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First Session

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Wednesday evening, November 6, 2013

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The Honourable Gene Zwozdesky, Speaker

Legislative Assembly of Alberta The 28th Legislature

First Session

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Party standings:

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| McDonald | Xiao |

Standing Committee on the Alberta Heritage Savings Trust Fund

Chair: Mr. Khan
Deputy Chair: Mrs. Jablonski

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Select Special Chief Electoral Officer Search Committee

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| Eggen | McDonald |
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Select Special Conflicts of Interest Act Review Committee

Chair: Mr. Luan
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| Blakeman | Notley |
| Fenske | Saskiw |
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Standing Committee on Families and Communities

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Deputy Chair: Mrs. Forsyth

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| Cusanelli | Notley |
| DeLong | Pedersen |
| Fritz | Swann |
| Goudreau | Towle |
| Jablonski | Wilson |
| Jeneroux | Xiao |
| Khan | Young |

Standing Committee on Legislative Offices

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| DeLong | Rowe |
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| Hale | Sarich |
| Hehr | Stier |
| Jeneroux | Webber |

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| Fenske | Webber |

Legislative Assembly of Alberta

7:30 p.m.

Wednesday, November 6, 2013

Government Bills and Orders Committee of the Whole

[Mr. Rogers in the chair]

The Chair: Hon. members, we'll call the Committee of the Whole back to order.

Bill 27

Flood Recovery and Reconstruction Act

The Chair: We are dealing with amendment A6. I believe the hon. Member for Lacombe-Ponoka was speaking, but I'm willing to recognize another speaker. I'll recognize the Member for Livingstone-Macleod.

Mr. Stier: Well, thank you, Mr. Chairman. I appreciate the members coming back tonight. I have a few things I'd like to get off my chest in the next little while, before I open the amendment. I'd like to start out with a brief bit about what happened this summer.

The Chair: Hon. member, I'm hoping you will speak to amendment A6 because we are on amendment A6. I'm hoping your remarks will speak to amendment A6 in some fashion.

Mr. Stier: Thank you for correcting me. That was not my purpose, so I'm done.

The Chair: If you'd like to come back later on, we'll recognize another speaker, hon. member.

Are there other speakers to amendment A6? If not, I'll call the question.

Hon. Members: Question.

[Motion on amendment A6 lost]

The Chair: We'll come back to the bill, and I'll recognize the Member for Livingstone-Macleod on the bill.

If I could ask hon. members to just keep the side conversations down, please, so that the member who has the floor can be heard, certainly by the chair. Thank you.

Mr. Stier: Thank you again, Mr. Chairman. To the Assembly, I have taken some time to go over Bill 27, as was discussed earlier, and I found, as you might recall in my earlier preamble today, that it seems a little bit insufficient to be looking at only four, five, or six pages of information as a result of what happened this summer. I think we have to keep in mind what is at stake here for a lot of individuals in southern Alberta particularly and through the city of Calgary, High River, Turner Valley, Black Diamond, Fort Macleod, Blairmore. All these areas had some devastating things occur. I think it's crucial, if we're going to try to impose such regulations and new rules upon them, that we have a flood recovery and reconstruction act that is going to be structured to . . .

The Chair: Hon. members, please. The side conversations are distracting our main speaker. Thank you.

Please proceed, hon. member.

Mr. Stier: Thank you. I think it's important that the Flood Recovery and Reconstruction Act have the appropriate clauses and sections in it and the detail so that when these different kinds of mitigation procedures and some of these recovery situations befall them, there are enough rules and guidelines to give them a fair opportunity to review their own situations, make the decisions upon which they may be going in the future, and understand what these kinds of dramatic things like caveats and so on might do to their financial investment in their properties and so on.

When I looked at the documents that were presented throughout the summertime and at most of those meetings and I heard from residents who were faced with difficulties in making decisions and when I attended the public announcements regarding the purchasing of properties and the buyouts and all those kinds of things, I realized that these people were faced with almost a lifetime decision that they were going to have to make: should they liquidate their properties? Now, in many cases it's not only just a residential property. It could be a commercial property. It could be a property that they are deriving an income from. It could be any number of these things. These sorts of decisions are not easily made, and they do have consequences.

Particularly in High River, if I may go there, you have situations where you have people who have had the occasion to move in from the country and retire in that small town, take what monies they have left, only to find that their new dream home is a disaster and that they could be faced with a significant loss in their investment even if they chose a buyout.

It seems to me that if we're going to put together a bill, it should have all the details there to help protect them but also to help them deal with the decision-making and perhaps deal with the settlement negotiations. Also, too, perhaps later on if they have difficulties with that, if they need to follow some sort of an appeal process or some sort of a mechanism to guarantee their property rights, at least there'll be some rules that will have some sort of binding ability on the decisions that are made.

With that, when I look through the Emergency Management Act, which this bill is supposed to be amending, I found that there weren't any clear definitions for flood risk; there weren't any clear definitions for floodway. Although those are known within the different ministries and they are stated in some of the ministry websites, they aren't included in this act. Further, they aren't included in the Emergency Management Act. Third, they're not included in the Municipal Government Act either.

So it seems strange to me how people would make use of this act to base decisions upon. Whether they're being judged by officials or they're the residents themselves, it seems to me that this act is missing clear definitions. How can you talk about putting caveats on titles? How can you talk about changing the status of a piece of land to be in a floodway or flood risk? How can you talk about accurate flood mapping, and how can you talk about accurate database management if you do not know what the definitions are?

With that, Mr. Chairman, I have an amendment to this act, and I'll hand the copies out.

The Chair: You'll have those distributed, pause for a moment, and then I'll let you speak to it. Thank you.

Mr. Stier: Mr. Chairman, it's a two-page document, and the second page has the original signature.

The Chair: Hon. member, for the record this will be amendment A7.

Mr. Stier: Thank you.

The Chair: You may proceed, hon. member.

Mr. Stier: Hon. members, while we're waiting for that to be distributed, I'd just like to draw your attention to the act that we're discussing tonight, Bill 27. This refers to page 1, and it refers to section 6 under subsection (2). What we're doing here with this is that after the section that you see on page 1, we're adding in the definitions from the second page of this amendment, where we've included the definition of flood fringe and floodway.

Following that, we're also adding a second section in 2(3), and it's on the last page.

- (1.1) For the purposes of this section and the regulations made under subsection (1), "floodway" means the portion of the flood hazard area where the flows are deepest, fastest and most destructive, and may include the main channel of a stream.

What we've done here is that we've actually added into both these sections an actual definition tied to these sections so we know what a flood fringe is and what a floodway is.

The reason I've put both those in there is that when we look at the section that precedes that – if you look at the first page of the amendment, it's item (c.2) – they're talking about "respecting the filing and removal of caveats against titles to land in a flood fringe or floodway," and we needed to establish that for everyone that's going to be involved, whether it's here in this House or authorities later on. Whether that might mean a land agent or a realtor or a homeowner or anyone involved in these caveat processes, we need to have it clearly established, in my mind, as to how they would differentiate between a floodway and a flood fringe and a property, therefore, that might or might not fit into either one of these categories.

7:40

I think this is extremely important. As we know, so many people this year have been waiting and waiting and trying to get a decision made for themselves. After they've made their application for the DRP funding, they still don't know whether they should cash that cheque or not. You may or may not have followed how all this works, but if you're in a DRP situation and you've applied for the funding – you need to have that done, by the way, by the end of November – you may still be uncertain at this time whether you're going to proceed all the way.

One of the crucial things that I can tell you is that in a lot of towns like Black Diamond, as an example, there are a lot of people who believe that they are in the floodway, yet the old maps say that they are not in the floodway. This is a real problem. This is why we're hammering on this business of having accurate flood mapping in this discussion that we're having about this bill. It means life or death for someone to be on one side of the line or the other in many respects. They may be in a floodway, or they may not be in a floodway, and we need to get the data to establish that. Once we do have that data, at least these definitions added to this bill would be a way to be able to judge the situation with more clarity for all those involved either now or further down the road.

Mr. Chairman, I have, I suspect, a lot of folks that want to talk about this amendment. I think it is worthwhile. I would really urge the government members to please give this some solid consideration and think about passing this amendment. I think that it is something that would add to what you already have. It's not being critical of what you have. It is only to supplement what you have now and make it better. I would urge you to support this, and I'm here to answer any questions that may come up. I hope that

someone else may want to step up to address this issue should they care to.

Thank you very much, Mr. Chairman.

The Chair: Thank you, hon. member.

I'll recognize the Member for Calgary-Bow.

Ms DeLong: Thank you very much, Mr. Chairman. I just wanted to make the point that as long as the flood fringe and the floodway are actually put on the maps – okay? – which is what we had last time, then the floodway is whatever the floodway was on the official maps. The flood fringes are the ones that are on the maps as the flood fringes currently. If we try to mess around with that, if we try to say, "Oh, well, there was fast-flowing water here, so this is a floodway," we could get into a mess that would last for years, and those people, those constituents of ours who are waiting for DRP funding, would be just off in the wind. So what we need to do is make sure that whatever is on the maps for the flood fringe or the floodway is the way that you go with it, which is what we have done. I just wanted to make that point.

Thank you.

The Chair: The hon. Member for Medicine Hat.

Mr. Pedersen: Thank you, Mr. Chairman. Just in reply to the hon. member over there, one of the maps that DRP actually brought to Medicine Hat on one of the original sessions was dated 1991, and that was the most current map that they were using. This was from government. When the member is talking about what is the most current designation for floodway and flood fringe, back in 1991 – we had a flood in '95, we had a flood in 2006, we had a flood in 2010, and we had another flood in 2013. Things do change, member. If that's the most recent map we're using, it's not good enough.

That's what we're trying to talk about here. A floodway is probably easier to determine because it is more of that deeper running water, but flood fringe will change with the flow and the volume of the water. Flood fringe will change. That's the problem that we have here. We have people that were not affected in the floodway – they weren't affected at all – but flood fringe people were, and I think that's one of the things that we're trying to get across. Flood fringe is probably more important, in my mind, than floodway.

In that regard, I agree with the member bringing this amendment forward, and I think that it is critical that we establish what the definitions are and exactly what those areas are for each flood area. This is what we're going to be talking about going forward when any DRP is involved. Once you access that program, it's going to be because you have been designated either in a flood fringe or a floodway. But if that is changing on different flood circumstances, depending on how serious the event is, you could have an expanding flood fringe. There's no doubt about it. I think that's what we have to be cautious about.

In saying that, I am standing in support of this, and I hope other members will have a closer look at it. Thank you.

The Chair: Thank you, hon. member.

Are there others? The hon. Minister of Justice and Solicitor General.

Mr. Denis: Thank you very much, Mr. Chair. I'm just rising to request unanimous consent of the House that all bells this evening on any divisions be on a one-minute basis.

The Chair: Hon. members, the hon. Minister of Justice and Solicitor General has made a motion that any bells tonight be one minute.

[Unanimous consent granted]

The Chair: I'll recognize the Member for Calgary-Shaw.

Mr. Wilson: Thank you, Mr. Chair. I appreciate the opportunity to seek some clarification from the hon. associate minister of recovery and reconstruction for the southwest. Is that correct? Yeah. I heard him engaging in the discussion. I, unfortunately, was not here over the debate for the last amendment. I'm wondering if he could perhaps clarify what it was that he was saying while the last member was speaking so that I can understand the associate minister's take on this amendment.

The Chair: The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you, Mr. Chair. Well, we're going to give the associate minister another opportunity at it. There's no question about it. He can get up at any time and speak to this amendment.

I want to go back to the idea of definition. The definition of a floodway or a flood fringe isn't what's on the map, in a drawing. You have to define it first before you map it. It is absolutely imperative that it be defined. There are two separate distinctions scientifically between floodway, flood plain, and flood fringe. What we need to have in the legislation is the definition so we can map it because when they do change – and, particularly, the floodway does change – and you have to update your maps, you know what you're supposed to be updating. You just can't say – it's confusing – that it is what it is on the map without having a definition. That doesn't follow any sequence of logic.

We need a definition. We need to identify it. It has been common knowledge going way back that a floodway is where the channel of the river – in this case this act's definition is actually consistent with that. It talks about the flow and the depth, the majority of that flow and depth, which would be the main channel. There needs to be that precise a reference so there's some accuracy to the maps, particularly when updating the maps, which we've not come to any sort of solution here yet tonight on, what would be an appropriate time to update maps. But the fact is that if we have consistency in the definition, then we will certainly have consistency in updating and making current the maps. So we need definition first. You just can't draw roads on a map and say that there's a road there when the physical road is somewhere else or you don't have a definition of what a road is.

I understand what the member was – no; I don't understand what the member was saying. We need definitions. It is something that we have brought up. I think multiple members have brought up in this Assembly, Mr. Chair, the definition of a floodway, the definition of flood fringe and even flood plain so that there's clarity and consistency.

We have seven major river basins, and within those river basins we have numerous tributaries that feed into those basins. Each one unto itself will be mapped at some point in time. The consistency in the integration of that mapping can only be achieved if we have definitions of what the floodway is, what the flood plain is, what the flood fringe is, and only then will the mapping actually work. Without that it doesn't work. It's technical in nature. It may even be refined. If the members offer up something that would change that to make that more clear, I'm sure that on this side of the House we would support that. We're just looking for clarity in the definition.

7:50

Sure. If the member wants to stand back up and offer some sort of clarification, that's great. Certainly the associate minister is being invited to stand up and offer some clarity on some previous comments dealing with mapping and the definition. That pertains directly to this motion, and hopefully we can get that clarification and their support of this motion.

Thank you very much, Mr. Chair.

The Chair: The hon. Member for Drumheller-Stettler.

Mr. Strankman: Thank you, Mr. Chairman. I'll be relatively brief. I, too, again want to speak to this amendment. I think it's significant to legislation that needs improvement. It's long-term legislation. I also want to allow the members opposite my understanding of this potential amendment in relation to the unstory of Drumheller during the last flood events. It has to do with their respecting the filing and the removal of caveats against land in a flood fringe or floodway. It's still not completely determined in the constituency of Drumheller-Stettler and the community of Drumheller, the potentiality of the inclusion of caveats on properties that are in a floodway. The floodway has not significantly changed, but the minister has made some special designation for that community in regard to that as a result of the mitigation that was done over years past, including the Dickson dam and the berms and everything that was included in the community.

So I think that this is a significant addition to legislation. I advise the members opposite to give it some serious consideration.

The Chair: The hon. Member for Calgary-Shaw.

Mr. Wilson: Thank you, Mr. Chairman. I'll perhaps be a bit more direct with my question to either of the associate ministers if I may. I'm wondering what their aversion is to including these two definitions into either the Emergency Management Act or the MGA. What are you opposed to? The words are used in the act, yet there's no definition. If you can find me a definition in either of those two acts, I'd be happy to see where that is, and perhaps we would not need this amendment. Considering there isn't a definition that we can find, if you could perhaps clarify why we don't need one.

The Chair: The hon. Associate Minister of Regional Recovery and Reconstruction for Southeast Alberta.

Mr. Fawcett: Thank you, Mr. Chairman. Quite simply, if these members want the definition, they can go onto the flood recovery website. There's a frequently asked questions document. Those definitions are clearly labelled in there. As far as the member's rationale as to how this is going to provide clarity to those people that are trying to make decisions, again, the intent is good, but this amendment provides very little value to the overall intent of the legislation, and that is to allow the minister to be able to make certain regulations in this either restricting or limiting development in floodways, which is consistent with the policy that came out in the weeks shortly after the flood. That's clearly what this is going to do.

What I find very interesting is that they want to define the definition in this amendment, and in the previous amendment, that they supported, they talked about involving "engineers, hydrologists, geologists, meteorologists and climate scientists." Well, I think that the purpose of allowing the definition not to be in legislation but in regulation or part of government policy is that over time if those experts decide that they want to make those

changes as part of their mapping methodology, those changes could be made. I think, again, this amendment provides very little value to the overall intent of the bill.

The Chair: Thank you.

For the record that was the hon. Associate Minister for Regional Recovery and Reconstruction for Southwest Alberta.

Back to the Member for Calgary-Shaw.

Mr. Wilson: You're not the only one confused by the titles, Mr. Chairman.

I will just perhaps ask the associate minister if he cares to comment on why terms like "by-election" or "chief administrative officer" or "council" or "councillor" or "elector" or "enactment" or "parcel of land" or "owner" or "market value," even "minister," "municipality," "tax" are all defined in the MGA. I'm sure you could probably google all of those as well, but, you know, we needed to define those here. So why not take the definitions that currently exist on the ESRD website and place them into this act? There are clear precedents for definitions that may not be necessary, but they're in there as it is now.

The Chair: Thank you.

Back to the minister.

Mr. Fawcett: I would assume that the hon. member is suggesting that we define every word in the act, then.

Mr. Wilson: That's not what I'm suggesting; I'm speaking to the amendment which suggests two very key titles. [interjections] I'm sorry?

The Chair: One speaker at a time, please.

Mr. Wilson: I appreciate the feedback from the other side very much, and I will continue to guide myself accordingly. I have yet to hear a good reason why putting these into the act is not something that you are into doing.

The Chair: The hon. Member for Calgary-Bow.

Ms DeLong: Well, thank you very much. I mean, our minister did make a very good point there, that the definition is very much a scientific definition. Those maps which come out actually have the floodway and the flood fringe very specifically on the map. The legislation actually refers to the map, so it is not necessary for us to actually define the floodway since it is very much over on the scientific side. It's not on the legislative side; it's on the scientific side. That scientific definition can change according to what the purpose of that floodway is and the purpose of the flood fringe. So it's not necessary to put that definition in there because we're referring to the map which actually defines the floodway and defines the flood fringe.

Thank you very much. I hope that that satisfies your concern in terms of why that definition isn't in there.

Now, the other thing that I think we really need to talk about in terms of this is that if we start messing around with what the floodway definition is and the flood fringe definition is, you end up in a grey area. You know, you've got the map over here that says such and such, which is what we are referring to. Okay? If we then add the floodway definition and the flood fringe definition, then we're all into a grey area. Again, that grey area hurts our constituents. Our constituents need the DRP to be able to move as quickly as possible. As long as there is a grey area there, then that money is not going to flow as quickly.

Thank you very much, Mr. Chair. I hope this clarifies things enough that the opposition can understand. Thank you.

The Chair: Thank you, hon. member.

The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you, Mr. Chair. The whole purpose of the whole way you remove a grey area is to put a definition in. Once you have a definition – the meaning of the word is to define – you remove the grey out of this misunderstanding of what the actual literal meaning is. So I'm not sure what the hon. member was getting at between grey area and a definition, grey area being somehow more exact than having a definition. I didn't quite understand that. I didn't quite follow the logic behind it, so I'm going to have to disagree with the hon. member.

If this minister wants to use the scientific definition, I will agree. Absolutely, let's put the scientific definition into the act so we know what we're talking about. Why should it belong in there? That's the important point. The hon. minister made some comment that he doesn't want the definition of every word, and that's true of any legislation. You don't need to pull the Bill Clinton: the definition of "is" is what? I don't know. The fact is that we're going to put caveats on people's titles who are going to be in a flood fringe or a floodway. By goodness, I think we ought to know what the definition is so we know whose title we're putting these caveats on, who is going to be directly and adversely affected. Having a definition would actually support this legislation.

8:00

If the hon. member doesn't like this definition and prefers the scientific definition, then so be it. Let's put in the scientific definition of what a floodway is. Let's put in the scientific definition of what a flood fringe is and what a flood plain is. That makes the legislation now very clear, and the mapping then can take place with some sort of accuracy and consistency. Without a definition one flood plain map versus another flood plain map or even the update might not follow the same protocol, and now we've got a real mess on our hands. That's not just a grey area; that inconsistency is problematic. In order to avoid all that, we need definitions so we can construct maps that are not just logical but are accurate.

Thank you very much, Mr. Chair, for the opportunity.

The Chair: Thank you, hon. member.

I recognize the Member for Calgary-Buffalo.

Mr. Hehr: Thank you very much, Mr. Chair. I've listened to this debate. Actually, when I spoke I believe in second reading, I too commented on the fact that there was no definition of floodway or of flood fringe in the act. The act appears to me to be relatively useless without those definitions included in it.

What we have just gone through is a process where by not having updated maps, not having a clear definition of what a floodway or a flood fringe is, and the fact that we had development going in different directions on an ad hoc basis because we hadn't developed clear and cogent plans or ideas around which areas we were going to develop in, which areas were going to be supported by flood maps and flood-proofing and the like, by ignoring the problems for many, many, many, many, many years, we've found ourselves in a place of being in a grey area just in this last flood. You see that in how many people feel they were dealt with in an arbitrary fashion. Because of the maps' outdatedness and the location of their homes relative to the

riverways, floodways, flood fringe and the like, the process really had no rhyme or reason to it.

Might I point out now, Mr. Chair, that, you know – let's face it here – downtown Calgary is essentially built on a floodway? I'll use the definition. If we would have had the precipitation that came down in the 1929 flood, the entire downtown of Calgary would have been submerged under water and had significant portions of damage to it. Okay? That's from the 1929 flood, which was three times the volume of this flood here that happened just this last summer.

If we look at this, how we're going about this is a haphazard manner of dealing with what we're actually trying to clear up. What we're trying to clear up is where we're going to develop, who's going to be covered, and what the process is going to be. I don't think what we have before us goes toward any measure other than letting the minister decide in an ad hoc fashion where we're going to develop, where we're going to build: "I'll make one-off deals with this community, one-off deals with that community. We'll try to piece something together if and when this happens again, and leave ourselves enough flexibility to try to manage it."

But that's what we did this time, and it hasn't worked that spectacularly either for families and communities or for the public purse. I think by having some of these definitions included, we can do a better job of people understanding their rights and responsibilities in terms of when this natural disaster will happen. Despite whatever mitigation proposals are out there and the like, in my view, this is going to happen again. It could happen next year or the year after, and we can't continue to sit here and twiddle our thumbs and not get busy on doing some of the things that other jurisdictions have gone down.

I'll put in a plug right here again that some of this grey area can be cleared up by instituting mandatory flood insurance. Having that fully in place would allow us to do risk-adjusted premiums depending on where people live. That would also protect families and communities wherever they are in this great province as well as protect the public purse. That inevitably will happen when a flooding occurs.

Without definitions and without any clarity in this bill, when a disaster strikes here in Alberta, say 15 or 20 years from now, the legislation you're currently proposing is not going to tie the hands of some future government. They are going to be forced to act when their citizens are in jeopardy, in peril, when they need help. No government's hands should be tied when that happens. So that government is going to be forced to act, to assist, and it is their obligation to do so. But by not having any appropriate fences or appropriate mechanisms put around what we're doing here – one of those examples is on the definition front – we're simply creating the same situation that we had here in this flooding, the effect of an ad hoc reaction to a crisis and seemingly making things up on the fly, which I think even members opposite, on the other side of the House, will fully admit.

That's what we went through, government policy on the fly that hadn't been developed in advance, had no consistent application, had no rhyme or reason to it. They just tried to do the best they could. I will admit that if you don't have those firm plans in place – I think this government did a pretty good job of doing the best they could given that they hadn't done anything in a long while in actually preparing for a disaster.

What we're trying to do with this legislation is have some form and fashion, rhyme or reason, to what is going to happen the next time this happens. What's going to happen to caveats and the like? What is the development process going to be in every community going forward? Leaving it up to the minister in some backroom to

decide willy-nilly or whatever may make sense at the time with no consistent application to me is just not good enough

Thank you very much, Mr. Chair. I think this amendment has merit.

The Chair: Thank you, hon. member.

I'll recognize the member for Livingstone-Macleod.

Mr. Stier: Well, thank you, Mr. Chairman. An interesting bunch of exchanges on a matter that I thought would have been fairly simple, quite frankly.

There are a few legal eagles in the room here, a few people that know their stuff in terms of legislation. I had been playing with this a little bit as a novice for many years in my municipal days. I didn't think it would be too difficult to take what is normally expected in legislation, such a thing as definitions, and insert them so that we could give clarity to what I thought was a clause that needed a little bit more refining. So I would like to suggest to those of you that have some of that background and knowledge to give this some serious thought.

I saw last night in our deliberations some people from the government side not necessarily always voting the same way as the rest. I would ask you folks with experience and knowledge in legislation to answer this one question: where have you seen an act that doesn't have a definition? Where have you seen a clause that sometimes refers to something that is missing a definition? I'm just suggesting that these definitions will add proper clarity. They'll refine the clause you already had and make it better. I think it's an improvement. It's not throwing out something you had; it's just making it so much more clear for everyone that's going to be working with it in the future.

With that, Mr. Chairman, I yield my time. Thank you very much.

The Chair: Thank you.

Are there others? The hon. Member for Cardston-Taber-Warner.

8:10

Mr. Bikman: Thank you, Mr. Chair. I wonder which of the lawyers in this room would be counselling their clients to sign a contract that lacked clear definitions about the conditions that are going to bind their client. I suspect that none of you would. You're too sharp for that, and you take your responsibilities towards your clients too seriously.

I submit to you that all of us have clients, and those clients are the people that elected us. We know the saying: good fences make good neighbours. Well, good definitions make good covenants, and good covenants make good contracts. Good laws require good definitions. How can we find common ground if we don't use a common language? We each see life and perceive things based upon our perceptual filters that are based on our life experiences. That's the lens that we look through and that we communicate with.

Let me give you an example. The word "dog" means to some a pet, a friend. Maybe to a high-society matron on Park Avenue, New York, it's a little poodle that's got the proper cut and the proper pedigree and the diamond-studded collar and the Gucci leather leash, and that's what she thinks of as the word "dog." Some people might see a dog as an alternative to having a child, somewhat easier to clean up after and certainly easier to raise when it gets into the teenage years. But do you consider that the word "dog" could also mean, to some people who would hear it, transportation, protection, warning, food? You know, 20 ways to walk your dog.

Unless we know what the definition is going to be in the legislation that we're creating, it's pretty hard for people to expect us to measure up and meet their expectations of having good laws that will protect them, that will guide the decisions of the government on their behalf. Let's face it, folks, we're here talking about how to best deal with the tragedies that occurred this past spring and summer and the long-term consequences of future events. I don't think there's anybody here that thinks we've seen the last flood in these areas. They're happening with more frequency, and we need to make sure that the legislation that we use to deal with the consequences of the past one will work in future ones. Hopefully, because of steps that will be taken to incorporate the Groeneveld report recommendations, the impact in the future will be far less and far less costly to deal with.

But in the meantime good, honourable people – taxpayers, citizens of our province – are relying on us to create legislation that will deal fairly with the circumstances they now find themselves in, for the most part through no fault of their own. I think it's our responsibility to soberly consider the benefit of creating this legislation to be as strong and as tight as we can make it because of the long-term consequences. It impacts families. It impacts their investment. It has impacted many of their memories, and some of them have suffered trauma that they may never recover from. We certainly don't want to add to that trauma by creating laws that will allow caveats to occur where they're not needed or allow caveats to be left off where they are needed. The definitions that my honourable friend has suggested be included: it's a common-sense thing. Certainly, people in the country would recognize that.

Good laws should have as little ambiguity as possible. I think that what the hon. Member for Livingstone-Macleod is proposing reduces ambiguity, creates more certainty, and would allow for better decisions to be made on behalf of those who right now are rather fragile and who right now are rather concerned about their inability to sell a house or uncertainty about whether to rebuild or where they can rebuild or exactly what they're going to do.

I would encourage all of you who take your jobs seriously – and I suspect that's all of you that are currently reading something or doing something else right now. Nevertheless, this is important. I don't think that we're here just as an exercise to give the appearance of living in a democracy. Hopefully, you have the freedom to vote the way your constituents want and the way common sense suggests is required. Nay, it's not just required but demanded because our constituents, all Albertans, need us to be creating good laws.

Thank you.

The Chair: Thank you, hon. member.

Are there others?

Seeing none, I'll call the question on amendment A7.

[Motion on amendment A7 lost]

The Chair: We'll go back to the main bill. The hon. Member for Livingstone-Macleod on the main bill.

Mr. Stier: Yes. Thank you, Mr. Chairman. I have great feelings of despair when I don't get something that I've worked so hard on put through that made such great sense.

If I could beg your attention again, we're looking at something that I was threading to my definition amendment. I have another amendment to bring forward in a couple of moments. This one has to do with how we can work the questions we were working on earlier, flood fringe and floodway mapping and so on and so forth, into what was presented as Bill 27.

With that, Mr. Chairman, I'm going to be supplying you with the appropriate copies of an amendment, please.

The Chair: All right. Hon. member, that will be amendment A8.

Please proceed, hon. member.

Mr. Stier: Thank you, Mr. Chairman. Hon. members, what I have here is a short and sweet amendment with respect to the question of flood mapping and the up-to-date information required for flood mapping and the requirement for up-to-date information. I'll just try to give you a quick rundown on it.

What I've said here in this amendment is to move that Bill 27, Flood Recovery and Reconstruction Act, be amended in section 2(3), which is on page 3 of the bill. What we're looking at here is putting at the end of clause (b) just a little qualifier. We're going to put in the word "and" at the end of (b) in section (2) and say:

- (c) must be based on flood fringe and floodway area maps updated after the most recent flood event or within the last 5 years if no such event has occurred.

Now, earlier on – this afternoon, I guess it was – we had talked about that a little bit in one of the other amendments from one of the other members. I had at the time indicated, prior to the supper break, that the idea of up-to-date flood mapping and the idea of having proper definitions for that was not my own creation, nor was it anything that the rest of the Wildrose had. This actually was something that was created several years ago – and it was probably being talked about for many years prior – by a former member, George Groeneveld, MLA for Highwood, who had put together the report, as we know, that was shelved for some time after it was done in 2006.

The first recommendation, in fact, that came from Mr. Groeneveld – and I'm going to say this again – was: "We recommend that Alberta Environment coordinate the completion of flood risk maps for the identified urban flood risk areas in the province." That was the most important thing. I know it was discussed earlier that if they were to do that – the associate minister had worried about the cost in conversations earlier this evening. I might add that the recommendations in the original flood study estimated that it wasn't going to be that big of a problem to manage. It was only going to be about 2 and a half million dollars to look after all of these initial database services they needed to do and processes they needed to follow to get a good amount of baseline data to work from.

8:20

The second recommendation from Mr. Groeneveld's report said that they had to follow that up with a map maintenance program, and that map maintenance program was because, as I quote out of the recommendations here,

situations may arise where an existing flood risk map no longer adequately represents the flood risk for a location. This may result from changes in the river or immediate area, updating a rural flood risk map or errors in the original study. Flood risk maps should also be reviewed regularly particularly after extreme flood events when public and municipal government interest is high.

I did not create these clauses I've just supplied to you. They were done by the government of the day, this government here today, and I would urge you, if you have the opportunity, to review those clauses that he had and those recommendations.

Just to put a dollar amount to the updating portion of that recommendation, after the initial database was found and done, that estimated budget was only \$50,000 annually. Just imagine if we could have gotten some of this stuff done years ago – it's only seven years ago – for 2 and a half million to 3 million dollars.

We'd have the database done. We could update it every year for \$50,000, and we could have been so far ahead in our work, that we're now paying a high price for today in terms of mitigation and engineering.

This amendment that I have would have been tied to the definitions that we just haven't allowed. Nonetheless, I think we now know because the associate minister has said that we can find those definitions on the website. Well, I don't know how often lawyers will be looking at a website. They usually try to get the definitions within their acts. Nonetheless, this little clause here could be added, and therefore I'm suggesting in this amendment to add it this time to the Municipal Government Act in 693.1(1), which you guys have already made.

I'm not looking to cancel again or throw out any of your ideas that you had there. I'm simply asking for this to be added onto the bottom to add clarity to what you already have and make it better. I would suggest to you that this is something that all of you have already admitted is needed with the programs that you've mentioned this year. All of these things that we're talking about you announced on the radio and the TV and you advertised throughout the province as necessary. We've put a little clarity to it. We've suggested it must be based on updated flood fringe and floodway area maps, just like Mr. Groeneveld did in his report in '06, and we've suggested that it should be done "after the most recent flood event or within the last 5 years if no such event has occurred."

Why do we want that in there for five years? Well, things beyond flooding can change in an area, whether it be development or other kinds of infrastructure, objects placed in a riverbed, a stream, or on a shoreline, whether it's pathways, whether it's bridges, whether it's culverts, and so on and so forth. We know that. That's why that has to be in there. It has to be reviewed. We're suggesting that if we were to have followed and can follow or should follow – maybe we should follow your report, where you say that you've already done 75 to 80 per cent, I think the Municipal Affairs minister has claimed. We're saying that if you would follow this, just simply add this clause in – it's not going to cost any money to add this clause in. It's only going to make your bill better.

Thank you, Mr. Chairman. That's all I have to add for that portion.

The Chair: Thank you, hon. member.

Are there others? The hon. Member for Cardston-Taber-Warner.

Mr. Bikman: Thank you, Mr. Chairman. If I could interrupt your various activities for a moment to ask a question, by a show of hands how many of you have a GPS either in your car or a separate one that you use and plug in? [interjections] How many? Okay. Some of you have a GPS. [interjections]

The Chair: Hon. members, the Member for Cardston-Taber-Warner is the only one that has the floor at this time. Thank you.

Please proceed, hon. member.

Mr. Bikman: If the GPS is even a month or two or six months or a year old, have you ever relied on it to help you find an address that's not in the GPS yet? Has anybody been lost with the help of their GPS? [interjections] Never? I have. I've flown to Arizona and taken my GPS with me, used it to travel all over the Phoenix area, but when I tried to find my daughter's house, apparently she didn't have a house.

The Chair: On the amendment, hon. member. I'm sure you're trying to tie this to the amendment.

Mr. Bikman: Are you having trouble seeing where this is going?

The Chair: Well, I just want you to help me, hon. member, to assure me that you're speaking to the amendment.

Mr. Bikman: You've done this to me before, Mr. Chair. This is going somewhere.

The Chair: Relevant to the amendment, hon. member?

Mr. Bikman: Absolutely relevant to the amendment.

The Chair: Thank you, hon. member. Proceed.

Mr. Bikman: What's the amendment about? Is it about maps? I can't believe that you couldn't anticipate where this was going. You must go crazy at movies wondering how it's going to end. I thought I telegraphed my intentions so obviously that the punchline would have been wasted on you. [interjections] Hey, I'm just the straight man. You're giving me the good lines.

If you don't update your GPS regularly, you can get lost. You can't rely on a GPS if you're not updating it often, and you can update it by plugging it into your computer.

Ms Calahasen: Jeez, I use the stars.

Mr. Bikman: I beg your pardon?

An Hon. Member: She uses the stars.

Mr. Bikman: You're the only star here.

We rely on modern technology. Some of you may not know – but some maybe do – that to keep the mapping updated that the hon. Member for Livingstone-Macleod has recommended be included here would cost about \$50,000 a year. My gosh, what a cheap investment in reducing the possibility of seriously harming somebody because we make decisions based upon incomplete or inadequate or old information. Ambulances that are centrally dispatched, to the delight of the hon. Health minister, wouldn't get to the injured parties or the accident victims if they didn't have updated GPS. We talked to an ambulance fellow recently, and he said that the GPS system is working well now but that they had to update it. They had to see where it was wrong, and it probably cost some people extra pain and suffering because the current system wasn't working fully. It wasn't updated and completed.

Where will people build? Where will they rebuild? Who will decide which properties need caveats on the titles? You can't make good decisions if you don't have good information. I can't know that I'm driving down a road with a bridge out if my GPS tells me that I'm on the right track to get to where I want to go. We've got some bridges out, literally and figuratively, and we need to make sure that that mapping is updated.

Thank you, all.

The Chair: Are there others?

We'll call the question on amendment A8.

[Motion on amendment A8 lost]

The Chair: We're back to the main bill. The hon. Member for Livingstone-Macleod.

Mr. Stier: Well, thank you again, Mr. Chairman. This is my final pitch for the evening, as much as I hate to say it. I think I have gotten the attention of some of you, and I don't think I've been as lengthy as some others. I've actually tried to put some facts towards my statements.

Regardless, I will pass this out, Mr. Chairman.

The Chair: Do you have another amendment, hon. member? It will be A9. If you'll circulate that, that would be great.

Mr. Stier: Yes.

8:30

The Chair: Please proceed, hon. member.

Mr. Stier: Thank you, Mr. Chairman. Thank you, hon. members, for being so patient with me. This last amendment is a simple one. I think it is probably in most respects a repeat of perhaps one that was brought to your attention earlier today. What we're asking here is to look at Bill 27, page 1, at the bottom, and we're asking to strike out item (c.2). We have a lot of reasons for that. This is, again, related to the other matters that we talked about earlier. I won't take too long.

We feel that this clause is a little bit premature. We don't have adequate definitions about flood fringe or floodway in this bill, as I've pointed out already, even though we suggested that there could have been a modification to alleviate that problem. Therefore, we've created a bit of a difficulty, I think, for the next few months in how this process would be proceeded with as the flood mitigation plans and the DRP plans and the offers to buy people's properties are trying to be addressed.

Also, in my mind, I don't think I've ever heard yet how this process could actually be done with the realtors and the land titles office and the lawyers and all the people that are involved in property transactions. How are they going to put a caveat on? How are they going to amend caveats? How are they going to take them off? Who's going to administer that? These things are up in the air. The brokers, the realtors: I think there might be a couple of those folks in the audience here tonight. These things are very, very heavily argued at the best of times. If there's not clarity in how these caveats will work and the definitions aren't there, we're going to set ourselves up for what is already, I would say, destined to be quite a difficult situation to deal with. We're going to set ourselves up for something even worse after the fact.

We know, too, that with properties that are subject to flooding in many respects throughout southern Alberta – High River, Calgary, Medicine Hat, Drumheller, Fort Macleod, you name it – we've got all kinds of properties that are subject to perhaps devaluations or some sort of impact to their property values. It may be, in fact, that they're not just limited to Mr. and Mrs. Smith's regular dwelling. It could be a commercial property. It could be a big investment property right along the Bow River, where there is some speculator who has bought some land thinking he could put up a 32- or 40-storey office tower. This kind of thing could be a very, very big, expensive problem if we don't have all of the ducks in order prior to proceeding.

My suggestion here. Again, I'm not asking to blow the moon out of the water and change a whole bunch of wording or wordsmith the heck out of something. I'm saying that we need more clarity here. You may recall earlier on this afternoon and this evening I said that after this huge disaster we've had, we've only got a bill that is five or six pages long. There's not enough clarity here. We should be worried about this caveat situation. We should be worried about what this could do to our friends, our neighbours, the people that live in Alberta.

Please give this solid consideration. I'm often, as many have said, willing to look at amendments. If we wanted to leave this in but put more clarity into it, I'd consider that. I look forward to hearing the discussion on that, Mr. Chairman.

Thank you very much.

The Chair: Thank you, hon. member.

I'll recognize the hon. Associate Minister of Regional Recovery and Reconstruction for Southwest Alberta.

Mr. Fawcett: Thank you very much, Mr. Chairman. While I appreciated the intent of the previous amendments brought forward by this member, I have to admit that I'm a little perplexed by this one. While the other ones I didn't support because they provided very little value, this particular amendment actually devalues the whole policy intent of what we're trying to do here, and that is to make sure that we're not developing in floodways and that we're using taxpayers' money responsibly through the disaster recovery program.

We've been quite clear on what our policy is, and that would be formulated in regulation. This piece of legislation, Bill 27, this particular clause, allows the minister to make these particular regulations. We've been very clear. Anybody that exists in a current floodway and that experienced damage during the flood has two options. They can either access the disaster recovery program to rebuild or repair their house on their piece of property – and if they do so, there will be a caveat on their piece of property; they will not be eligible for any future disaster recovery assistance due to flooding, Mr. Chairman – or they can take a floodway buyout program, in which we would pay for the total assessed value of their house, in accordance with the last assessed property tax value, to move out of the floodway. We're leaving that option up to the individual homeowners. That will be very clear. This clause enables that for those regulations to be put in place to enact that policy.

Again, we talked about clarity for people making their decisions. By taking out this clause and not allowing the minister to be able to make that particular regulation to develop that policy, you've thrown it all up in the air. Where I'm really, really confused is that particular party a couple of weeks after the flood put out their report and indicated that they supported all of the recommendations in the Groeneveld report. Okay? This follows through on the last couple of recommendations that weren't implemented, and that is to try to get people out of the floodway. That's what this does, so I don't understand why that wouldn't be supported over there, Mr. Chairman.

The only other piece where there would be caveats on property would be if they are identified on current flood maps as being in the flood fringe and they're accessing disaster recovery programs. They're going to be provided additional money on top of what they would to repair their homes to repair their homes with a minimum standard, approved material, that we've made public. If they decide not to do that, to use the disaster recovery funds but not meet that particular standard, there will be a caveat that is put on their property.

It's quite simple, Mr. Chairman. We've brought out this policy and made this very clear with people that have been affected. This legislation allows us to implement that particular policy in the regulation, so this legislation is enabling that. I think we need to do the right thing in this Legislature, provide the certainty and clarity around those policies that we've already announced by passing this legislation and letting the minister get on with taking that policy and putting it in the regulations so people can move on.

The Chair: The hon. Member for Calgary-Shaw.

Mr. Wilson: Thank you, Mr. Chairman. I appreciate it, and I appreciate the passionate response by the associate minister. He's right. In our flood report many of the recommendations that we put forward are mirrored in this act. The reason why we put

forward this one to blow the whole thing up is because it all starts with accurate maps. Without the accurate maps you're putting restrictive measures and caveats on property, and it's not right. Permanent caveats based on flawed information is just not the right way to go about it.

I appreciate the fact that you read our report. I'm sure that you've probably also read the former MLA for Highwood, George Groeneveld, who basically said the exact same thing in his first couple of recommendations. We recommend that Alberta Environment, one, "coordinate the completion of flood risk maps for the identified urban flood risk areas in the province." We recommend that Alberta Environment "develop a map maintenance program to ensure that the flood risk maps are updated when appropriate." Huh.

The reason why we're putting this amendment forward now is because clearly you didn't want to do either of those things, which now makes this bill a piece of junk.

Thank you.

8:40

The Chair: The hon. Member for Cardston-Taber-Warner.

Mr. Bikman: Just one or two short comments. [interjections]

The Chair: Keep the side conversations down, please, so I can hear the Member for Cardston-Taber-Warner. Thank you.

Mr. Bikman: Yeah. You won't want to miss this, you guys. Thank you. Clearly, we want to do all we can to reduce and shorten the suffering of these people. But if we make decisions based upon incomplete, inadequate information, that hasn't been updated, the quality of the decision is going to suffer, and we may cause premature evacuation.

The Chair: Are there others?

Seeing none, I'll call the question on amendment A9.

[Motion on amendment A9 lost]

The Chair: We're back to the main bill. The hon. Member for Lac La Biche-St. Paul-Two Hills.

Mr. Saskiw: Thank you, Mr. Chair. I just wanted to kind of summarize, I think, what happened in Committee of the Whole here. What appears to happen is that, you know, the Official Opposition as well as other opposition parties put forward substantive amendments that can actually fix legislation. We put forward constructive proposals to legislation to make it better, and there just seems to be no appetite to go through the well-established tradition of strengthening legislation by properly debating amendments.

Mr. Chair, on this particular piece of legislation the reason why we need amendments, frankly, is that there isn't much confidence in the Minister of Municipal Affairs. Again, he's the gift that keeps on giving for us here in the Official Opposition. Given his recent performance we're just not confident in his abilities to properly implement the legislation as it's currently written. That's why we're putting forward these amendments. It seems that the Premier has confidence in him, but no one else does.

Mr. Chair, what we'd like to see is a government that actually listens to the Official Opposition when they're coming forward with constructive proposals. We have two individuals within our caucus with a lot of years of municipal experience who genuinely put forward real, solid proposals, but there just doesn't appear to be any appetite on behalf of the government to listen to those proposals.

We heard comments from the Member for Calgary-Bow, saying that the old flood maps are not inaccurate, but the rivers have changed. It's these types of nonsensical comments, Mr. Chair, that give us cause for concern. That's why in our amendments, that we put forward, we actually wanted to put forward the requirement to implement accurate flood maps.

Mr. Chair, what's also quite concerning is that this government actually expended money to put forward a report in 2006, the Groeneveld report, but what's happening – we're seeing right there; that member there is actually disavowing it. He's saying: "The Groeneveld report? It's worthless. We're not going to implement it." I find that a little alarming, throwing that member who put forward that report under the bus. I think most people panned that report and thought it was a pretty good report. If there are good recommendations in that report, implement them.

Mr. Chair, in these circumstances where the government is not willing to listen to real, positive, substantive proposals, that the Official Opposition is putting forward, it's disconcerting. We're going to continue to do our job and demonstrate that we're the government-in-waiting if Albertans give us the responsibility of doing so in 2016.

Thank you.

The Chair: Thank you, hon. member.

Mr. Horner: Well, Mr. Chair, I wasn't going to rise. I've actually been listening very attentively for the last hour and a half to a number of amendments where I heard one of the members say, "Well, this is the same amendment I tried earlier; let's see if it works again," where members have said, "You know, I know you're not going to support this, but I want to put it forward anyway." The hon. member across the way just said that he has no confidence in the minister. Well, quite frankly, I have no confidence in the quality of the amendments that they're bringing forward here tonight. I've been listening very attentively, and I'm not going to support any of them. I didn't, and I won't, even moving forward, with some of these kinds of amendments.

The hon. member talks about the Groeneveld report. Nobody threw the hon. member previous under the bus, Mr. Chair. In fact, many of the recommendations, most of the recommendations from that report have been implemented or are in the process of implementation.

What the other side fails to understand, Mr. Chair, is that we are not standing still waiting for something new to happen down the road. We're making decisions today, and as information changes, yes, we will adapt, we will adjust, and we'll move forward. But just because my GPS is out of date doesn't mean that I stay in the driveway. It means that I go. Simply saying that we disagree with the hon. members opposite and the ridiculous amendments that they've put forward does not mean that we are not listening.

I will not be supporting this.

The Chair: The hon. Member for Lac La Biche-St. Paul-Two Hills.

Mr. Saskiw: Thank you, Mr. Chair. I think what's important in this Assembly is that – I understand that the hon. minister may be campaigning for the leadership spot, but the leadership review hasn't even been done. I know you're trying to garner support here, but . . . [interjections]

The Chair: The member has the floor, hon. minister. Please. Proceed, hon. member.

Mr. Saskiw: Mr. Chair, I'm just stating my point, and I think I have the floor, and I have the ability to do that.

What I was trying to say was that if you look at the Groeneveld report, one of the major recommendations in that report was the preparation of flood maps. That was one of the major recommendations there, and now they're disavowing that. That, to me, is throwing that report in the garbage. That was one of the main thrusts of that report. You know, you can accept a bunch of recommendations, but if you don't act on the material ones, the significant ones, on a particular report, then that's not actually implementing the report. I appreciate the passion on the other side, but we'll stand by our position.

I think what's ridiculous is him calling our amendments that we've put forward, that we've put many, many hours into – we've researched them thoroughly. They're well written. For this member to say that they're ridiculous is ridiculous itself. I think it's disrespectful of democracy. I think that if you put these amendments in front of any objective third party, they would look at them and say, "Look. These are some real amendments. Let's actually debate them," so for the member to call them ridiculous is just disrespectful of democracy as a whole and here in this Assembly.

Thank you, Mr. Chair.

The Chair: Thank you, hon. member.

Mr. Horner: Well, Mr. Chair, it must be getting to be a long week because I'm getting baited, and I'm actually taking the bait. The reason that I'm getting baited is because the hon. member says one thing and then does the exact opposite. The hon. member talks about respecting this House and then actually says that he has no confidence in a minister of the Crown of this House. The hon. member talks about us throwing an hon. member under the bus because we're not doing the recommendations, knowing full well that that's a lie. We are doing the mapping . . .

Mr. Saskiw: Point of order.

Mr. Horner: Okay. I withdraw the remark. It's not a lie; it's just ignorance of the fact.

The Chair: You have a point of order, hon. member, but I believe at about the same time I heard the minister say that he withdrew the statement.

Mr. Saskiw: I appreciate the minister withdrawing the statement. It did offend me, Mr. Chair.

The Chair: Okay.

Now I have the hon. Member for Edmonton-Highlands-Norwood.

Mr. Mason: It's a bit of a drive-by thing, though, don't you think, Mr. Chairman, to say, "Oh, I'm sorry," and sit down?

The Chair: I'll accept the withdrawal, hon. member, and we'll carry on, but I thank you for noting that.

Mr. Horner: And thank you to the hon. Member for Edmonton-Highlands-Norwood, who is obviously well-versed in that procedure.

Mr. Chairman, again, when he talks about us ignoring the report, he's absolutely wrong. He should check his facts. We are doing the mapping across the province. That's part of what we're doing, that mapping. It's the outcome of the Groeneveld report. But, again, you don't sit in your driveway just because your GPS doesn't work. You go the old-fashioned way. You make some decisions, and you move forward. That's exactly what this government did when the flood hit us. That's exactly what we're going to be doing now and have been doing with the task force.

We're responding to the biggest disaster this country has seen, and we'll continue.

Yes, Mr. Chairman, I do believe that the amendments, many of them brought forward here, were – some of them had some good merit, I'll agree. But each of them had things that the hon. members on our side explained that we were not going to support. They should simply accept that and not claim that democracy is ruined because we don't agree with them, which is very simple-minded.

8:50

The Chair: The hon. Member for Calgary-Shaw.

Mr. Wilson: Thank you, Mr. Chairman. I appreciate the hon. Minister of Finance. I'm not looking to bait you in any way, sir. I'm just merely looking to point out, as my colleague may have done in a different way, that I take offence to the "ridiculous" comment. I'm glad that you clarified that some of them had merit.

I would point out to you that there were times that we put forward amendments that no one from the Municipal Affairs department stood up and spoke to. So there isn't a dialogue. There isn't a discussion. If you were interested in the process of democracy and if some of them did have merit, rather than finding one word that you don't like and voting against them, perhaps instruct your ministers or your colleagues to propose friendly amendments or subamendments or have a dialogue before or after these things are voted on. You know, then you wouldn't hear us complaining about the lack of progress or lack of commentary on certain amendments.

Thank you.

Mr. Horner: I know, Mr. Chairman, that I shouldn't, but I'm going to. You know, if I was interested in democracy – my family has three generations of serving democracy. I wore the uniform of this country serving democracy. That hon. member should understand that I have a great deal of interest in democracy, which means that the majority is the vote that is going to carry the day. Maybe he should accept that.

Mr. Anglin: Let's talk about some ridiculousness. Let's map without definitions of what we're mapping. Now, that's ridiculous. To call some of these amendments outrageous just doesn't make sense. Let's talk about something that's ridiculous. Let's create a report about flood mitigation, and let's just let it sit on the shelf for six years and do nothing. The community that I represent, Sundre, needs flood mitigation. It needs this mapping, it needs the report, and it didn't get it. It's still asking today, and there's still no response.

The idea that you're moving forward – to the hon. member, you don't need GPS; you need some tires on the vehicle so that you can move forward. It's not happening. We've had a major, major disaster, and what we want to do and I would think that everybody in this House wants to do is move forward, but how do you do that if you're not even sure what you're mapping, if you don't even have consistency in the definition? The idea that that's ridiculous just doesn't cut it. It is absolutely imperative that we have a defined definition of what a floodway, flood fringe, and a flood plain are so there's consistency in the mapping.

Thank you very much, Mr. Chair.

The Chair: Seeing no other speakers, I'll call the question.

[The clauses of Bill 27 agreed to]

[Title and preamble agreed to]

The Chair: Shall the bill be reported? Are you agreed?

Hon. Members: Agreed.

The Chair: Those opposed? Carried.

Hon. Deputy Government House Leader, are you moving that the committee rise and report?

Mr. Denis: Actually, no, I'm rising to get a standing vote on the last vote.

The Chair: The vote has been called.

Hon. Deputy Government House Leader, did you wish to move that the committee rise and report?

Mr. Denis: Am I rising in time now, sir?

The Chair: You're rising in time to move that . . .

Mr. Denis: Oh, just wanted to check. Okay.

I move that the committee rise and report, please. I hope that gave you enough time, sir.

The Chair: Thank you. Hon. Deputy Government House Leader, you wanted to move that the committee rise and report Bill 27?

Mr. Denis: Bill 27. I hope that was enough time as well.

The Chair: Yes. I thought that's what I heard you say.

[Motion carried]

[The Deputy Speaker in the chair]

The Deputy Speaker: All members have returned to their places? I'll recognize the Member for Edmonton-Ellerslie.

Mr. Bhardwaj: Well, thank you very much, Mr. Speaker. The Committee of the Whole has had under consideration certain bills. The committee reports the following bill: Bill 27. I wish to table copies of all amendments considered by Committee of the Whole on this date for the official records of the Assembly.

The Deputy Speaker: Thank you, hon. member. Does the Assembly concur in the report?

Hon. Members: Concur.

The Deputy Speaker: Opposed? That is carried.

Government Bills and Orders
Third Reading
Bill 31
Protecting Alberta's Environment Act

The Deputy Speaker: The hon. Deputy Government House Leader to move third reading on behalf of the hon. minister of environment.

Mr. Campbell: Yes, I'll move third reading of Bill 31 on behalf of the Minister of Environment and Sustainable Resource Development.

The Deputy Speaker: Thank you, hon. Deputy Government House Leader.

Are there speakers? The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you very much, Mr. Speaker. I was expecting one of the ministers to address the issue before I did. I rise, unfortunately, to oppose this bill. Right from the onset the bill is mistitled. It's called Protecting Alberta's Environment Act, and the minister actually admits that it doesn't even protect the environment. That's not what it's intended to do. So it's mistitled before we even begin reading the bill.

It's unfortunate because there were a number of amendments that were brought forward that were quite logical. They weren't outrageous in any sense of the word. There are going to be scientific panels that are going to be appointed. One of the amendments – and it might have even been included in a couple of amendments – was to have some sort of criteria, some sort of qualification to be outlined, not necessarily in legislation but in regulation, of what would be required to sit on these scientific panels.

There were numerous regulations or amendments that were submitted to strengthen the independence of what this agency is intended to be. The minister was quite clear and the hon. member said numerous times that they wanted this agency to be an arm's-length agency, to operate independently of government, but amendment after amendment to strengthen that, to make sure that they could be further protected or at least reduce the appearance of any influence or connection to the government or cabinet was rejected.

Now, it's understandable that they want to reject some of those amendments if there were valid reasons for rejecting them, but nobody gave a valid reason. It seemed very logical, the idea that the frequency that determines the agency's reporting on the condition of the environment would be determined by the agency. That was denied.

9:00

To create a code of conduct or outline what the conduct and ethics would be as a requirement, which is done on multiple pieces of legislation – I know the Alberta Utilities Commission Act does that. I know the ERCB act does that. There are numerous acts that this government has where it outlines the code of conduct of the board or the committees. And this was rejected. Now, granted, they can create it under legislation, but it's just not listed in the legislation. There's no valid reason why it was denied. So on and on we brought amendments forward to try to strengthen this bill, and one after another they were denied.

I want to talk about one in particular. This agency is designed to monitor the environment and issue scientific reports. There's no question in this Chamber that that's how the minister sees this new agency, that that's how this government wants this new agency to be. In order to give the scientific reports validity, other scientists in the field need to be able to look at these reports and validate these reports through the raw data that constructed the reports in the first place. We wanted to make sure that that data would be available to the public, to the scientific community so that whatever report was issued by these scientific panels could be verified. They could substantiate what the scientific panel was basically conveying to the public.

Now, this is extremely important for numerous reasons, but it's extremely important particularly for our industries and for the markets that we want to access. Nobody disputes one bit that we have environmental concerns where our customers, whether it's the U.S. customer, whether it's the Asian countries whose markets we want to access, want us to reduce greenhouse gases. It isn't just good enough to say that we're doing it or to say that it's done. They need to see independent proof that we're actually making headway, that we're achieving goals and are actually reducing

greenhouse gases. Without the mechanism to verify any of the reports, what we're going to be giving to the public is hearsay, and what we want is scientific proof.

Clearly, the amendments offered were logical, they were pragmatic, and they were intended to strengthen the bill and not weaken it or bring into disrepute any government official or anything like that. It wasn't designed to be repetitive. What it was designed to do was to help all Albertans. In particular, it would be of tremendous assistance to our industries in accessing the international markets they so greatly desire access to.

With that, I'm a little bit disappointed that we weren't able to strengthen the bill. Where I have real concerns with this bill is that we are creating an independent agency that is modelled very much like AHS, which applies to our health care system and the Ministry of Health but that has not worked out very well. I know some members will say that it's doing very well. But we've seen even just recently the entire board fired. We've seen turnover after turnover. It's been a task, to say the least, to try to make AHS work for our health care system. There are lots of problems.

So here we are in the world of Environment, and we are creating a separate agency that is modelled after what we have constructed for AHS, and what I think the public's concern is, which is our concern, is that this will become a bloated agency. There are no mechanisms, particularly in legislation, that say: here are the outcomes that we want, and this is how we're going to measure those outcomes for efficiency and productivity. There's nothing there in legislation.

If this agency goes sideways, it will go sideways because people that get appointed to the board are not qualified. That is one way it could happen. It can get bloated with employees where it gets out of control very much, in my view, like AHS, where the intention was to be efficient and to save costs. It has all the potential to grow and become its own little fiefdom, yet to measure the outcome for what the agency is supposed to do to assist monitoring the environment, to measure the outcome for what it's supposed to do to assist our economy, there are no mechanisms outlined for how we're going to measure this. And then it circles right back to credibility, that they're pretty much on their own.

Now, I think we all hope that it will work out for the best or even better than our expectations, and that's all well and good, but had we strengthened this legislation, we wouldn't necessarily need to hope. What we would be able to do is to actually rely upon the direction that the legislation gives the new agency for creating its regulations and then watch that work as we instructed it to work. But that's not what's happening here.

This legislation, as I told the minister – and I do not mean this in a derogatory way – is hollow. It's legislation that doesn't have any real substance to it to tell us how this agency is really going to function productively and in a cost-efficient way. It's just not there. It should be there, but it's not. So this has the potential to become this giant white elephant, a massive cash cow, so to speak, that could increase costs and not do much more than what's happening today. That's why I referred to the bill as hollow because the whole idea of monitoring is that we'd move some of our monitoring mechanisms that we're doing today into this agency. There's nothing here that says that we're increasing. There's no funding that says that we're going to be doing more than we're doing now.

As a matter of fact, when you look at the funding that's outlined in the legislation – and I don't have the legislation in front of me – I believe it's to 2015 or 2017, and we don't know how it's going to be funded after that. So right away we're only looking at something that is measurable just a few years out, and then we're uncertain how the agency is going to continue, how it is going to

be funded. So that doesn't give a lot of confidence that it would be consistent.

When I had a chance to ask one of the industry members, a significant industry member, about the bill, the only word they had was "uncertainty." They didn't have criticism and they didn't have praise. They just looked at it and said: it creates more uncertainty because we really don't know what it's going to do; we have an idea, but there's no substance here. Again, that's why I go back to describing it as hollow.

The premise is good. The idea of monitoring is good. I will not dispute that. But how we monitor, what we do with the data, how we report it, and how we support the agency to give it credibility is weak in the legislation, and it doesn't provide any confidence to industry that we're going to do better than what we're doing. So the question becomes: why are we doing it?

That was the question that I posed to the hon. minister earlier. This type of monitoring we're supposed to be doing now. The legislation comes forward, and it doesn't increase monitoring; it doesn't change the monitoring. It doesn't make any changes at all to what we're doing environmentally, except that we're going to have an arm's-length agency that's not going to be arm's length, that's only going to be funded for a few years, and we have no idea how it's going to be funded beyond that. What does it do, then? How are we going to use this agency more than what we have today?

9:10

Listening to the hon. minister when the legislation was first introduced, the whole premise seemed to be that this was doing exactly what we said that we were going to do a few years ago, that we are supposedly doing now, but we now are going to do that through an independent agency which is really not independent. There's a lot of control still right at the ministry, so that contradicts the whole independence claim. We go full circle with this bill. We're going to create an agency that's going to be no different than what we have today, but we will have no idea how big or small or expensive or inefficient or effective because we don't have any type of guidance in the legislation that says: this is how we're going to measure the outcomes, these are what our expectations are, and this is what we want to do moving forward.

I suppose it creates a scenario without a whole lot of vision or pragmatic goals for making some sort of achievable reductions in greenhouse gases. I'm going to conclude with that because it really is all about our greenhouse gases. The public wants us to reduce greenhouse gases. Our industry needs us to reduce greenhouse gases because that's what the requirement is to meet our international markets. That's clear. So it has tremendous benefits because to reduce greenhouse gases means that we also reduce air pollution. They go hand in hand. It means reducing particulate matter. It means removing some pretty nasty substances that we release into the air, and it only benefits everybody. It's a win-win all around the province.

But the bill doesn't even set out that objective. It says that we're going to monitor, but there's really nothing in the way of objectives, how we're going to be effective, and what we're going to do with that monitoring, how we're going to use that.

Coming back full circle, I would have preferred that the bill that came forward was much stronger, that it had some real independence, that an agency would have some boundaries on what it was supposed to do, how it was supposed to do it, and how we would as a Legislature make sure that it adhered to the policies that this government had set. It doesn't do any of those things.

So I stand and oppose this, and I ask my colleagues to oppose it. I would ask this government to take it back to the drawing board. They can make this a good piece of legislation, but it does need to be strengthened.

Thank you, Mr. Speaker.

The Deputy Speaker: Thank you, hon. member.

I'll recognize the Member for Edmonton-Highlands-Norwood, followed by Calgary-Buffalo.

Mr. Mason: Thank you very much, Mr. Speaker. I'm pleased to rise to speak to third reading of Bill 31, the so-called Protecting Alberta's Environment Act. As evidenced by the large number of proposed amendments and lengthy debate at each stage of the proceedings, there are quite a few problems with this bill as drafted. It's clear from the amendments and comments coming from members on this side of the House that we all recognize the importance of the objectives of this bill. We are all, however, concerned that this bill as drafted will not achieve its objectives and may actually impede continued progress on building an effective monitoring agency to protect our environment and adequately report to the public.

A total of 18 amendments were made to attempt to solve some of the problems with this bill, but the Tories voted each one down, refusing to accept the input of opposition parties to help ensure this bill actually serves its stated purposes. Mr. Speaker, how can we trust this Tory government to offer more than PR and spin on environmental protection when this flimsy bill is all they can offer and all they're willing to accept in terms of environmental monitoring?

For example, our caucus put forward amendments setting precise requirements for the timely reporting of data to the public. As the bill stands now, this is left entirely to the discretion of the agency and the minister. This would have been a small change to the bill that would have resulted in a great increase in the public's access to this important information. The public now can't be confident that they're getting the full story when they actually need to hear it. Environmental monitoring information is useless if it comes too late.

We've just recently seen that it took this Tory government five days to inform people of 1 billion litres of toxic goo moving down the Athabasca River after spilling from the Obed coal mine last week. Obviously, without legislated standards there is nothing inducing the government to get this kind of crucial information to the public. They still don't give us straight answers when New Democrats call on them in this House to be honest about the situation and to adequately and in a timely way report it to the public as a whole.

We also tried to suggest legislative guidelines for appointments to the board instead of allowing the minister to appoint friends and political supporters.

Across sources, governments, and communities it is commonly agreed that the voices of indigenous people and their traditional knowledge are critical components of an effective environmental protection regime. Even the reports the government supposedly used to develop this agency called for indigenous representation, yet the bill as drafted contains no guarantees for indigenous participation on the board or at any part of this agency's process.

Similarly, the bill provides no safeguards for the appointment of scientists to either the board or the science advisory panel. How can we be sure that we're getting the appropriate range of scientific expertise and that it is adequately represented? We know from the past that this PC government likes to appoint other Tories to monitor and report to Tories. Who is protecting the public

interest in this scheme, Mr. Speaker? Without guidelines in the legislation about who can be appointed to the board or the science advisory panel, this agency must be another in the long line of this history of well-connected people helping out their friends while ordinary Albertans pay the costs for their inadequacies.

We've tried to remove stipulations that would let the Lieutenant Governor in Council impose whatever restrictions he or she wants on the powers, duties, and functions of the agency, but the PCs didn't want to fetter in any way their ability to control this agency and to compel the agency into producing politically favourable reports. So much for independence and arm's-length relationships. The Tories wouldn't even consider changing the reviewing requirements of the agency so that it is reported publicly to the Legislative Assembly and put on the record. Instead, it will all remain secretive in cabinet, and ordinary Albertans will never get to know how this agency is performing or whether it is performing at all.

Other members presented amendments that would have helped to prevent conflicts of interest and to ensure the employees and directors of the agency would be subject to the same standards as all other employees who work to serve the interests of Albertans. We supported these amendments as they were all aimed at improving this empty bill.

We weren't even able to touch on the funding issues for this agency since we cannot propose amendments related to Crown funds. However, the funding mechanisms or lack thereof are just as problematic as all of the rest of the bill. There is no commitment to adequate or stable funding. How can the agency carry out its business and actually achieve any of its objectives if it can't be sure of funding from day to day? Surely, as we've seen in the last few days and in the last budget of this government, the question of stable, reliable, and predictable funding is something that this government cannot get a handle on. It cannot meet those tests or those commitments. If all we have are murky funding promises for the future from the government and some plans to include contributions from the industry elites, how independent can this agency be in its work?

While our caucus is at the forefront of fighting for better and more transparent environmental monitoring and protection, we cannot support this bill as it is currently drafted. It is frustrating that the bill is so problematic and light on details. We cannot support it since we as New Democrats consistently advocate for meaningful and real environmental protection on behalf of and for the benefit of Albertans and future generations of Albertans.

Thank you, Mr. Speaker.

The Deputy Speaker: Thank you, hon. member.

Standing Order 29(2)(a) is available.

Seeing none, I'll recognize the Member for Calgary-Buffalo.

9:20

Mr. Hehr: Well, thank you, Mr. Speaker. This is in third reading, and it's actually my first time to get to speak to the bill. Yet I've followed it pretty closely in *Hansard* and have understood from previous speakers that there have been lots of constructive criticism of this bill and many different changes and additions – I believe there were 18 amendments that were put forth – that actually gave this bill some meaning, some teeth to it, some parameters from which to work, some real ability to be an independent voice, to stand up and let the public know about the real state of Alberta's environment and what we need to do to make things better not only for today in moving our product and getting the social licence to be able to engage in our oil and gas

economy but also to protect future generations from some of the effects of what we are currently engaging in in this province.

The bill is called Protecting Alberta's Environment Act, and like many things the title is a lot better than the bill. As my cousin David Vanrobaeys from Lethbridge often says in situations like this, "There are a whole lot of feathers and not a lot of chicken" here with this bill, Mr. Speaker. It's evident that this is a recognition that Alberta has a problem. The problem is that no one takes credibly anything we do on the environmental front. We've had a long history of paying lip service to our environmental responsibilities, with no real action or no real firm direction as to what our goals as a province are, what our responsibilities are, not only to the citizens of today but the citizens of tomorrow.

And you can see that has long been the case. I can remember some of the ludicrous speeches I used to hear from members opposite, many of them who are not here anymore, who used to actually proclaim in those speeches that the tar sands were just naturally seeping into the Athabasca River and that no problems at all would be emerging as a result because it had been doing that for centuries. I remember those speeches being made by more than one cabinet member. Sure enough, then a battle ensues and scientists get involved and the evidence becomes clear that, yes, our oil sands development is having impacts on our water quality and content. That has been going on here in this province for far too long, that type of rhetoric and that type of ignoring what we are truly doing to our environment here.

This bill, I believe, is essentially just lipstick on the proverbial pig. It just simply does not move the meter or move credibility for this province in that direction. This has no substance to it, no ability to me to really do much of the work that it is supposed to be doing, which is to bring together a group of individuals to analyze the science and the latest environmental abilities that are out there to credibly assess what we are currently doing to our environment. This bill in no shape or form seeks to address some of those ongoing problems that continue to happen.

I was one of the people who was looking forward to us turning the page on that day when we were looking to implement solutions that would actually take science seriously, would take our responsibilities to both the citizens of today and the citizens of tomorrow seriously. That doesn't seem to be happening. You can see by the funding mechanisms in place that who knows whether this organization is going to be around a couple of budget cycles down. Given that there are no firm commitments on funding mechanisms in place, I don't think we can be certain of that. Whether this is just merely another PR exercise on behalf of the government is a fair question to ask because of the funding mechanisms that are in place.

You look at some other things that are on the board. It's supposed to be a scientific board, yet there's no stipulation to actually have a person or people with a background in science sit on this board. That seems to me a gross failing of this. It gives no guidelines as to who or what the content of the board will be. As the hon. Member for Edmonton-Highlands-Norwood pointed out, are these just going to be political hacks who are set to go on this board and have a nice lunch and feed pabulum to the masses as to what is happening out there? That to me is unconscionable. We are at a real crisis stage in terms of our industry and what we are going to do to continue to have the social licence to operate.

You see organizations throughout the world already asking whether they want to accept our product. You see that in the European community. You see that in many states throughout North America who have said categorically: we have no interest in dealing with bitumen from the oil sands. That's a problem. If this government thinks it's going to get easier over the course of the

next 50 years to sell our product, to engage in the activities of doing business, well, I think they should think twice about that assessment. They should get busy on some real environmental legislation that would say that we're not only monitoring things, that we're not only looking at implementing stuff 20 years from now, we're doing things now.

I believe the hon. Member for Rimbey-Rocky Mountain House-Sundre pointed out some of the things that we could be doing. There's a war on carbon throughout the world. We have no indications whether we're going to move to a carbon tax in this province – in fact, no discussion of it whatsoever – when it seems like that's a best practice emerging in forward-thinking organizations. We see no ability to get a handle on our coal usage in this province. I'll be one of the people who full well admits that continued expansion of the oil sands is probably a necessity to us right now. But that means you're going to have to do whatever is necessary on other fronts to show we are taking the war on carbon seriously. That would mean seriously taking a look at coal and coal-fired plants and whether we can put them out of commission much sooner than we are. That's where the low-hanging fruit is. It's not in other places.

To be honest, I don't see that this bill does that much other than appoint some people to possibly evaluate and develop some plans that maybe will help us monitor what is happening in our environment. Really, it begs the question: hasn't this already been happening? If it hasn't, that's a shocking abrogation of duty so far. Yet if it hasn't been happening, are we going to give this panel some parameters from which to do anything? I don't see it evident from the bill that this committee or this panel will be able to deliver results that are sellable to the world community in any credible fashion. That to me is a problem. The government of the day should recognize that it's going to increasingly become a problem for not only them but our entire Alberta society if we don't start taking our environmental responsibility seriously and get busy on a whole bunch of files instead of just adding lipstick to the proverbial pig.

In any event, Mr. Speaker, people have discussed this bill. I, too, will urge people to vote against it as it doesn't seem to move the meter or pass the smell test on what actually good environmental monitoring would be for a whole host of reasons, many of which speakers have already discussed.

Thank you very much, Mr. Speaker.

9:30

The Deputy Speaker: Thank you, hon. member.

Are there others? The hon. Member for Edmonton-Strathcona.

Oh, sorry, hon. member; 29(2)(a) is available before you speak should someone wish to question the previous speaker. None?

Then I'll recognize the Member for Edmonton-Strathcona.

Ms Notley: Thank you, Mr. Speaker. I'm pleased to be able to get up to speak to this bill in third reading although I will be joining my colleague from Edmonton-Highlands-Norwood in expressing my disappointment about this bill.

I think there was an opportunity for this government. As a result of decades of inaction and mismanagement and misleading the public on environmental degradation that's going on across the province under their watch, there was an opportunity, once that finally became part of the public debate and was finally out there, for them to, as they say, change the channel not just from a public relations point of view but from a substantive point of view in terms of how they engaged in the act of stewarding our environment not only today but for generations in the future.

Unfortunately, this act doesn't get us there. This act, unfortunately, really is more of a public relations opportunity and less of a legislative guarantee that anything of significance is going to be achieved. You need to understand, Mr. Speaker, that – you know, I appreciate that these folks like to do everything with enabling legislation. As I said before, “thou shalt pass laws” eventually is going to be the only piece of legislation that comes in here, and then we'll never return. The fact of the matter is that because the trust has been so fundamentally breached between this government and the people of Alberta when it comes to protecting the environment, it's not enough to just bring in a piece of legislation that says: we're going to do whatever we want, and in the course of doing that we may actually turn our attention to protecting the environment. It's not enough to bring a piece of legislation like that into the House. There needs to be more detail.

Now, when she introduced the legislation, the minister made quite a big deal out of suggesting that Dr. Schindler, who, as I commented in second reading, was really the trigger for this monitoring agency, had endorsed this bill. In fact, what he said was that he was cautiously optimistic, and he said cautious optimism was subject to at least two principles. One was genuine independence, and two was genuine inclusion of a role for indigenous people. I would go further to look to previous statements that he had made that it was also subject to a genuine reliance on scientific study and scientific, evidence-based decision-making.

Unfortunately, that's not what we got in this piece of legislation. The Member for Edmonton-Highlands-Norwood has already pointed out the recent example we've had just in the last week. The single largest coal tailings containment breach ever in the history of this country just occurred last week. We have a 60-kilometre glob of goo floating down the Athabasca River right now, and we have a minister who gets up in the House and tells us: “Oh, don't worry. It's perfectly healthy. It's just fine.”

I'm sure many people, or some people, anyway, in this House would have read the comments in the newspaper today where an expert, an aquatics professor at the University of Alberta, said: anyone who thinks a spill of that kind could possibly leave the water into which it spilled healthy and safe (a) doesn't know what they're talking about or (b) is intentionally misleading the people they're talking to when they say it. That's what our environmental minister said just this week, so that's what we're still dealing with, Mr. Speaker. You can understand why we would have some difficulty trusting that she's going to do this all above board in a way that's actually going to get scientific information to the people of Alberta.

Indeed, for the last week we've been saying: “You know what? Release the raw data. Release the data from the testing that you've been doing. You've been claiming that, you know, arsenic and benzene and all these other sort of explosive chemicals which exist in coal silt are perfectly safe for human consumption. So how about releasing the raw data of the testing so we can test that against internationally recognized levels of what's safe for human consumption and the environment?” Interestingly, she'll make grand, vague assurances, but she will not release the raw data.

The point of this agency under this piece of legislation is to take those decisions away from the environment minister and put them into an independent body so that we don't have to deal with the political gamesmanship that we have been forced to observe over the course of the last seven days in this province. Unfortunately, we've got, instead, in front of us a piece of legislation that ensures that this agency will remain under the thumb of the same environment minister who is refusing to release this raw data.

How does that happen? Well, there is no independence under this piece of legislation because the minister retains control over the appointment of who sits on the panel, retains control of any review of how this panel, the agency, or its legislation functions and whether or not it reaches its performance measures, retains the ability to limit the authority and the actions of the agency through regulation, retains the ability to make a decision about the type of information that will be released publicly, and retains the ability to make a decision about the timing of when that information is publicly released.

Now, given the political context within which this agency is occurring and given the record of this government on playing politics with the health and safety of our air, land, and water in this province over the last two or three decades, you can imagine that we are profoundly disappointed in this legislation and have no faith that it will achieve any of the so-called claims that this government has made. We just can't support it for that reason.

Now, as other people have also noted, one of the other key components of this legislation was that it was supposed to include a stipulated role for scientists. Well, we have provision for a science advisory panel but no obligation that anybody who sits on that panel actually be a scientist or, conversely, that they be scientists with an expertise in environmental monitoring. Instead, we could have scientists with an expertise in converting petroleum products to marketable products. Well, that's great, but you know what? That's not going to help us figure out what kind of information we need to collect and how or when we should collect it.

Mr. Mason: Or an insurance salesman.

Ms Notley: That's assuming that they actually put a scientist on the science advisory panel because, in fact, the legislation clearly lays out that they could just put – well, the Member for Edmonton-Highlands-Norwood says, “an insurance salesman.” We could put an insurance salesman.

Mr. Mason: Or a dry cleaner.

Ms Notley: Or a dry cleaner.

Mr. Denis: Lawyers.

Ms Notley: What was that other possibility there?

Mr. Denis: Lawyers.

Ms Notley: Lawyers. Yes. Well, the Solicitor General points out that we could end up with just lawyers on the science advisory panel. I'm pleased to understand that his view of the legislation mirrors mine in that he fully understands that there is no obligation to put scientists on the science advisory panel. I appreciate that endorsement of my interpretation, Mr. Solicitor General. So that's another problem with it.

The other problem that we outlined is that the panel itself needs to be representative of the key stakeholders in this area. We outlined a number of people who should legislatively be compelled to be appointed to this panel. The reason for that, again, is because this government just has – well, frankly, it's not a bad record. It is a laughable record, the kind of record that you would expect if you were watching a skit on *Saturday Night Live* or maybe *The Daily Show* or something. It's the kind of record which is truly the subject of comedic routines, that you would establish an agency that is responsible for protecting the environment when it comes to industrial activity related to energy production and that the people in charge of that were formerly the chief lobbyists for

the energy industry, with absolutely no claim to having any environmental expertise of any type. Yet these folks think that's an appropriate person to put in charge of that agency. You know, it's utterly ridiculous.

9:40

With that record, it's hardly surprising that we would have been looking for a legislative guarantee that the same kind of ridiculous decisions would not be made with the content of this particular panel. But, of course, they steadfastly rejected our attempts to put some guarantees into this, which is why, then, I think we can be forgiven, as can any Albertan who is concerned about protection of the environment in this province, for our conclusion that this really is just more smoke and mirrors and a public-relations opportunity to put in the Premier's back pocket for the next time she travels down to Washington hoping that somebody has a bit of time to have coffee with her.

She can pull it out and say: "Hey, here's our legislation. We're doing environmental monitoring. Don't read it. Don't look at it very closely. Don't look at our record on this. No, no, no." But, hey, we've got another piece of paper, and if you read that and the other 14 forests' worth of press releases that we've put out congratulating ourselves on our environmental record as we've single-handedly and steadfastly worked towards degrading it, then you might actually think that we are a jurisdiction you can trust to produce our marketable energy product in a way that is environmentally responsible.

The problem is that it is all just a big house of cards. When you look at this legislation the way it is written and you pair it with the reprehensible record that this government has on environmental protection, we reach the same conclusion. Then these folks have the gall, the temerity to complain about people simply recounting the facts. "Oh, you're anti-Alberta, you're anti-Canadian if you actually tell anybody the truth or the facts about our record on this."

Well, you know what? I think that rather than trying to hide the truth and the facts and to manipulate and spin the record, instead what this government should do is move toward putting in genuine safeguards, genuine, robust, meaningful, accountable processes that will work toward protecting our environment. This legislation does not amount to that, and because it does not amount to that, we simply cannot support it. We can all agree that we need to work on these things when it comes to putting out the press release.

Really, the question becomes: can we agree to work on it when it comes to rolling up our sleeves and making the hard decisions? I will say to you that when it comes to rolling up their sleeves and making the hard decisions on behalf of all Albertans and on behalf of the public interest and on behalf of the interests of our children and our grandchildren in protecting our air and our land and our water, we do not see over on that side any evidence of the political will existing to do that work. It's just about paper. Until this legislation changes to be about more than that, we can't support it. It is truly disappointing but, unfortunately, not entirely surprising.

That is all I have to say on this bill, Mr. Speaker. Thank you.

The Deputy Speaker: Thank you, hon. member.

Standing Order 29(2)(a) is available. The hon. Member for Edmonton-Highlands-Norwood.

Mr. Mason: Thank you very much. I would like to ask my colleague the hon. Member for Edmonton-Strathcona if she believes that the government has introduced very weak environmental monitoring legislation at least in part because they're too cozy with the oil industry.

Ms Notley: Just watch and see what happens if I say: no, I don't believe that to be the case. [interjections]

I think that there's no question. I have no doubt that this legislation was crafted in consultation with the oil industry. I, in fact, suspect that they wrote it. I have no doubt that the current head of CAPP will probably be appointed to chair this board because, frankly, that's the record. [interjections] They laugh over there, but that's what they did with the Alberta Energy Regulator, which, notwithstanding its name, is the primary environmental protection tool in this province. If you think it's funny when I suggest that you're going to put the current head of CAPP in charge of this agency, then maybe you should ask yourselves why it is that you put the former head of CAPP in charge of the environmental protection agency.

In fact, we know that the relationship is very close, and we know that from documents around their lobbying, and we know that from the actual funding connection between the oil and gas industry and the governing party and from the degree to which they take their instructions from that particular sector of the economy. There's, you know, a money-in, money-out kind of thing. The single biggest source of this governing party's current fundraising is donations from the oil and gas industry. It's not from individual Albertans anymore because those folks have kind of thrown their hands up in despair.

The relationship is far too close, and the objectivity which Albertans need and require in order to trust that somebody is keeping an eye out for their overarching public interest in protecting our environment – there is no trust. There is no regime in place that would lead Albertans to believe that they can trust it. Quite frankly, Mr. Speaker, I don't think we're going to see that change until the government changes.

The Deputy Speaker: Are there others?

Seeing none, I'll recognize the hon. Deputy Government House Leader.

Mr. Denis: Thank you very much, Mr. Speaker. I would move to adjourn debate.

[Motion to adjourn debate carried]

The Deputy Speaker: The hon. Deputy Government House Leader.

Mr. Campbell: Yes, Mr. Speaker. We've made pretty good progress tonight. I suggest that we adjourn until 1:30 tomorrow afternoon.

[Motion carried; the Assembly adjourned at 9:47 p.m. to Thursday at 1:30 p.m.]

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