

LEGISLATIVE ASSEMBLY OF ALBERTA

Title: Friday, November 27, 1981 10:00 a.m.

[The House met at 10 a.m.]

PRAYERS

[Mr. Speaker in the Chair]

MR. SPEAKER: It is anticipated that the hon. Member for Spirit River-Fairview is going to proceed with a point of privilege which was first raised last Tuesday and which I caused to be postponed because of the absence of the member who was complained about. As I make these preliminary remarks before recognizing the hon. Member for Spirit River-Fairview, I've asked that the pages distribute to members a photocopy of some references from the most respected work, as far as I'm aware, on parliamentary procedure in the British Commonwealth.

It will be apparent that those few references make it clear that in the Mother of Parliaments, whose traditions we purport to follow, with some adaptations for our own practice, of course, it is the custom to give a member against whom a complaint is going to be raised notice of that complaint. In this particular case, that member was at the other end of the country. In the Mother of Parliaments and I assume in other parliaments of the Westminster tradition, which we also purport to follow, it is also the case that the member against whom the complaint is made must not only be given notice beforehand but must also be present. I assumed that that was such an elementary rule of fairness that since our *Standing Orders* didn't require that the matter be proceeded with in the absence of a member, we might follow that rather elementary principle.

Now that both requirements have been met, I propose to recognize the hon. Member for Spirit River-Fairview in a moment or two. However, in fairness to him, he has given me certain material. I have now had an opportunity to re-examine it. When the matter first arose, I did say that it appeared to me that the requirements of the standing order with regard to raising the matter at the first opportunity had been met.

When the hon. member telephoned me before raising the matter in the House, asking me whether I had received the notice, I told him that I had and that in any event, even though the matter might not proceed, the notice he had given me would stop the running of time. That would be only fair to the hon. member, because he surely should not be held accountable for delay or postponement resulting from the absence of another member. So as far as delay is concerned, there hasn't been any that is relevant to this question since last Tuesday.

However, the hon. member knows that two requirements must be met. I wish to emphasize one of them now in fairness, so he will have ample opportunity to attempt to meet that requirement in what he is no doubt about to say. Of course, the first requirement is that there be a *prima facie* case, and that remains to be seen on the basis of what has been submitted to me and what will no doubt be said in the House this morning.

But the second requirement is that the matter be raised at the very first opportunity. I respectfully invite the hon. Member for Spirit River-Fairview to make very plain to

the Assembly and to me when he had the first opportunity. For example, would he be prepared to say whether the apparently stolen documents were in his possession at the time he asked the questions on November 20, I believe. If they were, I would have to consider whether that was his first opportunity, or possibly the next day would be his first opportunity. The rule is quite strict. It's a rule which was adopted without objection in this House in 1973 I think, but is not unusual; it existed before that. The rule appears to be intended to prevent someone from saving a complaint, you might say, and introducing it when it may have the maximum impact inside the House or out. Therefore, I respectfully request that the hon. member keep that basic requirement in mind in what he may be about to say.

I now call on the hon. Member for Spirit River-Fairview.

MR. NOTLEY: Mr. Speaker, I rise pursuant to Standing Order 14, with respect to a matter of privilege. During the course of my remarks, Mr. Speaker, I will deal with the point you raised.

The complaint is with respect to page 1763 of *Hansard*. In fairness to the hon. Premier, against whom the complaint is lodged, I will read for the record:

MR. NOTLEY: Mr. Speaker, supplementary question to the hon. Premier, so there is no misunderstanding. Is it the position of the government of Alberta at this stage that there is no consideration — I repeat, no consideration — of any massive interbasin transfer similar to the PRIME program, which the now government opposed when it was in opposition in 1971?

MR. LOUGHEED: I think the answer to that is yes, Mr. Speaker. There is no contemplation of massive interbasin water transfers.

MR. NOTLEY: Mr. Speaker, so there is no misunderstanding, there has been no review of options which would include significant interbasin transfer?

MR. LOUGHEED: Mr. Speaker, the hon. Member for Spirit River-Fairview seems to have great difficulty with the government having a concept of examining alternatives and options and what it's giving consideration to. There is a very important difference. I hope that any government would examine the full range of options and alternatives on every public policy issue. The question I was first asked was, are we giving any consideration to doing so? The answer is no.

MR. NOTLEY: Mr. Speaker, so there is no misunderstanding [interjections] at this stage has the government commissioned any cost/benefit study that would include a revamped version of the PRIME program, either in part or in total, as part of its review of the options?

MR. LOUGHEED: Mr. Speaker, not in the concept precisely in the way the hon. member worded the question. No such reviews have been involved. If he wants to continue with the position of attempting to concern citizens about a range of alternatives this government may consider on a number of different subjects, that of course is up to him to do so. As far as the government is concerned, I believe we're ac-

countable here in asking a specific question: is consideration being given to doing something? In this case, the answer is no.

Mr. Speaker, I want to emphasize three of those answers: ... no contemplation of massive interbasin water transfers. ...

... are we giving any consideration to doing so? The answer is no.

... I believe we're accountable here in asking a specific question: is consideration being given to doing something? In this case, the answer is no.

Mr. Speaker, before stating the complaint, I think perhaps it would be worth while if we take a moment to look at the definitions of some of these words. The [Concise] *Oxford Dictionary*, sixth edition, definition of "contemplate": "Gaze upon; view mentally; expect, regard as possible; intend ...". "Consideration", also *The Concise Oxford Dictionary*, sixth edition: "Act of considering ... being considered". The word "consider", from the same sixth edition: "Contemplate mentally; weigh merits of ... reflect ... reckon with, make allowance for". The word "massive", from the sixth edition: "Solid, substantial; impressive, imposing; unusually large".

Mr. Speaker, in view of the material that has come into my possession and that was distributed by you, in my judgment there can be no question that the remarks made last Friday were misleading. To explain, it is appropriate that I examine the material available to us.

In 1979, the hon. Minister of Transportation announced the formation of an advisory committee on water. He made it very clear at that time, in a speech given in Red Deer, that he was given the go-ahead by the hon. Premier. The co-chairman of that committee, Dr. Gunning, a former and respected president of the University of Alberta, stated that the advisory committee's role was to outline a possible plan of action, including a timetable for the construction of dams and diversions.

If there are any doubts about the Water Advisory Committee's purpose, we have a memo that I made available to you, Mr. Speaker, by the assistant deputy minister of water resources and management services, Department of Environment, Mr. Melnychuk, also a respected public servant of this province. That memo, dated October 25, to the Minister of Transportation, provided the background for the hon. gentleman's speech in Red Deer. In that memo, which hon. members have in their possession, Mr. Melnychuk states with regard to what he calls the "problem of water distribution throughout the province":

The logical solution to this problem of distribution is to divert northern water southward where it is more urgently needed. This is the long-term concept of inter-basin transfer of water and was previously referred to as the P.R.I.M.E. concept ... Eventually, basin by basin, a transfer of northern water to the south would be achieved.

Mr. Melnychuk continues:

... present policy does not preclude inter-basin transfers, but does emphasize using existing supplies fully first. Further to this, it should be noted that any dams and reservoirs being planned and built now, such as the Dickson Dam on the Red Deer River, are being located such that they will "fit", be effective and serve as part of the eventual concept of inter-basin transfers of water.

Mr. Speaker, that statement has definite relevance to the issue of privilege before us. But I might suggest that hon. members would want to recall the debate that took place in this Legislature in 1977, because we find in this memo

that a dam that was sold to the people of Alberta on the basis of water regulation on the Red Deer River is designed to "be effective" and to "fit" ... the eventual concept of inter-basin transfers of water." These are not the comments of a junior bureaucrat, Mr. Speaker. Mr. Melnychuk, as I said, is a respected public servant and was a senior advisor to the Water Advisory Committee.

It's interesting to note that the Department of Environment's request for decision in the material presented to hon. members, which follows the advisory committee's recommendation, includes an attachment, which members have, recommending a policy clarification to include inter-basin transfer specifically as part of the long-term management strategy. According to the memo to file of Mr. Martyn, director of communications for the Department of Transportation, dated July 23, 1981, this request for decision was initiated at the suggestion of the Premier at a February meeting.

For this reason, I would like to quote from the attachment calling for policy clarification. I think it's important to do that, Mr. Speaker.

... the following policy guideline is recommended:

The inter-basin transfer of provincial waters will be one option considered in the long-term water management strategy adopted by Alberta. Given the growing demands on the water supplies of the South Saskatchewan River basin, and the increasing importance of food production on the Province's economy, the concept of transferring surplus water from northern Alberta rivers for use in southern Alberta will be actively investigated.

But I note, Mr. Speaker: "inter-basin transfer of provincial waters will be one option considered". If you recall the questions, the word "considered" was used. Mr. Melnychuk sets out 10 pages of a massive water diversion scheme culminating in a diversion of the Peace River southward, eventually to the South Saskatchewan River basin.

Mr. Speaker, perhaps I might turn to the comments by the hon. Minister of Transportation in the city of Red Deer in 1979, based on the memo which has been reproduced by you and submitted to members of this Assembly. In the speech in Red Deer, the hon. Minister of Transportation is quoted as saying:

I have said that the government of Alberta is serious in its determination to put in place a water management program in this province. ...

Moreover, I have said that the government of Alberta accepts its role as the major underwriter of the costs of Alberta water management. But all of this would mean little if we did not address ourselves to what is meant by the term, water management.

On page 14:

Thus, "water management" takes on no meaning unless we are talking about water storage, either by means of dams and reservoirs which are man-made, or those reservoirs which are available to us naturally.

On page 15:

And I say again, my colleagues in Alberta Environment have already worked out a number of options, based on the Saskatchewan-Nelson Basin Report, for providing a system of inter-basin water transfers.

Finally, the minister outlines the same 10-stage scheme brought to his attention by Mr. Melnychuk. On page 16:

The option being given the closest study at the moment involves 10 different stages of development

over perhaps 10 or even 15 years.

Stage One calls for dams on the Red Deer, the Oldman, and the Bow.

Stage Two would establish an [interbasin] interconnection between the North and South Saskatchewan River Systems, with diversion canals from the North Saskatchewan to the Red Deer, from the Red Deer to the Bow, and from the Bow to the Oldman. Ultimately, in the later stages, the transfers of water reach further and further northward for their sources, until eventually, water from the Peace could be diverted — again, as surplus water — all the way down to the most southerly sections of the province.

In case we may doubt the government's commitment to the statements made by the hon. Minister of Transportation, on page 17 he says:

Only two things are required now. First, those who put themselves to this task require an assurance that their work is not being done in vain — that the government is serious in its commitment to the necessity of water management in Alberta.

Ladies and gentlemen, you have my assurance that Mr. Lougheed and his Cabinet are very serious.

Finally, on page 18:

The Premier focused our objectives extremely effectively by suggesting that we develop for Cabinet a Position Paper on Water Resources Development. The Position Paper should be available for consideration ...

I say "consideration":

... by Cabinet by next Spring or Summer. In this paper we should clearly define objectives, needs, priorities, funding and benefits. He also suggested that we should work closely with Peter Melnychuk, ADM in Alberta Environment, so that our Position Paper would have clearly documented what decisions have already been made along these lines.

Mr. Speaker, that position paper was included in the material I forwarded to you in the form of a preliminary report of the Water Advisory Committee of April 22, 1981, which you distributed to members of the House. I draw your attention to page 12 of that report:

Alberta can contribute an increase in production to meet the growing world demand by:

a number of options, but option (a):

diverting water now going to the Arctic to the South Saskatchewan River basin;

Quoting directly from the preliminary report. Mr. Speaker, may I draw your attention and the attention of hon. members of this Assembly to the committee's recommendations, in particular recommendations 4 and 5. The word "negotiations" is struck out and "communications" inserted:

That communications be opened promptly with the Federal and the British Columbia Governments concerning the diversion of water from the Peace River in the amounts and at the times necessary to supply the water to irrigate the areas in Alberta. This should be done promptly in view of the consideration that is now being given to building further dams on the Peace River. It is recommended that the review should be made because there is a duty to maximize the contribution of that river to both food and energy.

Recommendation No. 5, Mr. Speaker:

Interbasin transfer, northern drainage and north eastern improved uses should all begin promptly and carry on continuously so as to create the capacity in the several areas in the province affected to maximize the production of food to meet the world's needs increasing as they are at an accelerating rate.

Interbasin transfer in the context of full communications regarding the Peace River. No possible definition of the word "massive" could deny that any consideration of moving the Peace River is massive. Living as I do, overlooking a valley that's almost 800 feet deep, the thought of diverting part of the Peace River ... One does not need to realize that the Pharaohs of old would no doubt be enormously impressed with the gigantic size of that kind of endeavor, Mr. Speaker.

But the preliminary report has some telling references to the proposed Dunvegan dam:

It is understood that a tentative decision has been made to build at Dunvegan what is known as the low dam. This decision will require to be reviewed in the light of any decision to divert water.

Then it goes on to talk about the difficulties of a low-head dam. Then it says:

It is recommended that the review should be made because there is a duty to maximize the contribution of that river to both food and power.

A review of that decision with respect to the dam should be made.

Mr. Speaker, as we look at the memo from Mr. Jim Martyn, director of public communications, Department of Transportation, we see that the Premier was briefed on the advisory committee recommendations in February 1981, and at a subsequent meeting on July 22, 1981. In his memo, Mr. Martyn says:

As he did at the February meeting, the Premier indicated strong support for the Committee and its recommendations.

Those recommendations and the principle conclusion of that committee speak for themselves, Mr. Speaker: recommendation 4 and recommendation 5. Not only did the Premier support those recommendations, but in Mr. Martyn's memo he called for a special diversion project, as Mr. Martyn says:

in the context of a public relations effort.

Mr. Martyn continues:

The Premier was making it clear, I felt, that he wanted the Committee to select a pilot diversion project which was NOT expensive or controversial and which could be "sold to the public".

So we don't get involved in a semantic exchange or debate over literal interpretations, Mr. Speaker, I've already quoted the Minister of Transportation, including a 10-stage scheme for massive — and I say massive — interbasin transfer under the heading of water management. In my view, what these memos show is a disturbing move on the part of the government which would indicate to me virtual use of deceptive language to mask the government's true intentions. In Mr. Martyn's memo we have the Premier quoted to the effect that "There is paranoia over diversion."

Then we have the Premier proposing using the new geography course of the Department of Education to distribute public relations pamphlets to school children. Finally, in that memo all members should read carefully, we have the Premier quoted to the effect that "we must create a demand". Mr. [McFarlane's] interpretation of this intention is indeed illuminating:

I suggest the Premier's public relations comments

can be viewed that he realizes we need a public relations program which will, actually, create a public demand for development of our water resources along the lines the Committee is proceeding.

And the committee report is a report which includes communication with B.C. over diverting the Peace and recommendation 5, interbasin transfer.

Mr. Speaker, it's not just the memo from Mr. Martyn, a respected public servant. I think perhaps the most telling is the memo from the chief deputy minister of transportation — who I'm sure all members of this Assembly know; a man who is well regarded, Mr. McFarlane — to the Minister of Transportation on August 18, 1981. That memo adds a rather significant further twist to the whole affair. In that memo, Mr. McFarlane confirms Mr. Martyn's report of the Premier's position in the following terms, and I want to quote so there's no misunderstanding:

You will recall that the Premier, at our July 22nd meeting, emphasized the importance of public relations aspects and noted that a public demand for water resource development must be created. It is my understanding that such demand must be created during the course of the new studies by the committee.

Demand for what? Water management? We've seen what the definition of water management is, Mr. Speaker.

The nature of this public relations effort is to be elaborated as follows, and again I quote from Mr. McFarlane's memo:

When the studies are announced, the announcement must focus on those studies and not on water diversion. This will allow two years of public relations activities to develop further acceptance by the public toward diversion and water development.

Mr. Speaker, we can't make it any plainer than that. "This will allow two years of public relations activities to develop further acceptance by the public toward diversion and water development". To pretend, under these circumstances, that water diversion is not in the cards is to challenge credulity more than I've seen in my years at this House.

Mr. McFarlane enjoys the confidence of the government. We must assume that his approach to public opinion similarly reflects the views of the hon. Premier. Since Mr. McFarlane has decreed that the words "water diversion" will not be used for two years while his public relations task force creates a demand, to quote from him, then we should not be surprised to hear denials about water diversion. Because after all, it's going to take two years to soften up the public. Instead, Mr. Speaker, as Mr. McFarlane puts it, we will hear the Premier announce studies, and I quote Mr. McFarlane again:

... and the announcement could be prepared to show the Government is willing to undertake an innovative and dynamic look at the future ... of our valuable water resources.

Yes, it's interesting. But when he says just a paragraph or two before:

When the studies are announced, [they] must focus on ... studies and not on water diversion. This will allow two years of public relations activities to develop further acceptance by the public towards diversion and water development.

Mr. Speaker, what we're talking about here is not just an option but surely, within the terms of the Oxford definition, consideration. Beyond that, what we have here is a strategy for selling diversion to the people of Alberta,

a preferred option, if you like — options that involve a public relations task force deliberately created to sell this to the people of Alberta. I say to those who will no doubt argue in a few moments that all options are considered: what other options involve public relations pamphlets for schools, even elementary school children? What other options involve the use of a pilot project in the public relations context? I suggest to you, Mr. Speaker, that with the suggestion of massive interbasin transfer — a project far surpassing any ever seen or contemplated in Alberta — this government in fact has gone beyond the stage of just reviewing and is at least considering such a project. There can be no doubt, in the material that I submitted to you, that on the 20th of this month, the statements the Premier made in this Legislature were extremely misleading.

The question we have to deal with today is whether or not a *prima facie* case exists for a breach of privilege. Perhaps we might look at the definition in *Beauchesne*, Citation 16:

Parliamentary privilege is the sum of the peculiar rights enjoyed by each House collectively as a constituent part of the High Court of Parliament, and by Members of each House individually, without which they could not discharge their functions and which exceed those possessed by other bodies or individuals. Thus, privilege, though part of the law of the land, is to a certain extent an exemption from the ordinary law.

The distinctive mark of a privilege is its ancillary character. The privileges of Parliament are rights which are "absolutely necessary for the due execution of its powers". They are enjoyed by individual Members, because the House cannot perform its functions without unimpeded use of the services of its Members; and by each House for their protection of its members and the vindication of its own authority and dignity.

Mr. Speaker, that is contained in *Beauchesne*, but is taken from Erskine May's *Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, 19th edition, 1976, page 67.

In this case the right of all hon. members to accurate information is the privilege that has been offended. Let me quote from page 136 of *Erskine May*:

It may be stated generally that any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any member or officer of such House in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results may be treated as a contempt even though there is no precedent of the offence.

Mr. Speaker, as I said to you in my letter of Tuesday last, in his remarks the hon. Premier may be able to explain satisfactorily the obvious discrepancy between the remarks on November 20 and the evidence presented to members of this Assembly. I would say to you, as we are all honor-bound, that if the Premier provides a satisfactory explanation, as an hon. member of the Legislature I am bound to accept that explanation and, according to parliamentary practice and chivalry, would withdraw my point of privilege. However, if after the explanation there is a *prima facie* case for breach of privilege, then I or other members have the right, as per our *Standing Orders*, before the end of the next sitting day — which would be Monday next — to give a notice of motion, most probably to refer the matter to the Standing

Committee on Privileges and Elections for its consideration. That committee, I might add, has the power to subpoena any information or testimony it may require in order to reach a conclusion on this matter.

Mr. Speaker, when I was about to rise, you rose and set out the ground rules, if you like. Let me respond directly to the observations you made. It is my understanding that the information was presented to my office before Friday. I might say that I had an opportunity to review it briefly, though not to read it in detail, before the questions were asked. I did not have an opportunity to read it completely or in a detailed way until the weekend and, as I pointed out on Monday, was not able to raise the matter because I got here at 5:15 Monday afternoon. The earliest possible time that I could have (a) checked *Hansard* and (b) had an opportunity to raise the point of privilege, was when I did on Tuesday.

Mr. Speaker, it would seem to me that on the basis of the information presented, what is necessary at this point in time is for members to recognize that the privileges of all of us are dependent upon accurate information being given by every member. Most important, all members are equally accountable, but the whole system of democratic government depends on accurate information being given by ministers of the Crown in the Assembly. That is how our system works. That is what responsible government means. That is what accountability means.

Therefore, Mr. Speaker, when there is evidence of information which is misleading — and this is the kind of information one cannot even consider until you've had an opportunity to review it in detail and look at *Hansard* and examine the transcript — it is incumbent upon me as the person who asked the question, indeed it is a duty, to bring this to the attention in the way I have and the way I have done.

MR. R. SPEAKER: Mr. Speaker, speaking to the point of privilege raised by the hon. Member for Spirit River-Fairview, I think the matter is of concern and one that each of us in this Assembly must look at as independent members, because it relates to the rights, the responsibilities, and the freedoms given to us in this Assembly, certainly other parliaments of Canada, and the Parliament of Canada.

The motion of parliamentary privilege is derived from the principle that this Legislative Assembly is a high court of parliament and each member of this House has particular rights, without which we could not discharge our responsibilities and duties. Therefore, a possible breach of these cherished rights must be treated as a very serious matter. An allegation to the effect that has been brought forward by the hon. Member for Spirit River-Fairview cannot be taken lightly and cannot be discharged without serious consideration on the part of each of us as members of this Legislature, and certainly by you, the Speaker, who is responsible for the final decision when the evidence is provided.

Determining what constitutes a breach of privilege is no simple matter. *Erskine May*, to whom we have often referred in this Assembly in the last few days, points that out in his introduction to breaches, privileges, and attempts. I'd like to quote from Chapter 8, page 109, of the 16th edition:

... generally any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any member or officer of such House in the discharge of his duty, or which has a tendency, directly

or indirectly, to produce such results may be a [breach of privilege].

I place the emphasis on "any act which obstructs or impedes either House of Parliament in the performance of its functions, or any member in the discharge of his duty". I think the matter before us relates to that. What could more impede the services of a member of this House than being forced to act on misinformation? Nothing, Mr. Speaker.

The hon. Member for Spirit River-Fairview raised the question. We as members of this Legislature received an answer from the Premier, indicating that there was no action with regard to water diversion. On that basis, we followed through. If I am told by another hon. member that the government is not contemplating a particular action when in fact they are contemplating that action, how could any reasonable man or member of this Legislature suggest that I could fulfil my duties as a member of this House? The people in my riding of Little Bow would be unjustly treated by this House if they were led to believe one thing when quite another is the case. It's not just the people from my constituency. It's the people all across this province. I can assure this House that Albertans are treating this as a most serious matter, and they are demanding that we get to the bottom of the situation. I'm pleased that this point of privilege was allowed to come to the floor of this Legislature today. I have been concerned that the matter was not placed earlier. But we have it here today, and it must be cleared.

We have information that was photocopied by you, Mr. Speaker, and placed before us. We feel there is evidence there that constitutes a possible breach of privilege. I think we have to look at the document itself. In your words, Mr. Speaker, you said the document was stolen. I have to take issue with that word. As far as I know, the document was released to an hon. member ...

MR. SPEAKER: With great respect, I did not categorically categorize — that's a mouthful. I said an "apparently stolen" document. If I did not say that, I apologize because that's what I intended to say.

MR. R. SPEAKER: Mr. Speaker, I will certainly review *Hansard*. I appreciate the apology you have raised because I was quite concerned about that. It relates to my question yesterday. If it was stolen, we could have been looking for a criminal. I'd just like to make that point and return to that statement.

Before us, in those documents, are three memoranda that I think illustrate a potential point of privilege or a breach of privilege. The first is a report to the hon. Premier, summarizing the preliminary report of the Water Advisory Committee, dated February 20, 1981. The terms of reference of that committee are stated, and I'd to quote:

To advise on the need for new policy in respect to long term water resources planning and management in relation to balanced economic development in the province.

Two or three pages later, under "A. Policy Clarification on Inter-basin Transfer of Water":

To facilitate achieving the objective of managing Alberta's water resources in support of balanced economic development in the Province, the following policy guideline is recommended:

The inter-basin transfer of provincial waters will be one option considered in the long-term ... management strategy adopted by Alberta.

Those are the terms of reference given to that committee.

Given the growing demands on the water supplies of the South Saskatchewan River basin, and the increasing importance of food production on the Province's economy, the concept of transferring surplus water from northern Alberta rivers for use in southern Alberta will be actively investigated.

This summary conclusively shows me that the government was considering a massive interbasin transfer of water. Why would objectives be established if it were not? It indicates that the Premier was aware of that proposal.

The second item I'd like to look at is another memorandum, dated July 23, 1981, from Mr. Jim Martyn, director of public communications, Alberta Transportation, to the Water Advisory Committee file. It concerns the water committee executive meeting of July 22, 1981, with the Premier, the Minister of Environment, the Minister of Economic Development, and the Minister of Transportation. I'd like to quote from that memorandum:

During the February meeting the Premier had raised the possibility of a special diversion project being brought forth by the Committee.

Had raised the matter with the intent of a special diversion project being brought forth . . .

The second quote:

During the July 22 meeting he [the Premier] raised this on two or three occasions, in the context of a public relations effort. I felt the Premier was emphasizing the point as a vehicle to show benefits to the public of water diversion.

The third quote is also significant:

The Premier suggested (or agreed) that a pamphlet be prepared outlining the importance of Alberta's water resources.

Mr. Speaker, I think part of that is most disgusting, when there is a thought of bringing forward a massive program and doing it through the schools. The hon. Member for Spirit River-Fairview has already quoted this from that memo:

He [referring to the Premier] mentioned a pamphlet for schools and that the Department of Education could get involved in this through its new geography course.

Mr. Speaker, it says:

And the Premier summed up . . . "we must create a demand."

Mr. Speaker, by way of supplementing that information, I'd like to quote from the August 18, 1981, memo from R.G. McFarlane, Chief Deputy Minister of Transportation, to the hon. Minister of Transportation, regarding Environment's RFD for the Water Advisory Committee:

You will recall that the Premier, at our July 22nd meeting, emphasized the importance of public relations aspects and noted that a public demand for water resource development must be created.

This is from the Chief Deputy Minister of Transportation, supporting what Mr. Martyn said.

Mr. Speaker, in my mind not only was the Premier aware of the massive interbasin transfer diversion of the Peace River into the South Saskatchewan River basins, those quotes from senior people, people who are responsible in this government, indicate to me that the Premier strongly supports that position. In my mind, this shows that the Premier supported it to the point where he wants an education system to — and I can say this — brainwash our children, bring forward in that manner, in a very deviant manner, about how important it is that we get a

diversion system in this province.

Now we go to the present situation where on November 20, 1981, the Member for Spirit River-Fairview rose in the House and directed questions to the Premier concerning water management and water diversion. The key question as it relates to this point of privilege is quoted in *Hansard*, and I refer to the comments of the hon. Member for Spirit River-Fairview.

MR. NOTLEY: Mr. Speaker, supplementary question to the hon. Premier, so there is no misunderstanding. Is it the position of the government of Alberta at this stage that there is no consideration — I repeat, no consideration — of any massive interbasin transfer similar to the PRIME program, which the now government opposed when it was in opposition in 1971?

MR. LOUGHEED: I think the answer to that is yes, Mr. Speaker. There is no contemplation of massive interbasin water transfers.

Mr. Speaker, I think that is the case that's there. The memos from senior people in the department indicate clearly that a plan is in place. They indicate clearly that pamphlets were to be placed in the schools this fall. They indicate clearly that the Minister of Transportation was aware of that from his deputy minister. They indicate to me that the government was moving ahead with this massive program. We are in the early stages at this point, and when the time is right — and the Premier states in those memos that it's not a legal matter; it's a matter of politics. It's a political matter. When the politics are right, we'll bring it forward in the province of Alberta.

I don't know how we can look at it in any other way than the fact that there was a plan to divert water, and there is an inconsistency between the answer as of Friday, November 20, and the information provided to us in this Legislature by you, Mr. Speaker, so we could debate the matter in a fair and reasonable way. Even if I disagree completely as to how I got that information from you, it's available to me to use at this time. The material you presented to us makes a conclusive case to me that there is a point of privilege here, one that must be explained by the Premier of this province.

These are the facts, and I think it's incumbent upon the Premier and other members of this Legislature to show whether there was any deliberate or inadvertent deception of this House or privilege taken on the part of the Premier. Mr. Speaker, at this point I feel this matter is in the hands of this Legislature. Each member must assess it according to the information before us.

Today it will be easy, in terms of your role, gaining the support of the large number of members in this Assembly — 72 on that side; six on this side — in determining the final outcome of this point of privilege. But the matter is not determined on numbers in this Legislature; it is determined on the evidence presented before you. That is the obligation you have: to make a decision on the evidence. If that evidence shows there is a *prima facie* case, I think it is incumbent upon us as members of this Legislature to produce the necessary motion that will either refer the motion to the select committee or deal with it by a motion in this Legislature.

Mr. Speaker, we on this side of the House are asking today, in terms of the information presented, that a fair and reasonable hearing is made on the matter and that after the decision is made, there is no question about the fact that it is fair and reasonable — not only appears to be, Mr. Speaker, but is fair and reasonable. Over the last

two or three days, I have been concerned about that very fact. This is a point in time when you will have to decide on that very question. The outcome of this debate will determine the confidence that I and other members in this Assembly will have in your role as Speaker, in being able to bring about the objective of fairness and reasonableness in a good decision.

MR. LOUGHEED: Mr. Speaker, I presume I now have an opportunity to respond. The matter that has been raised would seem to me so much more appropriately to have been raised by way of questions from the hon. Member for Spirit River-Fairview, in terms of the inconsistency in the information that came into his possession and the answers I gave in this House. But he has chosen to move it the other way. So be it; I will respond.

Mr. Speaker, the matter of privilege is to provide information, knowing it to be false or erroneous. The obligation is on the member raising it to establish that it is false or erroneous on his behalf. Therefore, I think it is clear that after I provide my explanation for my answers, I believe it will become obvious to all in this Legislative Assembly that my answers given on November 20 were not false, misleading, or erroneous.

Mr. Speaker, I'd like to look very carefully at the three questions of November 20 at issue here. I might say that I listened very carefully to the questions that were put, and I thought carefully about my answers. I sensed, and rightly so, that I was being asked questions by a member who had come into possession of some information. I wasn't sure what it was, in terms of the operations or options being considered by various officials or groups, so I listened very carefully. I listened very carefully too because of the events that had occurred within our government just a few days before, on November 16 and 17.

Mr. Speaker, the first question by the hon. Member for Spirit River-Fairview — and it has been read into the record, so I do not have to reread it. The essence of the question is: is the government of Alberta at this stage . . . I guess I have to read the whole sentence:

Is it the position of the government of Alberta at this stage that there is no consideration — I repeat, no consideration — of any massive interbasin transfer similar to the PRIME program, which the now government opposed when it was in opposition in 1971?

My answer was:

There is no contemplation of massive interbasin water transfers.

I was then asked a second question, which was somewhat similar, to the effect that:

. . . there has been no review of options which would include significant interbasin transfer?

I noted in my answer that there was quite a different matter between the situation of options being considered. I concluded that answer by saying:

The question I was first asked . . . are we giving any consideration to doing so?

The operative words are "doing so".

Mr. Speaker, the third question is:

MR. NOTLEY: . . . so there is no misunderstanding . . . at this stage has the government commissioned any cost/benefit study that would include a revamped version of the PRIME program, either in part or in total, as part of its review of the options?

Again I conclude with the statement:

. . . is consideration being given to doing something?

In this case, the answer is no.

Mr. Speaker, first of all, the question of the govern-

ment. The "government" in those questions being asked here in the Legislative Assembly, is the Executive Council of the government of Alberta. That is the government. To this point, the matter of massive interbasin transfers has never been a consideration of the government. Mr. Speaker, the matter of PRIME, which involves the question of not only massive interbasin transfer but also export to the United States, has never been a consideration of this government.

The second question, though, which was the question I listened to most carefully, had to do with "significant" interbasin transfer. That was a more ambiguous question, and it involved an answer that a week before I would have given a qualified answer to. But as of November 20, in regard to the situation of government decision-making, I was in a position to give an unequivocal answer: no.

Mr. Speaker, I just want to say another word about the process. The hon. Member for Spirit River-Fairview wrote and asked me for a clarification. He said he had documents in his possession, but he didn't enclose those documents. Obvious to the Member for Spirit River-Fairview, documents with regard to the memoranda that were part of the documents probably were not seen by me, and of course they were not.

Mr. Speaker, on Tuesday the documents were made public and a point of privilege was raised in this House without notice to me beforehand. I would have thought fairness would have required the opportunity for him to have asked me questions, because there is a clear inconsistency between the answers I gave and the information provided to the hon. member. I believe the hon. member was certainly entitled to ask for the clarification of the obvious inconsistencies between the sets of material he has made public and the answers I gave on November 20. Of course there is a full and complete explanation for how that happened which, in due course, I will make clear to the Legislative Assembly. However, at that stage, if the hon. Member for Spirit River-Fairview had not been satisfied with the matter, he could have raised it as a point of privilege.

Mr. Speaker, I want to go over the process that was involved here. First of all, the process involves the matter of how decisions are made in our government. Decision-making is by the Executive Council through a process known as request for decision or RFD, to use the alphabetic letters involved. As far as I'm concerned in answering within this House — and I'm sure this is clear — when I'm asked whether the government is considering something, that is a matter of the position of the Executive Council of Alberta. That was the way I answered those questions. So our process is to have officials, advisory committees, to have advice in a number of ways to consider options and approaches, and to have that then flow through a minister — in this case, in due course the Minister of Environment — to a cabinet committee and to cabinet to determine the position of the government and whether the government would consider doing something.

Mr. Speaker, the *Alberta Gazette*, which has been referred to, noted the development — by way of the ministerial order on April 15, 1980 — of the need for a new policy in respect to long-term water resource planning and management in relation to balanced economic development in the province. Then a distinguished group of Albertans worked hard on determining whether there was a need for such a new policy. In my recollections of the meetings referred to with regard to the memoranda made public, the February meeting was nothing other than an

encouragement to the committee to continue with what they were doing. That is the recollection I have of the February meeting.

However, I do have a recollection of the meeting of July 22. I would like to go over that in some detail, because some observations, and even quotes, by the memo writer certainly do not seem to me to be accurate. Let me refer first of all to the fact that the meeting was held in Calgary, and in attendance were the members of the committee, myself and the ministers of Environment, Economic Development, and Transportation. We were to receive at that meeting the preliminary report, dated April 22, 1981, and the purpose was to hear the committee's discussion of that preliminary report and suggest a course of action that might follow from that point.

Mr. Speaker, that preliminary report had certain recommendations. They were five in number, and I'd like to read them. The recommendations appeared on pages 23, 24, and 25. Mr. Speaker, the first recommendation had to do with northern Alberta:

A survey should be made on the crop lands now occupied in Northern Alberta, to determine the area of the land which can be made productive by drainage, so that an estimate can be made of the potential addition to the production of food which will result if the lands are drained. On the non-crop land in northern Alberta a survey should be made to determine the area and the location of the lands that are fit to become crop lands. This survey should be made so as to provide more crop land for settlement as the demand arises.

The second recommendation of the committee in its preliminary report had to do with the northeastern portion of the South Saskatchewan basin. There the recommendation was:

The north eastern portion of the South Saskatchewan River Basin should be examined in a manner adequate to enable the Government to maximize its production potential and prepare an inventory of lands that could be potentially irrigated.

The third recommendation had to do with southern Alberta, and stated:

That the Government should cause a survey to be made of the lands shown on the Pedologist's Report in the South Saskatchewan Basin, as irrigable and probably irrigable. This survey should be made in a manner which would enable the pedologist to prepare an inventory after on-site inspection of the lands which they can certify are irrigable. This survey should be sufficiently funded and manned to have this Report complete in two years.

The fourth recommendation was to the effect:

That negotiations be opened promptly with the Federal and the British Columbia Governments concerning the diversion of water from the Peace River in the amounts and at the times necessary to supply the water to irrigate the areas in Alberta. This should be done promptly in view of the consideration that is now being given to building further dams on the Peace River. It is recommended that the review should be made because there is a duty to maximize the contribution of that river to both food and energy.

The fifth recommendation had to do with:

Interbasin transfer, northern drainage and north eastern improved uses should all begin promptly and carry on continuously so as to create the capacity in the several areas in the province affected to maxi-

mize the production of food to meet the world's needs increasing as they are at an accelerating rate.

Mr. Speaker, at the meeting of July 22, the position I took was that I was very enthusiastic about recommendations one, two, and three. I did not think that recommendations four and five would be acceptable to the cabinet. But I discussed with the committee the possibility, as the memorandum of July 23 points out on a number of occasions, of either a special diversion project, a pilot diversion project, or a real test of interbasin diversion. I made that suggestion and we discussed it.

The conclusion of the meeting of July 23, as noted in the third paragraph of Mr. Martyn's memorandum, was: "He" — and that certainly refers to me — "indicated an R.F.D., through Environment, should be prepared now so that the recommended studies could begin." Mr. Speaker, in looking at that, it was the view that cabinet might consider changing the policy guideline which we now have on interbasin transfer, if we could approach it by way of either a pilot, test, or special diversion project. That that possibility should be looked at was my suggestion to the meeting on July 23.

The purpose there was to assure citizens who were affected that interbasin transfers were not necessarily detrimental. We discussed water management projects generally and their history within this province. I stated that in my judgment — and the Dickson dam situation in the Red Deer River basin was an example — there was some unjustified concern by some elements of the public. And I'm not referring, and was not referring in that case, to the landowners. Mr. Speaker, I would never have used the word "paranoia". Others may have. I believe I used the words "unjustified concern". I didn't see this memorandum. If I had, I would have taken strong objection to that particular quote. But I did believe that a special pilot or test project should be recommended to the cabinet to create a possible broader public acceptance of interbasin water transfer.

Mr. Speaker, comment has been made in the Legislature today about the matter of public communication. Certain references have been made with regard to this, and have been read. I'd like to read from the July 23 memorandum:

Mr. MacEwan [that's Dr. Grant MacEwan] strongly raised the need to "interest" the media and the public in the importance of water — both the need for conservation of water and the importance of the water resources in Alberta.

Mr. Speaker, it's on the importance of water resources that I agreed a pamphlet should be prepared, drafted, and considered. Although it strays me somewhat from the basic question — but since it's been raised I believe I'm entitled to respond — I find it somewhat disturbing that some Members of the Legislative Assembly would not agree that consideration should be given to making the citizens of our province, including the young citizens, more aware, as Dr. MacEwan has said, of the importance of Alberta's water resources. I think a higher degree of public knowledge and understanding in this area is certainly in the interests of our citizens. I was party to that discussion, but as matters developed and decisions and recommendations were made, I reserved the right to be assured that, with the Minister of Education and others, we could see the material before it was communicated. I said, and have said on a number of occasions, that perhaps in the 1990s water could be as important in this province as oil, that it is an extremely important resource, and that there needs to be a very significant understand-

ing and awareness of that matter.

Mr. Speaker, the meeting then concluded with the question of the Department of Environment preparing a request for decision, an RFD. The references by Mr. McFarlane in the use of his term "public demand" are in one sense true. I felt it was important, and still do, that the public be aware of the untapped potential for food production in this province. What then occurred is important. There was then a request for decision, which was prepared. That request for a decision has been distributed, but in the draft basis — that's a draft request for a decision — that has come into the hands of the hon. member. The actual difference between the draft RFD and the one that eventually came to the priorities committee was not great, in the sense that there were two additions in the final one presented on November 16. An addition was made by the Minister of Environment for agricultural research and a public information program, and an attachment explaining these two items.

Mr. Speaker, the request for decision came to the priorities committee of cabinet, of which I am the chairman, on the morning of Monday, November 16. I might just read — and I'm reading now from the material before the members, as distinguished from the actual, but in essence it is the same. The first request in terms of a specific decision requested was a "Policy Clarification on Inter-basin Transfer of Water". It says: "see attachment". It's important to look at that attachment, which I think is fundamental to the question before you, Mr. Speaker. The policy clarification on interbasin transfer of water states:

... Alberta Environment currently operates under the following policy guideline:

The water resources of the Province are managed on a river basin system. That is, the entire river basin is considered as a unit for planning and management purposes. The waters in each major basin must be fully and efficiently utilized before inter-basin augmentation could be considered.

The request for decision asked for a change in the policy guideline to:

facilitate achieving the objective of managing Alberta's water resources in support of balanced economic development in the Province

The following policy guideline was recommended:

The inter-basin transfer of provincial waters will be one option considered in the long-term water management strategy adopted by Alberta. Given the growing demands on the water supplies of the South Saskatchewan River basin, and the increasing importance of food production on the Province's economy, the concept of transferring surplus water from northern Alberta rivers for use in southern Alberta will be actively investigated.

Mr. Speaker, this matter was then discussed, at considerable length, in the priorities committee. The decision was made on Monday morning, November 16, not to accept the change in the policy guideline and to recommend that that be the position to cabinet the next day. The decision was made to retain and maintain the existing policy guideline which requires Alberta Environment to sustain its water management programs within a given basin and not to allow for interbasin transfer. There was then a discussion with regard to other specific decisions requested. If they're following it, I refer hon. members to the other request, the request for money to complete a study of agricultural land drainage in northern Alberta and the classification of irrigable lands in southern Alber-

ta. Those two items were in fact approved, and the Minister of Environment was asked to restructure his request for decision and to bring it directly to cabinet.

The other two matters, the assessment of water surpluses in central and northern Alberta rivers and the investigation of small-scale interbasin water transfer, were not accepted by the priorities committee on the morning of November 16. Mr. Speaker, the fundamental reason expressed by the members of the committee was the feeling that there is so much more that can be done by our province in terms of water management within the existing water basins in the province, and that that's what we should do, that's what we should concentrate on, and we should not go beyond that. That is what occurred on November 16.

Mr. Speaker, as chairman and in my capacity as president of Executive Council, I reported this matter to Executive Council on the morning of Tuesday, November 17. There was no dissent by the cabinet. So when I was asked a question such as I was asked in the Legislature on November 20, just three days later, I gave the answers which are the facts, the answers of the position of the government of Alberta: that no consideration is being given to doing anything in terms of interbasin transfer, either of a massive basis, a significant basis, a PRIME nature or, on that score in any way, even involving a test or pilot project.

Mr. Speaker, the report of this committee, that worked very hard on this subject, is now in a final stage. I would want to make that public in the course of today, even though only the first three recommendations of the final report are acceptable to the government, and we have rejected items four and five. It was our intention that when the RFD came back to cabinet in its revised form, that had to do with the first three recommendations of the Water Advisory Committee, they would be confirmed and moneys would be recommended for authorization and, in that particular case, they would proceed. Those have to do with — as the request for decision does — looking into an assessment with regard to the potential of drainage in northern Alberta, and with regard to the funds to classify irrigable lands in southern Alberta and to prioritize those lands benefiting most from irrigation.

Mr. Speaker, that is what occurred. In my judgment that fully and adequately explains the inconsistency between the materials that were made available to the hon. member, and now to the House, in the period arising particularly out of the meeting of July 22. In short, what occurred — and it's probably a surprise to a few people — is that the recommendation of the Minister of Environment and the recommendation of the Premier weren't accepted. We have an expression: "you win some, you lose some". That's the nature of what happened.

That decision has been made and the decision is clear. That decision was therefore the one I was responding to in this Legislative Assembly when I was specifically asked, three days after that cabinet meeting, whether we were planning to do anything in terms of massive interbasin transfer. We are not. Whether we're planning to do anything in terms of significant interbasin transfer — we are not; whether we're planning on doing something with regard to a revamped version of the PRIME program — we are not.

Mr. Speaker, under those circumstances, I see no foundation whatsoever in any view that my answers misled this Legislative Assembly.

DR. BUCK: Mr. Speaker, in taking part in the debate this morning . . .

MR. SPEAKER: I hesitate to interrupt the hon. member for Clover Bar, but may I say, as courteously as I can, that we have had very wide-ranging discussion. The extent of the discussion of a point of privilege is in the discretion of the Chair, as the hon. members know. I would therefore respectfully suggest to the hon. Member for Clover Bar that if he has some significant items to add which have not already been raised, he might spare the House the repetition and proceed directly to the items which have not already been mentioned.

DR. BUCK: Mr. Speaker, I wouldn't wish to have you, sir, in danger of missing any points that you may have missed previously. There may be the odd time when I appear repetitious. But there are points that must be made, and made very clearly and strengthened so that, with all humility, you do not miss any.

Mr. Speaker, it is our role in this Legislature to serve the taxpayers and the citizens of this province. As members of this Assembly, be it on the back benches or front benches, in the opposition or Executive Council, we have all taken that same oath of office: to conduct business with integrity, to make sure that all information is available to this Assembly, and that we can believe everything said in this House. That is a very, very basic principle, Mr. Speaker. That's what the debate is all about this morning.

I was listening very closely when the hon. Premier seemed to imply there's a differentiation between the chairman of Executive Council and government. Mr. Speaker, when the Premier speaks, he speaks as the chairman of Executive Council. We have to believe he has the backing, and what the Premier says is the government's wish.

Mr. Speaker, the point we are discussing this morning is a point of privilege. Has the House been misinformed or has it not? That is what the argument is all about. I wish to re-emphasize one or two points so that all members of the Legislature, all members of the press, the media, and all citizens of Alberta know what we're speaking of. With your indulgence, Mr. Speaker, I am going to read into the record one more time . . .

MR. SPEAKER: Order please. Let's not push the thing to extremes. The hon. member wants to make sure that I don't miss anything, and may I say that perhaps my humility matches his. But I hope that I'll have an opportunity to read a transcript of what has been said this morning. I see no reason for reading in again what has already been read to the House, at least in part, twice.

DR. BUCK: Mr. Speaker, I would like a ruling. How can I possibly make points without referring to the point we're speaking of?

MR. SPEAKER: Definitely. The hon. member's fully entitled to do that. But if he's proposing to read at any length at all something which has already been read twice, I respectfully suggest to him that that's an abuse of the privileges of the Assembly.

DR. BUCK: Mr. Speaker, to prewarn you what I'm going to be using in argument, it will be approximately six sentences out of *Hansard*, page 1763, and will not

take any more than three minutes. But there are points that I wish to emphasize.

MR. NOTLEY: On a point of order on that particular subject, I would assume that making reference to the comments in *Hansard* would be appropriate. It may well be that the other material that has been cited is a different thing. But surely the reference which is under discussion today would be appropriate for any and all members to cite, because that is the entire point of the discussion. I think there is a difference between that and requests for decisions and all the background material. I certainly would accept that. But with respect to *Hansard*, I think there really is an obligation on you, sir, as the impartial Speaker of the House, now that you've allowed me, the hon. Leader of the Opposition, and the hon. Premier to quote, to allow others as well.

MR. SPEAKER: Is the hon. member seriously suggesting that all 72 members of the House should have the same right to read from *Hansard* things which have been read before? Surely I can't accept that. And insofar as reading from *Hansard* is concerned, there are clear strictures on that. That's the purpose of a *Hansard* — so we may read it for ourselves. Now, if the hon. Member for Clover Bar wants to identify passages to discuss them, all well and good. I have no objection whatsoever. But I got the impression, rightly or wrongly, that he was going to read again exactly what had already been read twice. Now let's get on with it.

DR. BUCK: Mr. Speaker, I appreciate your ruling. I don't necessarily agree with it, but I will accept it. But it is very, very difficult to debate without quoting certain sections. I will try to be as judicious as I can in quoting those sections.

Mr. Speaker, when the hon. Premier answered a question from the hon. Member for Spirit River-Fairview, the question we are debating this morning in this Assembly is: is the material we have before us consistent with the answers the hon. Premier gave? The debate this morning is: is it or is it not? I say it is not consistent with the material we have before us and the answers the hon. Premier gave in the House. Mr. Speaker, the question is: has the government been doing studies and is the government giving consideration? The hon. Premier, the chairman of Executive Council, said no. That's basically what he said, Mr. Speaker. You can read it in the record, if that is not consistent.

Mr. Speaker, we have spoken many times in this Assembly about freedom of information. I believe this is a prime example of information that should be made [available] to hon. members. We are looking at massive expenditures of taxpayers' dollars. There could be that expenditure. When we look at the material we have and see statements, in the form, of confidential information obtained by a member of this Assembly, which are inconsistent with what was said by the hon. chairman of the Executive Council, I think we have a point of privilege.

The area I have great concern with is the molding of public opinion. I have great concern with the material you have before you that indicates this is a possibility. This was discussed. At the same time that we see this information, the government says there was no such attempt to look at the interbasin transfer of water.

MR. SPEAKER: Order please. The hon. member will at least have to be truthful. That was not said.

DR. BUCK: Mr. Speaker, I will quote the *Hansard*. The hon. Member for Spirit River-Fairview says to the hon. Premier, so that we and the people in this province clearly know what we're talking about:

Mr. Speaker, supplementary question to the hon. Premier, so there is no misunderstanding. Is it the position of the government of Alberta at this stage that there is no consideration — I repeat, no consideration — of any massive interbasin transfer similar to the PRIME program, which the now government opposed when it was in opposition in 1971?

MR. SPEAKER: Quite: "Is it the position of the government of Alberta at this stage". Let us stick to the truth.

DR. BUCK: Mr. Speaker, I think the answer to that is yes... There is no contemplation of massive interbasin water transfers. There is an inconsistency with the evidence we have and what was said in this Legislature.

Mr. Speaker, I have great difficulty — the hon. government backbenchers may snicker if they wish — with the confidential memo that indicated that the Alberta Public Affairs Bureau would be looking at the use of pamphlets in our schools, that the Department of Education could get involved in this through its new geography course. Mr. Speaker, is this what we mean when Alberta content is indicated in the Heritage Savings Trust Fund? It says right here in this evidence — instead of Dick and Jane, are we going to have Henry and Jack? Are we going to have Hughie and Henry? I am greatly disturbed when a government looks at this possibility. I am greatly disturbed when a government says: we have a pet project; before we get that pet project into position, we have to mold public opinion. Mr. Speaker, are we using the Orwellian approach now that we have Tory blue and orange buckle-up signs, and Tory blue and faded orange hopper cars?

MR. SPEAKER: Order please. The hon. member clearly stated what he thought the question was when he started his remarks. He thought the question was a discrepancy between certain answers given in the Assembly and certain prior documents. I fail to find any hopper cars concealed in any of those documents.

DR. BUCK: Mr. Speaker, getting back to the point of creating demand.

MR. SPEAKER: Let's get back to the point of privilege.

DR. BUCK: Hon. Mr. Speaker, you have the evidence before you as we do. It talks about putting these programs into schools. That is relevant to the argument. The whole diversion project has to be sold to the people of this province, Mr. Speaker. It says so in the evidence you have before you. The evidence that has been given to you and to members of the Assembly is not consistent with the evidence in *Hansard*. The government is responsible. The government must take responsibility when the hon. Premier says something to this Assembly and the evidence does not support it.

Mr. Speaker, in the years I've been in this Assembly, the same number of years as the hon. Premier, I do not think we have ever had a topic that has focused upon the Legislature as this issue has focused — the role of freedom of speech, responsibility of government, the role of members in this Assembly in carrying out their respon-

sibility as hon. members. What we are really talking about here is: does the government say one thing and propose to do another thing? That's basically what we are discussing, Mr. Speaker. I believe it does, and that is why you in your wisdom will have to decide the point of privilege we are debating this morning. Is there a *prima facie* case of breach of privilege? I humbly say that there is, when we look at the evidence before us and in *Hansard*.

MR. SINDLINGER: Mr. Speaker, I would like to make a few remarks addressing the question of privilege, please. My understanding is that the question of privilege deals with whether the Premier has made remarks to the Assembly which are misleading. In the introduction of the question of privilege, the member who introduced it said that perhaps in the debate this morning the Premier will be able to explain the discrepancy of his remarks satisfactorily. In order to determine whether there was any discrepancy, reference has been made this morning to two things: one is *Hansard*, which contains the questions posed by the Member for Spirit River-Fairview and the answers given by the Premier; the other is memorandums and supporting documents that were given to the Member for Spirit River-Fairview.

Mr. Speaker, in your opening comments you referred to those as apparently stolen documents. Perhaps that might be better put as a matter of opinion, because I'm not sure they are "apparently stolen". In any case, I think it reflects upon the member who has presented them to the Assembly.

I have a certain amount of sympathy for the Member for Spirit River-Fairview, because just recently I came into possession of some documents which were said to be confidential. Whether I should present them to the Legislative Assembly caused me a great deal of concern at the time, inasmuch as they were not my property in the first place. Nevertheless, in that case, and in this case too, the material contained in them was very significant and important, and it was incumbent upon me, and I think upon this member, to share that information with the Members of the Legislative Assembly.

I don't believe it should be necessary for members of the Assembly to get their information about the government in this fashion. I think more of this information should be readily available to us and to the public as well. I've spoken in this Assembly before in regard to this matter of freedom of information. I believe that we work for the public, and those things we produce should be available to the public. I believe all things should be distributed unless they are otherwise designated. Certainly there are instances where that should be the case, where proprietary information, information which would be damaging to individuals, or information which might compromise negotiations is concerned. However, it has been my experience that more often than not in this government, material that's been produced by the government has always been designated as secret unless otherwise stated. So that's why we're put in a position such as we are today, where we're comparing things which were said in the question period and other information we've received.

Certainly in my opinion, when we look at the questions and answers and compare them to the material we got from the Member for Spirit River-Fairview, there is a discrepancy. In my opinion, the remarks made by the Premier and the information in the memoranda are directly contrary. Unfortunately, we can't stop there, be-

cause other things have happened and other information to which we were not privy before has now come to light. As I understand it, the Premier has got up this morning and said there is a clear inconsistency between the answers on November 20 and information given the member. I understand that. The Premier has also indicated that in between those answers and that information distributed previously other events took place. Therefore, there is no inconsistency, given that new information. I think that's very important to bear in mind, and it's very important relative to the opening comments of the Member for Spirit River-Fairview, that perhaps the Premier may be able to explain satisfactorily the discrepancy of his remarks.

Mr. Speaker, the question of privilege now comes down to you, and what considerations you must take into account. Certainly over the last week, in associated matters there have been many references to the statutes, *Standing Orders*, *Beauchesne*, *Erskine May*, — almost anybody. So there's no point in me or anyone else repeating those things; that would indeed be repetitious.

There are two comments I would bear in mind, one made by a famous justice, that in his opinion he would let 10 guilty men go free rather than hang one innocent man. Now I don't think it's really that appropriate for me to use a word like "hang", but given the words that have been bandied about in this Legislature this week, including "prisoner" and "charges", I don't think it's that far out of line. Nevertheless, perhaps all of us in this Legislative Assembly are in a sense prisoners. We are prisoners to public expectations. The public expects very high standards from all the members of this Legislative Assembly. Whether or not we like that, whether or not we are susceptible to all those human frailties and inabilities, we must strive to the utmost to ensure that we meet those public expectations. So given the question of 10 guilty men as opposed to one innocent man, given the benefit of the doubt in a case like this, where do we end up?

Quite often members of the Legislative Assembly, particularly those who are lawyers, have said that justice must not only be done, it must be seen to be done. So if we must choose between, on the one hand, letting 10 guilty men go free and, on the other hand, living up to public expectations, I would say that we have to weigh more heavily on public expectations. That's where the decision rests with you now.

However, notwithstanding the fact that the Premier has given us new information today, indicating that his remarks are not really inconsistent in the overall picture, although they are inconsistent with the memorandum, some other comments made today, comments which give me a great deal of concern, bear repeating.

In my judgment, there is a very great difference between making citizens more aware of what the government is doing and creating a public demand. There may be some debate as to whether those words were or weren't uttered, or to whom they should be ascribed. But I think we should be very careful that we never do get into a situation where we have a government in a position where it is going to create public demand, as opposed to making citizens more aware of what the government is doing. I have no objection, of course, to doing through the educational system those things which are consistent with teaching standards and practices. But I do object strongly when a government uses the educational system to promote those things which it desires to do in the future and which, in its judgment, is tending to create a public demand.

I've had trouble making up my mind on this issue, notwithstanding the arguments from this or that side. I agree that it's not a question of what party one belongs to. It's merely a question of how each of us stands as a member of the Legislative Assembly. The breach of privilege isn't against this party or that. It's not against the government or the opposition. It's against all the individuals in the Legislative Assembly. I can only conclude that in light of the evidence given this morning, in light of the new information given by the Premier, I'm not too sure today that we have a *prima facie* breach of privilege.

MR. R. CLARK: Mr. Speaker, in taking part in the question of privilege this morning, I would say to you and to members of the Assembly that it would be far easier for me, given my situation, not to rise in my place and say anything. But there are three points that I believe have to be made.

First of all, I share the concern the Member for Calgary Buffalo raised in the latter portion of his remarks, when he referred to that portion of the information that has been put before us where reference is made to using our educational system to develop something that I think we all talk about in Alberta, Canadian content. One can put it in rather crass terms and talk in terms of using education versus promotion. It seems to me that wherever any member sits in this Assembly, to have that kind of attitude appear in a document at this level should cause some concern for all of us as to how we might or might not use our educational system. That's something each member in this Assembly, each person across the province, has got to grapple with: how in fact we use the education system in this province, a system I have a great deal of pride in. That is the first point I want to make.

Mr. Speaker, the second point I want to make deals with the information that has become the centre of the discussion. It's the memo from Mr. Melnychuk to Mr. Kroeger, at the bottom of page 2 and the very top of page 3. This matter is of particular concern to me, Mr. Speaker, because it deals with an issue I raised with the Assembly some years back, the question of the location of the Red Deer dam. Members will recall when I was responsible for a particular debate in this Assembly dealing with the question of the location of the Red Deer dam. At that time, I was assured by members of this Assembly in a variety of capacities and by members of the public service that in fact the location of that dam was simply for water flow management on the Red Deer River.

With that background, I would ask every hon. member of the Assembly, regardless of where you may sit, to look at the bottom of page 2 and the top of page 3:

In conclusion, present policy does not preclude inter-basin transfers, but does emphasize using existing supplies fully first. Further to this, it should be noted that any dams and any reservoirs being planned and built now, such as the Dickson Dam [and that is the dam we're talking about] on the Red Deer River, are being located such that they will "fit," be effective and serve as part of the eventual concept of inter-basin transfers of water.

When you make the decision, Mr. Speaker, from my point of view the bottom of page 2 and the top of page 3 are items you will have to weigh very clearly.

The last comment I want to make is that with the explanation the Premier has given to the Assembly today, I find myself in a position somewhat similar to the

Member for Calgary Buffalo. But I would say to the Premier and all members of Executive Council: we all have twenty-twenty vision behind us. If last Friday, when the questions were posed — and I agree with the Premier's assessment this morning of the manner in which the questions were posed. If I can be frank with my colleague from Spirit River-Fairview, there appeared at that time rather an air of expectancy in the Assembly as to what information might or might not be available. In hindsight, had the Premier chosen on that occasion to make an announcement of what the government's decision had been a few days earlier, we would not be in the bind we are in today. That gets to the question for all of us as members of the Assembly, of making the greatest amount of public information public. Once again, it shows the value in the statement of doing public business in public.

Speaker's Ruling

MR. SPEAKER: I'd like to refer to what the hon. Member for Olds-Didsbury has just mentioned. I wonder if one of the pages were to take him my copy of this material, he might find it. I remember reading it, but I can't find it.

The hon. member is referring to a memo from Mr. Melnychuk to the hon. Mr. Kroeger of October 25, 1979, some two years ago. As I understand it, the hon. Member for Spirit River-Fairview, in the notice he gave me, said that:

Under these circumstances, it is my intention to ask the Premier to clarify his remarks of Friday last and reconcile what appears at the very least to be a serious inconsistency between his answers on Friday and the material contained in the documents.

I believe he also said in the course of his remarks this morning that if such an explanation were given — if I understood him correctly, and I stand to be corrected — he would accept it if it cleared away the inconsistency, as one member must accept what is said by another member.

I'm not sure where that leaves us, but it would seem to me that the hon. Premier not only acknowledged that there was a discrepancy between the documents and what was said in the House; he also explained why that discrepancy was there and that what is in the documents did not represent the position of Executive Council or the government, that his answers were consistent with the position, and he restated that position.

It would seem to me that disposes of the matter right there. It had originally been my intention that I might have to consider this in some detail over the weekend, but we've had a rather unprecedented long debate on this question of privilege. I don't recall one as long as this earlier in the Assembly. It has been dealt with very fully. While I may not remember everything, to paraphrase the hon. Member for Clover Bar, I hope that between what I have in my memory and in my notes, I have noted the essentials.

As hon. members know, and as I mentioned in the beginning, there are two essentials to establish a *prima facie* case of privilege. The reason the Speaker has this rather difficult responsibility — and I thank the hon. Member for Clover Bar and the hon. Member for Calgary Buffalo for their understanding of that — is so the time of the House, or even the time of the committee on privileges and elections, won't be wasted by considering something which does not on its face, which is really what

prima facie means, disclose a question of privilege.

With regard to the *prima facie* aspect of the matter, if I may say that, it would seem that we have had a statement in the Assembly by an hon. member. That statement has acknowledged that documents of some time in the past are not only inconsistent but they did not represent government policy and were background considerations, and those considerations had ceased before the questions were answered. I note, too, that the language chosen by the hon. Member for Spirit River-Fairview was rather careful, and so was the language of the replies. I am unable to see in those replies any contradiction between what was said and the government's position.

There is the other essential of bringing the matter up at the very first opportunity. The House may recall that I specifically drew attention to that because I was unable to find anything in the material which would indicate when there was that first opportunity. I must say that the hon. member did not deal with that point in any nearly adequate way. He said that the documents came into his office before Friday. I don't know which Friday. I don't know whether it was the day before, an hour before, or weeks or months before. Consequently, on the basis of anything which was said today, I am unable to establish when the first opportunity was. I know when the matter was raised. It was raised during the absence of the member who was complained of. I must express some astonishment that when that member was given notice — if hon. members wish to refer to the reference to Sir Erskine May, that is the common courtesy of parliament: if you're going to complain about a member in the House, you tell him beforehand. I realize that that was not the easiest thing to do because of the member being away, but I was rather surprised to hear this morning that the notice which was given to the hon. member about whom the complaint was to be raised was not as complete as the material that was given to me.

I must therefore find (a) that there is no *prima facie* case of a question of privilege, and (b) that it is not established that the question was raised at the first opportunity. Consequently, there is nothing here with which to trouble either the Assembly or a committee of the Assembly.

In light of what has happened during this past week, I must fully expect that what I have just said will be held against me on the basis of protecting the Premier. I can only say that if I were to construct this non-question of privilege into a question of privilege to avoid that charge, I would be most seriously remiss in my duty. I have no intention of distorting the situation in that way in order to escape the heat.

Let me deal with something else. References have been made to the rather serious reflections made during the past week. I would like to deal with those quite carefully now. Earlier in the week a most serious charge was made of a breach of trust or confidence by the presiding officer of this Assembly. I have now had a chance to reflect on that rather carefully. There is no doubt that the documents given to me were at one time confidential. It appears — and I say, it appears — that they were then stolen. I did not say the hon. member stole them or that any of his staff stole them. The normal course of happenings of that kind across Canada — Ottawa and elsewhere — is that some malcontent takes the documents and uses them to embarrass somebody, whoever it might be. However, that's what it appears. It was then alleged that when these documents were given to me, again officially in my capacity as Speaker, they somehow regained their

confidential character. Of course, that is not so.

In that regard, yesterday the hon. Member for Spirit River-Fairview purported to assist me in giving three precedents from the House of Commons concerning the release of confidential documents. On reviewing the Blues, I find that none of those precedents are in any way relevant. However, he has kindly assured me that he can provide a large number of such precedents. Because I was asked what I might do in the future in a case of this kind where documents officially come into my possession as Speaker of the Assembly, I should like to have the assistance of those numerous precedents referred to by the hon. Member for Spirit River-Fairview. When I receive them, I'll be glad to let the House know and share them with the Assembly.

It may not be necessary to say that there is nothing personal in all this. If there is, it's a sign of human weakness. I respect the hon. Member for Spirit River-Fairview as a colleague in Alberta's parliament. I also respect the other hon. members who have gone to the media and said things about the Speaker and the nature of the proceedings in the Assembly which, perhaps to put in mildly, might be characterized as slightly extreme and somewhat strange, having regard to the best traditions of the Westminster idea of a parliament.

There is no means for a Speaker to answer that kind of thing outside the Assembly. That would be unparliamentary, contrary by far to the best traditions. One breach of parliamentary propriety doesn't justify another. I have never answered that kind of thing in the media, and I will never answer it in the future, regardless of the circumstances or consequences.

As I started to say a moment ago, I respect all hon. members who have gone to the media and said all these things as my colleagues in this the parliament of Alberta. But it seems to me that I would be shirking my duty to the Assembly and its members if I did not deal with them clearly and specifically, at least to the extent I have.

Would the Clerk please proceed with the daily routine.

MR. SINDLINGER: Mr. Speaker, I'm rising pursuant to Standing Order 14(3). I just want to make clear something you mentioned a few minutes ago. When the Premier gave us the information this morning, it was new evidence. We didn't ask the Premier to substantiate whether or not this decision had been taken prior to the question and answer period. We didn't ask for minutes of the cabinet meeting, Executive Council, or anything like that. I took him at his word. And I would take the word of the Member for Spirit River-Fairview as well, in saying that he took the earliest opportunity available to him to present the material.

MR. SPEAKER: Order please. What I have said belongs to the Assembly, and I am not free to deal with it further. Would the hon. Clerk proceed with the daily routine.

head: ORAL QUESTION PERIOD

Water Management

MR. R. SPEAKER: Mr. Speaker, I have a question for the Minister of Government Services. It relates to the memo from Mr. McFarlane to the hon. Mr. Kroeger, in which a task force is to be created in the Public Affairs Bureau. I wonder if the hon. minister could indicate the stages with regard to that task force, and whether the

pamphlet the Premier endorsed earlier in conversation is being published and will be made available to school children across this province this fall, as indicated by that program.

MR. McCRAE: Mr. Speaker, I think that matter has been very fully dealt with this morning, and I really don't have anything further to add to it. I'm not aware of any pamphlet being prepared that would deal, if I could, with the ... Well, I won't refer to the memo, but it dealt not with water diversion but with water management. I'm still unaware of any pamphlet being prepared.

MR. R. SPEAKER: Mr. Speaker, a supplementary question. Could the hon. minister indicate whether the task force is in place in the Public Affairs Bureau, and what its guidelines are?

MR. McCRAE: Mr. Speaker, there is no task force as such. It is a question I am having some difficulty responding to, because there is not in fact a task force. At that time, there was some discussion among members of the Public Affairs Bureau, as noted in the various memoranda, as to the water management question. But there is not a formal task force. There is not a pamphlet, and the committee is not working on that subject now.

MR. LOUGHEED: Mr. Speaker, perhaps I could respond somewhat to that matter raised by the hon. Leader of the Opposition and say that I'm prepared to give him the assurances of looking into this matter and determining the status of whether or not any such pamphlet is in fact in process within the government; then assessing, first of all, whether or not a pamphlet with regard to water management in this province is or is not necessary, and then bringing this pamphlet forward in draft form to this Legislature and having the Legislature look at it to determine whether or not they feel it's in order to be distributed to the young people of our province before doing so.

MR. R. SPEAKER: Mr. Speaker, I think we'll accept that assurance. But the point is that the government is still going ahead with the pamphlet, and on such an occasion the Legislature will get involved.

Government Documents

MR. R. SPEAKER: Mr. Speaker, my second question is to the Minister responsible for Personnel Administration. I understand an alleged document was stolen, in terms of the Speaker's words, and in terms of something stolen, often there's a manhunt. Could the hon. minister indicate what steps he has taken with regard to safeguarding the rights of employees in the Department of Transportation from any kind of harassment because they may be thought to be the accused or the person who released the document to members of this Legislature?

MR. STEVENS: Mr. Speaker, I'm not aware of any search. The responsibility for the operation of a department, the conduct of its employees, lies with the deputy minister of that department.

MR. R. SPEAKER: Mr. Speaker, a supplementary question. Could the Minister of Transportation indicate whether he has reviewed this matter and has any knowledge of questions being asked in his department as to

who may have provided this document to members of this Assembly?

MR. KROEGER: First of all, Mr. Speaker, I have not asked for any search or any follow-up or manhunt. Certainly I've met with the chief deputy minister and asked for any comment. He said the ordinary procedure taken to see that documents are properly handled certainly was followed, but there hasn't been any manhunt that I'm aware of.

MR. R. SPEAKER: Supplementary question. Could the minister clarify in his answer whether the deputy minister has been asking other senior officials and officials in the department whether they have any knowledge about the leak, or are any of the officials in that department under suspicion as to whether they have leaked the document to this Legislature?

MR. KROEGER: Well, Mr. Speaker, I didn't specifically ask the deputy minister what action he was taking. We had a short conversation, and the comments I've already made cover. I have not asked him anything further.

MR. R. SPEAKER: Mr. Speaker, a supplementary question. Would the minister make a commitment to this Assembly to check that matter with regard to what actions his Chief Deputy Minister, Mr. McFarlane, has taken, and would all those actions be reported to this Assembly?

Mr. Speaker, I'd like to ask the same question of the Minister responsible for Personnel Administration, to assure himself, as the person responsible for the rights of civil servants across this province, that he will investigate to see that there is no harassment or no techniques are being used that are unfair to the employees of this province. [interjection] Mr. Speaker, for the information of the Attorney General, I'm talking about possible harassment, unfair questioning, an unfair approach to gaining knowledge or information that the government may want with regard to this document. I think that's the responsibility of the minister for personnel.

Mr. Speaker, my question is to each of the ministers. Will they take on a commitment to review, investigate, and report back to this Legislature?

MR. SPEAKER: I'm sure the hon. leader's question has been heard.

MR. NOTLEY: Well, do we get an answer?

MR. KROEGER: Mr. Speaker, I have no difficulty in agreeing that I will discuss this again with the chief deputy minister.

Advisory Committee on Water

MR. NOTLEY: Mr. Speaker, perhaps I could put a question to the hon. Premier and ask, as a result of the comments the Premier made this morning with respect to the question of privilege, whether or not all the documents the Premier quoted and cited will be tabled in the House. I haven't had an opportunity ... Several were tabled. Will it be the intention of the Premier to table all the documentation he made reference to in his remarks?

MR. LOUGHEED: Mr. Speaker, I think the only document I made reference to that has not already been

provided the members — although I'll check that — is the final report of the advisory committee. I will file that with the Assembly now.

Heritage Trust Fund Advertising

MR. SINDLINGER: Mr. Speaker, I'd just like to ask the Minister for Government Services a question in regard to the advertising on the Heritage Savings Trust Fund. I've noticed that the ads on television, which are quite nice and colorful, have come on in bursts in August, September, and now October-November. I wonder if the minister could indicate the schedule for the next burst of television advertising on the Heritage Savings Trust Fund.

MR. McCRAE: Mr. Speaker, could we take that matter under advisement and advise him at a later date?

MR. SINDLINGER: Supplementary please, Mr. Speaker. Could the minister indicate whether or not those advertisements are part of the initial contract given to Baker Lovick last year?

MR. McCRAE: We could deal with that question in the same way as the first one, Mr. Speaker.

MR. SINDLINGER: A final supplementary I might ask the minister to deal with in the same way; that is, to give us a report on the costs of the program, please.

Advisory Committee on Water (continued)

MR. LOUGHEED: Mr. Speaker, I just had a note refreshing my memory that in my remarks this morning I made reference to a revised request for decision. I will get that document and table it in the Legislature on Monday.

Impaired Driving

DR. BUCK: Mr. Speaker, I would like to ask a question of the hon. Attorney General. The Attorney General may not have the information because it's relatively new. This has to do with a sentence handed down to a drunken driver, a two-month incarceration for the death of two hitch-hikers. If the minister doesn't know, I'd like to give him notice. Can the minister indicate if the Crown is considering appealing the decision just handed down several days ago? I can give the minister a letter of the information, but I'd just to know if the minister was aware of that decision and, if not, would he have a look to see if the Crown is appealing the decision?

MR. CRAWFORD: Mr. Speaker, I can't call to mind the precise case. I'd be pleased if the hon. member would provide what information he has. It sounds like a case of considerable importance, and I'd be glad to look at it.

Water Management (continued)

MR. NOTLEY: Mr. Speaker, I'd like to direct this question to the hon. Minister of Environment. It relates to the memo of October 25, 1979, the existing policy the Premier alluded to, which is now going to continue, which is that "the water resources of the Province are managed on a river basin system" and "the waters in each major basin must be fully and efficiently utilized before inter-basin

augmentation could be considered".

Is the minister in a position to confirm for the Legislature the accuracy of his assistant deputy minister's observation on page 3:

... any dams and reservoirs being planned and built now, such as the Dickson Dam on the Red Deer River, are ... located such that they will "fit," be effective and serve as part of the eventual concept of inter-basin transfers of water.

Is that a newly developed policy? I don't recall it being stated in the House when the Dickson Dam was first proposed?

MR. COOKSON: Mr. Speaker, as the member knows, so far we have only constructed one major dam. One's in the process at Paddle River. The Dickson dam of course is in construction, and there is a proposal on the Three Rivers dam. Others have been built in the past — Brazeau. The Bighorn is operable. Some of those dams would fit that kind of concept and some wouldn't. Probably one that would be of most concern or interest to the people of Alberta would be the Dickson dam, which could be used to fit a scheme of some nature, but not a massive concept, as the member might suggest. But because of the major cost of these works, certainly consideration is given to locating and designing them for the maximum efficiency of the province. So in that respect, all things are considered in weighing the location and the construction itself.

MR. NOTLEY: A supplementary question to the hon. minister. During the consideration of all things, was the eventual concept of interbasin transfer of water one of the factors which led the government to choose the site for the so-called Dickson dam, notwithstanding the opposition of the ECA? Was that one of the specific factors that led to the determination of that specific site?

MR. COOKSON: Mr. Speaker, one would have to go back to all the information and the review of the public hearings that occurred during the time and conclude from that very public document as to whether that concept was or was not practical. The member asked whether the location was a major consideration. I don't apologize for the fact that I wasn't minister at the time or privy to those kinds of discussions. However, I could say that it certainly wouldn't be the major consideration, because the location of the dam could not conceivably meet the concept proposed back in 1971-72 on the total massive transfer of water. One only has to look at the geography of the situation to conclude that.

MR. NOTLEY: Mr. Speaker, a supplementary question for clarification. I'm not suggesting we're going to pipe the Peace River down to the Dickson dam, but Mr. Melnychuk's memo suggests that the locations are being planned such as they will "fit", and be effective and serve as part". Has there been any discussion between the minister and Mr. Melnychuk, specifically with respect to the siting — the minister well recalls the debate that occurred over the siting of the Dickson dam — and whether interbasin transfer of water had any relationship to that question, in view of the fact that the ECA had opposed ...

MR. SPEAKER: Order please. The hon. member has partly asked two questions. Would he please specifically ask one.

MR. NOTLEY: Mr. Speaker, on a point of order. With great respect, that is not so, sir. The question related to the siting in 1977, and whether or not it was related to the question of interbasin transfer despite the fact that the ECA had opposed that site.

MR. COOKSON: I have some trouble with the relationship between the two, Mr. Speaker. To follow that argument — the Environment Council of Alberta was not enthusiastic about any dam on the Oldman River system, for example. If you wanted to prioritize them, if there was to be a dam, they were recommending the Three Rivers site as opposed to the possibility on the reserve itself. The relationship is very remote, to say the least. I can only add to what I've already said. I wasn't privy to all the discussions that took place, the debate in the House, the public hearings, and the eventual report of the ECA, because I wasn't minister at the time the decision was made to construct the dam on its present site.

[Two members rose]

MR. SPEAKER: Will the hon. members kindly resume their seats. I think it has been a custom in the Assembly, whether it's right or wrong, for an hon. member who asks a question to be allowed a few supplementaries to pursue his train of thought or line of questioning. I realize the hon. Member for Edmonton Mill Woods rose a while ago. But in fairness, I think we should follow the custom. The hon. Member for Spirit River-Fairview has asked only two supplementaries so far.

MR. NOTLEY: Mr. Speaker, my supplementary question to the minister. Has the minister held any discussions with Mr. Melnychuk with respect to the question of the siting of the dam being related to interbasin transfer?

MR. COOKSON: I don't know which dam the member is now talking about.

MR. NOTLEY: The Dickson dam.

MR. COOKSON: As I've said, the decision to construct the dam the member is referring to — the commencement of construction essentially took place before I became minister.

MR. NOTLEY: Mr. Speaker, my question is with respect to the ongoing process. The minister is now responsible for the department. Have there been any discussions between the minister and his chief officials with respect to the siting of that dam as per the memo Mr. Melnychuk obviously presented to the Minister of Transportation?

MR. COOKSON: Mr. Speaker, I can't recollect that there was any major discussion. It obviously hasn't changed the course of events. The dam is being constructed on the same site that was eventually decided by government.

MR. NOTLEY: Mr. Speaker, just a final supplementary so there's no misunderstanding. The minister is saying he is not able to recollect any discussion between him and Mr. Melnychuk on the subject?

MR. COOKSON: We have a lot of discussions, Mr. Speaker. Perhaps the member would like to attend our regular staff meetings. [interjections] But there's one thing

the member has to remember: these discussions are very confidential and don't include waving stolen documents in the air without returning them to their source.

MR. SPEAKER: The hon. member did say that was his final supplementary. I realize the term is used very loosely in the question period.

The hon. Member for Edmonton Mill Woods.

MR. PAHL: Thank you, Mr. Speaker. My supplementary has been answered in the course of the minister's reply.

Cattle Industry

MR. R. SPEAKER: Mr. Speaker, my question to the Minister of Agriculture is one we've raised at least twice in the Legislature. It's with regard to the cow-calf operators and the cattle feeders in the province. The minister has promised a program announcement between now and the end of the year. How much closer are we getting to that announcement? Have recent events placed a greater urgency on the program announcement; or is all calm, and is the minister going to wait for a couple of weeks before an announcement is put forward?

MR. SCHMIDT: Mr. Speaker, I think there are still 34 days left for us to meet our commitment. We are at the close of the information and the evaluation, so we will still be able to make that announcement within that 34-day period.

MR. R. SPEAKER: Mr. Speaker, a supplementary question. Could the minister indicate the major problems in making that announcement? Aren't the farmers paying enough interest in terms of loans on cattle?

MR. SPEAKER: Order please. We went through this yesterday. If hon. members want to stick to the rules, one of the rules of the question period is no sly innuendoes in questions. Let's come directly to the information.

MR. R. SPEAKER: Mr. Speaker, my supplementary question to the hon. minister is: what impediments are preventing the government from making the announcement at this time, rather than later?

MR. SCHMIDT: None that I'm aware of, Mr. Speaker, other than the time frame involved.

Water Management (continued)

MR. SINDLINGER: Mr. Speaker, my question to the Minister of Environment is with regard to one of the requests for decisions within the material you distributed this morning, yesterday, or whenever. It deals with the allocation of funds for study purposes. I understand three were approved. One is in regard to a comprehensive land drainage and flood control program for northern Alberta. I'd ask the minister if he could indicate to the Legislative Assembly the status of that comprehensive land drainage and flood control program for northern Alberta.

MR. COOKSON: Mr. Speaker, of course we are redrafting the RFD for cabinet consideration. The Premier has indicated we will make that document public. However, it has to go before cabinet.

MR. SINDLINGER: A supplementary, Mr. Speaker. In regard to the other studies, could the minister indicate whether they are being redrafted as well and are going to be sent back to cabinet for reconsideration? One is specifically with regard to potentially irrigable lands in southern Alberta, to prioritize those lands benefiting most from irrigation. The other one deals with river basin studies in central and northern Alberta.

MR. COOKSON: I think the Premier quite adequately responded to what was in the original document which was stolen, what was decided at the RFD level through priorities, and what will eventually go to cabinet. So I don't think I need to add to that.

MR. SINDLINGER: Mr. Speaker, quite simply to the minister, are these studies now under way, or are these studies that will be reconsidered?

MR. COOKSON: Again, I think the Premier answered that very clearly, Mr. Speaker. This hasn't gone before cabinet yet.

Guidelines for Civil Servants

DR. BUCK: Mr. Speaker, my question is to the hon. Minister responsible for Personnel Administration. In light of the fact that we seem to be using the term "stolen documents", can the minister indicate to the Assembly the guidelines handed out to people who take the oath of public service? Are there written guidelines as to what a civil servant may or may not do?

MR. STEVENS: Mr. Speaker, each department may or may not have guidelines for the handling, storage, use, or dissemination of material available for use by and in front of an employee. Each employee also is required to sign an oath of confidentiality.

DR. BUCK: Mr. Speaker, the question I am basically asking the minister is whether that oath of confidentiality is a written condition of employment. Does the person who signs the oath know exactly what he can and cannot do?

MR. STEVENS: Mr. Speaker, the oath of confidentiality is written out and is part of The Public Service Act. It is a document each employee is required to swear to and sign.

DR. BUCK: Mr. Speaker, I also have that Act before me, and I can read a little bit. It does not indicate specifically what a person's responsibility is as to what they may and may not do. The question I'm trying to get across to the minister is: where does a citizen's responsibility as a civil servant end and his responsibility as a citizen of the province begin if he feels there may be some wrongdoing? Is that written out in black and white?

MR. STEVENS: Mr. Speaker, each employee is part of a public service of Alberta. All Albertans deserve, and I'm very confident are receiving, impartial, competent service from the employees, who must be loyal and use integrity. If an employee has a concern, his or her first responsibility would be to make that concern available to his or her supervisor. As I said before, each department may have specific requirements for confidentiality. Those will be described to the employee in a meeting or perhaps laid

down in a policy from that department through the deputy head.

DR. BUCK: Mr. Speaker, I'm still not clear in my own mind. The chain of events, as I understand the minister, is that if a person feels there is something going on in the department that the employee is not happy with — there could be some major problem in that department — the person has no alternative except to go to his supervisor. Eventually it is passed up to the minister, I presume. Is that the sequence of events?

MR. STEVENS: Well, unless you bring a specific case before my attention, Mr. Speaker, I don't know. The member might wish to do that. Generally that would be a requirement. Each person would discuss with his or her supervisor any concern that he or she may have, as the supervisor also discusses the job requirements with each employee. There are frequent meetings in each department, I'm sure, and any concern could be raised on those occasions.

DR. BUCK: Mr. Speaker, if the hon. minister wants an example, the example is right here. Someone quite obviously felt this should be public information. Is that the type of example — that the minister would like this person, whoever it was, to bring this to the attention of his supervisor, then on? Is that the way it should be?

MR. STEVENS: Mr. Speaker, I don't know how this material arrived before the Member for Spirit River-Fairview. I know how it was delivered to me and other members of the Assembly.

DR. BUCK: A supplementary to the minister, Mr. Speaker. Is there anything written down, when a person takes the oath, to say that your oath supersedes any other action you may take? If you feel that there is wrongdoing in the department, you have no other choice, as a citizen of the province, to supersede your oath of office to say that this is something I completely disagree with. The person has no choice under oath, except to take it to his supervisor.

MR. CRAWFORD: A supplementary in respect to the question the hon. Member for Clover Bar was raising. Perhaps I might make a supplementary answer before the other member proceeds with his supplementary. I think it's important, when several times today we have heard reference to words such as "wrongdoing", which is a very imprecise word, and was a part of the question of the hon. Member for Clover Bar. I should say that the duties of all citizens are clear in regard to criminal conduct, no matter who their employer may be. There is a duty, when one may be a witness to or have knowledge of the commission of a crime, to bring that to the attention of proper authorities. But the word "wrongdoing" is not on all fours with the reference to criminal conduct.

DR. BUCK: Mr. Speaker, to the Attorney General, this is basically what I was trying to get across. Where does a citizen's duty commence and his oath of office as a civil servant ...

MR. SPEAKER: Order please. I suppose, having been asked, there might be some comment on the question. But what a citizen's duties are, it seems to me, is an

outright question of law. If we're going to deal with that, we're going to have to stop the clock at 1 o'clock.

MR. CRAWFORD: Mr. Speaker, I don't want to lengthen what may be, in the sense of the rules, an extraordinary proceeding. The matter is clearly of great importance, and Your Honour has touched upon that by noting how long such a discussion would be if it were to try to cover all the relevant matters. I would only say that I think it's clear that the taking of an oath binds a person precisely and fully in respect to the terms of that oath. There is nothing I can see that supersedes an oath. That is a separate matter from the duty of every person, when he perceives that a criminal act may have occurred, to report that to the proper authorities and do his duty in that regard.

MR. SINDLINGER: Mr. Speaker, I have two supplementaries please, the first one to the member of government personnel — sorry, that's not right. In regard to the oath of secrecy or confidentiality, could the minister advise the Assembly to what extent the oath applies once the civil servant has left the civil service?

MR. STEVENS: Mr. Speaker, of course the oath applies to employees. That's defined throughout the Act. But someone having left the civil service would still be required to be a good citizen and to obey the laws of the province, whatever they may be.

MR. SINDLINGER: Mr. Speaker, my final supplementary to the minister. In the year 1980, was anybody released from the government because they compromised the oath of confidence or secrecy?

MR. SPEAKER: With great respect to the hon. member, I would suggest that a question like that, relating to I don't know how many thousand employees, might be put on the Order Paper.

MR. SINDLINGER: I might just ask the minister then if he's aware of any individuals having to leave the civil service because of the oath of secrecy or confidence.

MR. STEVENS: Mr. Speaker, I'm not able to answer the Member for Calgary Buffalo in detail at this time. I would have to either accept a question and consider it on the Order Paper or give it further consideration. There are many persons who have left the public service for a number of reasons, voluntary or otherwise.

DR. BUCK: Mr. Speaker, a supplementary question to the hon. minister, on a point of clarification. I believe the hon. Minister responsible for Personnel Administration said that once a person leaves the employment of the government, he is not bound by the oath of secrecy. Would the minister wish to reconsider that statement? I believe that some oath of secrecy still applies.

MR. SPEAKER: We're clearly dealing with legal interpretations. The oath is a public matter, a matter of statute. The hon. Member for Clover Bar is fully entitled to have his opinion about whether or not it applies after leaving the public service. The minister may have another opinion. I suppose if there were a clash of opinions, the only person who could settle it would be a judge.

DR. BUCK: Mr. Speaker, is there any definite government policy then?

MR. STEVENS: Mr. Speaker, again, and I appreciate the member's direction on this, if we read the Act — which we don't need to read right now — it says, any employee. Once a person is no longer an employee, then it can be argued. I would seek legal advice if that matter was before us. But there are other provisions, statutes, and so on of the province that may or may not be appropriate under the circumstances in the particular situation that may be brought before the government for information.

Water Management
(continued)

MR. R. SPEAKER: Mr. Speaker, my question is for clarification from the Minister of Environment. A few moments ago, the minister indicated that cabinet had not approved the matters with regard to studies: one, an allocation of \$700,000 to develop a comprehensive land drainage and flood control program for northern Alberta; two, an allocation of \$1,650,000 to classify all potentially irrigable lands in southern Alberta; and three, I believe, accelerating river basin studies.

As I understood from the Premier's remarks earlier this morning, Mr. Speaker, those had been approved by cabinet for progress. Was I mistaken in what I heard? Could the minister explain the status of those programs at present?

MR. COOKSON: Mr. Speaker, the Premier indicated quite clearly that the recommendations had gone to the priorities committee of cabinet. Subsequently, some sections have been deleted and a new RFD will be prepared, which eventually will go to cabinet.

So that there's no confusion with regard to agricultural land drainage in northern Alberta, when I responded that that decision still had to be made at the cabinet level, I should make it clear that I was responding to the question about this RFD. In addition to this, we are looking at joint work with the Department of Agriculture and fund expenditure of a shared nature to improve the drainage problem, or reduce the problem of water flooding the north. But that is separate from this RFD.

MR. R. SPEAKER: Mr. Speaker, a supplementary question. The minister is saying then that parts one, two, and three of the attached request for decision are only accepted by the priorities committee, and they have approved them. But in terms of the total cabinet, items one, two, and three of that attached request for decision mentioned in the Premier's remarks have not been approved by the total cabinet. Is that an accurate statement?

MR. COOKSON: Mr. Speaker, I think the member has in front of him the stolen document, which is the first draft. What I have in front of me is the draft which went to priorities. The Premier made very clear in his presentation that there were two items added over and above those that were on the stolen document. He also pointed out that priorities at this point in time had only approved two parts, actually three parts — (a), (b)(1), and (2) — which he referred to as three points. So we're talking about two different documents. In effect, there is a re-draft of this document which will eventually go to cabinet.

MR. R. SPEAKER: Mr. Speaker, a supplementary question. Is the hon. minister saying that no part of the policy with regard to interbasin transfer of water — and I refer to the first draft; the hon. minister is referring to a later draft, or may be referring to later drafts — has been approved by the total cabinet of the government of Alberta?

MR. COOKSON: That's precisely what the Premier said this morning with regard to interbasin study.

MR. R. SPEAKER: Mr. Speaker, on that basis, could the hon. minister then confirm that this is not actual policy of the government of Alberta until it receives total cabinet approval? Would the minister confirm or clarify that request?

MR. COOKSON: That's the normal procedure. That's what the cabinet is for, Mr. Speaker.

Calgary Olympics

MR. SINDLINGER: Mr. Speaker, my question is to the hon. Minister of Recreation and Parks. I would ask that minister whether or not any consideration is being given to establishing a fund to assist athletes in Alberta to develop their skills so that they might compete in the 1988 Olympics in Calgary?

MR. TRYNCHY: Mr. Speaker, we have a number of ways in which we fund amateur sports in the province. Hopefully that would be one way. Of course, we have another fund, administered by the Minister of Advanced Education and Manpower, which provides that type of funding. I guess we can look at that further. I would hope that before 1988 we would have some pretty fine athletes from Alberta participating in the Olympics.

MR. SINDLINGER: Could the minister indicate whether the government would be willing to give consideration to a special fund designed specifically for high school students who will be eligible for competition in 1988?

MR. TRYNCHY: Mr. Speaker, I'm not sure the government would give consideration, but I certainly will.

MR. SINDLINGER: A final question in regard to the 1988 Olympics. There is some concern in Calgary now in regard to cost control. I wonder whether the government has in place any system whereby there would be monitoring of the funds allocated from the province to the city to ensure that they are used for the purpose for which they are designated.

MR. TRYNCHY: I'm sure there would be, Mr. Speaker, but I don't know what controls and what overspending the member is talking about. If it's the Coliseum, of course that question should be put to the Minister of Housing and Public Works. In regard to the other facilities, we have not reached that point in discussion where the funds are starting to flow.

MR. SINDLINGER: Just for clarification, please, Mr. Speaker. I don't mean to imply that there have been cost overruns. There is just concern about potential cost overruns; that's all.

MR. TRYNCHY: Mr. Speaker, when we reach that bridge, we'll cross it.

Federal Budget

MR. R. SPEAKER: Mr. Speaker, my question is to the Provincial Treasurer. I haven't had the opportunity to raise questions with regard to the conference in Halifax. Over the last two or three days, I have had a number of enquiries to my office with regard to the federal budget, and real concern with regard to annuities and the ability of persons to defer taxes. I wonder if that was an item on the agenda. I note from earlier comments of the Provincial Treasurer that not too much progress was made and that the federal minister wasn't too co-operative. Is this an item that may again be addressed to the federal minister? Could the minister report progress and what possible avenues the government of Alberta has to help Albertans with regard to this very important matter?

MR. HYNDMAN: Mr. Speaker, the item of the federal budget was not specifically on the agenda in Halifax. As I indicated, it related to the issues with respect to equalization, established programs, financing, and tax harmonization. However, we took the opportunity there to make it clear that there was very real concern in Alberta with respect to the removal or cutting down of tax incentives that previously had been of significant benefit to farmers, small business men, risk-takers in the province. The particular aspect to which the hon. leader refers is one of those that was brought in by the federal government.

I did not get the impression that they are going to make any changes in that area. I think it's important, though, and we will continue where appropriate, to make those representations. As well, I think individuals and companies in Alberta should make representation through their members of Parliament, so that as much pressure from as many quarters as possible can be brought to bear.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the hon. minister. Has any consideration been given by the provincial treasurers across Canada — and I think specifically of those provincial treasurers who believe more in the market place philosophy rather than the philosophy of government intervention, demonstrated by the federal budget. Has there been any consideration or discussion by you with the other ministers to go to the federal government as a united team and say, look, this is significantly hurting our economy in terms of investment income? Would that kind of approach have a greater impact on the government?

MR. HYNDMAN: Mr. Speaker, I think each province, through each provincial ministry of finance and provincial treasurer, has drawn the conclusion that because the impacts of the budget fall somewhat unevenly across the 10 provinces, even though they are generally harmful, it would be preferable to have each province put forth the priority which it feels should be addressed by the Minister of Finance of Canada with respect to possible changes.

MR. R. SPEAKER: Mr. Speaker, a supplementary question. Has the minister considered any study or assessment of this matter? I believe the average income in Alberta is higher than any other place in Canada, and certainly a significant number of people have investment income they would like to have in their hands rather than in the tax pocket of the federal government. Is the minister considering any kind of review, study, or hearing for Albertans, so they could give you input on this matter that in turn could be given to the federal government? I think the matter is serious, and something like that as a public forum for the matter and a public channel to the federal government through your ministry would be very important at this time.

MR. HYNDMAN: Mr. Speaker, I have been receiving representations from people across the province, as I have also received from many government members the views of their constituents, the citizens of the province. Together with the information on the impact of the budget which, as I said, is still being unravelled, those could possibly be addressed in the weeks ahead. However, I think it's important that all those Albertans who are concerned contact not only their MLAs but their members of Parliament, who are debating the subject of the federal budget.

MR. SPEAKER: We just have time for another question. We've slightly exceeded the question period time.

MR. MANDEVILLE: Mr. Speaker, I'd like to ask the minister if there was any discussion at the conference with regard to the small business bond. I understand that our major banks are not going to handle the small business bond in Canada as a result of the changes in the budget. Was this discussed at the conference?

MR. HYNDMAN: It was not brought up directly, Mr. Speaker.

MR. SPEAKER: Orders of the Day.

MR. CRAWFORD: Mr. Speaker, in light of the hour, in just a moment I propose to ask the House to call it 1 o'clock. As to business Monday, we propose to deal with some Bills that are still on the Order Paper under committee study of Bills, but not Bill 69 at this point; and following that, supply. The item would be under Executive Council, relative to workers' health and safety. I'm unable to indicate to hon. members, but will some time on Monday, whether or not it is intended the House sit Monday night.

Mr. Speaker, I move we call it 1 o'clock.

MR. SPEAKER: Does the Assembly agree?

HON. MEMBERS: Agreed.

[At 12:54 p.m., pursuant to Standing Order 5, the House adjourned to Monday at 2:30 p.m.]