not to talk to the Minister of Learning anymore, and the teachers want to withdraw all services from his ministry. My question to the Premier: is that going to mean that the ATA no longer can functionally work with the Minister of Learning and we should think about replacing him?

MR. KLEIN: Mr. Speaker, I'll have the hon. Minister of Learning respond in fuller detail, but I would hope that in the spirit of co-operation, in the spirit of doing what is best for the students, there would be co-operation amongst the teachers, the ATA, and of course the Department of Learning. Hopefully the meeting this afternoon will serve to resolve some of those issues to bring about the need for co-operation, because we're all in this together.

THE SPEAKER: The hon. minister.

DR. OBERG: Thank you very much, Mr. Speaker. I will echo very much what the Premier has just said. What the ATA has stated in withdrawing their services from the Ministry of Learning is that they will not correct diploma exams. If diploma exams are not corrected, it is the student that suffers. They have said that they will not correct achievement tests. Again, if the achievement tests are not corrected, it is the student that suffers.

The committees that we have teachers on from the ATA at this moment are presently doing work that will help the students. Mr. Speaker, from my department's point of view we will continue to extend an invitation to the ATA. If the ATA chooses not to take us up on that invitation, that is their issue. We will, however, continue to ask individual teachers to give us their knowledge when it comes to our committees. The key component here is that it's going to be the students that get hurt.

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

Back-to-work Order for Teachers

MR. MacDONALD: Thank you, Mr. Speaker. On Friday the Court of Queen's Bench clearly told the government to stop playing politics with teachers. I'm pleased that the hon. Premier is going to get involved directly with the negotiations with the ATA, and the fact that the Minister of Learning has been given a time-out and he's been sent to the corner is also a positive thing. Now, my first question is to the Premier. Will the Premier please explain how the government failed to recognize that the hardship would have to be proven in all 22 school jurisdictions where there were strikes?

Thank you.

MR. KLEIN: Mr. Speaker, first of all, to comment on the comment, I am not about to become involved in negotiations with the ATA. I want to make that abundantly clear. As a matter of fact, I received a letter about 20 minutes ago from the Alberta School Boards Association also asking for a meeting. That is the association that represents the various school districts that are indeed charged with the responsibility of negotiating contracts – negotiating contracts – and I'll have that meeting, just as I'll meet with the president of the ATA.

Having said that, I forgot what the question was.

MR. HANCOCK: Twenty-two jurisdictions.

MR. KLEIN: Oh, 22 jurisdictions. Mr. Speaker, this speaks to the court ruling, and on that point I'll have the hon. minister respond.

MR. HANCOCK: Mr. Speaker, I have to be careful how I say this. The Lieutenant Governor in Council considered whether or not in its opinion there was an unreasonable hardship to a third party. The court in reviewing that decision indicated that in its view it did not see that we analyzed each of the 22 separate situations separately and made decisions separately with those jurisdictions. In my humble submission, it is very difficult to see how anybody making decisions would sit down and say, when the unreasonable hardship is to a high school student who might not be able to complete their year, an international baccalaureate student who may not be able to complete their program, other students who will suffer hardship, how that hardship differs whether that high school student is in Edmonton or is in Airdrie or is in some other part of the province. Therefore, I think the logic is eminently reasonable to suggest that once you've determined that there's hardship to students, you can apply that determination with respect to each of the 22 different boards. So with respect I believe that the court used the wrong test, if I may put it that way, that in fact cabinet did deal with each of the 22 different jurisdictions and made those decisions and in that circumstance was entitled to do so.

Now, obviously the court disagreed with that analysis, put in their own analysis, brought into that analysis some questions of the different issues that were in dispute which, in my view, did not deal with the question of hardship. Fortunately, Mr. Speaker, that is why we have a Court of Appeal.

THE SPEAKER: The hon. member.

MR. MacDONALD: Thank you, Mr. Speaker. Again to the Premier: can the hon. Premier please tell the House who gave the legal advice to proceed with the back-to-work order? Was it government lawyers or was it lawyers from an outside firm?

MR. KLEIN: Mr. Speaker, all of the matters pertaining to the legalities of this case came from the Justice minister and Attorney General's office, and I'll have him respond.

MR. HANCOCK: Mr. Speaker, it goes without saying that when legal advice is given to government, it's given by and on behalf of the Attorney General.

THE SPEAKER: The hon. member.

MR. MacDONALD: Thank you, Mr. Speaker. My third question is to the Minister of Learning. Will the minister commit to spending as much energy on the issues in the classroom as he has on the issues in the courtroom?

Thank you.

AN HON. MEMBER: The results speak for themselves.

DR. OBERG: Absolutely.

Mr. Speaker, what the learning system is all about is having kids go through and learn what is necessary to be learned. I believe that we have seen that in the recent PISA results which showed us at the top in the world. You've heard me go on about this before. We have numerous examinations around Canada that show us that we're number one in Canada. We're number one in the world. Talk to

some individual teachers and superintendents, and they will tell you that the school classroom conditions are better now than they've ever been. Special-needs funding has doubled.

Mr. Speaker, this hon. member is hallucinating a little bit.

THE SPEAKER: The hon. Member for Edmonton-Strathcona, followed by the hon. Member for Spruce Grove-Sturgeon-St. Albert.

Teachers' Labour Dispute

(continued)

DR. PANNU: Thank you, Mr. Speaker. Last Friday the government suffered a stinging defeat by having its attempt to order teachers back to work ruled invalid by the Court of Queen's Bench. In his ruling Justice Wachowich made some strong observations, including that the government used fallacious logic and made fatal errors in its defence of a wrongheaded decision to call it a public emergency. I do commend the Premier for agreeing to meet with the ATA president later this afternoon in an attempt to dig out of the mess created in no small part by his colleague the Minister of Learning. A question to the Premier: in light of the Premier's statement last Friday that he appreciates and respects the ATA's decision to ask teachers to stay in class, is the Premier now prepared to work constructively to settle the outstanding issues in this dispute which involves not only teachers' salaries but also improving classroom conditions for students?

1:50

MR. KLEIN: First of all, Mr. Speaker, I don't consider this to be a "stinging defeat" by any stretch of the imagination. The kids are back in school. The ATA has given an undertaking that before any further job action is taken, if indeed it is even contemplated, there would be 72 hours' notice. To my knowledge the notice of the 72 hours has not been served as yet, so that indicates that the students will be in school for probably the remainder of this week and hopefully for much longer than that, until the end of June or somewhere around there, when it's the normal time to recess for the summer break.

But to answer the question, it's always been our attitude that we should get along. We have absolutely nothing against teachers. As I have reminded the Legislative Assembly before, in this caucus there are 20 former teachers – and I would daresay including yourself, Mr. Speaker – people who are absolutely dedicated to the cause of teaching and students.

THE SPEAKER: The hon. member.

DR. PANNU: Thank you, Mr. Speaker. My second question to the Premier – and he may need some help from the minister. Are the services of the arbitrator the government appointed last week still available, and if not so, will the government commit nevertheless to allow, subject to agreement with the ATA, an arbitration process to go forward?

MR. KLEIN: Mr. Speaker, I don't think that this Legislative Assembly is the place to get into what might or what might not be contemplated in terms of legislation down the road. When the legislation is tabled, if it is indeed tabled, there will be ample time to debate it at that particular point. Relative to the specific question as it relates to the labour situation generally and very generically, I will have the hon. minister who's responsible for labour reply.

THE SPEAKER: The hon. minister.

MR. DUNFORD: Well, thank you, Mr. Speaker. The OC contemplated a dispute process, and when the OC was declared null and void, so was that dispute mechanism.

THE SPEAKER: The hon. member.

DR. PANNU: Thank you, Mr. Speaker. My last question to the Premier: will the Premier show a measure of goodwill toward teachers as he walks into the meeting with the ATA president this afternoon and rule out the possibility of a unilateral imposition of a contract settlement through legislation on teachers, and if not, why not?

MR. KLEIN: Mr. Speaker, I'm not about to discuss in any way, shape, or form a discussion that hasn't taken place yet.

THE SPEAKER: The hon. Member for Spruce Grove-Sturgeon-St. Albert, followed by the hon. Member for Edmonton-Mill Woods.

Accreditation of Private Surgical Facilities

MR. HORNER: Thank you, Mr. Speaker. Some of my constituents are concerned about a recent decision by the College of Physicians and Surgeons to accredit a private surgical facility in Calgary. This facility would perform procedures which would require an overnight stay. My question is to the Minister of Health and Wellness. When will this facility begin performing such procedures?

MR. MAR: Mr. Speaker, the short answer is that I don't know when such a facility would be providing procedures, because an application has not yet been made. I can give this House a background with respect to what has happened so far. The College of Physicians and Surgeons has accredited Health Resource Centre's Calgary facility to perform five procedures requiring an overnight stay. The college has by doing so determined what is medically safe, but as Minister of Health and Wellness it would be my ultimate decision to decide if the facility will in fact maintain the integrity of the public health care system.

The next step, Mr. Speaker, that would have to take place before HRC could start providing services would be for HRC to submit a proposal. My department will then review the proposal and make a recommendation for my consideration. The criteria I will table at the appropriate time later this afternoon. The document is entitled Factors for Assessing Proposals to Provide Uninsured In-patient Surgical Services, and I will have the requisite number of copies to table at a later time.

THE SPEAKER: The hon. member.

MR. HORNER: Thank you, Mr. Speaker. My first supplemental is also to the Minister of Health and Wellness. Should this facility proceed, will Albertans be able to pay this facility to receive insured services so they can bypass the waiting list for joint surgeries in the public system?

MR. MAR: Mr. Speaker, the short answer is no. The longer answer is absolutely no. Under the Health Care Protection Act it would be illegal for Albertans to pay for insured services, and to be perfectly clear, what we have here is HRC wanting to provide and deliver uninsured services. Under the Canada Health Act there are a number of recognitions for exceptions. Uninsured services are procedures that are paid for by the Workers' Compensation Board, the RCMP, the armed forces, other provinces, the federal govern-

ment, and out-of-country residents, but I'm not aware of any health authority expressing an interest at this time in contracting out insured services requiring an overnight stay.

THE SPEAKER: The hon. member.

MR. HORNER: Thank you, Mr. Speaker. Given the minister's response, how would the minister ensure that the public health system is not negatively impacted by this private facility?

MR. MAR: As I indicated earlier, Mr. Speaker, I will be tabling the criteria for review, and I must be satisfied that there will be no adverse impact to the public health system, that such a private surgical facility would in fact serve the public interest, and finally that it would not affect Alberta's ongoing compliance with the principles of the Canada Health Act.

Mr. Speaker, if HRC does submit a proposal, my department will provide a copy to the Calgary health region so that it can determine whether there will be any negative impact to the health authority. My department officials will also consider this feedback as they conduct their review and make a recommendation to me.

But to be clear again, Mr. Speaker, I want to assure this House and Albertans that I will not approve any facility that would clearly negatively affect our province's publicly funded health care system.

THE SPEAKER: The hon. Member for Edmonton-Mill Woods, followed by the hon. Member for St. Albert.

Children's Services

DR. MASSEY: Thank you, Mr. Speaker. Last Friday night a Grande Prairie boy in the care of Children's Services was left unsupervised in a motel, and the boy proceeded to have a drinking party in his room with about 10 of his friends. My questions are to the Minister of Children's Services. Why wasn't there a safe, supervised overnight facility for this child?

MS EVANS: Mr. Speaker, we are currently looking into the situation as described by the hon. member. I'll be very pleased to bring forward a report when I have it, but simply put, I don't have all the information. I've asked the question, but I don't have it available.

THE SPEAKER: The hon. member.

DR. MASSEY: Thank you, Mr. Speaker. To the same minister: do motel owners now routinely supervise children in care as a result of the minister's hiring freeze on qualified caseworkers?

MS EVANS: No.

THE SPEAKER: The hon. member.

DR. MASSEY: Thank you, Mr. Speaker. Again to the same minister: can the minister confirm that placing children in motels is a result of the reduced number of caseworkers being unable to seek out appropriate placements for these children?

MS EVANS: Mr. Speaker, in this House last fall again and again and again I described that we added 475 positions to Children's Services. We had filled most of those positions. There were some positions in remote areas that were not filled. We have had an unprecedented increase in our budget, an unprecedented addition of Children's

Services workers throughout the province. On this particular incident that the hon. member is asking the question, I do not know at this time whether or not cost containment or any other situation evolved, but I really suggest that it's premature for me to respond until I get all the facts.

THE SPEAKER: The hon. Member for St. Albert, followed by the hon. Member for Edmonton-Ellerslie.

Funding for Children's Services in Edmonton

MRS. O'NEILL: Thank you, Mr. Speaker. My question is to the Minister of Children's Services. City of Edmonton councillor Michael Phair recently stated that budget cuts to the Ma'Möwe Capital region are putting children at risk. Could the minister please tell us if this is true?

2:00

MS EVANS: Mr. Speaker, I was quite surprised that at the hearings with the hon. Member for Calgary-Buffalo on the Child Welfare Act there were allegations that there were significant reductions and cuts to the child service delivery system in the capital region or in Ma'Möwe child and family service authority. In fact, in the last three years we have had phenomenal increases in our budget here. From '99-2000, when the budget was \$120 million, we have increased to today. The current budget up until the year ending is \$178 million.

Mr. Speaker, we have provided additional funds for the last two years to Children's Services for after school child care not only through agreements that were external to the funding model but with the Minister of Human Resources and Employment, who has assisted in providing additional funding.

So I'm tabling a letter later today or tomorrow, at your pleasure, Mr. Speaker, which I have sent to the councillor in question who raised these issues challenging them to in fact provide for us evidence that there have been significant cuts.

MRS. O'NEILL: My second question is to the same minister. Could the minister please tell us whether there has been any increase to Edmonton's family and community support service funding?

MS EVANS: Mr. Speaker, in the last year we've increased the funding to family and community support services provincially by about \$5 million. We added an additional \$1.2 million to the allocation in the city of Edmonton to raise it to in excess of \$9 million.

Mr. Speaker, last November, in co-operation with the child and family service authorities and FCSS, we started looking at a funding model where if, in fact, there can be significant co-operation, the preventive part of delivering child welfare will move in large part to the agencies and support systems through family and community support services, and they're very anxious to take up that challenge. We currently have a committee working with representation across the province between FCSS and the CFSAs to look at ways and means to make sure that children that are only at moderate or at low risk are given supports throughout the community through Boys' and Girls' Clubs, through Catholic Social Services, through other agencies that do not immediately assume that children should be taken into the child welfare caseload, and I think this is very positive. We look forward to providing additional funds for FCSS through our budgetary process later this year.

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

Water Management

MS CARLSON: Thank you, Mr. Speaker. In the Department of Environment's document *Water for Life: An Introduction* it says, "Although we suspect Alberta has large amounts of groundwater, we currently do not have data that indicates exactly where, and how much groundwater is available." My first question is to the Environment minister. What makes him suspect that Alberta has large amounts of groundwater when his own document indicates that he doesn't have sufficient data to support this statement?

THE SPEAKER: The hon. minister.

DR. TAYLOR: Thank you, Mr. Speaker. The document is quite clear that we need to do further mapping to discover exactly where the groundwater is and the volumes of the groundwater. We just don't have good data on it yet.

One of the things that we're hoping will come out of this process that we've entered into is a good education process and a good process for Albertans to learn about water and our water supplies, both our groundwater and surface water. I would encourage anybody that would like to learn about that. We've got a very good booklet out that the hon. member has referenced, and it's quite clear that we still have a lot to learn about water in this province.

MS CARLSON: Then, Mr. Speaker, can he answer this question: how can he start or justify the political process of divvying up Alberta's water resources when he doesn't know how much water there is or even where the groundwater is?

DR. TAYLOR: I am not sure where she's got the idea that anybody is divvying up Alberta's water. We've started a consultation process to ask Albertans important questions about water and water utilization. Nobody is talking about divvying up, and I would encourage the members opposite to participate. I believe I sent all of the members personally one of the documents, and I would encourage them to read it.

MS CARLSON: Mr. Speaker, to the same minister: is doing essential baseline research considered a short-, medium-, or long-term goal of the consultation process?

DR. TAYLOR: Well, certainly, Mr. Speaker, we have to do research and find out information before we can come to any conclusion. What the document is clearly pointing out is that we have to have short-term goals, medium-term goals, and long-term goals. This process cannot just result in a short-term kind of view of water, because as our population grows – we've got the fastest growing economy in this country – we still have to go forward and understand short-, medium-, and long-term goals as we go forward in this consultation process.

THE SPEAKER: The hon. Member for Redwater.

Alberta Agriculture Offices

MR. BRODA: Thank you, Mr. Speaker. I have been receiving numerous calls from my constituents concerning the closure of Alberta agricultural offices. They have heard that there will be no agricultural specialists in the field. Removal of these specialists will adversely affect rural communities. I would like to direct this question to the Minister of Agriculture, Food and Rural Development. Could she please enlighten us about these changes?

MRS. McCLELLAN: Mr. Speaker, I too have been receiving numerous calls and letters on this issue, as I think most of the rural members in this House have. First, I would say that it's wholly incorrect to say that there won't be any Alberta agriculture specialists located in rural Alberta. However, having said that, I will say that we are restructuring how we provide services in rural Alberta. We're doing it in response to the information and advice that we received through the ag summit process. So we will be changing the way we deliver those services. There will be hub offices. Some 16 in the province have been identified to date. They will have teams of specialists, and they will have research facilities, laboratories, et cetera. We will have collocations with other partners in some of our regions.

Our call centre hours will expand. You know, farmers don't shut down at 4:30 when our offices close. Their questions might come up at 8 o'clock at night or 6 o'clock in the morning, and those call centres are manned by knowledgeable people who can give answers, not one of these "push button number 1, 2, 3, or 4."

The other thing is the extensive use of our web site Ropin' the Web. Mr. Speaker, it's amazing the number of hits we've had on it from Albertans, from across Canada, and in fact from 127 countries in the world.

The last thing I wanted to say on this subject is a very important thing. I have also been receiving a lot of questions on support for 4-H. Let me make it very clear that this government is not reducing its financial support to 4-H. It is not reducing its support to 4-H. It is a fine program. However, what we are doing is working with the 4-H Council and 4-H Foundation to determine which is the best way to deliver those services to our 4-H members. When that determination is completed, we will let people know.

THE SPEAKER: The hon. member.

MR. BRODA: Thank you, Mr. Speaker. To the same minister. I had the understanding that MLAs would be advised of any changes in their constituencies. Now I understand that the staff of the Smoky Lake office have been offered severance packages, and as a result that office will be closed by the end of March. How can this process be consultation?

MRS. McCLELLAN: Mr. Speaker, I'm not at liberty to talk about severance packages of individual Alberta Agriculture staff. That information is private and confidential. However, in this process we did talk with our staff first right across our whole rural services. We value our staff, we respect our staff, and we thought that they should be the first to know and should have options. So they have options whether there is an office remaining there as to whether they might want to relocate, whether they might want to take a severance. I can say this: that severance packages are voluntary, that they have to be approved by our deputy minister, and our staff are being encouraged to apply for any positions that might be available in our department in any location.

THE SPEAKER: The hon. member.

MR. BRODA: No further questions.

THE SPEAKER: The hon. Member for Edmonton-Riverview, followed by the hon. Member for Edmonton-Highlands.

2:10

Health Care Premiums

DR. TAFT: Thank you, Mr. Speaker. My question, as he knows, is

to the Minister of Health and Wellness. Given that the Department of Health and Wellness does not keep track of how much is paid in health care premiums by businesses, how is the minister planning to assess the impact of an increase in premiums on Alberta businesses?

MR. MAR: I can give this background on the subject matter of health care premiums. First of all, Mr. Speaker, there hasn't been an increase in health care premiums since 1995. Over that same period of time, that seven-year period of time, health care costs have nearly doubled. I think it's well understood by Albertans by reason of health care premiums that our health care system is not a free system. It costs money. It costs approximately \$18 million a day, and overall my concern has to be on the delivery of an affordable health care system that has high-quality services that people have access to.

Issues with respect to what may be paid for by employers and so on and so forth, Mr. Speaker – I think most people understand that that would not be the central focus of my attention.

THE SPEAKER: The hon. member.

DR. TAFT: Thank you, Mr. Speaker. Perhaps it should be.

Does the Minister of Health and Wellness plan to give Albertans a free choice about whether or not they pay health care premiums?

MR. MAR: Understandably, again I think most Albertans recognize the value of our health care system, that it's not only important to have good health but good health insurance. We do have a good system, Mr. Speaker, that is occasionally excellent, and Albertans support it. We support it in part through health care premiums. Those premiums which are collected to this point amount to approximately \$660 million out of what amounts to what we'll spend this year, roughly \$6.8 billion, so roughly 10 percent of the overall costs of the system. We continue to collect health care premiums from individuals. Understandably people don't want to pay more for anything, but I think that if Albertans understand the money that is collected for health care premiums goes to supporting the very good health care system that they enjoy, they'll understand that.

THE SPEAKER: The hon. member.

DR. TAFT: Thank you, Mr. Speaker. I'll take that as a no.

Since the great majority of Albertans have no choice under law about paying premiums, how can the minister deny that they are a tax?

MR. MAR: Mr. Speaker, I am not a tax lawyer, nor am I here to give an opinion with respect to whether something is a tax or not.

THE SPEAKER: The hon. Member for Edmonton-Highlands, followed by the hon. Member for West Yellowhead.

Rental Properties

MR. MASON: Thank you, Mr. Speaker. The former Member for Wainwright who recently resigned in disgrace while pocketing \$345,000 in severance from the taxpayers of Alberta was an investor in Village on the Green, formerly known as Park Valley Village, located in the constituency of Edmonton-Highlands. Since this property was taken over by Ulysses Property Management, tenants have been hard hit by dramatic rent increases of as much as \$250 per month and the deterioration of the properties. One tenant is quoted as saying: they have slummed up the place. To the Minister of Seniors, who is responsible for housing: what will this minister do

to ensure that people living in these developments can be assured that their rents remain affordable and that they are not forced out into the street due to the gouging of property speculators and scam artists?

MR. WOLOSHYN: Mr. Speaker, the issue as presented by the hon. member is one that is not only restricted to Edmonton nor to particular developers. It's something that we have been trying to deal with. First of all, if this is a question of whether we intend on getting directly involved in the rental market, the answer is no. The best solution to the problem is to ensure that we have a sufficient number of units available to people so that they do have some choice and the volume of supply is such that it keeps the cost down, and we are working on that with the various municipalities across this province.

MR. MASON: Again, to the minister, Mr. Speaker: since some of these properties have been a constant source of concern to the surrounding community for years, will the minister give us some idea of what might be done to ensure that they become stable, affordable, family-oriented housing which benefits the surrounding communities?

MR. WOLOSHYN: I would like to do that, but unfortunately, Mr. Speaker, that is far beyond my role as housing minister. This is something that is best brought forward to the city of Edmonton, to their planning department. Hopefully they have addressed the issue and, if they have, will continue to address it to ensure that all their neighbourhoods are appropriate for the people that are living in them.

MR. MASON: Mr. Speaker, what will the minister do to ensure that tenants and communities are no longer victimized by the actions of speculators and scam artists?

MR. WOLOSHYN: Oh, boy. The request is quite heavy-duty, Mr. Speaker. I can't anticipate what speculators and scam artists would be doing. I know that under the area where I have jurisdiction, with respect to seniors, we have a variety of programs such as Wise Owl to ensure that telemarketing and other things aren't hitting that particular segment of the population we have. We have a whole area of government that deals with consumer protection, and I think under that we can't do much more. I would hope that people who are victimized bring forward their concerns as quickly as possible to any appropriate person so that they can be helped as individuals and collective action may be taken by authorities when appropriate.

THE SPEAKER: The hon. Member for West Yellowhead, followed by the hon. Member for Edmonton-Centre.

Alberta Supernet

MR. STRANG: Thank you, Mr. Speaker. Residents of West Yellowhead constituency have been questioning me about the status of the Supernet project. My question today is to the Minister of Innovation and Science. When will Supernet come to the West Yellowhead constituency?

MR. DOERKSEN: Mr. Speaker, the Member for West Yellowhead understands fully the benefits that Supernet will bring to the rural community. Since the contract was completed last summer between Bell Intrigna, Axia, and the government of Alberta, a lot of planning has taken place to develop the build schedule. I'm pleased to let the

member know that as of late February the build schedule was released. While I can't specifically tell him the individual community dates in the Assembly, if he logs onto www.albertasupernet.ca, a complete list of the build schedule and maps are available there. For any Albertan who does not have access to the Internet, they're welcome to phone any member of the Legislature and get that information that can be available to them.

THE SPEAKER: The hon. member.

MR. STRANG: Thank you, Mr. Speaker. My first supplementary question is to the same minister. What are the factors used to determine the order in which communities are to be connected to the Supernet?

MR. DOERKSEN: Mr. Speaker, there are quite a considerable number of factors that needed to be considered when we designed the schedule. Among those is access to right-of-ways. Among those is the design or the architecture of the electronics themselves. Weather, of course, is a factor. One of the parameters was that we did not want to strand existing fibre optics, so there's some negotiation that has to take place with existing fibre owners to utilize that fibre wherever possible. All of these factors have led into the discussion of how we build the Supernet and to which communities it will go first.

The last factor, Mr. Speaker, is that when a segment is finished, a test has to take place on that network to make sure that it's working. That will be the final test for each segment before it is certified as qualifying to be advanced to the Supernet.

THE SPEAKER: The hon. member.

MR. STRANG: Thank you, Mr. Speaker. My second supplementary question is to the same minister. Can the minister explain the pricing structure re urban and rural for the Supernet fee?

MR. DOERKSEN: Mr. Speaker, the rates that we are giving to the schools, the hospitals, the libraries, and the government buildings in the rural communities will be the equivalent rates to those that are charged in urban centres. That was a key consideration when we designed the contract because we wanted to make sure that rural users had the same access as urban users to be able to develop their communities and had the same availability as those in the urban centres have.

THE SPEAKER: The hon. Member for Edmonton-Centre, followed by the hon. Member for Vermilion-Lloydminster.

2:20

Seniors' Health Care Premiums

MS BLAKEMAN: Thanks very much, Mr. Speaker. Alberta seniors have faced repeated economic penalties, be it increased electrical, telephone, and rental rates or the soon to be increased health premiums. My question is to the Minister of Seniors. Has the minister determined what the effect of this new health tax, this health premium, will be on Alberta seniors?

MR. WOLOSHYN: Well, I'll speculate for a moment if I may, Mr. Speaker. Until budget day comes, we won't know if there is a premium increase and, if there is, how much. But to go along with the speculation, I would say quite clearly that to lower income seniors the impact will be zero because, as in the past, we will be supporting the health premiums to some 50 or 60 percent of seniors either partially or totally, and that will not change.

THE SPEAKER: The hon. member.

MS BLAKEMAN: Thanks very much, Mr. Speaker. Given that 50 or 60 percent of seniors, as the minister mentioned, currently receive full or partial subsidy of health care premiums, has the minister and his department worked out how much subsidizing a higher cost premium is going to cost the government?

MR. WOLOSHYN: Well, Mr. Speaker, it will cost the government zero because what comes from my department goes into revenue, so it would be a balance.

MS BLAKEMAN: I think it's called forgone revenue.

My final question to the minister: has the minister and his ministry determined how many seniors will likely be pushed over the line into poverty by the addition of this new health head tax?

MR. WOLOSHYN: Yes, we have, Mr. Speaker. Not a single senior will be pushed into poverty by this government.

THE SPEAKER: The hon. Member for Vermilion-Lloydminster.

Trade Mission to Germany

MR. SNELGROVE: Thank you, Mr. Speaker. Representatives of our government just recently completed a trade mission to Germany. I know it was done in conjunction with the Team Canada trade mission, but it still carries quite a cost. My question is to the Minister of Economic Development. Given the economic realities of today, can the minister justify to Albertans the cost of this mission?

THE SPEAKER: The hon. minister.

MR. NORRIS: Well, thank you very much, Mr. Speaker, and the hon. member for the question. I'm delighted to answer that. As you know, one of the beauties of this job, which I consider to be the best in Alberta, is to go out and sell what the Premier and the team have put together, which is the strongest economy in Canada, the strongest economy in North America, and the continued growth that is the envy of the free world. One of the purposes of these missions is to get out there and sell the Alberta message to foreign markets in order to continue diversifying our economy. We have five or six very major industries, and tourism is one of them. These trade missions serve as an ability for the Alberta government and certainly my department to get out there and tell the people of the rest of the world that we have created something very unique and magnificent here, the best economy in the world.

THE SPEAKER: The hon. member.

MR. SNELGROVE: Thank you. Well, Mr. Minister, given the development of the European bloc as a single trading nation, why would you target Germany? Did you have any results? Was there any success in this mission?

MR. NORRIS: Well, I guess I would need the hon. member's definition of success, Mr. Speaker. However, why we targeted Germany in specific is that it represents the third-largest economy in the world and the second-largest source of overseas investment. Aside from the obvious connection whereby more than 500,000 Albertans can trace their roots to Germany, including Premier Klein, there has been historically a very strong tie between the German economy and our own. We picked Munich because it represents...

AN HON. MEMBER: Beer.

MR. NORRIS: Well, yes. It represents the industrial and economic hub of Bavaria, Mr. Speaker. As a result, we expect to get a number of new foreign investment dollars.

With regards to the specific results of the tour, I am very pleased to announce that we met two weeks ago with a company who is now in the final stages of establishing a foundry here just outside of Edmonton. That foundry is estimated to employ 50 to 100 skilled people, long-term, sustainable jobs, Mr. Speaker. The investment is in the neighbourhood of \$20 million to \$25 million, and we are in ongoing negotiations with two other major companies who, if everything goes according to plan, will be setting up in Alberta in the next six months. Very tangible results, but again, as I said, when we have the ability to sell the best product in the world, it becomes very easy.

head: Recognitions

THE SPEAKER: Hon. members, seven members have indicated their intent to participate in Recognitions today, but prior to calling on the hon. Member for Dunvegan, let me draw to your attention the recognition that this is now the 43rd anniversary of the birth of the hon. Member for Calgary-Mountain View.

Dr. Andries Botha

MR. GOUDREAU: Thank you, Mr. Speaker. Today I would like to acknowledge a great Albertan and a great physician. Dr. Andries Botha works at the Grimshaw medical clinic, but even in his spare time he looks for new ways to contribute to the community and the wellness of Albertans.

On August 5 of last year Dr. Botha began his beyond-extreme bicycle trip in Prudhoe Bay, Alaska. Twenty-six thousand kilometres and 139 days later the trip ended in Tierra del Fuego in Argentina, the southernmost tip of the South American continent. This adventure took Dr. Botha through two continents and 13 countries, and as if that wasn't an outstanding achievement already, Dr. Botha then proceeded to climb Mount Aconcagua, the highest peak in the western hemisphere. The climb ended prematurely due to poor atmospheric conditions. Nevertheless, Dr. Botha's trip was a success. What makes this individual effort even more special is the fact that the trip was also used as a launching platform for a trust fund that Dr. Botha set up for children receiving cancer treatment. This is a great example of linking personal achievement with the good of the society as a whole.

Dr. Botha is a great role model for all Albertans, and it's with utmost pleasure that I stand and acknowledge his outstanding achievement. Thank you, Mr. Speaker.

THE SPEAKER: Hon. members, the time frame for recognitions is one minute.

The hon. Member for Lethbridge-East.

Preston Manning

DR. NICOL: Thank you, Mr. Speaker. I rise today to recognize an Albertan who was raised on a dairy farm near Edmonton but never ventured far from politics. As a boy he roamed the halls of this Legislature. At age 45 he helped organize and subsequently became the first leader of the Reform Party of Canada. After the 1997 federal election Reform became the Official Opposition in Ottawa with Preston Manning as its leader. This political movement forced our federal government to get tougher on crime, cut the federal deficit, and rearrange government spending. He helped set the national agenda from here in Alberta. He was always gracious both

in political victory and in defeat. Honest and respectful are two special words to describe Preston Manning. His contributions to this province and this country do not go unnoticed.

Mr. Manning retired from Canadian politics at the end of January. My colleagues and I and, I hope, everyone in this Legislature join together to wish Mr. Manning, his wife, Sandra, and their family all the best in the future.

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

Jarome Iginla and Ken Tralnberg

MRS. O'NEILL: Thank you, Mr. Speaker. On behalf of my constituents in St. Albert today I wish to extend warm congratulatory wishes to two Olympic medalists from St. Albert, Jarome Iginla and Ken Tralnberg.

Jarome grew up in St. Albert, lending his athletic talents to St. Albert minor baseball teams and St. Albert minor hockey teams. Jarome, with his mother, Susan, and his grandparents Rick and Fran Schuchard also lent their musical talents in entertaining community residents over the years. We all know that Jarome scored the second and fourth goals in the gold medal game for men's hockey, which we as a nation thoroughly enjoyed on February 24, but what we may not know is that Jarome donates \$1,000 for each goal he scores to provide an opportunity for disadvantaged kids to play organized sports. To date Jarome has given \$39,000 to this charitable cause.

The other accomplished St. Albertan is Ken Tralnberg, who played on the men's curling team and proudly won a silver medal. Ken has curled with our St. Albert Curling Club and rink.

I am indeed proud to honour Jarome and Ken, our St. Albertan Olympic medalists.

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

2:30

India Day Celebration

MS CARLSON: Thank you, Mr. Speaker. On February 3, 2002, the Council of India Societies of Edmonton held their annual India Day celebration. The theme for this year's outstanding award presentation and cultural celebration was Promoting Peace and Tolerance. The essays written by local high school students were very well done and deserve recognition by this Assembly. First prize, Manoj Kumar Saraswat, grade 12, essay entitled Should a State Restrict the Freedoms of Its People to Deal with Security Issues? First prize, Vishesh Kumar, grade 10, essay entitled Should We Apply Gandhian Solutions to Create World Peace? Second prize, Angela Sharma, grade 10, essay entitled How Should We Seek Peace in this Age of Turmoil and Conflict? Third prize, Anuj Saraswat, grade 10, essay entitled Freedoms and Human Rights Are Inalienable Rights of Citizens of a Democracy.

Mr. Speaker, I will table copies of these essays and encourage all members to review them.

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

Carter Rycroft

MR. GRAYDON: Thank you, Mr. Speaker. It's my pleasure to rise and recognize another Alberta Olympian. Carter Rycroft plays second on the Kevin Martin silver medal winning curling team. Carter is from Grande Prairie, lived a couple of blocks from the curling rink, and after school and after supper he would run over to the curling rink and fill in if somebody didn't show up. As a result, he curled in the men's league, the mixed league, and the super league. You name it; he was there. And they were happy to have him.

Grande Prairie and indeed all Albertans should be very proud of Carter Rycroft, silver medal winner in curling at the Olympics.

Thank you.

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

Keep It Simple Club

MR. MASYK: Thank you very much, Mr. Speaker. I would like to recognize a pleasant little surprise I found on 82nd Street and 117th Avenue in Norwood. I would like to congratulate Tom Charbonneau and Lawrence Lathe for a job well done. The Keep It Simple Club is actually a nice and fancy little restaurant they have going. When you walk into the club, you are pleasantly surprised with the elegant decor and pleasant service. This attractive coffee shop certainly is a much-needed improvement for this part of the city and is open from 7 a.m. until midnight, so it accommodates earlier risers and late visitors.

I wish them every success in their business and applaud their decision to provide rental facilities for 12-step programs and other recovery programs with extremely modest rental rates. With an excellent combination may their business prosper and their recovery program be helpful to many people in Edmonton-Norwood.

I'd like to invite all MLAs to visit this nice little spot in Edmonton.

Thank you.

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

Heroic Almadina Charter School Students

MRS. FRITZ: Thank you, Mr. Speaker. I am very pleased and proud to recognize three very courageous young people. Thirteen-year-old students Hana Kadri and Mary Fares and 11-year-old student Anees Amr faced a very difficult situation on Friday while returning home on the school bus from Almadina charter school. There were 40 students on the bus that day, and Hana sensed that her classmates were in serious danger because to Hana and others the bus driver appeared to be very impaired. Students were very frightened on that bus.

Hana told me that she knew that Mary, her best friend, had a cell phone. They quickly put together a plan. Hana took the first step and called 911 to report the seriousness of the situation, and Anees gave clear directions to the Calgary police. Other students distracted the driver while Hana's important call was being made.

Mr. Speaker, the quick action of Hana, Mary, and Anees prevented what could have been a very serious tragedy, and I have written to the Calgary chief of police to strongly support that these brave students receive a special commendation from the Calgary Police Service.

I would ask all members of the Assembly to join me in congratulating Hana, Mary, and Anees for their heroic action.

head: Tabling Returns and Reports

THE CLERK: Pursuant to Standing Order 37.1(2) I wish to advise the House that the following document was tabled today with the office of the Clerk: Alberta Racing Corporation 2000 annual review, the hon. Mr. Stevens, Minister of Gaming.

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

MS CARLSON: Thank you, Mr. Speaker. Today I have two tablings. The first is the copies of the speeches prepared by students from Old Scona and J. Percy Page high school that I referred to in my recognition.

The second is five copies of a petition with 4,549 signatures from the Alberta Wilderness Association. The AWA is requesting that the government reverse the FMA process in Kananaskis, Ghost, Waiparous, and Burnt Timber forests.

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

MS BLAKEMAN: Thank you very much, Mr. Speaker. I have three tablings today. The first is from a teacher at a high school in my constituency. Janice Paproski is a first-year teacher who has 22 special-needs students in her class.

My second tabling is from a constituent, Dallas Becker, who has sent me an e-mail with suggestions on what the government needs to do to improve education.

The third letter is from a constituent, Janet Thomas. The letter is addressed to Neil Wilkinson, chairman, Capital health authority. This is outlining her horror at the treatment that was received by her father when he was in the University of Alberta hospital.

Thank you very much, Mr. Speaker.

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

MR. MacDONALD: Thank you very much, Mr. Speaker. I have two tablings this afternoon. The first one is the program from the International Human Rights Day that occurred on December 10, 2001, at Edmonton city hall. I would urge all hon. members of this Assembly to read the universal declaration of human rights on the back of this program.

My second tabling today is of course the appropriate number of copies of the judgment that came down from the Court of Queen's Bench, the reasons for judgment of the Hon. Chief Justice Allan H.J. Wachowich, on Friday regarding the ATA and our current government.

Thank you.

MS EVANS: Mr. Speaker, I have one tabling today of a letter I've written to Councillor Michael Phair of the city of Edmonton, which I referenced previously in a response I gave to the hon. Member for St. Albert.

THE SPEAKER: The hon. Minister of Health and Wellness.

MR. MAR: Thank you, Mr. Speaker. Earlier in question period I referred to a document entitled Requirements for Proposals for Insured Surgical Services Agreements, and I wish to table the requisite number of copies regarding the requirements for overnight stays in private surgical facilities.

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

DR. PANNU: Thank you, Mr. Speaker. I have two letters to table today and appropriate copies of them. The first one is addressed to me by Mrs. Fern Olson of Olds, Alberta. She expresses two serious concerns about the education system: large class sizes is one, and the second is the continuing undervaluing of teachers in the province.

The second letter, Mr. Speaker, is from Miss Colleen Cassidy St. Clair, again expressing outrage at the way that the teachers' dispute has been handled by this government.

Thank you, Mr. Speaker.

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

MR. MASON: Thank you, Mr. Speaker. I have two tablings today. The first is a copy of a letter sent by Stan Halluk of Calgary to the Minister of Environment regarding the western Canada study on animal and human health effects associated with exposure to emissions from oil and natural gas field facilities.

The second, Mr. Speaker, is a letter from the same Mr. Halluk to his MLA in support of my private member's bill on the elimination of natural gas flaring and venting.

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

MR. BONNER: Thank you, Mr. Speaker. With your permission I would like to table the appropriate number of copies of a letter I received in my constituency office from a teacher who has had 21 years' experience teaching in Fort McMurray, Manitoba, and now in Edmonton and who indicates in this letter that she has been watching things steadily deteriorate in the classroom over the course of her career.

Thank you.

2:40

head: **Statement by the Speaker**

Private Members' Business

THE SPEAKER: Hon. members, before calling Orders of the Day and before the Assembly considers private member's business for the first time this session, the chair would like to review briefly how the changes will affect the operation of this component of the Assembly's business. First of all, private member's public bills will now be considered exclusively on Monday afternoons. The bills will be considered after Written Questions and Motions for Returns. Today there are no written questions or motions for returns. As a result, Bill 202 will be considered at second reading stage, and if there's time this afternoon, then Bill 203 will be considered as well. Private member's public bills start at Bill 202 as there was not a Bill 201 introduced.

Starting this evening at 8, there will be one hour's consideration of motions other than government motions on Monday evenings, and under Standing Order 8(4) these motions retain their places on the Order Paper until they're "given 60 minutes of debate [plus] 5 minutes for the mover . . . to close debate" unless the debate concludes before these limits are reached.

Under Standing Order 29(3) the time limits for speaking on private member's public bills, motions other than government motions, written questions, and motions for returns are 20 minutes for the Premier and the Leader of the Opposition, 10 minutes' speaking time and five minutes to close debate to the mover, and 10 minutes to all other members. There is no question and comment session for private member's business.

The chair would also note that the amendments to the Standing Orders may result in a different pace for consideration of private member's public bills, which should be interesting to monitor.

head: **Orders of the Day**

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

Bill 202

Environmental Protection and Enhancement (Clean-up Instructions) Amendment Act, 2002

THE SPEAKER: The hon. Member for Red Deer-North.

MRS. JABLONSKI: Thank you, Mr. Speaker. I'm very pleased to rise today to speak to Bill 202, the Environmental Protection and

Enhancement (Clean-up Instructions) Amendment Act, 2002. I am very pleased because it represents not only ideas that I have about what constitutes fairness in contamination clean-up situations but also represents the values that Albertans hold regarding fairness and their environment.

Mr. Speaker, Bill 202 is an amendment to the Environmental Protection and Enhancement Act which would make it mandatory for owners of any source of environmentally harmful substances to initiate remediation of damage caused by contamination through directions and time lines laid out by the Department of Environment. Further, if the polluter fails to comply with the directions set out by the department, it is then the department's duty to issue an environmental protection order. There are no ifs, ands, or buts. If a polluter fails to comply with the directions set out by the department, they will be issued an environmental protection order.

Finally, Bill 202 requires that the Department of Environment review the EPEA every 10 years.

Mr. Speaker, we in this Assembly all know that environmental accidents happen. We can try to minimize the occurrence of these through legislation, but in the end we also need legislation which governs behaviour when a spill does occur. It is common policy that when a spill is reported to the Department of Environment and if the spill does not pose an immediate danger to either human health or the environment, the department gives the polluter a good faith opportunity to clean up the mess that they have caused. In most cases this works. Albertans are good people, and when they create a mess, they clean it up.

Part of what makes this province so great is the respect that our people have for each other and for our land, but in some cases polluters abuse this good faith opportunity. In some cases polluters are allowed to delay taking meaningful action for years on end, and they often face no penalty for this delay. Meanwhile, the mess they have caused continues to grow, causing more concern to other affected landowners and Albertans. In these cases, it is often not until an environmental protection order is issued to polluters that they begin to take action. This is not right.

Mr. Speaker, most Albertans do act under the good faith opportunity to show that they deserve that good faith, and those who abuse this opportunity ruin it for well-intentioned Albertans. For those who do not clean up their spills, we have section 113 of the EPEA, which forces them to take remedial action through an environmental protection order.

The problem is that there is no continuity between section 112 and section 113 of the EPEA save for the discretion of officials inside of the Department of Environment. It is my belief that our employees in Environment are hardworking, honest, and thorough in their jobs. However, in cases where they have given polluters good faith opportunities to clean up spills and those polluters have refused to do so and they do not issue environmental protection orders, it is not right to ask Albertans whose property has been contaminated to have faith in Environment's discretion.

When we're talking about the protection of the environment, health, and property, we're not talking about subjects that should be at someone's discretion. These are far too important. We're talking about considerations that ought to be enshrined in legislation. Bill 202 represents a small step in the right direction. It provides a link from section 112 of the EPEA to section 113. It says to polluters: our good faith only extends so far; once you abuse it, your time runs out. It also says that polluters cannot plead for more time in order to stall again and cause more hardship to neighbours and those affected by spills. Believe me, Mr. Speaker, if I had my way, the minute a spill was discovered, it would be contained and immediately cleaned up. However, practical wisdom, scientific reality, and

legal fairness suggest that this is not possible. But there's no reason why we cannot make the process more efficient in a reasonable manner. This is the point of Bill 202, and this is why I ask all members of the Assembly to vote in favour of it.

I know that there may be objections to Bill 202. Some may argue that normal routes of civil litigation already provide an avenue for the owner of affected property to seek a remedy from a polluter who refuses to clean up a mess. Fair enough. However, I think we need to put ourselves in the positions of small landowners and small business owners. It is often impractical or impossible for small landowners to take large corporations to civil courts. They simply do not have deep enough pockets to go through a drawn-out process like this without losing their shirts. Put plainly, it's often not worth the risk, and by the time they get a court decision, more damage has occurred. This damage affects all Albertans.

This speaks to another objection, Mr. Speaker. Some members may argue that Bill 202 is anti small business. Because private companies would face increased pressure to quickly clean up contaminated property, substantial costs may be added to the operation of their businesses. I would argue the opposite, that this bill protects small businesses. It gives owners more assurance that if another business contaminates their property, it will be contained and cleaned up quickly and that they won't have to operate their businesses in an unhealthy setting or incur excess legal costs to force a cleanup. This is just one advantage of this bill. Another advantage is that it would help Environment officials convince polluters to remediate sites quickly and prevent polluters from delaying cleanup efforts. This increases the likelihood that releases will be contained and unable to cause further damage.

In the end, Mr. Speaker, all of these points show that Bill 202 would provide all property owners with stronger protection for the environmental integrity of their property. This, in turn, would help protect the value of private and public property and would help to protect the overall environmental integrity of this province. Bill 202 also protects the polluter because it requires immediate containment of a spill, and by preventing a spill from spreading across property lines and into other areas, the cleanup will be concentrated in a contained space and will be less costly.

If 202 is passed, Alberta once again will be seen as a national leader in balancing the needs of the environment with the needs of Albertans, property owners, and businesses. Bill 202 simply requires that any source of environmentally harmful substances be contained and cleaned up as soon as physically and scientifically possible. I therefore urge all the members in this Assembly to support Bill 202.

Thank you, Mr. Speaker.

THE SPEAKER: Hon. members, before recognizing the hon. Member for Edmonton-Ellerslie, might we revert briefly to Introduction of Guests?

[Unanimous consent granted]

2:50

head: **Introduction of Guests**

(reversion)

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

MR. BONNER: Thank you very much, Mr. Speaker. On behalf of the MLA for Edmonton-Centre it gives me a great deal of pleasure to introduce a group from NorQuest College who are visiting the Legislature this afternoon. Unfortunately, their timetable required that they leave, but on her behalf I would like to introduce the 16

visitors who were here. They were accompanied by teachers Ms Judy Dobbs, Mrs. Andrea Massing, and an interpreter, Mrs. Elaine Cotton. With your permission I would ask that the members of the Assembly do note that they were here to watch the proceedings today.

Thank you.

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

**Bill 202
Environmental Protection and Enhancement
(Clean-up Instructions) Amendment Act, 2002
(continued)**

THE SPEAKER: The hon. Member for Edmonton-Ellerslie, followed by the hon. Minister of Environment.

MS CARLSON: Thank you, Mr. Speaker. I'm happy to support the bill brought forward by the MLA for Red Deer-North. Certainly, as we see it, the highlights of this bill would be that it requires the director to issue instructions for cleaning up after a release that has been reported under section 110 of the Environmental Protection and Enhancement Act, and if these instructions are not followed, the director must issue an environmental protection order. Nice to see "must" put into this legislation. So often we see changes come that are not as incisive as this, and certainly in terms of environmental cleanup this is an added benefit as we see it.

[Mr. Shariff in the chair]

Also, we believe one of the highlights is the requirement for review of the EPEA every 10 years with recommendations for amendments presented to the Legislature one year into the review. Having those sunset clauses are a good idea we think. As we see it, the object of this bill is to strengthen requirements for the director to be able to issue cleanup orders after the release of a substance that may cause, is causing, or has caused an adverse effect. No doubt the member has had some concerns from people in and around her constituency. We've heard some of those concerns as well and are very happy to see that she's taking action in that regard.

Currently there is a requirement for the person responsible for the release to take appropriate action. However, there are no provisions for the director to issue specific orders. As the member stated, most Albertans are very good corporate citizens. However, we do have some instances where that isn't the case, and we support this change. It's a reasonable change, Mr. Speaker. It requires the director to take action. Often legislation only says that the director may take a specific action. Under these amendments the director must issue the cleanup instructions, and if they are not followed, an environmental protection order may be issued.

Legislation of this size we believe also should be regularly reviewed, and every 10 years or after every second election is a good time frame to put in here. The one absence we see is that there is no mention in section 2 about a time line for issuing the instructions. It could be tightened up just a little bit in that regard.

Too bad this had to come forward from a private member. We would have liked to have seen this kind of direction from the government itself. However, I see that the Minister of Environment is on his feet to speak next, Mr. Speaker, so perhaps he will stand up and let the Assembly know that this is one of his first orders of business for this session.

Thank you.

THE ACTING SPEAKER: The hon. Minister of Environment.

DR. TAYLOR: Thank you, Mr. Speaker, and it is indeed a pleasure for me to rise and talk to this bill. The intent of the bill is very laudable, and we certainly support the intent of the bill. Nobody wants spills to be out there and to not be cleaned up. I mean, we all want spills to be cleaned up immediately. We all want them cleaned up appropriately and as quickly as possible.

Before talking about that aspect of the bill, let me talk about number 4. We wholeheartedly support number 4, section 257: "The Minister must begin a comprehensive review of this Act within 10 years." Certainly that is very valuable. I would think that all legislation should have that requirement in it. All legislation should be reviewed on a regular basis. I would certainly, you know, support that and encourage other ministers to take a look at having that in their legislation as well. It's a valuable thing to have. So, as I say, we certainly agree with the intent of the act. It's a valuable piece of legislation.

However, I have a little problem with just one word in the act, and that is the word "must." It says, "When the release of a substance has been reported under section 110, the Director must issue . . ." Well, in some cases that's good, Mr. Speaker, but in reality and practicality the way things happen are that somebody spills a little bit of diesel on the ground. They then phone the Department of Environment, as they are required to do, and say: we've had this spill; send somebody out. So we send somebody out. But in most cases – and there are thousands of these calls and thousands of these spills every year – by the time the department official gets out there, it's already cleaned up, and the department official looks at it and says "Yup" and signs off on it. It is cleaned up. For him then to have to go back, which he would have to under this legislation, and do an order, issue instructions and do the paperwork when the spill is already cleaned up, doesn't make a lot of sense. As I said, there are any number of these spills that industry responsibly cleans up.

So what we would like to see – and perhaps the member would consider it in some future iteration of the act as we go through the debate on this act – is that that "must" could be replaced with "may." Then if the company isn't doing their job, the director could certainly issue that order, but if the company has already got the spill cleaned up by the time an inspector gets there or if they are already doing their job, you know, and the inspector can see that even if it's not cleaned up, they've clearly undertaken to clean it up, that they're moving in the right direction as required by the act, then there's no need for the issuance of an order. This would mean that if we had to issue an order in the second case I've just given you as well, when the company is already doing their job, it would once again increase the volume of paperwork that we would have to do in the department. Quite frankly, we don't have the people or the budget to do that kind of volume of paperwork. So what we're saying is replace the "must" with a "may." Hopefully the member will consider that as we go forward, and in that case we would certainly be pleased to support the act.

Thank you.

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

MRS. ADY: Thank you, Mr. Speaker. I'm pleased to rise today in support of Bill 202, the Environmental Protection and Enhancement (Clean-up Instructions) Amendment Act, 2002. I would like to begin my time by commending the Member for Red Deer-North for introducing such an important piece of legislation. Passing this bill is very important, certainly so for its short-term gains but even more so for its long-term benefits, which are likely to surpass our own lifetimes.

The discovery of large deposits of oil at Leduc in 1947 catapulted Alberta from being a largely agrarian province to the forefront of the oil and gas exploration in the western hemisphere. Our economy depends on the revenues these activities generate, and the economies of other jurisdictions depend on the availability of oil and gas, which we're able to supply. Without this discovery and the many that have followed since, there's no telling where we'd be today nor what kind of province we'd be. These ventures, however, for all the benefits they stand to offer, also have risks. Underestimating them and the threats that they pose to our environment can have dire consequences for all, not just for us here and now but also for our children and our children's children.

Mr. Speaker, I was contemplating the ramifications of the impact of Bill 202, and I was reminded of a line from a primary school: don't make a mess you can't clean up. Maybe you've heard it. When we were young or younger than we are now anyway, our parents admonished us for spilling food or drink and told us to clean it up. It's not only common sense to do so, but cleaning up after yourself right away reduces the risks of falls and injuries and shows responsibility for one's actions, and quite frankly it's the right thing to do.

Somewhere along the way, though, that sense of responsibility or duty, if you will, sometimes gets lost. To carry on as if nothing has happened, to feign ignorance or not show the slightest concern for how one's actions might affect the livelihood and well-being of others has become the order of the day for some. Don't make a mess you can't clean up has become: cleaning up is messy; don't. Mr. Speaker, such an attitude is not acceptable to me and I'm sure not to most Albertans.

Bill 202 is in keeping with Albertans' concerns about the environment. At the recent Future Summit in Red Deer survey results indicated that when asked how to ensure the best future for the province, protecting the environment was a close second to improving the educational system among respondents.

3:00

The timeliness of Bill 202 therefore cannot be exaggerated. Its overarching objective is to strengthen existing legislation protecting our environment. Bill 202 reinforces the authority and the mandate of Alberta Environment by making those who pollute clean up after themselves not at some arbitrarily determined point in time but at a time line established by the department. Why should we expect anything else? Why should anything less be expected, let alone be acceptable?

Mr. Speaker, you don't have to be an environmentalist to know two things: first, the environment is vulnerable, and second, it is not ours to do with as we please. At best we are stewards of the land and we're only borrowing it for the duration of our lifetime. What we do with it, whether we cause it to improve or whether we cause it to deteriorate, will pass on to future generations. There is little room to move around that fact. Therefore, the protection we establish today will go a long way towards giving our children and our children's children access to a clean, healthy, and inviting environment.

In the past few decades we have begun to move away from the destructive path that celebrated built-in obsolescence and consumption at all costs. We have realized that not only can we and should we recycle, for instance, and that it is in our best interests and future generations' to look at how to find alternative fossil fuels; we have also learned that we need to establish a legal framework to develop pollution standards in order to better handle those who pollute.

What Bill 202 proposes to do, then, is to provide reinforcements to that legal framework. By amending section 112 of the Environ-

mental Protection and Enhancement Act, Bill 202 will make it mandatory for owners of any source of environmentally harmful substances to initiate remediation of damage in compliance with fixed guidelines according to the Department of Environment.

It all comes back to what I said before: you make a mess; you clean it up. The difference, Mr. Speaker, is that we're not talking about a spilt glass of milk or bowl of Jell-O. We're talking about chemical compounds that can seep into groundwater, toxins that can infest the soil and make the land infertile, and airborne pollutants that can spread over vast areas and infect a large number of people very quickly.

Mr. Speaker, it would appear to me that here in Alberta, energy resource rich province that we are, we must find a way to balance three very different yet closely interrelated priorities: our need to have an adequate energy supply, the significance to our economy of oil and gas exploration, and the importance of continued environmental vigilance. It is of equal importance that we find ways to prioritize these three issues all at once. While it may seem to some as if they're contradictory, we have to believe that it is possible to do just that. We must have environmental legislation that does not put a stranglehold on some of our province's most important sources of revenue, and we must ascertain that energy exploration, be it for oil or gas or something else, be conducted in such a manner that we do not compromise the beauty and the vitality of our environment.

Mr. Speaker, everyone here is familiar with the catchphrase "the Alberta advantage," and so are many Albertans. It is part of our vernacular, you might say, but also part of us as Alberta. There is a variety of distinct advantages to being an Albertan and to living in Alberta. We have the nation's strongest economy, we have the lowest unemployment rate in the country, we've had seven consecutive years of balanced budgets, and we have the lowest taxes of any province. We also have some of the most pristine environment to be found anywhere on the face of the planet. The beauty of the Alberta environment is second to none, and we must treat it as such. Each year millions of people visit our province, and many of them come here because they know how beautiful Alberta is.

Passing Bill 202 therefore is imperative. It will allow the Department of Environment to act swiftly and decisively whenever a situation arises that requires the department to take action against polluters. It will enable the department to do this in a manner specific to each situation. What it will not do is tie the hands of the department; rather, it will give legislative weight to the department's environmental regulations. Bill 202, furthermore, will not allow those responsible for toxic spills to waste time and, more importantly, waste Alberta's environment. It will mandate that cleanup efforts begin quickly, reducing the long-term threat of toxins to do lasting and maybe even permanent damage.

That said, it is clear that in the course of the last 55 years we've learned how to forge a balance between the intricate relationship of nurturing continued exploration and preserving the environment. We're still learning how to maintain that relationship and how to keep it balanced, of course, and Bill 202 is another step in that process.

We're a rich and prosperous province thanks in large part to our natural resources and our hardworking men and women, who have transformed this land into what it has become today. They have done so without losing sight of the fact that stewardship of the environment is a serious matter. Let's honour that commitment by passing Bill 202.

Thank you.

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

MR. MASKELL: Thank you, Mr. Speaker. It's important to me today to speak in support of Bill 202, the Environmental Protection and Enhancement (Clean-up Instructions) Amendment Act, 2002, sponsored by the hon. Member for Red-Deer North.

Mr. Speaker, over the last three decades Alberta ingenuity has led to a reduction in the adverse environmental and public health impacts from energy development and use. People demand a reliable energy supply and a clean environment, and this government has always believed that Alberta can have both. The Environmental Protection and Enhancement Act is this government's foremost example of environmental stewardship.

Those who operate or propose developments will be subject to firm but fair requirements that clearly spell out their environmental responsibilities. Under the Environmental Protection and Enhancement Act the department protects Alberta's land resource base by ensuring that land used for specified industrial activities is developed and reclaimed in an environmentally sound manner. The act requires operators to employ effective and efficient conservation and reclamation measures. These measures ensure that the disturbed land is reclaimed to meet the goal of equivalent land capability.

Spurred by strong environmental concerns, competitive forces, and environmental regulations, businesses have developed innovative technologies and pollution prevention techniques that help protect Alberta's environment. However, accidents do happen, and more work can be done by this government to help preserve our environment and maintain its natural value.

Bill 202 is not proposing to reinvent the wheel, nor is it proposing wild and radical reforms to Alberta's current and effective Environmental Protection and Enhancement Act. I'm confident that this bill will not cause any undue administrative hardships on this government, directors of the act, or industries that work on or around the environment. The goal of increasing the efficiency of Alberta's environmental protection legislation proposed in Bill 202 adds a small yet important element to an act that already manages a staggering number of environmental issues.

Simply put, Bill 202 would prevent polluters from delaying their cleanup efforts. Alberta's Environmental Protection and Enhancement Act does currently have a process to deal with industrial spills, but as the law stands right now, if a spill does not pose an immediate threat to the environment, the violator does not have to take responsibility until an environmental protection order has been issued. This can take some time, while the condition of the land deteriorates. I'm sure the members in this Assembly would agree that just because a spill isn't immediately harmful to people or the environment doesn't mean that it shouldn't be cleaned up as fast as possible.

We would be remiss to allow violators of Alberta's rigid yet fair environmental protection legislation to stall and procrastinate from their duty as good corporate citizens to clean up any messes they have made to Alberta's land, water, or air. Any company doing business in this province must also be aware that Albertans care a great deal about their environment. This government is committed to ensuring it continues to have some of the most stringent standards for environmental protection in Canada and North America.

I believe that Bill 202 contributes to the government's dedication to protecting our province. All organizations in Alberta that I have dealt with are outstanding corporate citizens and are responsible and accountable to their stakeholders and to the public. However, we do not live in a perfect world, and we must be cautious of instances where companies or individuals abuse Alberta's good faith policy for the quick and complete cleanup of spills that do not pose an immediate emergency to a community.

Mr. Speaker, I believe that Bill 202 will help this government

protect the environment without enacting unreasonable demands on responsible corporate citizens. Any legislation that protects the environment must ensure that the law-abiding companies are not punished as a result of the actions of a few. Bill 202 prevents this from happening. The focus of the Environmental Protection and Enhancement (Clean-up Instructions) Amendment Act, 2002 is on instances where the guilty party has not cleaned an industrial accident that poses no immediate threat to the environment.

3:10

Bill 202 would require the department to issue a time line under section 112 of the act that would ensure that cleanup efforts are not delayed. While Bill 202 would protect against harm to human health and the environment, it would also provide greater protection for the environmental integrity and value of private and public property and greater assurance to property owners whose land has been contaminated. I am sure that most companies have no problem cleaning up their spills or mistakes, hazardous or not. Most companies have trained staff and safety plans in place to deal with these situations, although I am sure they hope they never have to use them.

Mr. Speaker, under this legislation it would be cheaper for a business or individual to clean up a spill as soon as it happens rather than wait and do it later. The longer it takes for spills to be cleaned up, the more likely the possibility that the violators will be fined and still remain responsible for the initial expense of cleaning the spill. As the spill spreads as a result of neglect, there is more for the company to clean up.

If passed, Mr. Speaker, Bill 202 would empower directors of the Environmental Protection and Enhancement Act to protect local communities from the negative by-products of industrial accidents on our environment. The bill would be an important addition to this government's commitment to revitalize communities by improving public health and environmental conditions and creating jobs. These are the direct benefits of protecting Alberta from the few violators of Alberta's environmental protection laws.

Bill 202 focuses on the balance between business both big and small and Albertans living in areas that could be contaminated. This government has a unique role in facilitating energy development while simultaneously protecting the environment and conserving Alberta's natural resource legacy. As our economy grows, so too does the likelihood of industrial accidents. Simply, Bill 202 would provide more protection against environmental harm than currently exists in the Environmental Protection and Enhancement Act. Bill 202 will work for Albertans to protect this province's air, land, and water while building on the premise that environmental protection and economic prosperity should go hand in hand.

I believe that this government has enjoyed a great deal of success in balancing environmental and economic issues relating to the environment. Bill 202 will add to our preservation achievements.

Thank you.

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

MR. MacDONALD: Thank you very much, Mr. Speaker. I listened with a great deal of interest to the hon. Member for Edmonton-Meadowlark and also the hon. Member for Calgary-Shaw regarding Bill 202, the Environmental Protection and Enhancement (Clean-up Instructions) Amendment Act, 2002, and I agree with their analysis.

The environment in this province is pristine when you compare it to a lot of other areas on the planet, but certainly there needs to be further protection. To strengthen the requirements for the director to be able to issue cleanup orders after the release of a substance that

is causing or has caused an adverse environmental effect is noteworthy, and it should be done. Now, I don't know if this is a quiet admission that the current policy not only in the Environment department but you can look at it in Occupational Health and Safety, you can look at it in Municipal Affairs, this concept of voluntary compliance – if this is not a quiet admission that that entire concept of voluntary compliance is not working, well, then, that is further reason why I believe that all hon. members of this Assembly should support this legislation at this time.

I'll be brief, Mr. Speaker, in my comments, but I would remind all members of the Assembly of exactly what happened in Swan Hills, what happened at Hub Oil in Calgary, what happened in the hon. Member for Red Deer-North's own constituency a couple of years ago with the hydrochloric acid cloud. Fortunately the wind was blowing to the northeast and it did not go over the city of Red Deer early in the morning, but this cloud would have caused considerable damage to the health of many of the citizens of Red Deer. That is an issue of voluntary compliance, because this incident should not have happened, but it did, and what has to be done is ensure that it doesn't happen again. Another example certainly would be the BP fire last summer in Fort Saskatchewan, the ethane storage facility that leaked and then caught on fire. These are examples.

Now, I'm sure that there are going to be people who say that there was no pollution, that there was no property damage, that there was no one adversely affected over a long period of time by this, but we can't be sure, and this legislation will make the enforcement and protection of our environment that much better.

I don't think that we should perhaps stop here, but it is good to see the word "must" and not "may" finally being used in environmental legislation, and I would like to see this trend continue in other statutes in this province because it is my strong view that this concept or notion of voluntary compliance certainly does not work.

In conclusion, I will remind all hon. members of this Assembly – now, this didn't happen in this jurisdiction or this country, but it certainly happened in Texas, in Houston to be specific, and that is Enron. Enron had a lot of voluntary compliance to various investment rules, and it didn't work out.

Thank you.

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

MR. LORD: Well, thank you, Mr. Speaker, for this opportunity to rise today and speak, as well, to Bill 202, the Environmental Protection and Enhancement (Clean-up Instructions) Amendment Act. In a nation that unfortunately has no constitutionally enshrined protection of land and property rights, which in my view is one of the most important rights that any nation could or should have and rights that need protecting, it falls to Legislatures like ours to ensure that the average citizen and their property rights are well protected.

In modern times part of the protection of people's property rights entails the protection and security of its environmental aspects and characteristics. It is a job that most Albertans undertake not only with a sense of duty but also a sense of pride and appreciation: the protection of future owners' rights as it relates to the environment.

From farmers in their fields to urban dwellers across this province who all enjoy the benefits of their piece of land, our province prides itself on a history of sustainability and environmental protection. It is a history that extends way back in time, as well, in this province, way beyond the waves of European and other settlers, right back to the long history of aboriginal peoples in this land, who had and still have a profound respect for nature, a communion with nature and the environment. As stewards of our environment Albertans have always realized that for our province to remain at the forefront of

national affairs, we must not only preserve the environmental security of our province, but we must strive to even enhance land conditions to ensure that our children and grandchildren continue to enjoy prosperity and a healthy, safe, and enjoyable environment.

I commend the hon. Member for Red Deer-North for bringing this legislation forward for discussion and debate. It seems to me that this is a reasonable bill and one that I will be supporting.

3:20

Bill 202 proposes to amend section 112 of the act to make it mandatory for owners of any source of environmental contamination to initiate remediation of damage as per the directions laid out by the Department of Environment. This principle ensures that the department is able to respond appropriately to each different situation. The director may request urgent action in one case, but for a less urgent situation in another the director, he or she, may request a different sort of remedial action. By being so flexible, Bill 202 properly respects the varying and complex nature of environmental hazards and the unique circumstances that individuals and corporations may unfortunately find themselves involved in.

Bill 202 has flexibility in it, but it should be pointed out that Bill 202 is also firm in its demands that once an environmental protection order has been issued for the cleanup of that site, that order must be followed. It must be carried out in order to ensure that Albertans really are protected. This province can afford to be and is accommodating in looking for reasonable and workable solutions for all parties involved in this sort of matter, but it also must be vigilant in ensuring that a reasonable time limit is imposed so that our co-operative nature is not left open to abuse.

Now, I am well aware of the importance of the oil and gas industry in Alberta. I'm sure we all are. I'm also aware that in addition to our proud heritage of environmental protection, Alberta also has a distinguished record of developing its strengths, both natural and otherwise, for the enrichment of this province. To a large extent that development has entailed the exploration and advancement of the oil and natural gas industry. The benefits of that exploration need not be expanded upon here other than to say that it is certainly one of the best advantages that Albertans have. Needless to say, this industry is one of the key pivots on which our provincial history and economy turned back in 1947.

However, along with the benefits that oil and gas have brought I believe also comes the admittedly sometimes onerous task of cleaning up after oil rigs and gas lines, especially if little concern was demonstrated initially by companies in a hurry. Now, most energy companies have done a superb job of ensuring that minimal damage is done to the surrounding land when they drill for oil and gas. For years Alberta's energy policy has already demanded the protection and enhancement of the environment, a policy that has shown a visionary consideration for the air, natural lands, and watersheds of our province. Even today many companies still aggressively pursue new technologies and techniques to ensure environmental sustainability and protection and to ensure that any necessary impacts to the land and the local environment are being kept to a minimum. We already have many good employees in the province working on that as well.

Bill 202 does not threaten energy companies' status as partners and stewards of the land. Rather, it provides them and their industrial partners with an opportunity to work with landowners and others to confirm their roles as protectors of the environment. They can show to us all that their responsibilities and commitments did not end when the oil stopped but, rather, continued to the cleanup and restoration of the local environment as well. This commitment also extends past the energy industry, of course, to other industries

as well as they go about their business if that business impacts the environment negatively.

The point remains that when damage is done – and this does happen unfortunately – it needs to be repaired. Repair needs to happen in a timely fashion and in a responsible manner. It need not bankrupt a company or cause the abandonment of land, but advantages must not be given for inaction. Cleanup and restoration must happen in order to protect the property rights of present or future landowners.

Mr. Speaker, as a conservative-minded individual I don't get too carried away on issues. Environmental protection does not need to succumb to the overarching demands, overreaction, or fundamentalist viewpoints of a select few environmental zealots. I don't believe that we have to seal our borders and cut off contact with the land in order to protect it. We do not need strict regulations that stifle and suffocate economic advancement to calm those whose only perspective is to disallow civilization. What we do need to do is overcome the myth that economic development and environmental sustainability must always involve competing values, because it is a myth. We can all work together and steer in the same direction for the benefit of all. I believe that we live in a day and age when we can explore for energy, produce it, use it, and do so with a decent and sincere regard for the natural environment. We have and we can employ the technology of our times to address some of the problems we may face now or in the future. It is all entirely possible, and I'm confident that Alberta will be a leader in this respect.

I spoke earlier, Mr. Speaker, about the need of this Legislature to protect the land and assist landowners wherever possible. We belong to a province where stewardship is a serious matter. Thousands of Albertans rely on our land not only for the livelihood it yields but for the life it has to offer. Farmers, ranchers, townfolk, and basically anyone who goes beyond the larger city limits and spends time in the wonder of our land quickly comes to appreciate the bounty of our natural heritage and wildlife, and anyone who has traveled around this province is well aware of this attitude. One of the quickest ways for anyone to lose respect in Alberta is to act harshly or selfishly towards the natural world and its inhabitants. There is no excuse for that kind of reckless disregard of our nature, and our policies must not allow spills and other sources of hazardous materials to sit and even spread indefinitely.

Bill 202 strives to ensure that this sort of situation does not happen. It encourages parties to work together to find solutions. Perhaps most importantly it ensures that the Department of Environment has the power and the responsibility to enforce our standards and regulations. I know that Alberta's industrial and economic sectors are up to the challenge, and together all of us can encourage a clean and prosperous province for future generations. Our children and our grandchildren deserve no less. It only makes good economic sense. It has cost avoidance. It only makes good health sense and has great cost avoidance if we have a clean and healthy environment.

I support this bill. I urge all members of this Assembly to support this bill as well. Thank you very much for this opportunity to speak, Mr. Speaker.

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

MR. MASON: Thank you very much, Mr. Speaker. It's an honour to rise to speak to the private member's bill, Bill 202. It's the first bill that is being debated in this Assembly under the new rules for private members' bills. I would like to indicate to the Assembly that I'm pleased with the efforts of the hon. member in bringing forward this piece of legislation. I think that it is high time that we recog-

nized the principle in law that polluters have a responsibility to clean up after themselves. One of the hon. members talked about training we all received as children from our parents about cleaning up our own messes, yet sadly that's not always been the way we've operated when it comes to pollution in this province. I think it is really important that we apply that principle to the environment as well and enshrine that in legislation.

Now, the key section of the bill is section 2, which amends 112.1(1) of the Environmental Protection and Enhancement Act. I was just going through the *Revised Statutes of Alberta* and reading the sections of the Environmental Protection and Enhancement Act which are amended by this bill. I know that this will please the Minister of Environment, but I find that there is an excessive use of the word "may" in our existing legislation and that everything of substance that I have been able to see in this very cursory examination of a limited number of sections seems to be optional. It's all on the table, as they would say. I think that when it comes to taking immediate action to clean up pollution, the word "may" is not always the appropriate word. The word "must" is sometimes necessary, and I don't think we should use the word "must" when we don't need to.

3:30

I was surprised to hear the Minister of Environment indicate that "may" would solve all of the problems which he had conjured up around this bill, but if we were to substitute "may," again it would simply have the effect of making everything optional. If there's a difficulty caused by the fact that something has been spilled, as he said, a little bit of diesel maybe on the road or on the ground, and by the time the officials for Alberta Environment get there, it's been cleaned up and then you still have to issue the order and go through an unnecessary bureaucratic procedure, well, it seems to me that he's got a point, as far as it goes. But is it solved by the addition of the word "may"? If you add the word "may" instead of "must," it also makes it optional in a case where the spill has not been cleaned up by the time the official arrives on the scene. It becomes optional, and other factors may determine the decision to allow pollution to continue to exist and not be cleaned up promptly and not be cleaned up by the person or company responsible for the spill in the first place. So I would suggest that if members opposite are indeed interested in improving this bill and making it work, another amendment, other than substituting "may" for "must," would be appropriate, and it might be along the line that says: if the spill has been cleaned up, you don't have to issue the order. That would certainly deal with the minister's concern without creating just another loophole that you could drive a Mack truck through, Mr. Speaker.

I think that the bill can easily be amended to do specifically what the minister indicates is necessary. That would strengthen the bill. It would still allow the bill to be passed by this Assembly, and I think it should be passed by this Assembly. I think that this is a small step in the right direction, because the alternative to having a prompt cleanup of a spill by the person responsible for the spill is not satisfactory. There are, in fact, a number of alternatives. The worst possible alternative is just to leave the pollution there. That I don't think I need to elaborate on, Mr. Speaker. That is probably the worst alternative.

The next worst alternative is that the government has to clean it up at taxpayers' expense, and we certainly don't support the taxpayers being on the hook for pollution and the cleanup of pollution of individuals or corporations or even other governments. That's just not what people pay their hard-earned taxes for, Mr. Speaker. The other alternative is that whoever comes along and owns the land later on or perhaps they own the land at the time of the spill if they're not

the polluter, then they will have to pay for it. I don't think that that's acceptable either.

In my constituency of Edmonton-Highlands there is a 7-Eleven store that's under construction, and that 7-Eleven store has been under construction for nearly a year now. It's on 118th Avenue. What's happened is they built the store and were almost ready to open it, and they discovered that it was on the site of a previous service station, a gas station, and that in fact there was contamination of the ground around the store and under the store. So the opening of the store was halted, the finishing of the construction was halted, and they started to dig, Mr. Speaker. They dug and they dug and they dug, and they discovered that in fact the pollution had migrated underground, as it often does. So now the store is on stilts, because they've had to excavate under the structure.

Now, we didn't have the kind of legislation in place at the time that that service station was operating that we do now, and I would like to think that that kind of thing couldn't happen under our present legislation. But I would suggest, Mr. Speaker, that it points to the relevance of the hon. member's bill, and that is that when pollution occurs, it must be cleaned up and it must be cleaned up by the person who created the mess in the first place. There is no other acceptable alternative. If the Minister of Environment would like to find a way to ensure that we don't have to process orders for pollution that's already been cleaned up, then I'll support him in that, but it really occurs to me that there's a lot more in this bill that's positive than just the fact that it would have to be reviewed in 10 years. I think that the Assembly ought to find a way to address concerns that may exist on the part of the minister or legitimate concerns on the part of anyone else and make the necessary amendments in the committee and that we should pass this bill, because I think this bill is a good bill and it deserves our support.

Thank you, Mr. Speaker.

THE ACTING SPEAKER: The hon. Member for Vermilion-Lloydminster.

MR. SNELGROVE: Thank you, Mr. Speaker. It's indeed a privilege to address the situation. I can probably come at it from a little different point of view than many of the other members. I've seen it from many different sides. I've had underground tanks in the businesses I've run. I'm licensed by the Alberta government to remove underground tanks, and I can tell you through that you get to see a whole different side of how the business works. I've also sat on a town council, as many of you have, and been aware of the abandoned sites and the contaminated sites in the many small communities we've got, and somehow we have to address that. I can tell you that one size doesn't fit all, and we'll never be able to describe a perfect way to handle all cleanups. So I was very happy to hear the words of the hon. opposition and our members that we do need a certain amount of flexibility with this. No one has set out to break a business or to make it cost prohibitive to do. We have to understand that probably a very high percentage of the spills and leaks right now are cleaned up quickly and efficiently and most businesses take their environmental responsibilities very, very seriously.

Some of the biggest problems we have right now in the communities are the unknowns. We don't know all of the sites, and we have no idea what contamination might even be there. We may have owners of properties that have no idea there were contaminants left on-site and therefore may need some time or some type of help to be able to organize how their specific cleanup will go. Contamination by itself is not necessarily something that is going to leach into neighbouring soil or damage the party's property beside it, but it very well could.

One of the myths, I think, is that it's underground tanks that have caused all of the leaking, and I can assure you from my experience that's not the case. Many of the old bulk stations in Alberta were all above ground, yet the areas below the pump distribution part of the bulk stations are some of the worst contaminated sites we've ever had to clean up. From a surface leak in those pumps we've had to move literally hundreds of thousands of yards of dirt to remove it all.

3:40

Even the technology that we have now to remediate the soil – I mean, it's been conventional thinking that we'll haul it away and put it in a landfill site, and if that's the only option to you, that's fine. However, the last few years have seen several Alberta companies develop technology for the burning of soil, which is now being used worldwide, developing the right temperatures to burn it so you don't release the particulates. The soil can be removed from the site and run through this type of – it looks much like a thing that would make asphalt. The soil is burned. It's spread out, or it's put back in the same hole it came from. You can put a plant in a location and maybe do half a dozen sites from the one centre. Now, it wouldn't be economically viable for one station to move in this soil burner, but it probably would be if you had 10 or 12 sites. I know that in Calgary they set up, and I think they did 16.

I think the idea to identify the problem, to work out the time lines and the method of remediation with the Department of Environment, and to bring forward a plan stating the time lines and the type of remediation is probably the single most important part of this bill as well as the section that says: "Now, you've said that you're going to do it. You've said how you're going to do it and when you're going to do it. Then you have to do it."

Also, Mr. Speaker, many of these sites have debatable ownership or debatable responsibility of contamination. In the last 15 to 20 years we've seen oil company after oil company being taken over. The smaller stations are closed, and that company itself may be taken over, so just to find who is responsible or who will be paying the bill can probably take longer than the actual remediation will take. So it's not just a cut-and-dried situation where we've got a spill. We have to contain it, and we have to do it now. In many, many cases it's testing. It's finding out if, in fact, the contaminant is leaching off into other areas.

It is problematic when your property borders another individual's business and their business becomes either shut down or inconvenienced by the type of remediation you may have done. If there's a big hole beside your business, you may have to limit access. There are a lot of reasons why the type of remediation has to be able to fit the situation.

We talk a little bit about being in a better situation than we are. The rules that the government has brought forward in the past decade will just about eliminate the possibility of underground contamination from tanks. The tanks are all now tanks within a tank. If one were to leak, it would only leak into a containment tank. Underground or aboveground tanks all have secondary containment within them now. So I think that in keeping with the philosophy that prevention is certainly the way to go, the government has addressed that in their petroleum tank storage regulations, and with the removal program they've had in place, they've started to address many of the problems that face the contaminated tanks.

We have talked about the concerns of inspectors maybe being a little overzealous or the rules being too stringent or strict, but that really doesn't have anything to do with this bill, Mr. Speaker. If the rules aren't right, change the rules, and if the inspectors don't know how to interpret the law or don't seem to be willing to do it, then maybe we could change the odd inspector.

The other thing that doesn't solve any environmental problem is paperwork. As a matter of fact, probably the biggest environmental problem we have as a government is we generate so much paper that we probably create more problems than we solve. But paperwork won't help get the job done. So I can understand the minister's concern that we don't need to follow everything up with a volume or volumes if in fact the job is being done. I think that's everyone's primary concern, that when we have a problem, we want it fixed, and we'd like to be able to notify the surrounding properties what's going to happen and when and what will be the result.

The other thing that we have to bring in as part of the legislative process is that because we make a law on one side doesn't necessarily mean it's going to be an expense to someone. There are a lot of cases where it's a win/win situation. You're expected to clean up your leak, and any contamination now is going to be looked at and cleaned up. "Why put it off?" would be the obvious question. You've done it now. If it's a leakage that's current, I think that should be dealt with slightly differently than one that's 40 years old. I think the flexibility the hon. members previous talked about is critically important, but I do believe that when it's recognized that you've created a problem or you're the one that's responsible for the property with the contamination on it, come forward with a plan, approval through the department as to the time lines and the method of remediation, and then the department has the stick to use after the carrot approach has failed to achieve the results that we all look forward to: a clean, safe environment for business.

So with that, Mr. Speaker, I would encourage the hon. members to give consideration to this bill. It's a step forward, and I think it's a good step. Thank you.

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

MR. McCLELLAND: Thank you, Mr. Speaker. It's a privilege to rise and speak today in favour of Bill 202, Environmental Protection and Enhancement (Clean-up Instructions) Amendment Act, 2002. I believe that this bill is a progressive step forward for environmental protection in Alberta. This is a bill that will ensure future generations will enjoy the pristine environment we now enjoy.

Over the last 50 years we've seen the evidence mount proving that a healthy environment leads to a healthy human being. We've also seen evidence of how contamination of a small area can quickly leach to other areas causing future problems and devastation and even putting human life in jeopardy.

The Environmental Protection and Enhancement Act was groundbreaking legislation when it was introduced back in 1992. It was a significant step for protecting Alberta's beautiful environment. The Environmental Protection and Enhancement Act was the result of large-scale public consultation to ensure that the Minister of Environment brought forward a piece of legislation that represented all Albertans' best interests. When the Environmental Protection and Enhancement Act was debated in the House, it became evident that the entire House supported what the legislation was trying to accomplish. Of course, there were disagreements between the opposition and the government on some of the substance of the legislation, but overall all of the Members of the Legislative Assembly agreed that the Environmental Protection and Enhancement Act had to be a government priority.

Mr. Speaker, this is still the case. In 1992 the basis of the Environmental Protection and Enhancement Act was nine principles. Of these nine, I believe that two principles are near the top in importance: one, "the protection of the environment is essential to the integrity of ecosystems and human health and to the well-being

of society," and two, there is "the responsibility of polluters to pay for the costs of their actions."

Mr. Speaker, Bill 202 upholds nine of the principles of the environmental protection act and provides a small change to the act so that the two principles mentioned earlier are made even stronger. Bill 202 is a small adjustment to current legislation, but it is one that has the potential to benefit Albertans greatly. It affirms to Albertans that we care about our environment. It shows them that we share in Albertans' vision of a province that is healthy, strong, and has a beautiful, clean environment.

3:50

Mr. Speaker, I'd like to mention one of the most important strengths of the bill, and that is this: it will prevent polluters from delaying cleanup efforts. The purpose of Bill 202 is to ensure that the hand of the polluter is forced at a time line determined by Alberta Environment, therefore preventing the spread of contamination and in turn saving the province and, indeed, potentially the polluter money in the long run. But the essential element is that it protects the environment above any other consideration.

Environmental contamination does occur. We all wish that it would not, but we can't deny the fact that contamination will occur no matter how careful a person or business may be. When a spill occurs, I believe it should be cleaned up immediately. There should be absolutely no delay in the cleanup process, and Bill 202 will hopefully encourage polluters to clean up contamination as soon as possible. This bill is based on a principle that polluters will have to be responsible for their actions.

There are many benefits to cleaning up contamination as soon as it occurs, and this should be common sense, Mr. Speaker. I don't believe we should have to tell polluters to clean up contamination quickly, but the sad truth is that we do, not all but some. Bill 202 puts pressure on polluters to clean up their mess so that human life and the environment will be saved from future compounded problems.

Mr. Speaker, may I portray a scenario for the House on why this bill will be beneficial for all Albertans. When you drive around Alberta, it's not uncommon that you'll come across an oil well site. On occasion wellheads will spring a leak either from a broken seal or a malfunction in a piece of equipment. Oil could be sprayed all around the site, doing significant damage to the surrounding area. Now, usually the owners of the well site will clean up the mess as soon as possible so as to avoid a spread and compounding the damage to the surrounding environment and to the property value. But what happens when one of the companies takes a little longer in getting to the site to clean it up? Current legislation does not give legislative weight to the time line set by Environment for the contamination to be cleaned up, therefore opening the door for procrastination and more of the environment being contaminated and property value being subsequently diminished.

A company may take advantage of the good faith opportunity set out in section 112 of the act and clean up contamination on their own schedule. This means the contaminated area will become steadily larger. It's a fact that some of the spilled oil may seep into groundwater or cause problems with livestock. Bill 202 will force companies to clean up their contamination as soon as directed. By doing this, they will avoid having an environmental protection order slapped against them. By avoiding an environmental protection order, the polluters will avoid dealing with penalties, but most importantly it will encourage polluters to clean up contamination quickly, benefiting the environment and human health.

Mr. Speaker, Bill 202 has another strong point that I'd like to conclude with. It also requires that the Environmental Protection

and Enhancement Act be reviewed every 10 years. I believe this is a very, very important part of Bill 202. By requiring regular review, Albertans will always be sure that our environmental law remains up to date. As years go by, new environmental challenges and technologies develop, and I think it's important for this government to have it legislated that the Environmental Protection and Enhancement Act be reviewed so our environmental law will always be current.

Mr. Speaker, Alberta is constantly growing. We must ensure that this growth is done in an environmentally sustainable and environmentally friendly way. Bill 202 ensures that the current act will continue to protect human health and the environment for years to come.

I believe our government is committed to ensuring that it continues to have some of the most stringent standards for environmental protection. They have always put Alberta's best interests to the forefront, and right now Albertans feel that environmental protection is a very important issue.

I'd like to urge and encourage my colleagues on both sides of the House to vote in favour of Bill 202. By passing this amendment, Alberta can continue to be a leader in this country in environmental policy. Again, I urge all members to vote favourably on Bill 202.

Thank you.

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

DR. PANNU: Thank you, Mr. Speaker. I'd like to take this opportunity to speak to Bill 202, which appears here under the name of the Member for Red Deer-North. I congratulate her for bringing this forward. I also listened carefully to the eloquent remarks made by my colleague from Edmonton-Rutherford, and I'm quite encouraged by the tone of those remarks and hope that all of us in the House will lend our support to this bill.

The bill obviously amends the existing piece of legislation that we have, the Environmental Protection and Enhancement Act, and it amends it in a way which strengthens the bill, strengthens the statute. The act in its amended form will certainly help provide Albertans stronger assurance that if ever any area, any part, any neighbourhood, any site gets polluted because some substance is reported to have been released either in the air or in the ground or in the water, immediate action will be taken and that the obligations of the companies or the persons responsible for the release of the substance, the pollutant, are very clear and that they're enforceable by environmental protection order.

The Member for Edmonton-Rutherford, I think, quite rightly emphasized that the environment is important for our good health, for human life, and even for animal life. A healthy environment is needed for protecting all kinds of species including our own in the current phase of rapid industrialization of our provincial economy. He talked about wellheads and how spillage can take place. Pretty soon we'll have a bill before us that talks about gas flaring and those consequences and how it pollutes our environment and causes human health problems. So we need to do everything that we can in this Assembly to assure Albertans that we're aware of their concerns about the environment, about protecting it from pollution, particularly pollution that's caused by our own economic activities related, as I've said, to a growing pace of industrialization.

It is true that much of the spillage in the past of the contaminants that have led to pollution has been caused by oil and gas exploration, our transportation activities, but we do know that that industry has spawned a whole lot of other industries both in forward linkages and backward linkages. Lots of machinery is being produced in urban areas and rural areas, in small towns and big cities, and this produc-

tion of industrial technology – machinery, parts, what have you – does expose these communities to the potential of accidental release of harmful substances.

4:00

This bill is an attempt to amend a 10-year-old piece of legislation, and I think it rightly proposes that this legislation be subject to regular, legislated 10-year comprehensive review. I'm not entirely sure if Bill 202 proposes that we start this year, perhaps, because the statute that's being amended, the review of which every 10 years is being proposed by this piece of legislation – if this includes that we start this year with a comprehensive review of the legislation that's been in place for 10 years, it would be important for the minister to take notice of the fact that this bill is recommending such a review. I understand the minister spoke favourably of this part of Bill 202, which proposes this 10-year obligatory review of this piece of legislation.

I suggest, Mr. Speaker, that since the Environmental Protection and Enhancement Act is 10 years old this year, the time to begin that comprehensive review may have come. This bill certainly is an attempt to address that question by proposing a particular amendment to a certain section of the existing legislation, but perhaps we need to go beyond that and encourage the minister and perhaps amend this piece of legislation here to include that the first such 10-year comprehensive review must be undertaken this year because this marks the 10th anniversary, as it were, of this piece of legislation.

So, Mr. Speaker, I am pleased to be able to support this bill before us in its second reading, and I will give some consideration to bringing an amendment later on if I think that's appropriate, which will be with the review of the act section of this proposed piece of the bill.

With that I conclude my remarks. Thank you.

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

MR. BONNER: Thank you very much, Mr. Speaker. It's a pleasure this afternoon to rise and speak to Bill 202, the Environmental Protection and Enhancement (Clean-up Instructions) Amendment Act, 2002. I would like to commend the hon. Member for Red Deer-North for bringing forward this piece of legislation, and it is a welcome bill. It is a bill required not for the majority of people that do business here in the province but for those instances where accidents do occur and we get accidental spillage or to deal with those people who hope to gain some type of economic advantage by not complying with our environmental standards here in this province.

Of course, we have to remember as well that whatever is bad for society is also bad for business. We certainly have seen many cases where, when violations have occurred, the end result is that the costs are much, much higher than compliance or, in the case of our underground storage tanks program, where compliance with new standards is just so much cheaper than what we're experiencing with the number of underground tanks that have leaked over the many years that we've had underground storage for gasoline here in this province.

When I attended the AAMD and C convention last fall and delegates there were asked to rank their concerns, their number one concern was certainly about air and water quality in this province. When we look at statistics supplied by the federal government, in Canada alone, Mr. Speaker, there are somewhere in the neighbourhood of 5,000 deaths a year that can be attributed to air pollution. The Ontario Medical Association deems the cost in Ontario to be

somewhere in the vicinity of \$1 billion because of air pollution. This is for admissions to emergency rooms, this includes admissions to the hospital, and it includes absenteeism from work. So we do have to look at this whole issue, and I think that Bill 202 does do an admirable job of dealing with spills and environmental hazards that do crop up.

Now, then, I also think that what this bill does, Mr. Speaker, is it certainly makes us much more vigilant as a society and particularly in this province here, where much of our industry is energy based. Of course, the hon. Member for Edmonton-Strathcona indicated that we do have spin-off industries as a result of our great oil resources here in this province and that when we look at our petrochemical industry, for example, we do have the potential for environmental spills that can be very, very costly, and cleanup costs and restoration do take quite a time.

Now, as well, we end up, Mr. Speaker, in this province in certain instances where cleanup is very, very difficult. I think most members would be familiar with the site on 82nd Avenue and 105th Street where gasoline from that particular station had leaked into the ground over many years, and it actually found its way into the sewer system that linked up with St. Joseph's hospital. Of course, when the extent of that leak was determined, the service station was shut down immediately. As well, to clean up that area is going to be a long and costly process, simply because some of that leakage has gone under the street and has migrated quite extensively from the underground storage tanks.

As we talked about as well, with the underground storage tanks, Mr. Speaker, another problem with this type of environmental hazard is the fact that it does get into the groundwater. Certainly with groundwater, depending on the various types of soil, the migration throughout the soil is either going to be quite quick, as in the case of it flowing through sand, or quite restricted, when we get a clay base. Just the same, it is a very, very potentially great hazard and something that we haven't encountered here in Alberta recently. But when we have leakage in underground storage tanks, when the water table rises, so do those contaminants, and certainly we want to keep those away from the surface as much as possible.

[The Speaker in the chair]

So in looking at this bill, Mr. Speaker, I certainly will be supporting this bill, as I am sure most members of the Assembly will. It is a very good bill, and, in closing, I'd just like to say that I certainly do urge members to keep the term "must" in this bill, because in far too many instances voluntary compliance just doesn't work.

With those comments, Mr. Speaker, I will take my seat and urge all members to support this bill. Thank you.

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

4:10

MR. CAO: Thank you, Mr. Speaker. It is my great pleasure to rise today to speak on Bill 202, the Environmental Protection and Enhancement (Clean-up Instructions) Amendment Act, 2002. I support the proposed amendment of the hon. Member for Red Deer-North that would have the owner of environmentally harmful substances remediate them according to the directives set out by the Ministry of Environment.

I support Bill 202 because it addresses the health and wealth of Albertans. I also support Bill 202 because the directives would ensure that immediate action is taken to contain and control the source and the movement of contamination. I commend the member for bringing this bill forward in the House for debate. As elected

representatives I believe it is our responsibility to define the most effective legislation we can to protect the quality of life of Albertans.

I see environmental protection as a matter of the wealth and health of Albertans. The health of our constituents is at risk when harmful substances are not remediated properly or without efficiency to control the damage. The wealth of Albertans is also at risk when their property values are affected negatively by the pollution. It is often difficult to assess all the subsequent effects which will take place after a spill happens. If the spill is left too long before the remediation occurs, hazards that are leaked into the environment, whether they be on the land, in the water, or released into the air, are not easy to detect without conducting many different tests.

The land, water, or air that the hazard is released into does two things: it disguises the presence of contamination or environmental hazard by blending it within its own elements, or it acts as a carrier for that hazard to spread throughout more land, water, or air. Once contaminants are released, they could travel to a number of places which would pose serious health risks to Albertans. Hazards could make their way into the groundwater we drink, lie hidden in the soil our children play with, or get mixed into the air we breathe. For this reason I support Bill 202. The longer hazards are left, the more contaminants will inevitably spread and steadily become a more serious problem to the health of Albertans and our environment.

Environmental contamination poses great risk to the health of Albertans because it can be ingested through groundwater, as could happen through petroleum leakage or spill – inhalation of petroleum vapours from old oil or gas storage tanks is what happened in the Lynnwood Ridge area in my constituency – or can cause other serious health problems due to long or short exposure to harmful environmental hazards. Bill 202 provides greater protection against harm to the health of Albertans by placing greater assurances to clean up, through remediation efforts, any environmental hazard that could be in the communities.

Mr. Speaker, we have built a quality of life in Alberta that is among the best in the world. We are fortunate to live in Alberta for many reasons. Part of the Alberta advantage is the beautiful and clean environment we enjoy, as it adds greatly to the higher standard of living and quality of life. I believe we have a responsibility to the people of this province to ensure that we continue to protect the land, the water, and the air that is so important to the health of all Albertans and continue to treat the environment in Alberta as a precious resource.

Presently section 112 of the Environmental Protection and Enhancement Act gives polluters an opportunity to remediate out of good faith the contamination that they have caused. I believe this is an honourable concept. Nonetheless, I believe it is a concept we must strengthen through more strict legislation. Alberta is expanding rapidly. Our population and our economy are steadily increasing. More people are investing in Alberta because it is a great place to do business, and there is great opportunity for investors to grow and expand. Of course, this growth and development is good for Alberta. However, I believe it is our responsibility as a government to ensure that the growth that occurs in this province is not only beneficial to our economy but sustainable for our environment. Mr. Speaker, if we were to let all spills, even the small and easy-to-fix, be remediated on the good faith of the polluter, we run the risk of two things: the problem not being remediated in due time and giving the impression to the people out there who would take advantage of this system and not act in good faith that there are limited consequences to their actions.

Bill 202 would not only ensure that spills are remediated in a more efficient manner but enhance the ability of the Ministry of Environment to define the terms by which a remediation process could take

place without issuing an environmental work order. An environmental work order is a permanent record and can potentially have a greater negative impact on the polluter at a later date. The ability of the Ministry of Environment to negotiate the terms of remediation before an order is issued and have the contamination cleaned up in an efficient manner could be a most beneficial option to both parties. Bill 202 would ensure that the instructions provided by the director of Environment to the polluter are followed, giving a greater credibility to the instructions and ensuring a faster response to the hazard.

Mr. Speaker, I believe that Bill 202 is a responsible change to the Environmental Protection and Enhancement Act. It is already a great piece of legislation. I firmly believe this amendment will provide the ministry with the ability to have hazards cleaned up more efficiently, removing the need to rely on the good faith of polluters. I believe that handling environmental hazards appropriately in this province is very, very important. Environmental standards are going to improve as our population and economy grow. We need the means to ensure that these standards are respected and any environmental hazards are dealt with efficiently as they are a risk to the health of Albertans.

A sustainable balance between the environment and the economy is a difficult line to find simply because it is always fluctuating. I believe that we can achieve a closer state of balance by finding ways to ensure that we react to contamination and hazards in a more efficient way. Bill 202 proposes to do just that.

I support Bill 202 because I feel that it will aid our government to ensure that the owners of environmentally harmful substances are remediating the contamination according to the directives set out by the Ministry of Environment with greater immediacy. It would allow the director of Environment to initiate actions to contain and control the source and the movement of contamination sooner.

The beauty of Bill 202 is that it's forward-looking, and I urge my colleagues to support the bill. Thank you.

4:20

THE SPEAKER: The hon. Member for Redwater.

MR. BRODA: Thank you, Mr. Speaker, for the opportunity to rise today and speak to Bill 202, the Environmental Protection and Enhancement (Clean-up Instructions) Amendment Act. I'm very pleased that the Member for Red Deer-North has brought this bill forward. This bill ensures that all who pollute our province take responsibility for any potential harm done to our land, our people, and our prosperity.

This sensible amendment brings a little bit more of a bite to an already strong, innovative, and excellent piece of legislation, the Environmental Protection and Enhancement Act. Mr. Speaker, this act, when it was introduced back in 1991 by our Premier, unified many pieces of legislation into a single powerful act. The EPEA has served this government's ongoing commitment to maintaining the cleanest air, water, and lands of any industrialized nation. In doing so, the act has promoted the health and prosperity for this and our future generations and, also, the well-being and diversity of our unique plants, animals, and geography. Indeed, the Environmental Protection and Enhancement Act is a prime example of government putting the values of Albertans first. Only after a massive public consultation was the EPEA proclaimed, and over the past 11 years it has been a strong tool for the Department of Environment to ensure that polluters are held accountable for their actions.

What Bill 202 proposes to do is make a small change to this already strong law and make it stronger by removing any doubt and ensuring that action will be taken to correct a spill of a noxious,

corrosive, or toxic substance following a written request by the director of the act. Although there is room for a threshold of tolerance and understanding in some arrangements, when it comes to protecting our environment, we should exercise due diligence and not extend continual good faith to any person, organization, or company that has already breached the trust of government and is known to be a polluter.

One of the long-term effects of this amendment would be to ensure that due precautions are taken to ensure that Alberta's environment remains well cared for. I believe we have in Bill 202 an opportunity to practise prevention by providing strong deterrents against handling hazardous chemicals without the utmost care. Bill 202 also represents a small step forward in ensuring that individuals and corporations are treated with fairness under the other provisions of the Environmental Protection and Enhancement Act.

Now, when a director of the act draws a line in the sand, infractions of written directives will be followed by swift action by way of an environmental protection order to ensure that our environment is cared for at all times. Bill 202 calls for consistency and respect for a written request to clean up spills, nothing more and nothing less. Albertans are strongly committed to preserving their environment and deserve to know that there will not be any wiggle room for violations of the EPEA with the written orders of the director of the act.

Bill 202 does not alter the balance between industry and environment but, rather, solidifies the principles contained within the EPEA to ensure that they are applied as soon as a polluter does not comply with the direction, the written orders of the Department of Environment. Some may say that the mandatory compliance orders might cause some hardships on the businesses that pollute. But do we factor in economic hardships when we hand out speeding tickets? It is the same principle. This bill will remove a degree of uncertainty by clearly defining what must take place after the issuance of a written order. This will give polluters and the department more clearly defined responsibilities when a request for cleanup is issued. This creates efficiencies by eliminating any and all guesswork for both the director and those who have a spill to clean up. Ultimately, Mr. Speaker, this can only serve to expedite the cleanup process.

We have seen in other jurisdictions the potential for catastrophe when the safe care of biological and chemical contaminants is overlooked. There must be no second-guessing on the part of the polluters. If they are caught, they will be cleaning up their own mess in short order as well as facing potential fines or other penalties. As an example, I know that in my own constituency there have been some spills. What we find sometimes is that the polluters, who are known polluters, change the name of the company or sell the company yet are principals of that company. This has to stop. I think that when you pollute a particular area, you should be the one that cleans it, because you not only polluted it but you also benefited by farming that particular area, by receiving the products from the ground. I think it's your responsibility as an operator to be diligent and look at what you're doing in this province, because we all want to continue working in our own province.

If we look at the oil and gas industry or any chemicals that are produced in this province, I think it's crucial that if you're going to do business, you should be very cautious and understand what is out there. We all have to live with the oil, gas, the chemicals. We breathe the air. If we don't look after what we've got here in this province – other people would like to move to this province and maintain it the way we have right now. I think we see other provinces, other countries looking at this area and saying: look at what Alberta is doing; we have to follow that example. I know that we have other issues coming up in the future such as the Kyoto

agreement, but we also have to look at how we as a province exist so that we can have the benefits of good education, that we spoke about here in the last couple of days even in question period. This all takes into consideration what we do in this province, where the dollars come from for education, for our health system.

What we are proposing under this bill is to make sure that we have a good level playing field that we can all work in, enjoy as members and residents of this province and future generations to come. It's very easy to say: let's cover up what we've spilled; somebody else will do it. I think it's about time under this legislation – and as I indicated, I'm very pleased to see that the Member for Red Deer-North has introduced it – that we do put the onus on those operators and that there is nowhere to hide, that there isn't a rock big enough that they can hide under.

So with that I encourage all members of this Assembly to support this reasonable amendment proposed by the Member for Red Deer-North. It would be a big step in creating an act that is more transparent and is a more effective deterrent to mismanagement of dangerous chemicals, petroleum, or wastes.

Now, we're talking not only about the oil and gas. There are other things as well. We have to look at agriculture. So it's a big spectrum. It's not only one particular individual or company or group that we're targeting with this bill. When we look at the Minister of Environment, he's charged with all environmental protection within this province, not only in oil and gas but, as I indicated, agriculture and everything else that goes with it.

MS CARLSON: No. He's the Minister of Environment, not the minister of environmental protection.

MR. BRODA: Well, he's still the Minister of Environment.

Thank you, Mr. Speaker.

4:30

THE SPEAKER: Now the hon. Member for Airdrie-Rocky View.

MS HALEY: I want to thank you very much, Mr. Speaker, and I particularly would like to thank the hon. Member for Red Deer-North for the tremendous amount of work that she and her researcher have done trying to pull this together. I know how much work it is as somebody who brought forward a private member's bill, and I know how frustrating it can get when you know you have a great idea and maybe not everybody agrees with you.

I do support this bill providing that in Committee of the Whole we're able to change the word "must" to "may," and I don't say that lightly. It becomes just incredibly important when we legislate that we realize what actually happens out in the world, and I'd like to give you a couple of examples of how things get basically out of control depending on what the legislation actually says.

Before I became an MLA, I worked in the biomedical waste industry, and biomedical waste was everything from blood and blood products to chemical bags that were used in chemotherapy to even, as gruesome as it sounds, body parts. When people have surgery, the bits that they cut out of you have to go somewhere, and biomedical waste companies handle that waste and incinerate it. They did incinerate it at incredibly high temperatures to make sure that there are no chemicals or anything else that would pollute Alberta or, you know, any part of our environment, and that was awesome. But along comes the government, and they regulate everything, which is fine, except that from time to time regulations can get a little crazy. If you had a spill, a blood spill for example, inside the biomedical waste plant – and this could be a half a cup of blood or less, just something like a pail being introduced into the furnace that there

might be a small leak from – you had to report it. It wasn't enough to just report it to the health authority. You had to report it all the way down through Environment, the hazardous protection. You name it. It became massive.

What we did with all of the rules and regulations is that we actually encouraged people to not report things because it was so complex. Something that could be so easily cleaned up with a chemical bath and a good flushing of water, that you could clean up yourself as an employee of this company became a major issue.

It was the same on the trucks. We used to pick up things like – you won't believe this one – finger paints the kids use in school. It turns out that years ago somebody discovered that there was a lead base in it, so of course it couldn't be used anymore. Stuff that we had been playing with as little kids had to now be incinerated. So a lot of it was sent to Swan Hills, but others were picked up by biomedical waste companies because we could incinerate it as well. Now it was just huge. If you dropped one of these boxes containing something and there was a little cloud of dust that went off from it, you had to report it and deal with five or six different people even up to and including RCMP and inspectors and regional health authorities. This is a lot of high-priced help that you're involving in something that's relatively easy to clean up.

So from my perspective after having lived through that kind of situation dealing with regulators in government and people who interpret legislation, it becomes incredibly important to me how things are worded. Whenever we say "must," it means that we're probably going to have to hire more people to go out and enforce the "must."

What happened in my riding because of the Water Act that's now taken effect – yes, Minister, your Water Act – is that the Department of Environment came along through their fish and wildlife branch and got involved in the siting of a dugout. Fine. You know, that's great. We need the department everywhere because farmers clearly don't have the expertise to decide where a dugout should be. The department sited the dugout at the top of a rise. I don't know. There's really not a lot of water that runs uphill, not in my experience.

Right beside that on another farm a farmer had the opportunity to have an oil company dig a dugout for him as they needed dirt for an infill on another spot where they had been working. Everything was going along fine. Fish and wildlife comes along and says: oh, we want to see your permit. Well, he didn't have a permit, and they said: well, you have to get a permit, and you'd better get a permit, and we'll come back and check your permit. Great. Perfect. He goes to the agriculture offices in my area, and the agriculture people tell him: "Oh, you don't need a permit for that. It's on your property, and there's no problem with having a dugout." Right? Agriculture says that you don't need one. Fish and wildlife says that you do. It turns out that Environment says: oh, yeah, gotta have a permit. Takes six weeks to get it, by the way. And once the six weeks is up, the oil company has gone because they're not going to sit around forever digging your dugout. They'll get the infill someplace else. So now he's got a half-dug dugout, and he's got to find the money to finish it.

As a member of our government – and I am very proud to be a member of it, but sometimes regulations and legislation that we pass here with nothing but the best of intentions don't always get translated that way in actual operation and practice. So we have to be more than just a little bit careful in what we say, how we say it, and what gets passed in Assemblies like this one. Whether it's here in Alberta, at the federal level, or in any other province in Canada, wording matters. We have ample evidence to prove that.

The point of all of this, however, is to say that if we get into

Committee of the Whole and we can change that word from “must” to “may,” I am absolutely delighted to be able to support that, and I hope that we’ll all vote for it in second reading and see what happens in Committee of the Whole.

Once again, thank you to the hon. member for bringing it forward.

THE SPEAKER: The hon. Member for Red Deer-North to close the debate.

MRS. JABLONSKI: Thank you, Mr. Speaker. Bill 202 will make it mandatory for owners of any source of environmentally harmful substances to initiate remediation of damage caused by contamination through directions and time lines set out by the Department of Environment. Further, if the polluter fails to comply with these directions set out by the department, it is then the department’s duty to issue an environmental protection order. This bill also requires that the EPEA be reviewed every 10 years.

Mr. Speaker, I will consider the amendment suggested by the Minister of Environment to change the word “must” in section 112.1 to “may.” By changing this word, we will prevent redundant work from piling up on a director’s desk. In this way we protect the environment, too, from unnecessary paperwork. If there’s no need for direction because the spill is already cleaned up or is being cleaned up, then we’re just creating a make-work project. It’s not my intention to create unnecessary or redundant work.

I also believe that our environmental directors are competent and very conscientious. We will still accomplish the intent of this amendment without creating work. We will still maintain the word “shall” in the second part of the amendment of 112.1.

Mr. Speaker, this bill is not one giant step for mankind, but it is one small step for Albertans. It’s one small step that will lead to a protected environment and thus ensure the health and safety of Albertans and the health and safety of the environment.

There is a Cree Indian prophecy that states: only after the last tree has been cut down, only after the last river has been poisoned, only after the last fish has been caught, only then will you find that money cannot be eaten. Mr. Speaker, the people and the government of Alberta are the guardians of our environment, and it is up to all of us to make sure this prophecy is never fulfilled. Bill 202 will help to prevent the fulfillment of these words.

Bill 202, if passed, will make Alberta a national leader in balancing the needs of the environment with the needs of Albertans, property owners, and business. I therefore urge all members of this Assembly to support Bill 202.

[Motion carried; Bill 202 read a second time]

4:40

Bill 203 Gas Flaring Elimination Act

THE SPEAKER: The hon. Member for Edmonton Highlands.

MR. MASON: Thank you very much, Mr. Speaker. I’m honoured and pleased to rise to speak to second reading of Bill 203, the Gas Flaring Elimination Act. This act is very straightforward. Its objective is to eliminate the scourge of gas flaring and venting from the rural Alberta landscape within 10 years. [interjections] Yes, if you’ll all take out your *Reader’s Digest* version.

Mr. Speaker, the Pembina Institute for Appropriate Development in a February 1999 report called *Beyond Eco-terrorism: The Deeper Issues Affecting Alberta’s Oil Patch* described gas flaring and venting as the most prominent air quality concern in rural Alberta. The most prevalent type of flaring was solution gas flaring of natural

gas from oil wells and gas flaring at smaller processing facilities including sour gas processing plants. There is also significant concern about flaring at test wells where an energy company is trying to establish the pressure of the natural gas reservoir.

Residents living near flares have for many years documented problems with their health, their children’s health, and the health of their livestock, their crops, and surrounding vegetation. The Alberta Research Council recently found that flares fully combust only 64 to 85 percent of the gas that is being directed to them. More than 250 compounds are being emitted from flares as a result of incomplete combustion, including hydrogen sulfide, which is extremely toxic, and benzene, a known carcinogen.

According to the Pembina institute report in 1996 there were 5,246 active gas flares in Alberta. Those flares burned 1.8 billion cubic metres of gas, or about 8 percent of the volume produced. So in addition to the negative impacts of flaring on rural residents, livestock, and vegetation, flaring wastes a very valuable and increasingly scarce commodity.

I wish to acknowledge the fact that significant progress has been made in reducing gas flaring. A few years ago the energy industry made a commitment to reduce gas flaring and venting by 50 percent by the end of 2003 and a reduction of 60 to 70 percent by the end of 2004, I guess. The multistakeholder task force involving the province, the energy industry, and a number of public representatives was set up under the province’s Clean Air Strategic Alliance to monitor whether these reduction targets were being achieved. It looks like the 50 percent reduction target may in fact be achieved by the end of 2002, this year. This is a significant achievement, and I commend those involved for helping to bring it about.

At the same time, it is important to note that the approach to reducing gas flaring to this point in time helped Alberta get rid of the easy half of the problem; namely, the relatively large flares where it was most economic to recover the gas rather than to flare it into the atmosphere. Eliminating the second 50 percent of flaring is likely to be a significantly greater challenge.

I suspect that some government members are going to point to the progress made so far in reducing flaring and question the approach of legislating firm targets for further reductions and eventual elimination of this environmental scourge. In response I would say that sometimes you need legislation to keep your feet to the fire. This government has been a longtime advocate of setting legislated targets for paying down the provincial debt. I ask: why not use the same approach to eliminating an environmental hazard like gas flaring?

I see two major advantages to using a legislated approach to eliminating gas flaring compared to the existing largely voluntary approach. First, a legislated approach creates a more level playing field. Companies which make the investment to eliminate flaring on a voluntary basis are not penalized compared to companies who refuse to make that investment, and as the economic costs of reducing flaring further increase, this will become a greater and greater problem. The good corporate citizens, the ones that are willing to play by the voluntary rules, actually suffer in a competitive market relative to those who refuse to be good corporate citizens. I think that’s wrong, Mr. Speaker. That’s something we need to address.

Second, an approach which sets out minimum legislated targets is more transparent. Everyone understands clearly what they are expected to achieve in terms of reductions. Even those who favour the current approach, the current voluntary approach, have said that Bill 203’s target to eliminate all but emergency flaring under strict conditions is in fact achievable. I want to stress that the bill does

include a provision for flaring in the case where there's a real threat of an accident or an explosion.

I also think that it would be naive for members to believe that the progress that has been made thus far has settled the problem of gas flaring. Nothing could be further from the truth. As just one example to substantiate that the issue of gas flaring is far from being resolved, next week in Fort Saskatchewan the Heartland Citizens' Coalition is sponsoring a public meeting on gas flaring and what needs to be done to get the oil and gas industry to eliminate this problem.

I believe that this bill sets up a very reasonable process for eliminating flaring within a 10-year period. Bill 203 establishes a broadly based advisory council consisting of representatives from government, industry, labour, and the environmental and scientific communities to establish a threshold volume for gas flaring that would be subject to elimination within 10 years. The composition of the advisory council in Bill 203 is similar in terms of its composition to the multistakeholder task force set up under the Clean Air Strategic Alliance. However, unlike the CASA task force the advisory council will have the power of legislation behind it. The advisory council will be given the necessary legislative tools to get the job of eliminating gas flaring done.

I remind all members that Bill 203 is being debated at second reading, which is a debate on the principles and intent of the bill and not on its detailed contents. While there may be some details in the bill on which members have questions, I would be very open to consider amendments from members on any side of the House at the committee stage. I think the bill's approach is a very reasonable one and that government members and all members of this Assembly consider the bill on what it is setting out to achieve, including reducing the level of conflict between rural Albertans and the oil and gas industry and improving the environment throughout rural areas of the province.

Mr. Speaker, I would like to indicate that one of the great challenges, I think, which faces us all is to maintain and improve the quality of life in the rural areas of this province. It's under attack like never before. The quality of life in rural Alberta is why many, many people live there, have moved there, or have stayed there, yet with the rapid industrialization of the province it's placed under significant pressure from a number of quarters. One of them and one which has certainly become a very, very serious irritant in rural Alberta is the intrusiveness of the oil and gas industry on their lives.

In particular, I want to stress that the flaring and the venting of gas in this province have had very serious problems. While I think that almost all Albertans share the view that violence and sabotage is the wrong way to deal with it, the fact remains that of all of the political issues in this province this is the one issue that has led to those kinds of things. We need to do, I think, a better job of communicating to Albertans that we are going to take very firm and strong action in order to eliminate this scourge, and I urge members, in conclusion, to support Bill 203, the Gas Flaring Elimination Act, at second reading.

Thank you, Mr. Speaker.

4:50

THE SPEAKER: The hon. Member for Whitecourt-St. Anne.

MR. VANDERBURG: Thank you, Mr. Speaker. It's my pleasure to speak to Bill 203. I believe that the intent of the member is good. However, I cannot support the bill. Before I talk on it, I'd like to invite the member out to Whitecourt-St. Anne and have a look at some of the situations that I've worked in in the past. I've come to realize that flaring is a necessity. We need to have an opportunity

to create a safe workplace, so I would like to invite you to come out and have a look at some gas plants and some areas where we do flaring where it's necessary.

I have to also commend you on Bill 203. It's very easy to read. I've read lots of these bills and motions since I've been here, and some of them are very difficult to get through, but you've done a good job in writing it.

The purpose of the act "is to establish a time frame in legislation that will eliminate the flaring and venting of solution gas in Alberta within 10 years." I would say that it may be more appropriate to state that you'd like to urge the government to act, to continue to work toward the elimination of flaring rather than the statement made. Mr. Speaker, flaring is a sensitive issue in Alberta. Oil and gas revenues bring a lot of money to our province, and without them we would most likely not be in the enviable shape we are in today.

I believe that Bill 203 is premised on rhetorical-based research and not scientific study. This government is currently waiting for results of a study that'll bring scientific evidence and world-class research to bear on this issue. The western provinces' human and animal health study is an ongoing study that will provide us with the necessary scientific data to make informed decisions on the future of industry in Alberta. This government has taken a leadership role with respect to this study by giving \$11 million toward its completion. It's estimated that the study will be complete in 2004, and when the recommendations are received, we will then have the proper scientific evidence to guide the government if it changes policy. I'll repeat: the scientific evidence to guide government. Mr. Speaker, if we pass Bill 203 today, we would be doing so based not on this scientific data that's so much needed but on speculation.

We have another scientific study that researched the effects of, among other things, gas flaring on crops. It was conclusively found that there was no significant effect of short-term exposure to ethylene on barley, canola, or field peas. It also conclusively found that there was no significant evidence or effect on barley yield from exposure to ethylene pattern that was derived from ambient air monitoring data during the highest month of exposure at an Alberta petrochemical facility. We have the results of this study, and I suggest that we wait for the results of the human and animal health study before we make any decisions either way. A wrong decision could cripple the industry that is the backbone of our resource-based economy. It would be unwise, inappropriate for government to pass legislation before the results of the study are completed. We need to have factual information and scientific data available before we can pass legislation of this magnitude, and I again repeat: scientific data available before we can pass legislation.

Mr. Speaker, I would also like to point out that this government is already working viably to eliminate flaring. There have been significant decreases in flaring in Alberta since 1996. The Energy and Utilities Board has set flaring reduction targets for the industry. By the end of 2003 they have set a target of 40 to 50 percent reduction in volumes flared. Forty to 50 percent. These reductions are firm and will be met. The government is well on its way to considerably reducing flaring.

Even though we are moving towards eliminating flaring, Mr. Speaker, it is impossible for flaring to be completely eliminated at this point. Like I talked about in the preface of my comments, there are many, many safety concerns when we must have flaring on-site to ensure the best possible and the most safe working conditions available. We must take into consideration exploration and production. In almost all cases natural gas drilling requires release of excess gas. If we eliminate flaring completely, it would stop drilling activity in remote areas. This is because when you drill, you have to release the gas that's produced during the process, and currently

the safest way of doing so is by flaring. Surely we wouldn't want to put that gas out in the raw form. We do not have the current technology to release gas safely in remote areas other than by flaring. When we have the technology, then maybe this legislation would be a better idea, but as for right now it's not going to happen.

Mr. Speaker, we cannot support this bill because we do not have the scientific evidence or the technology available to support it. Again: do not have the scientific evidence or the technology to support it. The data is on its way, and I'd ask the member opposite and Albertans to remain patient as results will give us the information we need to make the right decision. In many cases flaring is used for emergency safety purposes, not for convenience.

Thank you.

MS CARLSON: Mr. Speaker, I'm happy to speak to Bill 203, the Gas Flaring Elimination Act. It isn't very often in this Legislative Assembly that we see two environmental bills come up in one afternoon, and I'm very happy to see that this is an issue that's topical at least to private members in this Assembly if not necessarily the government. I hope that these actions will closely be followed by government actions, seeing issues debated and legislation brought forward that will support positive changes in how our environment is managed within this province. It's good to see that the Member for Edmonton-Highlands brings up the issue of gas flaring. It's one that's very important for us to be talking about in conjunction with a number of other related kinds of environmental hazards that we see in this province.

I was a little disappointed when I first saw the bill being brought forward, because it came to my mind that we have quite a number of very burning environmental issues in this province that need to be addressed and the Member for Edmonton-Highlands chose to bring forward an issue where there has been some progress made over the past few years and where we have seen some good collaborative efforts being made between industry, environmentalists, and the government.

It was my intention to speak a little more critically of the bill than what I will now, Mr. Speaker. Having heard from one private member who supports government actions is enough to actually urge me to aggressively support the Member for Edmonton-Highland's bill, because once again the private members who support government actions come to this table, in my opinion, somewhat uninformed, inside-the-box thinkers, and unadaptable towards changes that could be progressive for this province. So it's a grave disappointment with only one speaker having come forward that we see the kinds of comments being made here. I was happy to see that the member who spoke, who was the Member for Whitecourt-Ste. Anne, brought forward the discussion about the western provinces' human health study and said that we needed to talk about the science before we took legislative action. I wish he would share that principle with the Minister of Environment, who has recently brought forward a consultation process on water in this province in the absence of any science-based evidence indicating the kinds of quantities and resources and longevity for water in this province. Perhaps they could get their lines of communication open. The Minister of Environment certainly has something to learn and benefit from.

5:00

AN HON. MEMBER: I'm just a lowly backbencher.

MS CARLSON: That's okay. You can start. You can start today. You've got lots of company, but you need to pull a few more to your way of thinking.

Mr. Speaker, in terms of the western provinces' human health

study, yes, it's under way. Yes, it takes a look at gas flaring as a part of the process of impact on human and animal health. In fact, it was my privilege to recently meet in Washington with one of the world experts on air, a fellow who is collaborating with Dr. Schindler, whom we all know in this Legislative Assembly quite well, on assessing some of those impacts and is using parts of this health study in developing their paper.

However, he believes they have enough information, base data to go forward on now to talk about some of the impacts, particularly of gas flaring. It would seem, then, that that certainly is science-based research. So for the Member for Whitecourt-Ste. Anne to say that we have to wait before we move forward on this kind of work is really not accurate. In fact, there have been a number of studies done over the years in different areas that are science based and that do have some well-documented evidence and have drawn some conclusions.

In general, for the most part, what those conclusions say is that there are very definitely health impacts on people and animals to deal with gas flaring. Now, where the debate comes into effect is whether those are isolated in regions or more widespread in nature and what the other contributing factors are to those health risks or detrimental health effects. There's an argument to be made that you need a certain set of conditions to be met for the health impacts to be substantive and negative in nature. His paper will come out with this. I'm looking forward to reading it and pushing the government to take some action when it comes out.

So what the Member for Whitecourt-Ste. Anne said isn't completely accurate. In fact, there's lots of data. In fact, there are negative effects on both humans and animals. We welcome the moneys that the government has allocated to this most current study being undertaken, because it will be far more encompassing than former studies have been, but it isn't the end of the story on this particular issue and shouldn't be taken into account as being the bible for what will happen. There are certain actions that the government can take in the meantime and in fact, I would suggest, has been taking.

It was interesting that when this bill came up, we had the opportunity to talk to a good friend to all Albertans, be they wildlife- or landscape- or people-based, and that's Martha Kostuch. Martha has been a longtime member of CASA, the Clean Air Strategic Alliance Association.

MR. MacDONALD: She lives pretty handy to a big gas plant.

MS CARLSON: And she lives – that's exactly right – very close to a big gas plant and, I think, could be called by all members in this Assembly as an expert on this particular issue. She's spent a great deal of her life fighting for issues that pose health risks to people in the community, not the least of which is . . . [interjection] Yes, she was even a friend to them, because good legislation and good changes are progressive for everybody, even if some companies go kicking and screaming along the way.

In talking to her, in fact – and I'm paraphrasing, so please don't quote me in terms of saying exactly what she stated in terms of this – her concerns were that most of the things being suggested in this bill are being undertaken in great part by CASA and that they have made some excellent progress in terms of reducing gas flares, and a community, proactive, collaborative effort to eliminate them is definitely what's needed.

As the Member for Edmonton-Highlands said, the 50 percent reduction should be met by the end of this year. They're looking to go to 70 percent reductions by the end of 2006 and 2007, and that's all good news. But what can help them along that way, and what

can take us down the road to completely eliminating gas flaring? Technology advances certainly can. What we certainly need in this province now are more efficient and effective burns. We know the technology's out there. For some reason there seems to be a gap between what they can do in the laboratory and what happens out in the field, so I think the government needs to take a serious look at that. That would be proactive.

The Member for Whitecourt-Ste. Anne talked about safety concerns with flaring and why it was needed and necessary now, but that's really inside-the-box thinking, Mr. Speaker. We need to be pushing these companies a little harder to take a look at other options. What are the conditions that exist that cause them to have to do flares, and why is it that those flares aren't always efficient burners at this time? That's what we need to take a look at. It's not very forward thinking – in fact, it's backward thinking – to state that this is the only way to handle that particular problem. I don't believe that for a minute, and I don't think the companies do either.

Certainly I receive every year many phone calls, letters of concern, and anecdotal evidence about the impact of gas flaring in this province. We have come a long way in taking a look at this issue but certainly not far enough. So it is important that the issue be raised, I believe, in some sort of a legislative fashion, and a private member's statement is a good way to do it. I certainly hope that the Minister of Environment gets in on this particular debate, because he's supposed to be responsible for being in charge of overall air and water quality, and that the Minister of Sustainable Resource Development will come forward and tell us what initiatives companies are bringing forward.

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

MR. OUELLETTE: Thank you, Mr. Speaker, for the opportunity to rise today and speak to Bill 203, the Gas Flaring Elimination Act. Ensuring that industrial and economic development in Alberta proceeds in a reasonable manner is a responsibility that this government takes very seriously. Since the first well was struck in Leduc in 1947, Alberta has had a proud and distinguished association with the oil and gas industry. It is an industry that altered our course of history and forever revolutionized our way of life.

Most of us in this Assembly realize the importance of the development of oil and gas. Over 33 percent of government revenues come from the exploration and development of oil and gas. Most of our debt and much of our provincial infrastructure and extra program spending can be attributed to the royalties the government earns when world markets sustain high prices.

This industry, with all the benefits, also comes with challenges that include protecting the environment and the safety of surrounding areas and people. It is a challenge that the energy sector takes very seriously. Each year millions of dollars are spent by the energy industry to ensure that the environment is not overly harmed by the development of land. Each year time and effort is invested in developing new technologies to ensure the safety of local communities and individuals.

Part of the requirements necessary to protect the safety and health of local residents includes flaring. Flaring, Mr. Speaker, involves the burning of waste gases during well testing and in petroleum production operations. While flaring may occur to dispose of unwanted and unusable volumes of gas and to depressure gas processing equipment for maintenance, flaring is also used to protect people and the environment during emergencies. Flaring is an important safety procedure, especially at facilities that handle sour gas. Hydrogen sulphide in sour gas is toxic and heavier than the gases that make up our air. When flared, the hydrogen sulphide is

converted into less toxic sulphur dioxide, which is dispersed in the plume of hot gas from the flare. If not flared, these gases could pose serious health hazards to workers and adjacent landowners.

5:10

With the handling of any sort of dangerous toxic gases, concerns are raised when they are released and burned in the atmosphere. Questions and concerns on flaring range anywhere from health and environmental impacts to whether flaring is a waste of gas that perhaps could be captured and refined for other uses. Concerns are also raised on smoke, noise, and odour problems.

The government of Alberta has delegated authority for the regulation and monitoring of such energy industry practices to the Alberta Energy and Utilities Board. The board has taken steps to review flaring and to ensure that the safety and the environment of Albertans is protected. In July of '99 the EUB directed industry to eliminate the practice of flaring where possible and, where elimination was not possible, to reduce the volumes to be flared. The EUB also asked industry to find alternative uses for gases that were previously flared and to design and operate flares so as to increase their efficiency and minimize the release of products of incomplete combustion.

Alberta's energy industry took this challenge seriously and responded with many improvements. A multistakeholder group was formed to address this issue, including representatives from industry, government, the EUB, and interest groups. Frameworks were established for managing routine flaring activities, and actions have been established to lead to the eventual elimination of flaring. The eventual elimination of flaring is a worthy goal but one that requires much, much more work. Mr. Speaker, I firmly believe that these studies need to be undertaken and solutions found by scientists, experts, and professionals rather than armchair experts who like to think that they know a thing or two about hot air.

Industry and professionals have produced a guide for operators in situations where there are no reasonable alternatives to flaring. Funds have been invested in the sponsorship of research to assess the viability and the alternatives to flaring and to optimize flare design to ensure maximum combustion efficiency. Industry has also been successful in increasing the promotion of gas recovered in operations. In fact, the Energy and Utilities Board reports that Alberta conserves about 94 percent of all solution gas produced.

SOME HON. MEMBERS: How much?

MR. OUELLETTE: Ninety-four percent. The rest is generally treated as a waste stream and flared.

These are results that we can all be proud of and results that have evolved along with time, technology, and expertise. They have not resulted because of a pie in the sky or unnecessary and harsh regulations. The Energy and Utilities Board's commitment to safety and to examining this issue has not ended by simply monitoring the situation. The EUB has been working with the Clean Air Strategic Alliance, otherwise known as CASA, and reduced upstream solution gas flaring by 15 percent from '96 levels by the end of 2000 and 25 percent by the end of last year. These targets, Mr. Speaker, were firm, and the EUB is once again working with CASA to implement regulatory measures to ensure industry compliance.

Future CASA air emission standards are being re-evaluated this year. In addition to this, Mr. Speaker, a study that is in part supported by the government is being undertaken to investigate whether there is a link between oil and gas emissions and animal health. This study, the first of its kind, is scheduled to be completed by 2004. The Alberta government has already invested millions of

dollars into this project, a sign of its commitment to this important issue.

Mr. Speaker, I believe that before any more action is taken, we must complete studies like this one. We must ensure that experts, health officials, and scientists are allowed the time to monitor and investigate this further and come up with recommendations for action. We must not fall into a trap of getting ahead of experts by creating unnecessary rules and regulations that would cause more harm than good.

I would urge all members to vote down Bill 203 and allow industry, scientists, and experts the opportunity to do the jobs that they were trained for. Thank you, Mr. Speaker.

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

MR. MacDONALD: Thank you very much, Mr. Speaker. It's a pleasure to rise and participate in the debate this afternoon on Bill 203, Gas Flaring Elimination Act, as presented by the hon. Member for Edmonton-Highlands. First, before I get into my organized speech, I would like to remind the Member for Innisfail-Sylvan Lake that the citizens of Turner Valley would take exception to his remark that the oil or particularly the gas industry started, I believe, in 1947 or 1948 with the Leduc discovery. There was a viable natural gas industry and a significant production for decades in southern Alberta, specifically in the Turner Valley area, previous to the Leduc discovery. I'm told that from Calgary you could actually see the gas flare from Turner Valley. There was that much gas.

One thing that I do at this time commend the government for – and I see this outlined in the third-quarter fiscal update – is a commitment to do the western Canadian flaring study on gas flaring. I think that is necessary. It is necessary after one has an opportunity to read the book entitled *Saboteurs*, written by, I believe, a Calgarian, Andrew Nikiforuk. This book outlines to Albertans just precisely what the controversy is between landowners and gas producers and the whole issue of flaring.

Now, I happened to run into someone during Minor Hockey Week, Mr. Speaker, and they had this book under their arm. I approached them and asked them about it, and they urged me to read it and I did. It is available in the library here, and I would urge all hon. members of this Assembly to read *Saboteurs* before you vote on this bill, as presented by the hon. Member for Edmonton-Highlands.

Earlier this afternoon in debate there was a lot of talk about having to have this flaring because it is a safety issue in gas plants and in other production facilities, and that is absolutely correct. There can be upsets; there can be mechanical failures. The easiest way to depressure the facility is certainly with the use of the flare, and that has gone on.

Other hon. members talked about testing wells. Mr. Speaker, certainly, whenever you test a well or you want to do a production test on it, to flare the gas off is only reasonable. But when we look at the statistics that are now being produced on the supply of gas and the production of gas in this province, one has to notice that in 1999 – and I think this is an excellent way of handling this – there are two categories for gas. There is raw gas production, and there's processed gas production. To clarify that for all members, processed gas production refers to gas usage dispositions downstream of Alberta gas plants, and this is specifically mentioned here, because it is easy for members to get confused between raw gas production and processed gas production.

The hon. Member for Whitecourt-St. Anne was talking about the

reduction in the amount of gas flared. The amount of gas – and this is in millions of cubic feet. In the last decade there has been no reduction really in the amount flared to atmosphere, but there has been a significant increase in the production of gas in this province. For instance, in 1990 gas production in this province was 117 million cubic metres. Now, in the last year that I have the full figures for, it is in excess of 170 million cubic metres. So there has been a significant increase in the amount of production, and the amount of gas that has been flared has remained pretty much the same, around 2.2 million cubic metres. But that's not to say that that is right. This gas has certainly increased in value, and that would be a natural incentive, as it increases in value, for there to be less flaring, because it's too valuable a commodity just to be flared. There are certainly issues relating to the environment.

5:20

I think this bill has merit. We were talking earlier about a 10-year plan. We're talking about 10-year plans, for instance, in health care. So why can't we have one, as the hon. member suggests, for gas flaring and reduce this even further? It is a worthwhile goal to reduce gas flares. A lot of the contentious issues that face landowners and oil and gas landmen I think could be resolved easier if there were less flaring.

There have been studies done. There has been conclusive proof established that gas flaring affects the health not only of humans but certainly animals. A noteworthy example would be the beef cattle in the area of Sundre. There has been a great deal of difficulty, particularly with one cattle owner and his herd. There is a dairy farmer I believe in the St. Albert area who has concerns. Every time there is flaring in the vicinity of his farm, if the wind is blowing in the right direction, then the cattle certainly are sick. Now, I don't know, as the hon. member has suggested, if the milk is sour, but certainly the cattle need attention from the veterinarian, who I believe is the Morinville veterinarian.

Now, there are many different and various examples from across the province, and that is why I would have to urge all members to support this bill. We can't underestimate, or we can't just simply dismiss and pretend that there are no statistics relating to this because the studies have already been done, and if people perhaps work together, Mr. Speaker, with solution gas – I'm astonished at the statistics brought forward by the hon. member, but solution gas, excess gas from oil production, certainly could be used to produce electricity on a small local scale. There could be natural gas flaring as well. Instead of flaring it, it could be used as a fuel source for small, say, four- or five-megawatt turbines. There are answers to this problem besides just simply cheaply flaring the gas off.

Mr. Speaker, in conclusion I would like to urge members to read *Saboteurs* by Andrew Nikiforuk before you vote on this bill, and at this time I would like to adjourn debate on Bill 203. Thank you.

[Motion to adjourn debate carried]

THE SPEAKER: The hon. Deputy Government House Leader.

MR. ZWOZDESKY: Thank you, Mr. Speaker. It's been a very progressive and exciting day. We've made excellent progress on this historic day, it being the first full day of private members' business, and since we are very close to the hour, I would move that we now call it 5:30 and adjourn until 8 this evening.

[Motion carried; the Assembly adjourned at 5:25 p.m.]

