

**Title: Wednesday, July 18, 2007 Resources and Environment Committee**

Date: 07/07/18

Time: 12:10 p.m.

[Mr. Ducharme in the chair]

**The Chair:** If I may, I'd like to call to order the meeting of the Standing Committee on Resources and Environment. I'd like to first of all welcome all of our members and staff to our very first meeting. At this time I'd ask if we could begin with Rob, on my right, and go around the table to introduce ourselves.

**Mr. Reynolds:** Thank you, Mr. Chair. I'm Rob Reynolds, Parliamentary Counsel.

[The following committee members introduced themselves: Mr. Ducharme, Mr. Graydon, Mr. Griffiths, Mr. Hinman, Mr. Lund, Mr. Oberle, and Dr. Swann]

**Ms Sales:** Tracey Sales, communications consultant with the Clerk's office.

**Mrs. Kamuchik:** Louise Kamuchik, Clerk Assistant, director of House services, Clerk's office.

**Mrs. Sawchuk:** Karen Sawchuk, committee clerk.

**The Chair:** In your meeting materials that have been forwarded to you, you'll see that we have the agenda and the approved committee budget. They were posted online for printing and viewing as of Monday, July 16. Subsequent to these materials being posted, I received a memo from the Hon. Rob Renner, Minister of Environment. This item was posted on the website on Tuesday morning, and I will address this item under number 5 on our agenda, Other Business.

At this time if someone could move that the agenda for the July 18, 2007, meeting of the Standing Committee on Resources and Environment be adopted as circulated? Mr. Oberle. All in favour? Any objections? Carried.

We'll now go on to the committee orientation, which is the purpose that we're brought here today. As you all know, most of you will recognize Karen Sawchuk. She's our committee clerk, assigned to this committee. She will be providing our administrative, procedural, and general assistance as required. Karen will also work with Philip Massolin, committee research co-ordinator, to coordinate the research and information needs of the committee. Rhonda Sorensen, manager of communications services, and Tracey Sales, who is seated at the table, communications consultant with the Clerk's office, will provide communications expertise to the committee. Louise Kamuchik, who is also with us here today, is the Clerk Assistant and director of House services. Rob Reynolds, Senior Parliamentary Counsel, will also provide assistance to the committee as required.

Now I'd like to call upon Louise, if I may, to speak to the new administrative procedures which have been adopted for all Legislative committees.

**Mrs. Kamuchik:** Thank you, Mr. Chairman. As committee members have observed, we now have new, innovative changes that have been created in order to work with these many new committees that we have, especially with the creation of the four policy field committees. The internal website gives members greater control over how they receive the information for the upcoming meetings. The exclusive e-mail link sent to members and their staff before a meeting – and each committee will have its own website – will

contain all the materials, including agenda, support material for the upcoming meetings. Members and their staff can print these off for insertion in the binder that was provided to committee members at the beginning of the existence of this committee. Members also can bring their laptops to the committee meeting. There are ports available at every spot at the table, and they can view the material as the committee meeting progresses.

Websites have or will be developed for each committee that will have links to the bills being examined, briefing material, past minutes, transcripts, and eventually submissions that are received by the committee once they're reviewed and released by the committee. The websites contain information on the committee's mandate, committee members with links to their biographies, the individual clerking the committee, and the Parliamentary Counsel assigned to the committee.

I believe that that covers the new way to proceed. It's very environmentally friendly, and it gives access for all the members to all the committee information on their laptops anywhere they happen to be working.

If you have any questions, please let us know, and we'll be more than happy to help you. Thank you.

**Dr. Swann:** Karen, is the existing website with the agenda the only thing you've circulated so far, or is there some material that I'm missing yet?

**Mrs. Sawchuk:** Mr. Chairman, it's only the agenda, the link from that to the committee budget, as well as the memo that Mr. Ducharme referred to.

**Dr. Swann:** Okay. Thank you very much.

**The Chair:** Any other questions?

Thank you very much, Louise.

The next item we'll go to is the approved committee budget for 2007-2008. That's under tab 3 in your binder. A copy of the approved committee budget for 2007-2008 in the amount of \$58,000 was available for the committee. This \$58,000 covers pay to members, travel expenses for meetings and public hearings, and hosting during meetings. Although not specifically outlined in this budget document, there was also \$80,000 budgeted for all four policy field committees for advertising. If this amount does not fully cover any potential advertising expenses, funds will be utilized from the overall committees budget envelope. As these budgets have already been approved by the Special Standing Committee on Members' Services, this item is for information purposes only.

**Dr. Swann:** Denis, is that \$80,000 per committee?

**The Chair:** No. It's \$80,000 for the four committees.

**Dr. Swann:** Would you talk a bit about what advertising means here?

**The Chair:** I'll make an attempt, and if I don't get it right, I'll pass it on to Karen. It would basically be for any advertising that we should be holding if we were going to be doing any types of reviews. It would be advertising that would take place in the newspapers, as an example, to inform the public that we're seeking submissions.

**Dr. Swann:** Okay. Very good.

**The Chair:** Any other questions? Thank you.

We'll now move on to the orientation by our Senior Parliamentary Counsel. Rob will be addressing this item, so I'll turn it over to you, sir.

**Mr. Reynolds:** Well, thank you very much, Mr. Chair. Now, I must apologize here for a moment. I just came from another committee meeting, and my head in many respects may still be there. But I will try and organize this as best I can to make it as comprehensive and comprehensible as possible.

First of all, let me say that policy field committees are obviously a new feature of the Legislative Assembly of Alberta. They have not been part of our culture, if you will, previous to the amendments to the Standing Orders that were made pursuant to the House leaders' agreement that was reached on March 7.

Now, I will tell you that I have spoken to other policy field committees that are up and running. Those two committees are considering bills that have been referred to them by the Assembly. One that's meeting right now, Government Services, for instance, is considering bills 1 and 2. There are provisions in the Standing Orders that I will get to, but the provisions with respect to bills aren't immediately relevant to this committee. I could touch on them briefly, but I will come to some issues that may be more relevant with respect to the issues you will be facing.

First of all, I just want to touch on the mandate of the Standing Committee on Resources and Environment. The mandate is to relate to the areas of energy, the environment, agriculture, sustainable resources, and forestry. Now, of course, you have a considerable degree of scope in the analysis and the issues that you can look at. For instance, under temporary Standing Order 52.05, "annual reports of each government department, provincial agency, Crown-controlled organization, board and commission shall be deemed to be permanently referred to a Policy Field Committee." So those reports are referred to you should you wish to undertake a review of them or an analysis of them.

Another aspect is with respect to inquiries. This may be relevant to a discussion that is going to transpire later on in the agenda. Under temporary Standing Order 52.07:

- (1) A Policy Field Committee shall inquire into . . . and report on any matter referred to it by the Assembly.

However,

- (2) A Policy Field Committee may on its own initiative, or at the request of a Minister, inquire into any matter concerned with the structure, organization, operation, efficiency or service delivery of any sector of public policy within its mandate . . .
- (4) All inquiries must be concluded and a substantive report presented to the Assembly no later than 6 months after the commencement of the inquiry.
- (5) Funding for the purposes of undertaking an inquiry, in addition to the committee's regular allocation, is subject to the prior approval of the Members' Services Committee.

12:20

Now, the interpretation that we have put on this – and I must tell you that this is a new experience for all of us in the sense that we're dealing with these rules and these situations as they come up. They're really a first instance, if you will. We don't have, you know, books of precedent that we can refer to on these matters. But in our assessment, if the committee was to go beyond its budget allocation with respect to an inquiry, that's when the request would have to be made to Members' Services. So that's something to consider.

I should also mention with respect to regulations that a policy field committee may conduct a public hearing on any bill, regulation, or prospective regulation under review. There's a specific section on

consideration of regulations by policy field committees, and that's temporary Standing Order 52.03. It says:

A Policy Field Committee may review any regulation, amendment to a regulation or prospective regulation within its mandate in order to determine whether the attention of the Assembly should be drawn to any regulation, amendment to a regulation or prospective regulation on the grounds that . . .

and then there are about 10 areas that the committee can report on.

Now, I have to tell you, just as a way of background that may be relevant to a discussion that you're going to have later, that when we were drafting this, the provision on regulations was more related to what other jurisdictions do in a law and regulations committee setting, which is that a regulation is referred to the committee or the committee decides to review a regulation, and it's a very legalistic process where someone goes through the regulation and points out what it is that the regulation does/doesn't do, where it exceeds its jurisdiction, expenses that aren't provided for, et cetera. It's not a sort of broad-based policy inquiry. I can get into this later in the discussion when we talk about the memo from the hon. Mr. Rob Renner, about the issue he identifies there.

In any event, to get more broadly into committees and this committee in particular, policy field committees are committees of the Legislative Assembly, obviously, and this makes them different than committees of government. For instance, as a committee of the Assembly you have all the powers, immunities, rights, and privileges of an Assembly committee, which differentiates this from a committee of government, if you will. Some of the powers that you have are the ability to summon witnesses. I have excerpts from the Legislative Assembly Act, which I can ask Karen to hand out, which address some of the issues that I'll be raising. Thank you, Karen.

If you turn to section 14 of the act, it refers to "the Assembly or a committee of the Assembly may by order summon before the Assembly . . . as the case may be, any person as a witness." Now, that's a power you have. It is not a power that is used very often in the sense that it's, if you will, the iron fist in the velvet glove. You can do it. When people know that you can do it, they usually appear. This applies to anyone. This applies to public servants, requesting them to come, or members of the public should you so wish.

Now, of course, another important aspect is that all the rights, immunities, and privileges that you enjoy as a member in the Assembly apply to your actions in the committee, which is to say that a member cannot be sued for defamation in the committee because it's deemed to be, if you will, similar to a proceeding of the Assembly. That relates to your privilege of freedom of speech, and that stems back to the English Bill of Rights of 1689 – I always like to throw in something from the 17th century – and that, in our field, is a current document.

I'll read from one of the heavy books that we carry around, just to show you that there's a purpose to that. It's called *Parliamentary Privilege in Canada*, by Joseph Maingot, second edition – *Hansard* likes to record these things – at pages 36 and 37, where he says:

The Bill of Rights, 1689 is not restricted to Members; whatever protection is afforded the Member is equally afforded to the non-Member under the same circumstances. Accordingly, witness, petitioner, counsel, and others whose assistance the House considers necessary for conducting its proceedings are protected by "the rule of Parliament being that no evidence given in either House can be used against the witness in any other place without the permission of the House."

What that means is that if someone comes and testifies before the committee, they have the protections that you as a member have. Now, you may say to me, "Well, Rob, that's very interesting from the 17th century, but how is that really relevant to what we're doing here today?" to which I say, well, it's as recent as May, when the

Federal Court came out with a decision concerning a deputy commissioner of the RCMP, Deputy Commissioner Barbara George, in the case of Barbara George and the Attorney General of Canada. In that case Ms George had provided testimony before the Public Accounts Committee in Ottawa. People were questioning the veracity of those statements, and the RCMP launched an internal review under the code of conduct to see whether Ms George had been as truthful as she might have been. So the question became: can those comments be reviewed in another place?

The court, in finding that the RCMP could not conduct that investigation, said a few things that I'll just quote briefly here.

First, although witnesses before a parliamentary committee are not Members of Parliament, they are not strangers to the House either. Rather they are guests who are afforded parliamentary privilege because, as with members, the privilege is necessary to ensure that they are able to speak openly, free from the fear that their words will be used against them in subsequent proceedings . . . This is related to the more general idea "that whatever is done or said in either House should not be liable to examination elsewhere" . . . Given the overriding importance of the House of Commons as "the grand inquest of the nation," it is fundamental that members and witnesses alike are not inhibited from stating fully and freely what they have to say.

In any event, the point being that no one else could inquire into what was said before the House or a committee of the House except the House in that instance. That's, I think, important, to show you the sort of powers, rights, immunities that go along with this committee.

Another difference, of course, the obvious difference, is that this is a multiparty committee of the Assembly as opposed to a government committee. Philip is, I believe, at the other committee meeting right now. As Philip will tell you, the research for the committee that you will be provided with – and this gets back to what Louise is saying on a practical note – will come from the Legislative Assembly Office. Now, obviously the government will have submissions on a great many issues, but it will not be your only source of information.

**12:30**

Just to recap. These committees of the Assembly are independent of government. They're creatures of the Assembly. They have all the rights, immunities, powers, and privileges that any committee of the Assembly has or that members have in the House generally. There is the series of temporary Standing Orders concerning the powers of the policy field committees, which relate to inquiries, regulations, bills, et cetera. I can expand on those later in the meeting, but I think that for now that's probably sufficient as an overview. Of course, if there are any questions, with the permission of the chair I'd be happy to entertain them.

**The Chair:** Mr. Lund.

**Mr. Lund:** Thanks, and thanks for the overview, Rob. You mentioned reviewing the annual reports of the departments. I would be curious. In our situation currently – last year there was a decision made that they did not have to go before what was then the standing policy committees – would we be reviewing those reports, which actually were the reports of '06?

Then a couple others. We have, for example, the regulations that we're going to be looking at under the beverage container recycling regulation. When we open up regulations like that, would we be restricted to only looking at the issues that are identified by the minister that refers them to us, or would we also have the ability to question the mandate of the program at this committee?

One other. You talked about the ability to call boards and

agencies, I think is the area that we're looking at. Would that include quasi-judicial bodies?

**Mr. Reynolds:** With respect to your first question, which is about the annual reports, it's a bit of new territory that we haven't looked at yet.

I should go back and say that the House leaders' agreement borrowed a lot of language from the Saskatchewan standing orders, or rules, as they're called there, with respect to the policy field committees, and in Saskatchewan's standing orders the policy field committees look at annual reports.

Now, in applying that to the Alberta situation, subject to perhaps Louise's view on this, they stand referred to the committee. They are tabled, and once they're tabled, you can certainly look at them. I think it would take a more active decision by the committee to examine them. Someone would have to say: I want to examine the annual report of the tire recycling board. I don't know if it still exists but something like that. Something like that they'd have to look at. That would require an active decision. I mean, certainly, they stand referred in the sense that you can look at them, and there could be a list developed, if you want, of the annual reports that would probably be relevant, many of which would be in the, I imagine, ministry report for the Department of Environment or the Department of Energy or sustainable resources.

With respect to your second question about the . . .

**Mr. Lund:** Well, basically, my second question was – as you know, when we open up an act in the Legislature, the act is open even though we may only want to be zeroing in on a certain specific area of the act. I'm questioning: would that be the case with regulations?

**Mr. Reynolds:** Yeah.

**Mr. Lund:** But going beyond just what is in the regulation, how it functions, the whole question about whether the mandate of the regulation is something that the committee can look at.

**Mr. Reynolds:** Well, this is something I was going to get into later, which deals with the nature and how you characterize the request from Mr. Renner, in this case, which you've been provided with. My interpretation of his request is for the committee to look at the issues surrounding the regulation. In that sense, I think it goes beyond just the regulation to look at the issues which would then fall under the committee's inquiry powers, if you will. You'd be looking at those issues as opposed to just the four corners of the regulation, which, as I indicated, under the Standing Orders can be a bit narrow. The other difference here is that this is a request from a minister. It's not an order from the House.

Now, if the Assembly gives this committee something, then the committee as a delegate of the Assembly is bound by the Assembly's direction, whether it be on a bill or an issue or whatever, because the Assembly is the body to which this committee ultimately reports.

With respect to a request from a minister, that's a different matter, and you can observe it, but I think that the committee has the ability to go a little beyond that in its review. It's a request from the minister, and the committee can go, I think, further in where it wants to on that.

**Mr. Lund:** Quasi-judicial bodies?

**Mr. Reynolds:** Quasi-judicial bodies: that's a very interesting question. I would think that it would be up to your good judgment

as a committee as to whether you would want to call someone from a quasi-judicial body to appear. First of all, usually these things are done by invitation, but if you were asking them to get into the nature of their decisions or whatever, I think that would be perhaps a road the committee might want to carefully consider before it went there because essentially someone could interpret that as making this committee almost an appeal body or something like that. Usually appeals, et cetera, and consideration are very strictly laid out in the statute governing what any board can do. Of course, you run into rules of natural justice where it's difficult for a decision-maker to comment on a case that was before him or her. However, on general policy issues that may be a different matter, you know, or just to have someone generally discuss the function of the board. Once again, it's difficult to discuss this in the absence of a specific example. I hate to sound like a lawyer, but lawyers will usually say: well, I'm reluctant to engage in hypothetical. So I'll just resort to that.

Thank you.

**The Chair:** Any other questions? Dr. Swann.

**Dr. Swann:** Yes. Thanks. What is the process for establishing or what are the different processes available for us as members to establish the priority or to indeed include a specific topic on our agenda?

Maybe I'll expand a bit because there's silence there. If someone in the Legislature decides that they want to refer nuclear power, for example, to the committee and a vote of the Legislature says, "No. We don't want that referred to the committee" for whatever reason – and I'm just using a hypothetical here again – what other mechanisms might be available to bring it to the committee, and what power would individuals on our committee have to bring particular issues to the table?

**Mr. Reynolds:** Well, if I could just step away from the example of the Assembly voting not to refer something, because that would be a difficult question. If the Assembly says, "We do not want that going to the committee" and the committee says, "Well, we want to consider it anyway," that would be an interesting issue. But as far as I'm aware, there haven't been any relevant decisions by the Assembly not to refer something to this committee. There hasn't been a motion that something not be referred to the policy field committee, right?

12:40

**Dr. Swann:** Well, I presume that at some point in the Legislature we would be having discussions about whether or not to refer something to committees, and there would be votes on those things, and that would be one of the ways in which they'd be referred.

**Mr. Reynolds:** Yes. That is one of the ways it may be referred, but it's not the only way. Perhaps I omitted this subsection when I was reading different temporary Standing Orders, and if I did, I apologize, but temporary Standing Order 52.07(2) says:

A Policy Field Committee may on its own initiative, or at the request of a Minister, inquire into any matter concerned with the structure, organization, operation, efficiency or service delivery of any sector of public policy within its mandate.

I think that's a broad scope for the committee to act, to take something up on its own initiative.

**Dr. Swann:** Indeed. So I guess we come to the next level of decision-making. I don't know how many members there are on our committee. What would be the process in which a few members

wanted to address something and most of the members chose not to address something within the committee?

**Mrs. Kamuchik:** I would say that normally the committee's business would be by consensus, so if the committee votes in favour of not dealing with an issue, then I really can't see how it can progress.

**Dr. Swann:** Okay. That's the one side of it. Then where the majority could not agree, does that mean you have to have unanimity?

**Mrs. Kamuchik:** No. Not unanimity. It would be a vote for and against. If the votes for studying a certain issue carry the day, then the committee can go ahead and study that particular issue. If, however, the vote is, you know, 5 to 3 against it, then I would say that by motion – it can be a recorded vote even – the issue cannot go ahead and be studied by the committee.

**Dr. Swann:** That was the question. Thank you for answering it. What is the quorum, then, for the committee?

**Mrs. Kamuchik:** One-third of the members, and there are 11 members, so there would be a quorum of four.

**Dr. Swann:** So if there were three out of four of those members at a meeting who decided not to address a particular issue, then that's the way it would stand.

**Mrs. Kamuchik:** That is correct.

**Dr. Swann:** Thank you. That's clear.

**Mr. Reynolds:** Dr. Swann, this is Rob Reynolds. I just want to alert members to the temporary substitution provisions under the temporary Standing Orders in the sense that if a member, he or she, is not going to be able to attend a meeting, another member can be the temporary substitute. That temporary substitute can be for one meeting, it can be for a period of time, or it can be for consideration of a certain issue. That temporary substitute has all the powers/duties of the member on the committee, which is to say that he or she could vote, move motions, get paid, all that kind of stuff.

**Dr. Swann:** Very good. Thanks for that reminder.

**The Chair:** If I may, as chair I'd like to add one comment in regard to the first question that you had, and that's just to remind members that according to the Standing Orders, if we receive an order of the Assembly that a policy field committee undertake a certain inquiry, it takes precedence over any other business that we may be doing at the time. Also, this committee does not have the authority to also review something that another special committee has been delegated to do. I just wanted to clarify that.

Any other questions of Rob? Did you have some more information to share with us?

**Mr. Reynolds:** No. I think you've covered the additional information. That was tremendous. Thank you.

**The Chair:** Just to share with the other members that are present here today, just before session was let out, the chairs and the vice-chairs had the opportunity of meeting through this type of introduction session to get us aware as to what was forthcoming, and the

purpose of setting up this meeting today was to be able to get everybody online and to have a better understanding as to our role and purpose. So if there are no further questions, I'd like to thank you very much.

**Mr. Oberle:** Mr. Chair, could I have a moment?

**The Chair:** Yes.

**Mr. Oberle:** I just have a brief question that might expand a bit on what Dr. Swann was asking, and that is the process by which a member of this committee can bring forth a motion to consider something that was not referred from the Assembly to this committee or maybe by vote was defeated in the Assembly, something that's not specifically referred to us. Any member of this committee could make a motion to consider some other piece of business is my understanding. Is that correct?

**The Chair:** That's the way I understand it, but I would hope that prior to anything coming forward, there would be a letter that would be submitted to the chair of this field committee so that it could be put onto the agenda and not come up as, you know, a table request that just comes forward. So I would hope that we can set up those types of parameters, that if someone has an issue that they feel that the committee should be reviewing, an appropriate memo would be forwarded to the chair to be added to the next meeting's agenda.

**Mr. Oberle:** Thank you, Mr. Chairman. That was my question, just a process one.

**Dr. Swann:** Thank you. Yeah. That's clear.

**The Chair:** Okay. We'll move on to Other Business. The other business is referring to the memo that I received from the Minister of Environment, the Hon. Rob Renner. He's referred the issue to this committee for its review, and it's related to the beverage container recycling regulation. This regulation was put in force a number of years ago, but it has a terminating time period of October 31, 2007. We have not provided to you at this point in time – the Ministry of Environment has set up a binder for us, basically asking us to review a number of items.

If you want to refer to the memo that was sent to me, it's under tab 5, and basically he's asking us to review key issues that are in the public interest referring to the beverage container collection system issues, deposit levels, including milk containers in the deposit refund system because they're outside of it now, and unredeemed deposits. They have done somewhat of a public consultation, you know, telephone surveys, that type of stuff. They've also had some outside firms do some evaluations and reports, which you will also be receiving, that could guide you as far as information coming from the department. Personally, I think it's something that is in the public interest and does require some input coming back from us.

In telephone discussions with him, the minister would like us to meet with the various stakeholders, either by them submitting a written submission or coming and having a public presentation to the committee, and also to consult with the public at large. The problem that we face here with this request is the time frame. According to the memo he's hoping that the committee would be able to have the work done by the end of September because with the recommendations that come forward, regulation changes et cetera would have to take place, and he's hoping to have something completed by the end of 2007.

I took the liberty of talking to him this morning and indicated to

him that we do have a lot of challenges with all these field committees – we require *Hansard* staff; there are other committees that are working – and I've indicated that we may have some difficulties. In discussions with Karen earlier this morning we feel that possibly the staff may have an opportunity of being able to set up some type of framework for this committee to consider by July 31. Maybe that's when we could reconvene another meeting, but probably do it by teleconference, that we could have the discussion to set up what kind of framework, to plan as to advertising, what type of advertising, dates for written submissions to be presented to the committee, and then working out some dates as far as where we could take some public presentations. It could be very possible that we might be able to accomplish the work that's needed of this committee hopefully by the middle of October.

Minister Renner has indicated that if he could have something by October 15, to give us another two-week perimeter, he could probably live with that. So what I'd like to do is recommend to the committee that we allow the department staff to review this request, see what they can set up as time framework for us, as a game plan, and report back to us at that meeting on July 31, where hopefully the Thursday prior to that meeting we could have the plans and the layout in your possession so that you could review it prior to that teleconference call that would take place on July 31 and then proceed from that point.

**12:50**

**Mr. Reynolds:** Mr. Chair, excuse me. When you just said department staff, you mean the LAO staff.

**The Chair:** That's correct.

**Mr. Reynolds:** Yes. Thank you.

**The Chair:** We are nonpartisan, correct?

**Mr. Reynolds:** We are, yes.

**Dr. Swann:** Thanks, Denis. That sounds good. I'm wondering if you're suggesting that we need to have public presentations. I would have felt that we could get everything we needed just from written presentations.

**The Chair:** Quite possibly we may be able to receive that information that way, but I'm just going – I'm sitting as a member on the Personal Information Protection Act review committee, and the format that that committee had used is that they'd gone out and asked for written submissions first and then had given the option of different groups to come forward if they wanted to present a verbal presentation to the committee. With the different stakeholders that are out there, we may have one or two days of presentations that could possibly come forward, that could be shared with us if they feel that they want to meet before us rather than just the written submission.

**Dr. Swann:** Okay.

**The Chair:** I have Mr. Lund, and then Mr. Oberle.

**Mr. Lund:** Thanks. Knowing a little bit about this having set up some of these recycling programs, I can tell you there are a lot of issues that have two sides to them, and I think that it's very, very important that we do have public involvement, that we do have verbal. The written is fine, but then you get two kind of opposing

views, and you don't have the same ability to ask questions about how they arrived at those views. So then it would be left up to the discretion of the committee to try to figure out which is the most advantageous way to go, and I think that's totally unfair to the sides of the different issues because I know that there are a number of them out there in this whole program. There are two sides to a lot of these things, so I'm just very, very anxious that we do have verbal presentations as well as the written.

**The Chair:** Dr. Oberle, or Mr. Oberle.

**Mr. Oberle:** Well, thank you for the promotion. I just feel like we're a little bit shooting in the dark here. Recognizing your position on another committee and why consultations would in many cases be required and recognizing Mr. Lund's assertion about public input, in this case the memo says that "consultation with stakeholders and the public about issues affecting the regulation has been completed." So without having that information before us, I think it's possible that we wouldn't need to have consultation.

**The Chair:** If I can respond to that, I saw that that was also written, and when I had my initial discussion with the minister, I asked him, "So you're not anticipating that we do any consultation?" He said, "No." He said, "I intend that you do that." So I gather that the memo writer, certainly, added that phrase in, but, no, it's the intent of the minister that we do consult.

Dr. Swann, did you have any comments?

**Dr. Swann:** No. That's fine. I made my comments.

**Mr. Reynolds:** Mr. Chair.

**The Chair:** Yes, Mr. Reynolds.

**Mr. Reynolds:** I just had one point with respect to the process and the information that's going to the other two committees that are under way here. Now, those policy field committees are considering bills, so it's slightly different. But what's happened there is that the research co-ordinator has prepared a draft list of stakeholders. Now, in this case the work may well have already been done by the department, which they could share with Dr. Massolin to see if that's a sufficient list of stakeholders. That information would go to the committee.

In terms of the advertising you could conceivably advertise for written submissions, request that people advise as to whether they want to make an oral submission too, see the written submissions, and then decide, if you will, who you want to hear from. You can do that in conjunction with letters to stakeholders, who would come back and say: here's our written submission, and we'd like to make an oral submission. Of course, it's entirely up to the committee with respect to who you want to hear from.

Now, the practice that we're going by in the other committees is that when there's a deadline for the written submissions, the research co-ordinator will summarize the submissions and provide that to committee members. Of course, the original submissions would be open to the committee to look at. It's purely for the assistance of members so that you would be able to review that and so you'd have a guide if you want to look at the more comprehensive or longer submissions.

The communications staff also work on news releases and advertisements, if that's what the committee wants to do, to get the word out.

I would just tell you, Mr. Chair and committee members, about the time period that the other committees are looking at, just to give

you an indication. One committee is asking for written submissions by August 24. The other committee may be asking for that too. The intention is that the summaries would be available to the committee members in mid-September. I can't say for certain, but I think that the other committees have set aside time at the end of September or beginning of October for their public hearings, and then they had intended to wrap up their report by the end of October, beginning of November so that it would be in the House by the time the fall session commences, which is scheduled to commence November 5, I believe. So those are the sort of timelines that they have got. I just thought I'd advise you about that.

**The Chair:** And that was why I had suggested earlier that if we leave it to the LAO staff to look at the submission and set up a timetable for us, we could have that further discussion at the meeting of July 31 to see if we can attain. I've had that discussion with the minister. He's indicated that if we could have recommendations back to him by the middle of October at the latest and see if we can work that into our timeline. I've advised him that I would get back to him after we've had that opportunity to go forward.

The binder that has been prepared, I guess, is going to be information that is coming from the Ministry of Environment. As Mr. Reynolds has indicated, we also have research capability within our committee structure in terms of being able to do some research, and each of the various caucuses has also received research dollars.

So once you've had an opportunity to review the information that we'll be forwarding to you from the Department of Environment, you'll be able to, you know, base your concerns, and again we can have that discussion at the July 31 teleconference call as to if we were looking for further information.

**Mr. Oberle:** Mr. Chair, I have another question on scope and specifically relevant to this memo given the timing of this. There's been a lot of talk in the media lately, TV shows and everything else, about bottled water containers. Now, that's not specifically mentioned in this memo, but one could hazard a guess that if we entertained any presentations by recycling agencies today, we'd get comments on that. Do we restrict the comments of those stakeholders strictly to this memo, or do we entertain additional comments? If we entertain them, do we include any recommendations in our report back to the minister?

**The Chair:** In fairness to all the members of this committee I've had the opportunity of seeing an advance copy of the binder. The questions that you raise are covered off in there, so I think that if we could just wait till you receive that binder, you'll be able to have a better understanding. Then we can open the floor up for more detailed questions and concerns at that July 31 meeting.

**Mr. Lund:** Well, Mr. Chair, in one of my first questions was the very question I was asking that Mr. Oberle has just now asked, and I get two different impressions. I thought that when we were dealing with this regulation, it meant we would be dealing with all other items. It's not only the water bottles. It's also things like paint, for example. There are other things out there that could be included, and I'm sure we're going to hear that. The very reason I asked that question is because I was curious whether we had to stick just to the four items that he has mentioned here.

1:00

**The Chair:** If I may, Mr. Lund, I just want to go back. The regulation that's been referred to us from the minister is the beverage container recycling regulation, and paint canisters I don't think fall under beverage. I might be wrong.

**Mr. Lund:** But that's the point, Mr. Chair. That's the very point. That's why I asked whether it's the mandate of the program because the mandate of the recycling program is what these beverage containers fall under. I'm really curious. We're going to run into this in many cases when we start dealing with an issue. Then when we look at the whole mandate of where this all came from, it includes other things than are specifically mentioned. I agree that it's a horrendous task if we start moving all over in those regulations. That's for sure. But I think it's kind of important that we clarify that up front; otherwise, we could get into some real discussions down the way. I'm not saying that we should wander off into all of these other things. I took it from Rob's comments that we would have the ability to look at, basically, the mandate of the program.

**The Chair:** Well, I don't think that's the request that's been placed to us. It may very well be that we want to go there, but I think that before we get deeply involved in that type of debate at this point in time, I'd like you to be able to see the information package that's been provided and the questions that have been set up in the framework. As I mentioned, you'll be receiving that in your offices sometime tomorrow.

**Mr. Griffiths:** It will be interesting and it will take time for this committee to evolve and understand how we handle some of these. Regardless of what the minister sets as an agenda and the questions that he wants answered, if we have 150 presentations coming on paint recycling because people hear recycling, does the public set the agenda? Do we have to make it another issue that the committee deals with? Do we have to address it in the report on the issues that the minister had? Those are some things that I think will just have to evolve as we gain more experience, but it will be interesting to see how it evolves.

**The Chair:** I would hope to see that once the staff prepare the parameters as to what we're going to go out and seek for consultation, we'll be able to narrow that scope. Then when we meet on the 31st, we'll be able to say: okay, is that as narrow as we want it to be, or do we want to make it broader? I think that's where we'll have the debate, at that point in time.

Mr. Hinman, did you have any questions?

**Mr. Hinman:** Well, you keep talking about this meeting on the 31st. Has that already been set, and is there a time?

**The Chair:** It's a suggestion that I've brought forward to you, having discussions with our committee clerk earlier. Hopefully, that would be a date, in that time frame, that would work for a teleconference call.

**Mr. Hinman:** I have something on in the morning, so I'm just wondering whether that's a morning or afternoon meeting or what time you were planning on that.

**The Chair:** I'm not overly concerned as to the time. I guess we'd have to poll the members. I was using that as an example, that we felt that the staff would have the time necessary to prepare, and maybe that might be an appropriate date to be able to reconvene. Basically, I guess we'll have to poll the membership of the committee to see if that date is suitable. If not, we'll have to find an alternate.

**Mr. Hinman:** You just referred to it several times like that was set, and I just wasn't sure if that was the situation. Thank you.

**The Chair:** Too many years, I guess, as the whip.

So is that fine with everyone? Is everyone agreed that we'll proceed from there, and then we'll poll the members for the date? Are we in agreement that the staff go forward and prepare something for us?

**Hon. Members:** Agreed.

**The Chair:** Thank you. The date of the next meeting, then, will be as we poll the membership, and we'll advise you as quickly as we can in regard to that matter.

As I indicated, the binders will be dropped off to your offices tomorrow.

I'd now take a motion for adjournment. Mr. Lund. In favour? Carried.

Thank you, everyone.

[The committee adjourned at 1:05 p.m.]

