

**LEGISLATIVE ASSEMBLY OF ALBERTA**

Title: **Thursday, December 10, 1987 2:30 p.m.**

Date: 87/12/10

[The House met at 2:30 p.m.]

[Mr. Speaker in the Chair]

**PRAYERS**

MR. SPEAKER: Let us pray.

In our mind's eye let us see the awesome grandeur of the Rockies, the denseness of our forests, the fertility of our farmland, the splendour of our rivers, the richness of all our resources.

Then, O Lord, let us rededicate ourselves as wise stewards of such bounty on behalf of all Albertans.

Amen.

head: **NOTICES OF MOTIONS**

MR. SPEAKER: Member for Edmonton-Glengarry.

MR. YOUNIE: Thank you, Mr. Speaker. I'd like to give notice that it is my intention after question period to rise under Standing Order 30 and make a motion for an emergency debate on the issue of the Oldman dam and continuing work at the site.

head: **TABLING RETURNS AND REPORTS**

MR. TAYLOR: Mr. Speaker, I would like to table a copy of a petition recently presented to me and signed by over 170 concerned citizens in the Westlock/Dapp area of my constituency. This document calls for immediate action to end the hazardous driving conditions in the area caused by smoke from peat moss fires.

Mr. Speaker, although this document does not meet the formal requirements of a petition of the Legislative Assembly, I would like to table it today because I believe the matter to be of interest to all hon. members.

MR. SPEAKER: Edmonton-Calder.

MS MJOLSNESS: Thank you, Mr. Speaker. I'd like to table this afternoon for the information of all members a copy of the wording of a petition that was signed by 118 individuals protesting the closure of a rural day care east of Calgary as a result of the freeze on operating allowance. This petition has been submitted to the Minister of Social Services.

head: **INTRODUCTION OF SPECIAL GUESTS**

MR. YOUNG: Mr. Speaker, I wish to introduce to you and to all members of the Assembly, some grade 8 students from Avalon school, accompanied by their teacher Mark Babin. There are 30-some students in the members' gallery, and I would ask that they rise and receive the warm welcome of the Assembly.

DR. BUCK: Mr. Speaker, I'd like to introduce to you and through you to the members of the Assembly, some special guests. But before I do that, I would like to thank the Government House Leader and the Leader of the Opposition; they got into a procedural wrangle, so we could be here today.

So I would like to introduce a large class of grade 6 students from the Win Ferguson school in Fort Saskatchewan. They are accompanied by their teachers Mrs. Sprague, Mrs. Orchard, and Ms Ward and by parents Mr. and Mrs. Sultanian, Mrs. Smith, Mrs. Carmichael, and Mrs. Taylor and their bus driver Mr. Vestby. They are seated in the members' gallery. I would ask them to rise and receive the recognition of the Assembly.

head: **ORAL QUESTION PERIOD**

**Canadian Commercial Bank**

MR. MARTIN: Mr. Speaker, I'd like to direct my first question to the Premier. Yesterday two court decisions showed the absolute incompetence of this government. Yesterday we talked about the Oldman dam fiasco. But yesterday the Court of Queen's Bench ruled that the Alberta government will lose almost \$60 million in the failed attempt to bail out the Canadian Commercial Bank. Mr. Speaker, this government was so incompetent that they forgot to include any provision regarding what would happen if the bank actually failed. As a result, \$60 million of taxpayers' money is kissed good-bye. My question is to the Premier. Has the Premier initiated any inquiries to find out who is to blame in this government for this massive blunder?

MR. GETTY: First, Mr. Speaker, I reject completely the allegations in the hon. Leader of the Opposition's opening statements to his question, and having built his question on a bunch of nonsense, the question itself is nonsense.

MR. MARTIN: Mr. Speaker, what an attitude. Sixty million dollars down the tube and that's the type of action we get from this Premier.

My question is to the Premier. Under the court ruling the Alberta taxpayers didn't even have the status of unsecured creditors. They didn't even have that status. Is that not incompetence, Mr. Premier?

MR. GETTY: Mr. Speaker, my answer to the first part still stands. He's building it on a phony allegation. I must say those matters were handled in the Department of Treasury prior to the current Treasurer being here, but when the current Treasurer, who is meeting with finance ministers, returns, I will draw his attention to the question and have him respond to the leader.

MR. MARTIN: Mr. Speaker, somebody has to be in charge over there. Sixty million dollars of taxpayers' money is gone and nobody is responsible.

My question to the Premier: who is responsible for losing that \$60 million, and what is the Premier going to do about it?

MR. GETTY: Mr. Speaker, I just answered that question.

MR. MARTIN: Well, Mr. Speaker, the people of Alberta are going to watch those types of answers. Maybe we can get at least one answer from the Attorney General.

In view of the amount of money that's potentially lost -- up

to \$60 million-- has the Attorney General made a decision whether they are going to appeal this decision at this time?

MR. HORSMAN: Mr. Speaker, no. Obviously, the Provincial Treasurer, in his absence . . . When he returns, we will be discussing that matter as to whether or not there are satisfactory grounds for appeal of the decision of the Court of Queen's Bench. Of course, that is something that will be considered, and I will, through my offices as Attorney General, be working with the Provincial Treasurer in that determination.

MR. MITCHELL: Mr. Speaker, my supplementary is to the Premier. Could he please indicate what he knows about a \$10 million or \$20 million loan by the Alberta Treasury to Dome Petroleum in 1982, and what is the status of Albertans' security . . .

MR. SPEAKER: That fails the test of relevancy with regard to the question.

Leader of the Opposition, second main question.

MR. MARTIN: Yes, Mr. Speaker. I'd like to designate my second question to the Member for Edmonton-Glengarry.

### Oldman River Dam

MR. YOUNIE: Thank you, Mr. Speaker. Yesterday Chief Justice Moore handed down this decision, and in it he came to the conclusion that the Minister of the Environment had exceeded his authority and ignored departmental regulations in the handling of the Oldman dam. The decision in effect nullifies all licences and permits issued by the Minister of the Environment and his delegates.

A question for the Attorney General: has he advised the minister that this judgment takes effect upon pronouncement and not upon issuing of the formal order or entry at the courthouse, which could take several weeks?

MR. HORSMAN: No, Mr. Speaker, because it does not.

MR. YOUNIE: Well, that's not the advice I've received from other legal people. I suspect the Attorney General may well be wrong. It wouldn't be the first time.

Now, since work is proceeding without legal authority and taxpayers' money is being spent without legal authority, when will the Minister of the Environment halt work on this project?

MR. KOWALSKI: Mr. Speaker, the member has just heard the advice that I am being governed by. It has come from the Attorney General.

MR. YOUNIE: Bad advice. I would ask the minister if, in not following this order, he does not realize that in fact he is in contempt of court and lacks the credibility to continue in his present post?

MR. HORSMAN: Mr. Speaker, the question is phrased in such a way that it's totally inappropriate. There is no question that matters of contempt of court have to be dealt with by judges, not by the hon. member or by this Assembly.

MR. YOUNIE: Mr. Speaker, this is the kind of nonanswer we've come to recognize from this government on all issues. I

would like to ask the Minister of the Environment if this indicates that he has the same respect for the courts of this province that he obviously has for his own departmental regulations.

MR. KOWALSKI: Mr. Speaker, yesterday on several occasions in the House I indicated that the government of Alberta will be complying completely with the decision issued by the Honourable Chief Justice Moore. I also indicated that it would be our intent to initiate an appeal to the decision rendered by the chief justice when the order is in and the proper legal process has been followed.

In addition to that, Mr. Speaker, I indicated yesterday that Alberta Environment will be reapplying, in accordance with the recommendations of Chief Justice Moore, to the controller of water resources with respect to this process. I also indicated yesterday, very publicly, in this Assembly that the controller of water resources will be provided with all of the information that the chief justice indicated was missing and enunciated in his order number 8701 15578 issued yesterday.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the minister. In the coffee shops of southern Alberta there's a lot of talk about two issues, and this was one of them this morning, the future of the dam on the Oldman River. Could the minister assure this House that after the cost overruns that are being looked at at the present time, these legal entanglements are put in place, that the government of Alberta is still committed to proceed with the dam on the Oldman River?

MR. KOWALSKI: Well, Mr. Speaker, I'm not sure, pending this matter before the courts, whether I would be treading on some area that I should not be treading on with respect to this matter, so I think I'm going to defer comment.

MR. SPEAKER: Thank you. Calgary-Buffalo, followed by Calgary-North West.

MR. CHUMIR: Thank you, Mr. Speaker. Since this is only one of a series of environmental bumbles, including the inability to be able to prosecute for toxic emissions from a fertilizer plant in Calgary this past summer, I'm wondering when the minister would be prepared to announce some concrete steps to tighten up protection of our environment, since the Environment Council of Alberta pointed out virtually all of the failings that have been behind these bumbles some years ago.

MR. KOWALSKI: Mr. Speaker, each year, annually, in the province of Alberta literally thousands of licences are provided for a variety of economic activities, whether or not they be interim licences for water management projects or licences for manufacturing plants and the like.

In 1987 we've now had two items brought to our attention. The hon. Member for Calgary-Buffalo has used a phrase which I think is just simply out of context for him and certainly doesn't do much for his own credibility when you recognize that thousands and thousands of licences are in existence and the recognition that there was one event earlier this year where legal authority, legal advice provided to me, basically said that there was no legal basis for a successful prosecution, and charges were thus not laid.

Secondly, yesterday a decision was rendered by an hon. chief justice. Surely in the process of law there must be a provision provided for an appeal to a decision, and surely there must be an

opportunity for another expression with respect to this to come forward. And I sincerely hope that in our democracy the due process of law will also be afforded to the Minister of the Environment.

MR. SPEAKER: Thank you. Calgary-North West.

DR. CASSIN: Yes, Mr. Speaker. To the Minister of the Environment, going back to the main question. If the Oldman River dam project is in fact shut down, that will result in the loss of both work and also contracts that the government has with various individuals. Could I ask the minister how much this is going to cost the province of Alberta in revenue on a per-day basis?

MR. KOWALSKI: Well, Mr. Speaker, if the Oldman River dam were to be shut down, our investment to this point in time is some \$75 million that has been expended on the site of the construction site for the Oldman River dam. That \$75 million does not include the millions of dollars that were expended for public hearings, discussions, committee work that took place between 1978 through to 1984. I don't have the specific figure, but I would conservatively estimate that it would be several millions of dollars.

If the dam were to be shut down, then presumably we would also have to reclaim the area and probably spend another \$100 million putting the current site back into the state that it existed in before construction began in the early 1986 time frame. If it were to go into a situation whereby construction work would have to be halted for a period of time, I would suspect, very conservatively again, that the daily loss would be approximately upwards of half a million dollars.

### Free Trade

MR. TAYLOR: Mr. Speaker, my question is to pursue the line on more information from the free trade pact. Maybe the hon. Premier could take a minute to answer some of the questions. One point I wanted to make: he's probably aware of the 3,200 kilometre free trade zone on either side of the Rio Grande between Mexico and the U.S. It's called the Maquiladoras Corridor and has roughly 300,000 Mexican people employed there by U.S. factories exporting goods in free trade into the U.S. As a matter of fact, that zone increased the job content last year by 50,000 employees. Eighty percent of those products are stamped "Made in the U.S." [interjections] Mr. Speaker, I'm allowed two sentences.

AN HON. MEMBER: That's about five.

MR. TAYLOR: You try to hammer an education between those ears in two sentences. I'm doing very well.

Okay, Mr. Speaker, the first question then: is the Premier aware, or was he aware when he agreed to the free trade pact that the Prime Minister is proposing that we in fact in Canada, if we now want to penetrate the U.S. market, will be competing with these industries, 1,200 factories, 300,000 labourers . . .

MR. SPEAKER: Order please. Order please, hon. member. We're now getting up to about six and seven sentences.

MR. TAYLOR: A point of order, Mr. Speaker.

MR. SPEAKER: Fine, it's duly noted. The question has been asked.

MR. TAYLOR: Was he aware that when we have that, we have to compete against those 300,000 Mexican workers, paid less . . .

MR. SPEAKER: Order please, hon. member. Mr. Premier.

MR. GETTY: Mr. Speaker, I must say that the hon. leader of the Liberal Party has such a low estimate of the people of Alberta and the people of Canada that he would think we can't compete with anybody. I suggest that he's completely wrong.

MR. TAYLOR: Mr. Speaker, I can see why you tried to save him, with answers like that. Try to compete against . . .

MR. SPEAKER: Order. That's an inappropriate comment, hon. member. Please just get on with the question.

MR. TAYLOR: It's hard to determine, Mr. Speaker, what you were doing there. I was just having trouble there.

MR. SPEAKER: Order. If there is any more of this, hon. member, the Chair will pass on to the next questioner.

Supplementary question.

AN HON. MEMBER: Agreed.

MR. TAYLOR: You've got a friend over here, Mr. Premier.

MR. SPEAKER: Supplementary question.

MR. TAYLOR: Okay, Mr. Speaker, with respect to this area, then, apparently he was not aware of the Maquiladoras Corridor.

Mr. Speaker, has he taken any precautions to make sure that these products that are made by cheap Mexican labour, stamped "Made in U.S." by 300,000 Mexicans on that border, are not able to enter Canada without any duty in the future?

MR. GETTY: Mr. Speaker, I come back to what I said the other day about the hon. leader of the Liberal Party. He's so busy taking his orders from the dictates of the federal Liberal Party that he's unable to see the benefits of a trade agreement. He comes in here day after day and tries to knock it down. It's an incredible opportunity for the people of Alberta, and he ought to be ashamed of himself. Represent the people of Alberta, not the Liberal Party in Ontario.

MR. SPEAKER: Perhaps we could go back to the good, old-fashioned thing of a question and an answer. Supplementary.

MR. TAYLOR: Mr. Speaker, I don't have to take my orders from down there. I'm afraid it's only the Premier that parrots the guy, he thinks, from down south.

SOME HON. MEMBERS: Question.

MR. TAYLOR: All right then, Mr. Speaker. Since he seems so totally unaware of the product of cheap labour coming in from the Mexican/American free trade zone, has he read page 36 of FIGA's -- his own department's -- interpretation of the transfer of entry for business purposes. Parties coming in from the U.S.

-- the U.S. can transfer into Canada anyone they hire on their payroll down there regardless of the category they're in, whereas we can only transfer into the U.S. those that are considered of management class.

MR. GETTY: Mr. Speaker, I'm aware of the document.

MR. TAYLOR: Mr. Speaker, lucky this is the last day. He has given a wonderful Christmas present to the labour of this province. Try asking them to compete if it's \$1 Canadian per hour.

Mr. Speaker, I would just ask the Premier: would he not talk to his sometimes-alert minister of small business affairs and ask him to brief him on these topics before we really go down the drain on this issue?

MR. GETTY: Mr. Speaker, when the hon. Leader of the Liberal Party presents such a view of Canada and Alberta that we would go down the drain, as he says -- I have never yet in this debate referred to anyone as a wimp, although a lot of them have expressed a wimp's view of Canada, which offends me, because my view of Canada is a stronger, tougher nation. I'm telling you, I finally, after this line of questioning, want to refer to someone as a wimp on free trade.

MR. STRONG: Mr. Speaker, a supplementary to the Premier. I believe, as he does, that Albertans are not afraid to compete. But my question to the Premier is this: how does he expect an Alberta worker to compete with any sense of fairness with a Third World worker who doesn't make enough money in a full year as to what it costs an Alberta worker to pay utilities for one month? You tell us that. [some applause]

MR. GETTY: I guess the clap is for reading the question accurately. Mr. Speaker, surely the hon. member would understand that there are such things as quality, quality of work, that people seek out products from Alberta, that people seek out products from Canada. Again he expresses this view that Canadians and Albertans can't compete, and I reject it completely. They can.

### **Grain Handlers' Strike**

MR. R. SPEAKER: Mr. Speaker, my question is to the Minister of Agriculture, and it has more immediate consequence than what will happen in a free trade situation in the next 10 years. To the Minister of Agriculture. The minister has indicated that a telex has gone to the federal Minister of Agriculture, the Wheat Board, and also to labour, asking them to deal with the strike at Prince Rupert. Could the minister indicate whether there has been a response to that as of today, because for every day that we leave that response open, farmers in this province and western Canada are losing some \$3 million.

MR. ELZINGA: Mr. Speaker, to date, to this hour, we have not received a response to our telex.

MR. R. SPEAKER: Mr. Speaker, to the minister. Is the minister prepared at this time to take some direct action in terms of travel, by means other than Air Canada, to the respective people that are negotiating this matter and speaking to them on behalf of the farmers of this province, in terms of the urgency of the matter and that the matter should be settled?

MR. ELZINGA: Mr. Speaker, I'd be delighted to take the hon. member's suggestion in the event that we felt it could prove worth while. We're happy to take any means that we can to restore the work at the port.

MR. R. SPEAKER: Mr. Speaker, I indicated in one of my earlier questions in terms of a supplementary that in the coffee shops of rural Alberta there are two matters of importance being discussed, and this is one of them. In my constituency at the present time I have 69 people that are prepared to take those jobs so they can feed their families and carry their farms as of right now. Would the minister make that representation on behalf of the farmers of Alberta, that we do have substitute workers ready to take those jobs and get the grain moving into the world market?

MR. ELZINGA: Mr. Speaker, as I've indicated to the hon. member, yesterday we did convey our deep concern to the federal authorities under whom this jurisdiction does fall. We have a very keen interest in the port, because 35 percent of the grain production of the province of Alberta does go through that, but it is under their authority. We've conveyed our concern to them, and we're hopeful that that action will be taken.

MR. R. SPEAKER: Mr. Speaker, to the Premier. This matter is very urgent. Would the Premier be prepared to intervene, as the minister has at the present time, personally to the Prime Minister and urge as quick an action as possible on this matter?

MR. GETTY: Mr. Speaker, after consulting with my minister, of course, yes, I would.

MR. TAYLOR: Mr. Speaker, to the Minister of Agriculture. Has he explored, and would he share with this House if he has, the alternatives of using perhaps some of the U.S. ports? There are a lot of wimps down there ready to load our wheat.

MR. ELZINGA: Mr. Speaker, maybe the hon. minister of economic development would like to supplement this, because it falls more directly under his jurisdiction. But I should share with the hon. Member for Westlock-Sturgeon that even though the port is very crucial, a good portion of our grain, in fact the majority of our grain, does go through the port of Vancouver.

MR. SPEAKER: Member for Cypress-Redcliff, followed by Edmonton-Highlands.

### **Agricultural Payouts**

MR. HYLAND: Thank you, Mr. Speaker. My question is also to the Minister of Agriculture. It's related to his meeting last week in Ottawa, talking about special grains and special grain payout. The question to the minister is directly related to the special circumstances that surround the extra production cost in irrigation. I wonder if the minister is able to share information with the House as to the agreement on payouts on irrigation land under the special grains program.

MR. ELZINGA: Mr. Speaker, this was one item that was discussed when we met in Ottawa with our provincial counterparts and the two federal ministers of agriculture responsible. They have left us with the assurance that they are very hopeful they can take into account not only the irrigated districts but also the

individual irrigated farmers.

MR. HYLAND: Thank you, Mr. Minister. There goes my second question.

Also in the discussion of special grains payouts, did the subject of the top limit come up? In my area there are many, many family farms and because they've worked hard, they've built them to a good size and they exceed the top limit payout as a unit. But if they were individual and held individual permit books, they would not exceed the unit. I wonder if that subject has come up, and if we're able to address this at this time so we don't penalize those that have worked hard and built something.

MR. ELZINGA: Mr. Speaker, that is an excellent point, and it was also discussed. I should point out to the hon. member that when the federal minister did meet with the concerned agricultural groups, it was their suggestion that the cap be raised by the percentage level that the actual special grains program be increased. So in the event that there is an additional 25 percent in the special grains program as compared to what it was last year, they suggested that the \$25,000 cap be increased an additional 25 percent.

MR. HYLAND: Mr. Speaker, then would the minister forward the concerns of my constituents that even though they would appreciate the 25 percent raise, it is still not the total answer to the problem when it in many ways deters from operating a good, large family farm?

MR. ELZINGA: Mr. Speaker, I'm happy to take the hon. member's representation and pass it on to our federal counterparts. I should share with the hon. member, so that there is no misunderstanding, that the federal government has not indicated they are going to increase it by 25 percent, but I use that simply as an illustration as to what the farm groups are advocating.

MR. SPEAKER: Final supplementary, Cypress-Redcliff? Vegreville, supplementary.

MR. FOX: Thank you, Mr. Speaker. Did the minister get assurance from his federal counterpart that this important money will be in the hands of Alberta grain producers before they seed their crop in the spring and that it will not be timed to coincide with the upcoming federal election?

MR. ELZINGA: Mr. Speaker, I have no idea when the federal election is going to take place. We've recommended to our federal counterparts that they get the money into the hands of our desperate farming population as quickly as possible.

### Minimum Wage

MS BARRETT: Mr. Speaker, as we get ready to enter 1988, which will be the seventh consecutive year in Alberta in which the minimum wage has stood at the abysmal rate of \$3.80 an hour . . . [interjection] That's right; shame indeed. I'd like to ask the labour minister a question. Since the minimum wage was last increased in 1981, the cost of living in Alberta has increased by one-third and poverty has more than doubled in Alberta. Will the minister now commit his government to raising the intolerably low minimum wage by January 1, 1988?

DR. REID: Mr. Speaker, I think I have made the commitment

outside this House that I will be taking a proposal to the government caucus for discussion in due course. As yet I have not had the opportunity to do so.

MR. SPEAKER: Supplementary question.

MS BARRETT: Yes, Mr. Speaker. I'm not sure that 154,000 working poor Albertans and their families appreciate that response.

Will the minister outline just what concrete steps it is that he's taken since he tabled his own labour code last spring in the Assembly and since he committed himself to following his own commission's recommendations? Just what concrete steps has he taken to get that minimum wage increased?

DR. REID: Mr. Speaker, there was a potential error in the member's question. Not all of the people that she mentioned below the alleged poverty line are working at the minimum wage; many of them are above the minimum wage. The number working at the minimum wage is considerably less, and most of them, as I've said before, are people at the introductory phase of their employment, either people getting their first job after leaving school or working part-time for additional income or people who are learning new skills and a new occupation that they've not previously occupied before. It certainly doesn't number the whole number that she mentioned.

MS BARRETT: No potential error, Mr. Speaker. He just answered the question.

Will the minister explain his own foot-dragging, given that on Monday of this week in this Assembly the career development and unemployment minister even stated that under his program, the EAP program, the workers are getting at least \$6.20 an hour, of which at least \$4.50 an hour must be coming from the government? Will he explain his own position in light of the fact that that minister obviously believes that \$4.50 is the minimum that our minimum wage should be?

DR. REID: Again, Mr. Speaker, there's an obvious non sequitur in the statement of the Member for Edmonton-Highlands. The situation is that the minimum wage as it exists has existed for some time, and that has been related to the general economy of the province of Alberta. There are many people that have had considerable reductions in their incomes during that period of time. I've said there will be a proposal taken to the government caucus in due course.

MS BARRETT: Yeah, timed for the next election.

Final supplementary question, Mr. Speaker. Will the minister -- if he gets around to doing this; I mean, we have no commitment so far -- at least assure the 154,000 working poor in Alberta and their families that when he gets around to doing his job and raising the minimum wage, he will raise it at least to match the national average minimum wage? Will he do that?

DR. REID: Mr. Speaker, the situation about the minimum wage is that it's a very delicate matter. No employer can pay more for the work that is done than the economic value of that work, or the job will not exist. The minister of career development and myself have tried to make this clear to many people, and most people seem to understand it, but unfortunately the socialists do not. If you put the minimum wage above the economic value of the work that is done, nobody will be employed. That's an un-

fortunate fact for some people, but it is nonetheless true, and to switch people from the minimum wage to unemployment . . . [interjections]

MR. SPEAKER: Order. There is no benefit to this. Thank you.

Okay, additional supplementaries. Edmonton-Gold Bar on a supplementary.

MRS. HEWES: I have a supplementary to the Minister of Labour, Mr. Speaker. We've now been told by the Minister of Career Development and Employment that the employment alternatives program will have a moratorium because it's out of money, although it's not achieved its targets. The fact is that employers have been paying substantially higher than minimum wage, and it demonstrates that we have to pay higher wages to attract employees. Does the Minister of Labour then acknowledge that the budget problems that have turned up in this program show that Albertans deem the minimum wage to be far too low?

DR. REID: Mr. Speaker, I think the vast majority of employers and the vast majority of employees who are either paying or receiving well above the minimum wage recognize that fact. The irrefutable fact is, if you set the minimum wage above the value of the work that is done, there will be no job, and you are going to convert employed people to unemployed status. That is not very useful for the young people who are trying to acquire the necessary skills to work and to gain further employment, probably at considerably higher wages.

MR. SPEAKER: The Member for Edmonton-Gold Bar, followed by Redwater-Andrew, Athabasca-Lac La Biche, Edmonton-Avonmore, and Calgary-Buffalo.

### Volunteer Incorporations

MRS. HEWES: Thanks, Mr. Speaker. This spring the Minister of Consumer and Corporate Affairs introduced Bill 54, the Volunteer Incorporations Act, to combine legislation affecting non-profit organizations and improve administration. The resulting Bill was put together essentially without consultation with the over 15,000 nonprofit agencies which will now be subject to this legislation. To the minister: will she admit that her efforts to consult with organizations affected by Bill 54 have been at worst missing and at best inadequate?

MISS McCOY: No, Mr. Speaker.

MRS. HEWES: Then, Mr. Speaker, can the minister tell this Assembly and those 15,000 agencies that she's going to ensure that the regulations that are going to be outlined as a result of the Bill will in fact be made in consultation with nonprofit groups?

MISS McCOY: Mr. Speaker, this reminds me of the cartoon I read this morning, Garfield. Garfield the cat was saying that cats are poetry in motion, and dogs are gibberish in neutral. What I'm hearing reminds me of the response.

Let me say this about the Volunteer Incorporations Act. It was introduced in the spring of 1987. It was an Act that was written in large part by the Institute of Law Research and Reform after three years of consultations with the professional ex-

perts in this field. We put the thing into a statutory form and introduced it in June of this year and then let it stand over. I have no intention of bringing that statute back into the House until such time as the people of Alberta, the volunteers who are very important to Alberta, have had an opportunity to canvass it, read it, and give me their comments, because if it does not work for the men and women of Alberta, then I don't want to introduce it.

However, some considerable time must be given for that process, that grass-roots process, to occur. Needless to say, the member from the other side of the House is not used to governance or she would know that there was no intention of bringing it back this soon, nor are regulations going to be written before the statute is passed.

MRS. HEWES: Mr. Speaker, I'm not sure I understand the original analogy, but I'd perhaps have my own explanations for it.

The point about the regulations is exactly the problem: that we get a permissive piece of legislation and then we put in the real stuff. Will the minister please outline the steps she is going to take to consult with these groups about Bill 54 and the regulations? There are thousands of volunteers here in this province that are going to be hung out to dry by this. They need to know that you're going to initiate steps, not just wait for them.

MISS McCOY: Well, again, Mr. Speaker, it demonstrates to me a lack of understanding of the democratic process. A draft statute is out there for discussion at this time. [interjections] When the statute has been fully vetted by the volunteers . . .

MR. SPEAKER: Perhaps we could get more attention from all hon. members. The murmur's getting a bit too high. Thank you.

MISS McCOY: When the draft statute has been given a full vetting by the men and women of this province who are the volunteers and who are so much the backbone of Alberta, then we will be bringing back another proposed statute in the House. When the statute has come back to the House, following that there will be consideration given to regulations. The same extensive consultation process will occur at that stage, but we do not get the cart before the horse.

MRS. HEWES: Mr. Speaker, perhaps the minister could take it to a Tory party conference for consultation.

Will the minister tell the Assembly if she's going to accept the recommendation of the Registrar of Companies to establish a task force -- your own recommendation, from your own Registrar of Companies -- on Bill 54?

MISS McCOY: Mr. Speaker, there are a number of ways of getting input. One of them is to have a task force or, if you wish, to have a group of people have an advisory capacity on the Bill. Nevertheless, what I am more particularly interested in getting are the comments from those men and women in Alberta who will have to work with the statute. My stated objective is this: if the volunteers cannot make that Act work for themselves without having to retain the services of lawyers or CAs or other such expensive professionals, then I do not want that statute on the books. I am attempting to get that sort of feedback. However, it being grass roots, it does take a considerable amount of time. I am prepared to wait. I want a statute that

works for the people of Alberta.

MR. WRIGHT: Mr. Speaker, to the minister. Will the minister assure us that this solicitation of the opinions of those who will be working with the Act will be more expensive, extensive -- probably expensive too, but extensive -- than the sending out of some questionnaires by government MLAs only, printed, I believe, at public expense?

MISS McCOY: There is no question that the consultation process is far more extensive than that which is being suggested by the hon. member opposite.

MR. SPEAKER: Thank you. The Member for Redwater-Andrew, followed by Athabasca-Lac La Biche.

### **Experimental Oil Sands Project**

MR. ZARUSKY: Thank you, Mr. Speaker. My question today is to the Minister of Energy. Since our conventional oil is rapidly depleting here in Alberta -- it's a known fact -- and the emphasis is on heavy oil and tar sands, recently CS Resources announced plans for a new experimental oil sands project. Could the Minister of Energy please indicate the current status of the project?

MR. SPEAKER: The Chair is [inaudible]. Could the minister elucidate please?

DR. WEBBER: I missed what the Chair said.

MR. SPEAKER: The Chair is just concerned at initials being used, so that all the members of the Assembly may not know what's being referred to. So please . . .

DR. WEBBER: The hon. member is referring to a company named CS Resources. I don't know it by any other name than CS Resources. That particular company has worked out a farm-out with Gulf on Gulf's Pelican Lake lease, which happens to be in the constituency of my colleague on my immediate left here -- only in seating position, as far as left is concerned. It's east of Wabasca and the constituency of Lesser Slave Lake.

It's a rather exciting project, Mr. Speaker, in that the technology that the group intends to use calls for a horizontal drilling process where a number of horizontal wells drain into a central well bore. The company is looking at a microwave technology instead of the conventional steam technology as a thermal source. So it is an exciting process, and we hope this new technological approach will open up new developments in the oil sands.

MR. ZARUSKY: A final supplementary to the minister, Mr. Speaker. How large an investment does this project represent for Alberta?

DR. WEBBER: Mr. Speaker, as I understand the proposition, CS Resources is to invest \$42 million to earn its interest in the lease. This is, as I said, a farm-out with Gulf. Phase one, which involves this drilling, will begin early in January. I might point out that there is no government funding related to this. The company is taking it upon themselves to proceed with this investment.

MR. TAYLOR: Mr. Speaker, a supplemental. I think the CS meant, because it was using government money, called "conservative scheme."

Nevertheless, to the minister. My reading of the new proposal that Mr. Wilson, the national Finance minister, is making on the sale of products from oil and gas or our gas plants in Alberta is that Albertans will have to pay a 7 percent value-added tax, but if it's exported to the U.S., there will be no value-added tax on it. Is this true or not true?

DR. WEBBER: Mr. Speaker, I think the hon. member would be better prepared to seek out his federal colleagues and ask the federal Minister of Finance.

MR. SPEAKER: Thank you. Member for Athabasca-Lac La Biche, followed by Calgary-Buffalo, followed by Edmonton-Avonmore.

### **Agricultural Development Corporation**

MR. PIQUETTE: Thank you, Mr. Speaker. To the Minister of Agriculture. This government's response to the financial crisis in rural Alberta was to commission a study on the Agricultural Development Corporation. The study was done, a report was issued months ago, and hundreds of farm families continue to lose their farms. Given that the study cost several hundreds of thousands of dollars, I would like to ask the minister to tell us how many family farms have been saved by the recommendations contained in this very expensive report.

MR. ELZINGA: Mr. Speaker, let me indicate to the hon. member that, as he is aware, this falls directly under the jurisdiction of our Associate Minister of Agriculture, but I'm more than happy to respond and leave him with the assurance that we are working very quickly through the number of recommendations within that report. So hopefully shortly after the new year we can announce what recommendations we are going to accept or what recommendations we are going to reject. In essence, what we're going to do is have a straightforward statement as to how we can enhance the service that the Alberta Agricultural Development Corporation does offer to our farming population.

MR. PIQUETTE: Well, I hope the action is soon. Is this government planning to bring forward programs involving debt set aside, debt write-down, or a debt moratorium to put an end to these economic and social tragedies occurring in rural Alberta today?

MR. ELZINGA: Mr. Speaker, those are areas that we are examining as we are going through the report that was commissioned by ourselves so that we can have a comprehensive statement to make once we have completed our study of the report.

MR. PIQUETTE: Mr. Minister, Mr. Speaker, in addition to the over 600 quarter sections of land this government has already taken away, this report suggests a further 2,400 quarter sections be restructured. Has the minister calculated how many families will lose their farms as a result of this so-called restructuring and what effect this will have on our struggling rural communities?

MR. ELZINGA: Mr. Speaker, I'm aware that this is not a direct response to the hon. member, but it's interesting to note that re-

cently when the federal government released statistics as they relate to the family farming populations in each province, Alberta had the smallest decrease of any province in Canada. In addition to that, we had increased our agricultural land by some one million acres over the past 10 years, and that was mainly due to the strong support this provincial government has consistently given to its farming population.

MR. PIQUETTE: That's very small comfort to the farmers who are losing their farms today.

My question was to the Premier, but I guess we'll have to go back to the Minister of Agriculture in the absence of the Premier now. But given that this . . .

MR. SPEAKER: Order please, hon. member. That's inappropriate under *Beauchesne*, and the member is well aware of it.

MR. PIQUETTE: Given that this report suggests that we relax restrictions on foreign ownership of farmland, will the minister tell us, under the Mulroney trade deal, how he proposes to ensure that the hundreds of sections of excellent Alberta farmland that the ADC now holds will not be sold to American big business?

MR. ELZINGA: Mr. Speaker, I find it somewhat ironical from the hon. member that in one breath he asks me to make sure that we come forward with our results as to the inquiry of the report he referred to. That's one of the recommendations. We haven't by any means accepted that recommendation, and I indicated to him that we would be responding to those specific recommendations shortly after the new year.

I should also indicate to him that the purpose of the study, Mr. Speaker, was to make sure that the Alberta Agricultural Development Corporation was more responsive to the credit needs of our farming population. That is why we also brought forward our Alberta farm credit stability program, which is a \$2 billion fund that offers significant savings by way of interest to our farming population. And that is why in our previous provincial budget we had close to \$0.5 billion worth of support towards the agricultural sector, recognizing the importance that farmers play in our Alberta way of life.

MR. SPEAKER: The time for question period has expired. May we have unanimous consent to finish this line of questioning?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed?  
Westlock-Sturgeon.

MR. TAYLOR: Yes, Mr. Speaker. A supplemental to the minister. I believe it should be the associate minister, but I'm sure the minister can answer. It rises out of the Agricultural Development Corporation report just released a couple of days ago. I noted that loans to beginning farmers were down by nearly 70 percent of what it was the last couple of years. Would the minister care to comment if he's contemplating any programs, in view of the fact that we're losing so many off our farms, so that we can get new farmers under way again? Because obviously they're not calling on us for money.

MR. ELZINGA: Mr. Speaker. I don't know whether the hon.

Member for Westlock-Sturgeon has had a chance to read the report that was commissioned by our government as it relates to the Alberta Agricultural Development Corporation, but one of the recommendations in that report refers directly to his question. Had he read it, he wouldn't have asked that question, because the recommendation indicates that we should extend for a period of time beyond the five years that presently does exist the 6 percent interest that is available to our beginning farmers. That is one of the recommendations we're going to deal with, and shortly after the new year we will have a full statement to make as it relates to the 40-odd recommendations in that report.

MR. HYLAND: A supplementary question. Mr. Speaker, to the minister. I wonder if the minister has explored the possibilities of what, if and when debt write-down would be accepted in that report, would happen to all those who quitclaimed and walked off their farms? Would they be given a chance to get them back?

MR. ELZINGA: Mr. Speaker, as the hon. member is aware, and I'm happy to repeat what I indicated earlier, we're just going through that process of analysis of the specific recommendations so that we can make sure this government continues, as it has in the past, to bring forward policies that are reflective of the needs of our agricultural sector.

MR. SHABEN: Mr. Speaker, would it be possible for me to supplement information provided to the House with respect to free trade zones? It was a question put by the Member for Westlock-Sturgeon.

MR. SPEAKER: Is there unanimous consent to vary the procedure to allow this to continue? Those in favour, please say aye.

HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no.  
Hon. minister.

### Free Trade (continued)

MR. SHABEN: Thank you. Mr. Speaker, an important part of the discussion and negotiations on free trade was the impact of free trade zones and the rules of origin with respect to how goods would be treated between countries, and specifically the Mexican/U.S. situation. In the detailed agreement there is clear provision for dealing with this matter and judging the rules of origin so that it cannot be circumvented in terms of where the goods come from. So the co-operation clause with respect to customs between the two countries on the agreement would prevent the kind of concern that the hon. member raised in the House from occurring.

MR. TAYLOR: Mr. Speaker, I would certainly want to see the legal text. The Macquilladoras Corridor is quite different from most free trade zones because 80 percent of the goods that come out of that corridor are stamped "Made in the U.S.," only 20 percent "Made in Mexico." So in view of that, that's where the problem lies. Now, those goods could penetrate Canada.

MR. SHABEN: Mr. Speaker, it was specifically with respect to the matter raised by the hon. member as well as future free trade



zones that this matter is dealt with in the agreement.

MR. SPEAKER: Member for Edmonton-Glengarry, speaking to the matter as raised earlier today under Standing Order 30.

MR. TAYLOR: I have a point of order.

MR. SPEAKER: Point of order.

MR. TAYLOR: If I may, it's with respect, Mr. Speaker, to the House's Standing Order, section 7, and ministerial statements that we have just seen. As you have no doubt watched the fencing that occurs between myself and the Leader of the Opposition and the Premier, the Premier, much like a terrier after you've rung the doorbell, after the fourth question has a tendency to come out and nip the heels just when we can't answer, to make a different statement. [interjections] Just be calm, fellows, and sit and listen.

The point I would like to make is that the non sequitur -- to use the Minister of Labour's idea -- or the statement that has nothing to do with the question that the Premier is fond of throwing in when we can't counter, be considered a ministerial statement, just as the hon. minister of economic affairs has just done, and ruled by you at that time, Mr. Speaker, that we then have an answer to go on the ministerial statement.

MR. FOX: On the point of order, Mr. Speaker. I think all members would just appreciate if sometimes the Member for Westlock-Sturgeon would ask the question, and then it could be answered.

MR. TAYLOR: There's somebody else that's looking for a Tory pension.

MR. SPEAKER: There's a lot of attraction to being able to be in a condition to receive a pension.

The Chair realizes that for the third time this week, the Member for Westlock-Sturgeon has made a representation rather than a point of order with respect to the same issue, and it is still regarded as a complaint rather than a point of order.

Edmonton-Glengarry.

### Request for Emergency Debate

MR. YOUNIE: Thank you, Mr. Speaker. On something much more serious, I rise pursuant to Standing Order 30 to request leave to move to adjourn the ordinary business of the Assembly to discuss a matter of urgent public importance; that is, that construction activity is proceeding at the Oldman damsite -- this despite the judgment of Mr. Chief Justice Moore delivered yesterday that such activity was unlawful. I'm prepared to state briefly those arguments in favour of the urgency of debate.

MR. SPEAKER: The Chair recognizes the member to attempt to make the argument about urgency of debate.

MR. YOUNIE: Thank you, Mr. Speaker, What we have before us is a situation in which the government has pushed ahead with a project against the stated wishes of the public. A court has now ruled that a minister and his delegated official have exceeded their authority in several key matters in the issuing of

licences and permits for construction at the Oldman damsite and that many of those instances of exceeding legal authority involved lack of public notice -- this after the only public input, hearings by the ECA, had been overwhelmingly negative about the dam -- and that the court judgment takes effect upon pronouncement and does not need to await the issuing of the order and that the work on the dam is now continuing as if no judgment had been issued, which puts the minister of the Crown and the government perhaps in a somewhat delicate situation.

It is obvious to all of us that this may well be the very last opportunity between now and the beginning of the spring session to debate this issue. So we have two major grounds for urgency of this debate. One is that it is almost certain that this issue must be debated today or not for several months. It is an issue that is much too vital to be left until then to be debated by the representatives of the electorate in their Legislature. Two, in this case we have a project of the government proceeding perhaps without legal authority, and the nature of the project and the situation that is unfolding around it indeed is very urgent. The consideration that a government project may indeed be contravening a judgment of a court is something that cries to be debated openly and immediately.

MR. SPEAKER: Edmonton-Strathcona, speaking to the urgency.

MR. WRIGHT: I submit, Mr. Speaker, that the urgency of consideration of a case in which the government is knowingly and intentionally spending hundreds of thousands of dollars daily of public money without authority needs to be considered.

MR. HORSMAN: Mr. Speaker, the hon. member who has risen under Standing Order 30(1) has in his letter to you indicated that the activity is unlawful. The question as it was dealt with in the question period today relates to the effective date of a judgment under an application for an order for certiorari. I have checked this before coming into the Assembly today. Till such time as the order of the court which flows from the judgment has been entered in the office of the clerk of the Court of Queen's Bench in the judicial district of Calgary, it is not in effect. That I have had advice on; that no such order has been in fact entered. In fact, no such order has been presented to the government lawyers with respect to approval in form as to the terms of the order, which is customary.

And I say this is a matter of some considerable importance and the government does not in any way want it to appear that we would under any circumstances disobey a lawful order once it has been perfected. And that is extremely important, Mr. Speaker, because until such time as that order has in fact been entered and perfected in a court of law, it is not possible for the government in this case, or the respondents as they are named in this particular lawsuit, to take any further legal action on behalf of the respondents. That is to say, it is not possible to file a notice of appeal; it is not possible to take any other legal actions with respect to an application for a stay of the application of the terms of the order until such time as the order has in fact been put before the court.

So while it is very true that it is a serious issue, in fact the matter is not a matter of urgency until such time as we have an order of the court which is perfected and in place relative to this particular issue. And therefore the subject of urgency, Mr. Speaker, does not arise until in fact there is something before the government in which it can be shown that the terms of the

order are not being complied with.

It is also clear as well. Mr. Speaker, that in terms of other steps which can be undertaken to deal with the issuing of a licence, and the new application for same has been indicated to the Assembly yesterday by the Minister of the Environment, those steps are also being carefully considered and are under way.

So. Mr. Speaker, while it is true that this is an important issue and that the government recognizes it as such, the government has no intention of ignoring the order of a court relative to any of its ministers or departments. It is not a matter of urgency today, and therefore I would suggest, with respect. Mr. Speaker, that the application or the motion by the hon. member does not fit within the rules of this Assembly as outlined in the Standing Orders.

[Two members rose]

MR. HORSMAN: Do you want . . .

MR. SPEAKER: The Chair still recognizes who's speaking, and it's still the Attorney General.

MR. HORSMAN: I'm sorry. I was startled by the battle for next place in the speaking order.

Therefore, Mr. Speaker, I submit that it does not fall within the terms of Standing Order 30(1).

MR. TAYLOR: Mr. Speaker. I will try to be very short, but I would think that we are addressing the urgency of the question here, not the fact, and although the hon. Attorney General says the order has not been perfected yet. that is the very reason for the debate. If indeed the order had been perfected and work had been suspended at the dam -- if work had been suspended, Mr. Speaker -- then I think it would be reasonable to assume that possibly there was no sense of urgency. But because there is no work suspension and because the order isn't suspended. I think, Mr. Speaker, from my simple view of the law, the laws are made to either be changed or to be followed.

To try to get through the middle here, Mr. Speaker, is not . . . The point here is that there's no question that this debate is a very urgent one. Unless an order is perfected in the next few minutes, the only way that work will be stopped or attention brought to it will be as a result of a motion of this House.

MR. MARTIN: Well, Mr. Speaker. I know that often we try to get emergency debates through the House, but I think if I've ever seen an emergency, it is this one. It qualifies under the standing rules, and it does for a couple of reasons. No matter what the Attorney General says, the fact is we do have an order from the court. That order from the court is not being followed. It's as if to say that somehow they have to wait for weeks to get a final order. Once it goes through courts, the courts have ruled. It's that clear. It's clear every time in law. So potentially this government is disobeying the law and that is urgent, because as was mentioned by my colleague, there's hundreds of thousands of dollars involved here. We think that's a very important thing we should be discussing. We think it's urgent at this particular time that we have a debate about this, because this government has a potential for embarrassing themselves by not following a court order.

And the other part about it is that the government has not told us when we are to adjourn the House. We were told it

could be anywhere from Wednesday to Thursday or Friday, Mr. Speaker. This may be the last attempt that we have to debate this very serious matter, where the potential for the government to be breaking its own laws and going against a court order is very serious. It's very urgent. I think under our Standing Orders, very clearly this qualifies.

MR. R. SPEAKER: Mr. Speaker, speaking to section 30 of our House rules that speaks to urgency, that the matter must be "of urgent public importance" and that "notice has been given." that has been done. The matter at hand -- the party raising this notice asking us to set aside the ordinary business is doing it for the purpose of saying that we should do everything possible to stop the procedure with regards to a very worthwhile project in southern Alberta.

Now, I find it urgent for another reason, Mr. Speaker, and my reason would be to speak in an urgent way to the minister and to the government to work out ways and methods by which we can proceed to put this worthwhile project in place and go ahead with it. because the support in southern Alberta is certainly there. On that basis. I see urgency because I would like to express that point of view. But that's from a different perspective, and that's unique from this side of the House, in terms of my colleague and myself.

Now, Mr. Speaker, that would be my case in terms of this matter. If you see fit and this Legislature sees fit to set aside our ordinary business, then I would make my case in terms of this being a very urgent matter and a matter of concern, one of public importance, but on the side that we must do everything possible to proceed with the construction of that dam on the Three Rivers site.

MR. SPEAKER: Minister of Municipal Affairs.

MR. ANDERSON: Thank you very much, Mr. Speaker. To speak briefly to the matter of urgency with respect to the motion by the hon. member, I think we have to first look at the difference between the responsibilities of this Chamber and the responsibilities of the courts of the province of Alberta. Clearly, the issue the hon. member has raised and the basis he's given for establishing this debate of urgency has been a court decision, which process has not been completed in terms of either appeals or, indeed, the order that the hon. Attorney General has spoken of. So I would recommend with respect to this particular issue that we are in fact confusing jurisdictional responsibility by suggesting that we can deal with an issue and make a judgment that the courts of the province of Alberta are charged with the responsibility of dealing with.

Mr. Speaker. Standing Order 30 does also indicate that no conclusion is reached by the debate, that in fact it's a debate only on the matter of urgency. So with respect to the goal wishing to be obtained by the hon. member, that too could not be established.

MS BARRETT: Mr. Speaker, surely . . .

MR. SPEAKER: The Chair hasn't recognized -- I wasn't aware the minister had finished comment. Edmonton-Highlands, please.

MS BARRETT: Mr. Speaker, he had sat down.

Surely the hon. member knows that appeals take years. And surely the hon. member knows that this government is held ac-

countable by the entire electorate, for crying out loud. The urgency -- the urgency -- is that this government is willingly and knowingly violating a court order that was passed down two days ago and needs to be held accountable. This has nothing . . . [interjections] Mr. Speaker . . .

MR. SPEAKER: Order please.

MS BARRETT: The Attorney General says, "Well, it's imperfect." Well, that's the subject that should be debated. The point here is that the government is not acting responsibly, and all of Alberta I think has a right to hear our case in that respect, and their case if it exists, Mr. Speaker, and I'm not sure it does. And finally, the Municipal Affairs minister says, "Well, gee, under Standing Order 30, we can't come to a conclusion." I think that's irrelevant, quite frankly, and I think that's a grossly irresponsible attitude on behalf of this government. The point is that we want the facts; we want your explanation. We don't think you've got it.

MR. SPEAKER: The urgency of debate, hon. member.

MS BARRETT: That was my concluding remark. I think it is urgent, Mr. Speaker, and the rest of this stuff is just a bunch of highfalutin legalese to protect the government and its neck.

MR. YOUNG: Mr. Speaker, if I may, very briefly, on the point of urgency. The motion as constructed and presented to the Assembly gives as its substance that the reason for having it here is that construction activity is proceeding and that such activity is unlawful. Mr. Speaker, that is just not correct. The decision has not been filed as an order of the court, and until . . .

AN HON. MEMBER: Filed? It's been given.

MR. YOUNG: Mr. Speaker, I think I've made my point, that this motion at the moment is based upon an incorrect premise, and because that incorrect premise is what the urgency is based on, then there is no urgency of debate as is requested.

MR. HYLAND: Mr. Speaker, more on a point of order than the urgency. We seem to be talking about a motion that some of us don't even have in our hands at the present time. [interjections]

MR. SPEAKER: One moment. With respect to the point of order that's been raised by Cypress-Redcliff, the Chair earlier did distribute copies to the House leaders of the political parties represented in the House. Certainly copies can be made and distributed to all hon. members so they can see that in writing. Valid point of order.

Vegreville, on the point of urgency. And the Chair requests Table officers to make sure that the pages take out a copy of the motion and get a sufficient number to be distributed to the House.

MR. FOX: Mr. Speaker, with respect to the urgency of this very sensitive and important public issue in Alberta. I would assume if the members on this side of the House get an assurance from the Government House Leader that this Assembly would indeed be sitting not only tomorrow but all of next week, until such time as this mythical requirement that they refer to is met. and that we would have a guaranteed opportunity to debate this very important issue so that the public of Alberta could know why

this government willingly violates the laws of the land, then it would not be a matter of urgency. But the likely scenario. Mr. Speaker, is that the House will adjourn tonight and this issue will be hidden from public view for some time to come.

MR. YOUNG: Mr. Speaker, to give an assurance, I will give the assurance that this government has not and will not break the law.

MR. SPEAKER: The Chair is going to hold the House until this matter has been run off and distributed to the whole House, so there is a recess of five minutes.

[The House recessed from 3:46 p.m. to 3:51 p.m.]

MR. SPEAKER: Order please. All hon. members should now have copies of the letter as sent to the Speaker by the Member for Edmonton-Glengarry. You may peruse. The issue is still the matter of urgency under Standing Order 30. Member for Calgary-Mountain View.

MR. HAWKESWORTH: Thank you, Mr. Speaker. A \$350 million dam: construction was approved by this government, and construction commenced. Earlier this fall a suit was filed, and yesterday Chief Justice Moore in the Court of Queen's Bench in Calgary decided:

Therefore, in light of the clear noncompliance on the part of Alberta Environment with the mandatory statutory requirements imposed under Sections 15 (8)(b) and 17 of the Act, the Minister exceeded his jurisdiction by granting the interim Permit. Accordingly, there will be an Order only in the nature of Certiorari quashing all licenses and permits issued by the Minister and/or Controller resulting from the initial application.

Mr. Speaker, nothing could be clearer.

Now, the Attorney General has said that he's not been served with the order. Is the Attorney General unaware of what Chief Justice Moore stated in his judgment yesterday? Because the Attorney General could only be cited for contempt until he has been served with the order, but then the contempt dates from when he knew of the order, which takes effect from the date of pronouncement. Mr. Speaker, the order is effective when it is pronounced. It can only be enforced after it is entered. Now, I think it's unfortunate -- gravely unfortunate -- that the Attorney General of this province would seek a technicality to avoid this issue.

MR. SPEAKER: No, we're talking about urgency of the issue.

MR. HAWKESWORTH: Well, that's why it requires a debate of this Legislature as to why this government is expending money illegally, given this judgment yesterday. That's why I believe. Mr. Speaker, that this is a matter of urgency that needs to be debated in this House this afternoon.

MR. SPEAKER: The Chair appreciates the advice from at least 11 hon. members. Now, the Chair would also like to point out, with respect to some comments just made, that there is no hint whatsoever -- and this should be thoroughly underlined throughout this province: no hint whatsoever -- that the government intends to act in an illegal fashion. As a matter of fact, the Government House Leader has given a full assurance to the House that there would be compliance. [interjection] Let us not all get into too much of a tizzy too soon.

But that needs to be underlined, because some comments

have been made, and the government has indeed stipulated that it will indeed conform to the letter of the law.

Nevertheless, since we are in the last days of the House -- how many more there may or may not be, but at any rate it would appear that the House is winding down in the very near future -- that then makes a certain amount of a case with respect to Standing Order 30, the urgency of debate. There is indeed a legal difficulty here, a legal hiatus, if you will, and the Chair is interested, is the euphemism -- or perhaps "perplexed" would be the real word -- as to the announcement made public yesterday as to the decision, an announcement being made prior to any further action then being carried forward. Checking as of 2:35 this afternoon, no documentation had been received and therefore no appeal had been made. So for this time this afternoon there is that legal hiatus, that window in time which could indeed be construed as bringing us back to the validity of an argument of urgency.

Under Standing Order 30 the first subsection has indeed been complied with by the hon. Member for Edmonton-Glengarry. Earlier this afternoon oral notice was given. It was after oral notice was given that the Chair then did have the letter copied and distributed to the House leaders of all parties within the House, and now in the last 15 minutes copies have been distributed to all members of the House. So it is that Standing Order 30(1) has been complied with. Standing Order 30(2) has also been complied with and is about to be fully complied with, because having listened carefully, and in particular because the argument says "the last days of the House" and this strange, narrow window of time referred to previously by myself as an apparent legal hiatus before various things follow through, then it is that the Chair does indeed believe that Standing Order 30(2) is in effect and does rule that the request for leave is in order. Therefore, under Standing Order 30(3), the Speaker -- the Chair -- has ruled in favour of the motion and therefore must put the question to the House and does so accordingly. Shall the debate on the urgent matter proceed?

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Opposed?

SOME HON. MEMBERS: No.

MR. SPEAKER: This is a new procedure for the House, hon. members. What flows now is under Standing Order 30(4):

If objection is taken to the question . . . Mr. Speaker requests those members who support the motion to rise in their places.

And so the Chair now does that.

[Several members rose]

Thank you. It is now noted that Standing Order 30(4)(a) has been complied with, that indeed 15 or more members have risen. Therefore, in a moment the Chair will recognize the sponsor of this urgent matter but will also point out to the House, Standing Order 30(5), that each member will be confined to 10 minutes only and it must indeed revolve around the narrow focus of what is apparently the issue. And the matter, as pointed out earlier by the Minister of Municipal Affairs, is not one that results in any decision, but it is an airing of the matter. Procedure of the House will flow till 5:30 p.m., and then the House will reconvene this evening at 8 p.m.

The Chair recognizes the Member for Edmonton-Glengarry.

## EMERGENCY DEBATE

MR. YOUNIE: Thank you, Mr. Speaker, for that most reasonable ruling.

It is certainly a pleasure to have a chance to debate this extremely important issue. It is an issue that has generated much concern amongst environmentalists, much concern amongst those who have concern about the economics of the dam, and now much concern within groups that wonder how arrogant a government can be and how far beyond its own rules a government is willing to go to carry through what is a purely political decision and a political project that is not required or necessary for the reasons stated by the government.

It is a very serious issue. The judgment yesterday was one greeted with joy by a large number of Albertans, and I have received slacks of letters on the issue, virtually all of them saying this project should not go ahead. I think a real issue here is the fact that a group has been forced to take the government to court to bring something to a halt that has not been carried through in the proper way. I would point out that the justice's ruling yesterday referred to:

The failure of Alberta Environment in satisfying the fundamental prerequisites established in s. 15(8)(b) by not seeking:

- (a) written permission of the Municipal District of Pincher Creek (as numerous roadways and road allowances would be flooded by the project),
- (b) written permission of the respective Ministers in charge of provincial and federal highways, or,
- (c) permission from the Public Utilities Board.

I think that is a legal problem in the proceedings, a problem where the government has not followed its own rules, has neglected its duties, and now it is incumbent upon the government and the minister of this department to announce forthwith that the project will stop until the spirit of this ruling and the letter of the order to which it refers have been followed. To go ahead with it in the interim would, I think, be a flagrant disregard for both the spirit of the judgment and the letter of the judgment. And I think it would be viewed as such and judged very critically next election.

It also says:

The Minister . . . did not properly exercise his discretion in waiving the requirement for giving public notice of the filing of the application and plans pursuant to s. 19 [of the Act].

Now, this is very important, because from the start one of the greatest complaints, and I think one of the most justifiable complaints, about this project has been that the public -- and when we're talking about \$350 million of taxpayers' money, that means every taxpayer in the province -- has not been given ample opportunity to voice their concerns and their objections to this dam, those objections being both economic and environmental. And there were a number of points along the way where that public input could have been found. The government very studiously made sure that those opportunities did not occur. I think the people of Alberta are very suspicious as to why all of those opportunities were circumvented and all those times when they could have told this minister, in the most appropriate forums, "Do not do this," the minister has made sure they did not have the opportunity. It is with great justification that they are very angry and that they then did launch their court action.

The minister has said on numerous occasions that there were public hearings, and he has referred to the only public hearings held on it. Those public hearings were held by the Environment Council, and overwhelmingly they said: "Do not carry this project through. It is environmentally disastrous, it is economically

unsound, and it is not necessary for the irrigation purposes the minister claims it is being built for." Now, in light of that, the minister can only claim one of two things: either that those were considered public hearings by the minister as well as by the Environment Council, in which case he should have said, "And I have listened to the people and I will not go ahead with this project," or he has shown that he does not consider the hearings the ECA had and the input they received from the public to have any weight or any importance whatsoever. Because it was overwhelmingly negative and overwhelmingly told him two things: don't build this dam at all, and if you must push ahead, don't build it at this site. It is the worst possible site environmentally and economically.

Just the other day we had the minister explain in a rather unusual way why there was no environmental impact assessment, which could have also allowed for public hearings and public input and which should have been done. They've been done for years. The minister said, "But guidelines were not in place until 1986." Well, in fact environmental impact assessments were held before then, and those were merely revisions to guidelines. So now we have two things to look at here. One is that that logic is fallacious and there was no reason for the minister not to have the environmental impact assessment, except, Mr. Speaker, that he did not want to have the public hearings that would go along with them because he did not want to hear the public tell him, "This project is stupid, it's economically silly, and you should not go ahead with it and cause this environmental disaster."

However, if we accept his logic, I would contend that the ruling of Chief Justice Moore has put the Environment department and the government back to square one with this project -- back to square one. And that means that by the minister's own logic, he can now under his new guidelines say: "I will have an environmental impact assessment on this project. And while we're having that, we can invite public input, we can let all the people of Alberta come and voice their opinions on this important issue, and we will listen to what they have to say." If they say overwhelmingly, "Do not build this dam; it is not feasible; it is not reasonable," then that is what he should do. By his own logic he now has the opportunity to gracefully say, after this very justifiable court ruling, that he will go back to step one and follow all government procedures on the issue.

I think it's important to note that the judge also said the law was very plain and unambiguous in stating that

the applicant shall, with his application for licence, file the written permission of the relevant bodies.

So in other words, what the judge said over and over again in this ruling was that what the government should have done was very plain -- that there were no exceptions, no convolutions of wording, that there is no way to excuse the government's lack of compliance with the regulations. What they should have done was eminently plain, and what they did was obviously in contravention of the rules of the Department of the Environment.

I think at this point we have an obvious case where the government has exceeded its own authority, has done what is wrong, and in all justice must admit that what it did was in fact a violation of the rules. They can argue it was inadvertent. I don't really mind, as long as they say from this point on, without trying to slip through technicalities, loopholes, or anything else, that they will accept the spirit of this judgment that says they were wrong in the process; they will cany through that process right from step one.

I would contend that step one will include, as a beginning

point, an environmental impact assessment on the project. It will assume a new cost/benefit analysis that will not be the kind they used previously, which . . . As was pointed out by a University of Calgary professor, anything you did would end up with the same cost/benefit analysis. You could dig a big hole and fill it up again and you'd get exactly the same cost/benefit ratio as was shown for the Oldman dam. That should be redone in a more appropriate way. If the minister wishes, I can give him some very detailed suggestions on that in the future. And that he will go through all of the procedures of getting the written permission of the municipal district -- and I don't think that will be all that easy to obtain any more -- and will comply with the regulations of the government. If he doesn't, the people of Alberta will have every just cause to say that this minister and this government do not respect the rules, do not feel an obligation to play by the rules, and are not to be trusted. I urge them to prove that they can be trusted by returning to step one and complying with every bit of the spirit and the legality of the regulations.

Thank you, Mr. Speaker.

MR. SPEAKER: Minister of the Environment.

MR. KOWALSKI: Mr. Speaker, thank you very much. I certainly welcome the opportunity to provide a few brief comments this afternoon with respect to this important matter.

First of all, I'd just like to quote one line from the order document that was issued yesterday by the Honourable Chief Justice Moore. It comes from page 9 in the last paragraph, where the chief justice writes:

No evidence of any attempt on the part of Alberta Environment to seek permission from the relevant bodies was placed before the Court.

I would just like to point out, Mr. Speaker, that there were no witnesses called this particular day in court. No evidence was cross-examined. I'm advised, regrettably, that I have to put a muzzle on myself in terms of making any comments this afternoon with respect to this particular court case. But I just want to put that out in the open and to repeat once again that it will be the intention of the government to appeal this decision, and we're appealing it because obviously we believe we have some reasons for appealing it. Those, of course, will come out in the due course of law.

Secondly, it's our intent to reapply in accordance with the recommendation of Chief Justice Moore. Thirdly, the controller of water resources will be provided with all of the information the chief justice indicated was missing. It is certainly our intent to comply with all of the legal requirements with respect to this particular matter.

I think it's important, Mr. Speaker, that we just identify once again very, very briefly what the need is with respect to this particular dam. The Oldman and its tributaries are the major source of water in southern Alberta for approximately 125,000 people. That involves some 50 to 55 communities. It's important with respect to such matters as municipal infrastructure, the day-to-day living and necessities and requirements of people in the area. There's need for wildlife habitat improvement encouragement, for industrial and municipal development and growth, and of course lastly, for some brief projects with respect to irrigation.

I'd also like to repeat very, very briefly once again, Mr. Speaker, that under the master agreement on apportionment of water Alberta must deliver to its neighbouring provinces to the

east a proportional amount of the water that flows through our Rocky Mountains area, so if we want to use water, what we have to do is better manage water.

The history of this particular matter goes way, way into the past. It goes really from the time of the point of view when Mr. Palliser was around. But I would just like to highlight, because I think it is important in response to the Member for Edmonton-Glengarry, to basically point out there really weren't any public hearings with respect to this.

Mr. Speaker, in 1978, following a series of findings that were set forth and made public by the Oldman River Basin Study Management Committee, there were several basic studies that were made public. One aspect of that led to a series of hearings -- public meetings and public hearings. There was the opportunity for the public to participate. There were 22 meetings, 14 workshops, open houses. That effort concluded then with public hearings on the water resources within the Oldman River basin held by the Environment Council of Alberta in 1978. The Member for Edmonton-Glengarry also said that the ECA recommendations were overwhelmingly rejected by the government. Such is not the case and such is not so. In fact, of the 74 recommendations put forward by the Environment Council of Alberta, 46 have been implemented to this point in time. So to make the suggestion of a general nature that there's overwhelming rejection simply isn't true at all.

What was the conclusion reached as a result of those hearings, those public meetings, and the like? Well, the conclusion reached after review of all the findings, all done in a very public environment, was that an integrated water management system involving both on-stream and off-stream storage reservoirs, plus irrigation headworks and the lining of water delivery canals to improve water efficiency, was necessary. That followed. In 1980 a predecessor of mine, a previous Minister of the Environment, the hon. Jack Cookson, announced the government's decision to proceed with this approach. Since that time off-stream reservoirs such as Forty Mile Coulee, Badger Lake, and Stafford have been developed and the upgrading of irrigation headworks and lining of canals almost completed.

Then, Mr. Speaker, following through on this whole consultative process with the public of the province of Alberta, it was in August 1984 that the then Premier of the province of Alberta, Premier Lougheed, announced that a decision to construct a dam would take place after providing the Peigan Indian Band an opportunity to further assess the Brocket site. It was not until the Peigan nation was given an additional opportunity to participate in the whole development with respect to this project that the final decision of the government was really given forward.

Since that time, since 1984, that decision has been a known decision in the province of Alberta. I repeat, it followed some six years of public debate, public hearings, public involvement, meeting after meeting, discussion after discussion, inventory after inventory, research facility after research facility. Following that, Mr. Speaker, construction began. It began with an announced public budget of \$349.6 million. That was to include construction costs, land acquisition, environmental mitigation, and reservoir-related works. It was based on a benefit/cost ratio that was clearly identified by an internationally known environmental consultant who basically indicated that the benefit/cost ratio of this particular project was 2.17. All of this documentation has been made public. All of this documentation has been filed in this Assembly, filed with the people of Alberta, located in numerous libraries throughout the province of Alberta.

We've also committed to major environmental mitigation

opportunities and works. We've basically undertaken a whole series of research projects. Why, in this year alone of 1987, we basically concluded a historical resources impact assessment. All documentation has been known, is made public. We've concluded a fisheries mitigation pilot project. All documentation has been made public, has been provided to everyone, is located in numerous libraries throughout the province of Alberta. We've concluded a land irrigability classification in Pincher Creek and surrounding area. All that documentation has been known. And we have concluded a successful discussion, involvement, with the Peigan Indian Nation. That included the government of Alberta providing to the Peigan Indian Nation \$750,000 so they could undertake, using their own consultants with their own organization and their own people, \$750,000 worth of studies which included some 13, 14, and 15 separate areas of impact to the Peigan Nation of the Oldman River dam.

In addition to that my predecessor, the hon. Fred Bradley, when he was Minister of the Environment, took the necessary steps to ensure that there would be a local citizens' advisory committee. That committee has been in effect since 1984. It has numerous subcommittees covering each and every conceivable aspect with respect to the Oldman River dam. In addition to that, I've had ongoing discussions with the municipal district of Pincher Creek since the day I became Minister of the Environment. Every one of those discussions had been minuted; the minutes are available. Decisions have been reached, and they are clearly known in the municipal district of Pincher Creek area because they have been reported in the various newspapers in that area. In fact, part of the ongoing discussion and process with the MD of Pincher Creek includes my having another meeting with them in the month of January 1988.

We have looked at all of the transportation infrastructure. Mr. Speaker, the federal minister of transportation is not involved in this aspect. If I look at a map of Alberta and try and find a federal highway anywhere near the Oldman River dam, I can't find one. Yet in the document that was issued yesterday, there's a statement that the Minister of the Environment or his officials must seek permission from the federal minister of transportation. I don't know why. I don't understand, Mr. Speaker, so I look forward to my day in court as the Minister of the Environment.

I appreciate very much this very important discussion that's occurring this afternoon. I want very briefly to outline that we have had discussion after discussion after discussion. All of the information has been made available to anyone who chooses to find it. We have environment libraries located here, there, and throughout the province, including one right here in downtown Edmonton just a block away from where this magnificent building is, including every library in southern Alberta that's wanted access to all of these documents. They certainly have them. There is no shortage of information with respect to the Oldman River dam.

This project has been thoroughly researched, has been thoroughly evaluated. The information is there and quite clearly, quite clearly, the need for life, the life of people -- that is, human life -- still must be paramount in our world and the environment in which we live; it must be human beings that we have our first priority for and our first preference for. That will be protected and must be enhanced. Secondly, the life of other living beings, animals, must be protected; and thirdly, of course, fauna and the like must be protected. None of those can be protected, none of those can be provided with an opportunity to grow, unless we have one resource, and that is water. And we

can't have water unless we protect it and manage it. That's the purpose of the Oldman River dam.

MR. R. SPEAKER: Mr. Speaker. I'd like to speak on this subject of the dam on the Three Rivers site on the Oldman River. I have been involved in multiple meetings, multiple studies, multiple interviews on this very subject -- hundreds of them -- and there's been opportunity for everybody with any kind of point of view to put it forward before the decision was made by the minister to proceed with the building of this dam. I was on the minister's back day after day, many days, privately and in this Legislature, to make the announcement that we were going to build the dam on the Three Rivers site. And the government said: "We've got to study it some more. We have to take more time. We've got to listen to more people." In the meantime, I had farmers that were drying out, losing their farms, losing their production, and we were trying to appeal to what was rather a minority group in the province of Alberta.

The government listened, and I give them full credit for it. They listened to what the people had to say. And they studied all kinds of things; soil, for example. I talked to officials in the department that I have known for over 20 years, and they had studies, they had background, on the soil on the Three Rivers site -- what would happen to it, what would happen if a dam was located there. All the information was there even before this government looked at the possibility of a dam in that area, before the minister, the hon. Mr. Russell, now the Deputy Premier, made a decision to proceed with some of the studies at that time. It was there -- the officials will tell you -- but we were recreating it all because we wanted to have this public involvement.

I attended meetings in Picture Butte, in Lethbridge, and those *people* that were the environmentalists -- some of them on the public payroll that didn't know how to earn a living on their own that were being listened to, that didn't have a farm that was in difficulty or a business in Lethbridge or downstream or in Picture Butte that was being threatened, that didn't have any vested interest like that -- were getting the major portion of the hearings. Well, they had their say. The government finally made a decision to proceed, and I lauded that decision. I still support that decision, that it was right, because we in southern Alberta, all the communities without exception -- there isn't one community in southern Alberta, in that South Saskatchewan basin, that is against the Three Rivers site and against the building of that dam and the expenditure of over \$300 million. Not one -- not one.

Who are we listening to? We have Andy Russell up there, a favourite of the party just to my left. He's got a book out. He's going to advertise his book through this publicity. Should he have all of that hearing and all of that negativism in the paper on this site? Supposedly he's an authority on this matter. He's found something way back in history that he wants to protect. Well, Andy Russell had better have a look at his responsibility as well.

There are other people, the people that brought this matter into court. Do they really live in southern Alberta? Do they have a residence down there? Have they a farm in that area? Do they live below the dam? Not one of them -- not one of them. Most of them are on the public payroll of the university or some other public institution. It is nice to give them their say. Let them make their information public. They have taken legal action here, and we have to abide by what is happening in that court document. The government has to work its way through it, but the government also has a responsibility to many people

in southern Alberta to follow through once they've worked their way through this delay. I'm not calling for irresponsibility; I'm calling for responsibility, on the government to continue on a pattern of responsibility which they started.

Water is the asset that we have in Alberta. I have said clearly in this House that I am for bringing water from northern Alberta into southern Alberta. That's another topic that a politician doesn't admit to very often, but in planning for the future we should be looking at things like that. We have natural waterways that were created by the glacial age that can allow that to happen rather than dumping our water into the north. We can preserve it for the use of humanity and for economic, social, and maybe even cultural reasons if you wanted to tie it in in some academic sense. We can preserve that resource and use it wisely as human beings. We can control it for many, many generations ahead. It's up to us as legislators at this time to think about that. A dam on a river conserves water so it can be used for good purposes.

One of the purposes I support is certainly for my agricultural friends in southern Alberta in this respective case. Water from northern Alberta can be used to supplement some of our rivers; for example, the Red Deer River that for many years lacks in oxygen and needs added supply and a boost now and then. There are other rivers in the north and south spectrum in this province that could be supplemented and certainly helped. That doesn't mean we're going to take all of the water from the north or we're going to waste it out of the north or we're going to destroy all the things in northern Alberta. We can manage things as people.

Think back to the 1920s and 1910, if some man, this Englishman, this engineer that I studied after I came into this Legislature in 1964 and '65 -- I spent a lot of time in the basement of one of the buildings here next door that had some old files in it -- think if that person with English funds, money from England, didn't have the courage and the foresight to start to dig a canal from Calgary across that baldheaded, dried out prairie, this Palliser country that was talked about, with horses and Fresnels and inexperienced people, and dug a trench across country from Calgary down through Vauxhall -- Vauxhall wasn't really there; it was a little tar shack at that point in time -- and he was going to irrigate hundreds of acres over towards Medicine Hat. Think if he wouldn't have done that and had that kind of foresight to use water in a better way for the benefit of people that were going to inhabit a certain part of our country. We'd have lost all of that. That district went broke, and some of his investors went broke. Well, that's part of risk-taking sometimes. It's not what the government does once in a while, but those were private entrepreneurs looking at developing a new part of our world. And they did it.

I benefit from that now because he took that chance. And because of the heritage fund and others, I have delivery of water to my farm in excellent ways, and if I can diversify and beat some of the economic turndown we face now, I can continue, like many other farmers, to be a successful farmer.

Well, that's what this is all about that we're talking about, and this negative approach without any alternative that I hear from the NDP -- I'm not sure about the Liberal Party, how they stand, but if they stand against this dam, it's wrong. We've got to take some stands to look at our natural resources and do something about it. If those two parties feel they have some other answers in terms of economic and agricultural development, I want to hear them. If it means just passing the water through Alberta into Saskatchewan, into Manitoba, and down

into the Hudson Bay, that's fine. That's fine. Well, that's no answer, as far as I'm concerned, in developing this great province of Alberta.

I'd like to read into the record, Mr. Speaker, a couple of letters that I have just received. One is noted as of November 30 from the town of Vulcan, which I think expresses their concern about this type of attitude towards the dam and the positive aspect of why we should go ahead with it. This is from the mayor of Vulcan, J.D. Mitchell. It reads as follows, and I'll hold it out as far as I can, without my glasses:

The Council of the Town of Vulcan at their last regular meeting held November 10, 1987, unanimously approved of supporting the Provincial Government's plans for the Oldman Dam and the continuation of the rehabilitation plans of our irrigation systems.

[Mr. R. Speaker was handed a pair of glasses] Thank you. There we are.

MR. TAYLOR: All you can see is a picture of Trudeau with those glasses.

MR. R. SPEAKER: Yeah, these are those rose-coloured glasses, the only pink vision I'm ever going to have.

We are strongly opposed to the distorted and one-sided publicity attacks by two major city newspapers in their attempt to injure the government support of this important project.

We feel that the vast majority of Albertans, particularly in northern Alberta are not aware of the value of water management in Southern Alberta and we urge you to proclaim the direct and indirect benefits accruing to southern Albertans and in turn to Alberta as a whole.

Every life in Southern Alberta is affected by wise water management.

That's from the town of Vulcan.

The town of Vauxhall, the other major town in my constituency:

The Town of Vauxhall supports the Provincial Government's plans for the Oldman Dam and the continuation of Rehabilitation Programs of the irrigation systems.

Perhaps, we like others, have been too complacent in proclaiming the direct and indirect benefits accruing to all of us in Southern Alberta from water management programs. We intend to end our complacency by re-affirming the importance of water management.

The Town will ensure its residents and neighbours are aware of the value of the Oldman Dam through a public meeting and a slide presentation on the Oldman Dam.

They're taking initiatives.

We are very concerned about the negative publicity the Dam and funding for irrigation rehabilitation is receiving and the effect this may have on all irrigation funding. These projects, that mean our very way of life, must be saved.

Lois Porter,  
Mayor, Vauxhall

Mr. Speaker, I thank you for giving me time to read those letters.

MR. SPEAKER: Leader of the Opposition.

MR. MARTIN: Thank you, Mr. Speaker. Let us keep track of what the issue is in this debate here today. Obviously, the government has made a political decision to go ahead with the dam, Mr. Speaker. I don't agree with that decision. I think there are other alternatives. But the fact is that they put a lot of political time in there, and money. What we're debating today is government incompetence, Mr. Speaker, not whether they want a dam or not. That's where they want it shoved off on. If it's so important to this government, if this dam is so important -- we're

told all the wonderful things it'll do for southern Alberta -- surely they would have had the competence to make sure that they were following the laws and their own permits. That's what the issue is today. And as a result of that, the taxpayers of Alberta could end up paying millions of dollars. That's what we're talking about here.

Mr. Speaker, I say that what we have to look at is that this minister and previous ministers -- but specifically now this minister is responsible for it -- failed to follow some very simple procedures. They would have had their political will if it's as good as the Member for Little Bow says. That's not the issue here. The issue is that it's this government's incompetence that has put this dam in jeopardy at this particular time. We could argue whether we need a dam or not. That debate has been held here many, many different times. It seems clear, though, that this government has to follow their own rules and regulations. That's what it's all about. The minister says, "Well, gee, I didn't do it because, you know, there's no federal highways there; I didn't need to talk." Well, it should have been fairly easy to get permission then, Mr. Speaker. What absolute nonsense. Surely he could have got permission then to follow.

I would look at it, Mr. Speaker. This minister failed, or the previous ministers, this government failed, to seek written permission. He says he was consulting with them. Well, did he not know that you had to follow certain procedures? He failed to seek written permission from the MD of Pincher Creek, failed to get permission from the federal and provincial highways ministers, the Public Utilities Board, and the ERCB. Then the proper public notice requirements were not observed. This should have been kindergarten if you believe in this dam. You spent \$75 million, Mr. Speaker. You could have asked kindergarten children to follow through and make sure that this was done. If they talk and sit and clap and say that they're for this dam, they have nobody to blame but themselves. And to say that \$75 million is in jeopardy, Mr. Speaker, that's right. They put \$75 million in, but it's this government that put that \$75 million in jeopardy, nobody else.

Mr. Speaker, there are laws that are brought in by this Legislature. Those laws, rules, and regulations are for this minister as well as ordinary people. For him to sit and whine and cry at this particular time because a court case has ruled against him, and they're not going to bother following till they get some final order, is first of all disrespect for the law, and secondly, it shows again the incompetence of this minister and this government.

Now, Mr. Speaker, it's rather interesting in this House when we ask questions. We asked questions today and yesterday of this minister. "Well, it's somebody else's fault; you know, some of the underlings didn't do their job." Well, in British parliamentary democracy there is a cardinal rule. Harry Truman used to put it well, "The buck stops here." Ministerial accountability means precisely that: you cannot hide behind your underlings for a major mistake like this. The minister in our system has to accept that responsibility, and he should be accepting this responsibility instead of hiding behind some other people in his department.

Now, Mr. Speaker, the reality is that that's bad enough, but then we have this government saying that even though they have the court case -- and we all know what it says -- somehow this has not been passed by the courts yet. That's a really original interpretation of how the law works. When that is passed, clearly they're telling the government to do something. Now, whether the members like it or not, or whether this dam should go ahead or not, is irrelevant at this point. We are talking about



respect for the law, Mr. Speaker. If the Attorney General and the Minister of the Environment don't respect that law, how can we expect ordinary, average Albertans to respect it? And to say that somehow we have to wait for a final order is nonsense. Once it passes through the court -- Chief Justice Moore has made a decision, Mr. Speaker -- then this government should be going by what the Chief Justice says. They can certainly appeal. They have every right to do so. Knowing what's happened with the Three Rivers dam, I shudder to think of all the other -- if I may say so, Mr. Speaker, the word "screw-ups" comes to mind; I used to use that all the time. But how many other miscalculations has the government made in other areas if they can't even follow something as simple as this?

So to me, we can have a debate whether the dam was going ahead or not. I thought it was going ahead and that the government had won that. I didn't think that there was ever -- when I heard the environment groups were going to court, I thought: well, you know, they're going to put a last-ditch fight in. But I couldn't believe that they'd have any chance, Mr. Speaker. When I look at the sloppiness, absolute sloppiness, of the government's not even following their own rules and regulations and permits, I can't believe it.

As I say, Mr. Speaker, I wonder how many other court cases we're going to have to face with this government's sloppiness. We now know of two in the last day, of money that we've lost because of their sloppiness -- two in the last day. But I say to you, Mr. Speaker, the issue today in this Legislature, right now in this emergency debate, is not whether we should have the Three Rivers dam or not. The issue today is government accountability and ministerial accountability. I don't know what it's going to take to ever get rid of a minister in this House, Mr. Speaker, from this government . . .

AN HON. MEMBER: An election.

MR. MARTIN: Yeah, an election's the only thing that will do it.

But it has to do with ministerial accountability. It has to do with the government following its own regulations, and it has to do with respect for the law, Mr. Speaker. When a court case is as clear as this one is, I don't think there's any doubt what this government should do if they have respect for the law. Follow the law. Don't wait till you get some sort of order. Get on with your appeal or whatever you have to do to follow your own political will. That's what the issue is here today. I say to the government -- and I appreciate the opportunity, Mr. Speaker, to have this emergency debate -- get your head out of the sand and recognize what you're doing here. The debate here is not whether there's a dam or not. It has to do, as I say, with the other two issues.

I would say this to the government: do what is right. Forget about your pride, because you're making a fool out of yourselves and the people of Alberta with this decision. I would hope that the government would listen to this emergency debate and, as I say, do what's right and not expedient, Mr. Speaker.

Thank you very much.

MR. SPEAKER: Cypress-Redcliff.

MR. HYLAND: Thank you, Mr. Speaker. As I participate in the debate today, I would like to assure the Member for Edmonton-Norwood and Leader of the Opposition that we will do what is right. We have been doing what is right; that's why

we're here today.

But I know the one advantage, Mr. Speaker, this debate has today is that come next election I'll make sure that some of the speeches that have been said today are well circulated in my constituency so we can see the support that certain political parties in this Assembly have related to irrigation in southern Alberta. I'm sure the people then will judge it as it should be judged.

Mr. Speaker, we talk about public information on the project. The Minister of the Environment started a little too late in the years naming the study. I can remember just after election to this Assembly in 1975 attending a meeting in Pincher Creek about 1976-77, when there was an initial study out by the Department of the Environment followed by the ECA study. We hear there wasn't enough information in the ECA study. There weren't enough consultants involved. I can remember it sitting on my bookshelf for two or three years while we were working through the ECA study and the Oldman management committee study, which we seem to forget. People seem to forget about that one; it made different recommendations. I can remember at least three feet of paper from consultants. Almost any consultant you'd want to name had -- it was a consultant's field day. There was paper and paper and more paper. So it isn't as if this project has gone on and was totally ignored, that there's been no public input, that nothing's been happening, and the private citizen hasn't had his chance.

[Mr. Deputy Speaker in the Chair]

Interestingly enough, all through this system we would often hear: 25 people appeared before the committee; 19 of them were against, six for the project. The only part that that story didn't tell, Mr. Speaker, was that maybe these six for the project would represent an irrigation district, a town, a rural municipality. So how many people were in favour of it?

MR. WRIGHT: A point of order, Mr. Speaker.

MR. DEPUTY SPEAKER: Point of order raised. Edmonton-Strathcona.

MR. WRIGHT: The matter under discussion is that construction activity apparently is proceeding at the Three Rivers dam site on the Oldman River -- this, despite the judgment of Mr. Chief Justice Moore, delivered yesterday, that such activity is unlawful. The Speaker bade us to stay within the strict confines of that issue. The hon. member was discussing -- I listened carefully -- the pros and cons of the dam and whether it received public notice at the time and so on. Important and interesting though that discussion is, it is off the point, with the greatest respect, Mr. Speaker.

MR. YOUNG: Mr. Speaker, the whole question of notices and all that is exactly part of this process that's in the issue before us. The hon. Member for Edmonton-Strathcona, with respect, should reread the rules of relevance and, more importantly, should have a better understanding of what the whole debate is about.

MR. DEPUTY SPEAKER: Cypress-Redcliff.

MR. HYLAND: Thank you, Mr. Speaker. I guess maybe after listening the last few days to other debates in the House, the

question of relevance seems to wander from day to day, depending on who is talking about it.

Mr. Speaker, throughout the talk of the Environment Council report, we've heard that about 46 of 74 recommendations have been followed. Some of those recommendations, let's remember, don't refer to the Oldman; they refer to other basins in southern Alberta.

Let's talk about some of the things in the Oldman basin. Let's talk about the upgrading of the canal system. Let's talk about alternatives. Let's talk about Keho Lake, that was upgraded and raised to as large a body of water as we thought could be there, yet still that will not hold enough water to carry that area, not just the farms using it but the communities in the area. It's not big enough; it has to be supplemented. We could meter it all we want, but when the meter runs out, it runs out, and there's no water.

MR. WRIGHT: What's that got to do with disobedience of the order?

MR. HYLAND: We've talked about some of the other projects in the area. One member says, "What does it have to do with disobedience of the order?" I would refer him to some of his speeches in the House that he's made when he's been asked relevance and had trouble proving so.

Mr. Speaker, the Member for Little Bow outlined attending a couple of meetings in Picture Butte with between 200 and 300 people there, not only farmers but people from the communities that were worried about having enough water to make it through the winter. I would challenge those that have made some statements elsewhere to come to such a meeting as that and make the same statement. They have said: "You've studied, you've studied, you've studied. How about doing something?" Only their language wasn't quite that polite. That was at least two times I've been there, Mr. Speaker, and received the same thing.

We talk about support for the project and ongoing support to go on with the project. I've had letters from several municipalities in my constituency, towns and villages and rural municipalities, giving support. Do we take that as one letter of support? Or do we take it -- in the case of Foremost, 700 people support the project. Now, you might ask how that would affect a town 13 miles from an irrigation district. Mr. Speaker, they have a pipeline from the main canal to serve their town to provide them with fire protection. That's why they support the project; they see what it does to the area. Indeed, there's people between there and Bow Island that would like irrigation, very much so, but there isn't water in the system at the present time to look after the increased needs that they would put on it.

Mr. Speaker, we've heard many things said in the emergency debate and the desire for emergency debate on this issue, and I would urge all members to listen to the debate. They can make their own minds up. I'm sure what's been put forward supporting what's going on with the construction of the dam now and with the comments made relating to the judgment that's been recently handed down, people will indeed make up their minds in the legal route. The legal route will be taken. We will see what happens, and we'll face the problems as they happen. Thank you.

MR. DEPUTY SPEAKER: Hon. Member for Calgary-Buffalo.

MR. CHUMIR: Thank you, Mr. Speaker. We've heard a great deal of rhetoric on this issue this afternoon. However, not being

compelled by nature to talk for the sake of talking, I intend to debate the issue raised in the notice today.

DR. BUCK: You get paid by the word.

MR. CHUMIR: One can pretend.

I intend to debate the issue in the notice today relating to whether construction activity is proceeding unlawfully, and should or should not proceed. I might emphasize that the key issue in this debate is not whether the dam should proceed or not proceed at this time as a matter of good water or environmental policy, but rather the issue is whether it is lawful to continue construction. Because the one clear principle that should be followed is that the government must obey its own laws. Now, this may sound *like* motherhood, but I sometimes think that it comes as a surprise to the government. We have had concern, of course, about the government's view that it is a law unto itself in another context, and we're before the courts on that matter, and I hasten to say no more, Mr. Speaker.

We have heard conflicting views with respect to the legality of continuing construction. The Attorney General has stated that it is his opinion that it is not unlawful at this stage; apparently an order must be entered. Another view has been proposed by the New Democratic Party. Regardless of these views, the spirit of the judgment is that construction is unlawful and that it should therefore cease.

Accordingly, I would propose, Mr. Speaker, that unless the government can obtain through some court process a delay in the effective date of the judgment, it must comply with this law. This would, unhappily, be expensive, and it would be a shame if nothing were accomplished by it. But on the other hand, there are some potential benefits that should not be lost sight of.

We have heard in this House that there has been no environmental impact assessment with respect to the project. If there is a discontinuance of construction, at least we can take some consolation in having such an impact assessment in fact proceed. Now, the minister has tried to tell this House that no environmental impact assessment as such was known prior to 1986. However, I am advised by some so-called social anarchists that Minister of Environment Cookson promised, in the days when he was the Minister of Environment, which I believe was up until 1982, that an environmental impact assessment would take place. Now, I have great respect for the comments of the hon. Member for Little Bow with respect to the numbers of meetings and discussions and work that has been done, but the reality -- as admitted, I believe, by the minister's comments in this House in response to my questions -- is that, in fact, there has not been the degree of work done which would constitute good environmental impact assessment, and accordingly I say: let us do the environmental work that should have been done in the first place.

Another benefit of this whole process -- and this is in fact not related to any delay which might ensue as a result of the judgment -- is that the impropriety of having the Department of the Environment build dams in the first place has been brought home clearly and unequivocally. What we have seen is a Department of the Environment which has an untenable conflict of interest. It serves as applicant, evaluator, and grantor of licences, all at one and the same time; it has the dubious distinction of being the only environmental department in the world that builds dams and purports to perform all of these roles. It's a process fraught with the potential for skipping procedural safeguards, and lo and behold, that's exactly what has happened.

We have heard it suggested, and I certainly concur, that the Department of the Environment has become incompetent, it has become sloppy, and it has let the people of this province down very significantly. One reason that it has done so is that it has lost sight of the need to perform its watchdog role. The Environment Council of Alberta in 1986 recommended removing the development of water projects from the Department of the Environment. It's time to act on this reasonable recommendation. I would ask the minister to tell us what greater evidence he needs.

So in conclusion. I would state that the matter of whether construction should be discontinued or not on the basis of the judgment is not a matter for this Legislature to decide as a Legislature. Rather, it is a matter of law, and we must obey the law as it is or change it. But we can't ignore it or pretend that it is other than what it in fact is.

Thank you.

DR. BUCK: Mr. Speaker, I would just like to take one or two minutes this afternoon to bring one or two points to the floor of the Assembly. It's so interesting to be a long-time member of the Legislature because it's quite interesting to see how often the wheel gets reinvented. The longer you stay, the more times you see the wheel being reinvented. I am going to also try and do as I did on the debate on medicare: try and get on both sides of the issue.

Mr. Speaker, I would like to say that in listening to the hon. Member for Calgary-Buffalo I think he has a very, very valid point that the government should listen to. It is the fact that you cannot be the player and the umpire at the same time. I think that the environment of the province of Alberta would be better served if the minister was the umpire. I think that if anything comes from this debate this afternoon, that is something the government should be listening to.

Also, Mr. Speaker, I am so pleased to see that the democratic process in this province is finally alive after all those years when four of us had to sit on this side of the House and try and make sure that the democratic process was served. Now, I say that, Mr. Speaker, and I say it very seriously, because this afternoon is a good example to the people of Alberta that nobody is perfect. No government is perfect; no department of a government is perfect; no minister is perfect. We're all human beings. We're trying to do a good job. But the process is well served when a minister can be taken before this Assembly in debate, and a government can be taken before the Assembly, and we debate the issues for the betterment of the people of this province.

Mr. Speaker, I like the Minister of the Environment. I think he's trying to do an excellent job, and I give him credit. But if I was the Minister of the Environment in this province, there would be at least six heads roll in the Department of the Environment at the upper level. Because any civil servant . . .

MR. DEPUTY SPEAKER: Hon. member, this is not a motion. It's a matter of urgent debate, and the topic is: construction of a dam. Perhaps the hon. member periodically would come back to the topic.

DR. BUCK: Mr. Speaker, we can't build a dam unless the people who are paid by the people of this province to do their job, do the job. I feel sorry for the minister. I genuinely do, because people in that department should have done the job. We should not be having this debate this afternoon. The debate should be:

should they build a dam or not build a dam? There should not be a debate as to the competence of the people in that department.

I've said to my good friend the former minister of social development, my good friend Mr. Bogle: if some civil servant would have done to me what they did to Mr. Bogle, by not informing him of what they're going to do, heads would have rolled. Heads would have rolled, because the civil service has got to do the job for the minister, the government, and the people of this province. So I hope the minister is out there now trying to find out which heads should roll.

Mr. Speaker, when we look at the history of how water conservation in this province has taken place, we look back to the Brazeau dam. I was a member of the government that was responsible for the construction of that dam. It was an environmental disaster.

MR. TAYLOR: Shame.

DR. BUCK: The hon. leader of the Liberal Party says "shame." I stand in my place and say that I accept some of that blame. I was a member of that government even though I wasn't serving at that time. But we have improved. The Bighorn dam -- there was a hearing in this Assembly. The committee of the whole, the Committee on Public Affairs, met in this Assembly. People of the province, people with concerns came to this Assembly, to the members, and exhibited and told us their concerns.

Now, the project that we're discussing this afternoon, Mr. Speaker, has had wide-ranging public discussion. The wheel has been reinvented at least 15 times in some of the studies. We heard terms, new buzzwords -- cost/benefit analysis. The Deputy Premier remembers the former Deputy Premier, the Hon. Hugh Homer: "Where's the cost/benefit analysis?" We heard cost/benefit analysis all afternoon. Now the new buzzword is environmental impact study. I feel confident that those studies have been done.

Mr. Speaker, in conclusion I would like to say that I support the project, but I say to the government that your civil servants haven't done their job. The minister is ultimately responsible because that didn't happen. So I'd like to say, Mr. Speaker, if we've learned anything from this exercise, government agencies must do their job, must do it competently, must do it thoroughly, so we do not have to go through this exercise. And at the same time, Mr. Speaker, I am glad that the process can bring that to the attention of the government and the people of this province. Thank you.

MR. DEPUTY SPEAKER: Hon. Member for Edmonton-Strathcona.

MR. WRIGHT: Thank you, Mr. Speaker. It's out of order to criticize the Chair and presumably therefore out of order to praise the Chair. Nonetheless, I can't forbear from expressing my appreciation of what I consider to be the objectivity of the discharge of the duty by the Chair in assessing Standing Order 30(2) this afternoon, which has given us the opportunity to bring this matter of urgent public importance before the House and, I hope, the people of Alberta.

The Minister of the Environment, whom some have described as the most embattled minister by a damn sight, spoke of nothing except the virtues of the dam. That is not the question before us, Mr. Speaker. Still less is the question before us irrigation or not irrigation? Of course, we're in favour of irriga-

tion. It's a complete calumny that somehow we're questioning that. It is true we do question the dam, but that is not the question before us this afternoon either. The question is not the virtues or vices of the dam but the virtues and vices of the government in either heeding the law or flouting it. Mr. Speaker, they are flouting it, because it has been clearly stated -- and I won't repeat what the judge has found -- that the orders on which the construction is going ahead are nullities. That means that the work that is being done is without authority and the money that is being paid is without authority, because you can't budget for an authorization that does not exist. At least, you can budget for it but you can't pay. There is even the question of whether the Treasurer is entitled to make payment on the contracts which are now going ahead.

These are not mere technicalities, Mr. Speaker, that caused the judge to set aside the order. They were substantial failures in the process, and even that process was short-circuited, within the ambit of the Water Resources Act, by an official who had been delegated the responsibility of an order dispensing with the giving of public notice and the filing of the application and the plans. So they didn't even have to do that, because that was dispensed with. Yet the few remaining things that should have been complied with were not complied with, which increases the deplorability of what was done. In fact, that end run round democracy, as you might say, by dispensing with the posting of the notices and the filing of applications, was itself suspect. It occurred a long time after the dam had been mooted, and it occurred, significantly, Mr. Speaker, after the Environment Conservation Authority had recommended against the dam. Then they waived the requirements of public notice.

So it is not the case that there is some technicality that the government has run afoul of. It's much more than that. The process they embarked on at the time was suspect, having regard to the recommendation of their own authority. Even the somewhat denatured ECA of that time, which could only study what was given them to study, recommended against the dam. So, Mr. Speaker, it is not the case that there is an unfortunate technicality that they have to get over. It is something much more substantive than that.

Even if it were a mere technicality, that would not excuse the government from flouting the law, but it might be a reason for staying the execution of the order or appealing. But they've done neither. And I was astonished when the Attorney General said that they can't appeal until the order is entered or they can't apply for a stay of execution. They can apply for a stay of execution the minute the order is pronounced. They can appeal the minute the order is pronounced. All they have to do is appeal before the order is entered, plus 20 days. That means you can appeal before the order is entered if you wish. To take advantage of your own incompetence to try and muzzle debate is quite incredible, Mr. Speaker. The fact is that the government must pause now, must order a halt to construction if they are to comply with the order and obey the law, because they are doing it without authority.

I go beyond that and say that they should not seek a stay of execution of the order, because this is not a case where, as the hon. Member for Little Bow suggested, if the dam is not built, the farmers that he spoke so eloquently about, who depend on irrigation and water, will be without help. They will not be, because the plans include off-site storage, which was the alternative to the dam and apparently an effective alternative. I suppose one could envisage a partial agreement to stay execution based on that part of the work's going ahead, Mr. Speaker, but it

always seemed to us unnecessary to have both items of construction going ahead, both the dam, which impounded a very great amount of water, and the off-site storage, which impounded supposedly sufficient water to meet the needs that the dam was supposed to cater to. So it's simply a case that the government must comply with the order, that they do no credit to themselves or to the legal process to say somehow, "Oh, we disagree with this." You always disagree with an order that's been made against you, but that does not justify flouting it.

Thank you, Mr. Speaker.

MR. BRADLEY: Mr. Speaker, I'm pleased to rise in my place today to discuss this very important matter and deal with the issue which is before the House relating to construction activity at the Oldman dam and other issues which have been raised by other members. I regret I wasn't here earlier to hear some of the earlier debate.

Specifically relating to construction activity, what is the construction activity which is taking place at the Oldman River dam and what is its relationship to any permits or licences which the government has applied for? The government has applied for permits and licences to divert water and to store water. The construction activities which are taking place at the Oldman River dam today will do nothing in terms of storage of water. That would require a main embankment, a construction contract which the government has not yet let. The activity which is taking place there is the preparation of diversion tunnels, which activity is important when you get to the point of diverting water. However, you could construct these diversion tunnels, in my judgment, without ever diverting any water. I think there is sufficient time in this process. The Minister of the Environment and the Attorney General have said that the government is going to appeal, first of all, and then secondly, it's going to reapply for permits and supply additional information which the court has suggested may be absent in the initial process. I would submit that construction activity relating to the diversion tunnels could proceed, that it is not a part of an activity which would impound water and which would in effect cause water to be diverted. Those are decisions which could take place at a later date in time. I would suggest that is a proper course of action which is being proceeded.

If the court rules and orders construction activity to cease, I believe the government would of course obey the law and proceed in that manner. But I would suggest that any construction activity going on at the Oldman River dam is not such activity which should be interrupted at this point in time unless the court in fact decides that, because it's activity which is other than the impoundment of water or the actual diverting of water. It may cause that at a future point, but that activity could proceed without the permits or licences which have been applied for, in my judgment.

I wanted to deal with some other matters relating to the construction activity at the Oldman River dam. There has been an extensive process put in place to consult the local municipality, the municipal district of Pincher Creek, and a local advisory committee has been set up to advise the Minister of the Environment with regards to activities there. With regards to the municipal district of Pincher Creek, and in particular relating to roadways, there is a subcommittee of the municipal district of Pincher Creek called the transportation subcommittee, which has been reviewing the matter with regards to road locations, actively involved with the Department of the Environment.

Recommendations have been made by this transportation

subcommittee to the MD of Pincher Creek, and the MD has been in correspondence with the Department of the Environment and the Minister of the Environment with regards to road relocations regarding the construction activity and, in fact, recommended to the minister a certain course of action that is before the minister in terms of where these roads would be located. That has been an undertaking by the government, that we would relocate roads and would take into consideration the interests of the people who live in the area and the wishes of the municipal district of Pincher Creek. So those decisions and considerations are before us. There has been active consultation with the municipal district, its subcommittees, the Ministry of the Environment, and the Minister of the Environment himself has met with the MD of Pincher Creek and that local advisory committee to get that input on many occasions.

With regards to the Energy Resources Conservation Board, my understanding is that applications which would see the generation of electricity are something the Energy Resources Conservation Board would be involved in. This project, although the capacity for electrical generation has been built into the project at some date, is not directly dealing with the generation of electricity. At that point, it would be a matter which the Energy Resources Conservation Board would have an interest in.

Going back to some discussions with regards to the process, there has been extensive consultation with the public since the phase 1 hearings were started back in 1976. There was a water management study committee, which then reviewed the phase 1 studies and had additional studies. There was considerable public input. I know that in my riding, in the Pincher Creek area and other areas, there were numerous meetings with regards to the activities of the water management study committee. Their recommendations were then reviewed again by the Environment Council of Alberta in full-scale public hearings, and the Environment Council of Alberta came down with a report. I think that in terms of their report they did not look at the total picture of water management in southern Alberta and the importance of water storage. They recommended that we proceed with off-stream storage versus on-stream storage. I'd like to deal with that question.

[Mr. Speaker in the Chair]

The Environment Council of Alberta, in its report endorsing off-stream storage over on-stream storage, was willing to accept a failure in the irrigation system in southern Alberta two out of every 10 years. So if there were severe drought in two out of every 10 years, which the models predicted, the ECA was prepared to see that failure of the irrigation systems. Off-stream storage clearly could not store sufficient water to survive a two- or three-year drought period like the recent one we had in southern Alberta in the '84, '85, '86 period. On-stream storage gives you the capacity to store water over for the additional two and three years and supply the irrigation works. They clearly did not address that. They did not then address the bigger picture in terms of what water storage means to the people of southern Alberta.

We have to pass on 50 percent of the flow of the South Saskatchewan River system at the south Saskatchewan border. This involves three rivers: the Red Deer River system, the Bow River system, and the Oldman River system. In order to make up that commitment to Saskatchewan, each of those rivers must provide some of their water to meet that agreement. If there is not sufficient storage on the Oldman, which is the highest con-

sumptive user of water, that means that water from the Bow River, water from the Red Deer River must make up in a disproportionate manner our requirements at the Saskatchewan border. If we don't have sufficient storage in the whole south Saskatchewan system, including the Oldman, it means there'll be limits to development in the Bow River basin and the Red Deer River basin. I think that's a very important consideration which discussion on this matter has missed to date. If we don't have sufficient storage on the Oldman, development for the citizens of Calgary and downstream, development for the citizens of Red Deer and downstream will be limited in the future; also, of course, the effect it would have in terms of the future economy of southern Alberta, the Lethbridge area and the irrigation system there. I submit that we would be severely limiting the growth of that economic region, that very important region of Alberta, involving the lives of almost a million of the citizens of Alberta in terms of the future. So that's a very important consideration that hasn't been dealt with in debate before.

There have been questions related to cost benefits. There was a cost/benefit analysis that was done originally with regards to this project, which basically looked at the irrigation cost benefit, not the larger benefits to the economy in other areas, and that said there would be a positive benefit in terms of an on-stream storage reservoir. I think it was somewhere in the area of two or three to one. After the costs escalated, there was a second cost/benefit analysis that was done to make sure this project made economic sense, and that cost/benefit analysis said that there would be a benefit of \$2.17 for every \$1 that was invested. So it's very important for the members to know that this has a positive cost benefit.

I should say that in terms of my constituents, obviously this has been a difficult question for them and myself over a period of years. I have to say that when I was first elected in 1975, it was an election issue: would there be on-stream storage on the Oldman River, and where would that be if storage was proceeded with? It took me about four good years of study to look at the on-stream storage arguments versus the off-stream, the effect on my riding, whether or not on-stream storage was necessary. I came to the conclusion, for some of the reasons I've said today, that on-stream storage was necessary.

Then it came down to the decision as to which site we would look at. In 1980 the government made a decision that there would be on-stream storage, that the preferred site was the Three Rivers site, when an opportunity was given to look at and examine the merits of the Brocket site. In the decision-making process that came forward after that, looking at Brocket versus Three Rivers, it was very clear that the Brocket site was much more expensive than proceeding with the Three Rivers site. So having made the decision that on-stream storage was necessary, where was the best site from a cost-effective point of view, which made most sense in terms of delivery of water to benefit the greatest number of people? It came down to the Three Rivers site.

Now, obviously, the government has never said that there would not be some effect on the environment by the construction of this project on the Three Rivers, but there's been an extensive consultation process by the Ministry of the Environment with the local community, looking at the mitigation opportunities. If we are going to have these effects, what are we going to do for fish and wildlife? There has been a commitment that there be no net loss of recreational fishery on the Oldman River dam. So we are addressing that. We're addressing historical resources.

Of course a major concern that I've had is people who would be affected by the dam? What would be the effect on them? How could we work with those people and give them fair and equitable compensation for the loss of their land for this project? That has been a very difficult decision for me. I think that it is for any government when you have to purchase land from individuals and they have to move from their properties to accommodate a project which has a wider public good. It's been a very difficult decision, but I think the government has dealt with these people in a fair and equitable manner.

MR. SPEAKER: Westlock-Sturgeon, Edmonton-Highlands. Taber-Warner, Cardston, Calgary-North West.

MR. TAYLOR: Thank you, Mr. Speaker. I may take a page from the hon. Member for Edmonton-Strathcona. If I have slyly criticized the Speaker in times past, may I slyly praise the Speaker in times present for really making the House operate the way democracy is supposed to operate, to give the freest possible play of opinions and ideas so that the thoughts can be heard and, through the media I hope, printed back in the local papers so people can indeed see that democracy rules triumphant here.

I just want to touch on a couple of points. The hon. Member for Clover Bar said that if he was in the department, heads would roll. Mr. Speaker, I think he's right. But I think if he would study the Westminster model a lot more, it's the new minister that comes in that rolls heads in the bureaucracy. The old minister, under which bureaucracy had made mistakes, is expected to retire, is expected to hand in his or her resignation, not to go out and roll heads, because after all it is presumed that the minister in charge of a department hired, promoted, and put those bureaucrats in their places. So he or she cannot get out of their duties by just turning around and making heads roll. The new minister, yes, can roll heads in the bureaucracy, but the old minister, no.

MR. DAY: A point of order, Mr. Speaker.

MR. SPEAKER: Order, Just half a moment. Very briefly on the point of order, but the Chair is concerned that with only 10 minutes' time allotted, perhaps it will be brief to allow the debate.

MR. DAY: Thanks, Mr. Speaker. That's my very concern, and appreciating your indulgence. As an emergency debate is new to many of us, the rules under 30, both (7)(d) and further into (7)(f), talk about sticking exactly to the motion under consideration. The member opposite is dealing with administrative vagaries of the department.

MR. SPEAKER: The Chair notes the concern of the member and is quite certain that the Member for Westlock-Sturgeon is about to deal cogently and succinctly with the matter.

MR. TAYLOR: Thank you, Mr. Speaker. Indeed, I had covered that portion.

What I want to talk about here is what we have is a matter of precedence. I know that probably as another student of Thomistic philosophy, you know that the end does not justify the means, I am sure that you, as many others in this House -- one of the first philosophical questions that we come across, certainly in Judeo-Christian and now the Mosaic or Moslem heritages, is that the end does not justify the means. Yet we

have, and we've heard it repeatedly here. Because the dam is supposedly a good thing in the eyes of many, because it is going to do wonderful things, that's a reason for short-circuiting the due process of the law, it's a reason for short-circuiting due democratic process. This is what we have to be concerned with.

Certainly as a person, Mr. Speaker, who was born and raised in an area where water used to want to come by only every now and again, I can appreciate the value of the dam. I also was a person, as the hon. members for Taber-Warner and Cypress-Redcliff will justify, who never hesitated to remind the voters of southern Alberta that I was against the dam, but not against the idea of water. It's just their antediluvian 18th century and sometimes maybe Mosaic concept of how to distribute water. But the point is, Mr. Speaker, that the dam did go ahead, but it went ahead without authority.

Let's look at this for a minute. Let's get off the dam area. How would people, any of these landowners they represent here in the House, like a highway to take over a corner of their property without due process? How would they like it if a school or an area would take over without due process? We have set rules in place, whether it is a gas plant, a highway, or a school, or whether it's even appropriate to expropriate land down in this irrigation area that they found dinosaur eggs on. We have set a process, a proper system, and no government should have the right.

If there is anything that comes through from democracy year after year, in Legislature after Legislature, it is that all governments, no matter what their faith is, if they've been in too long become arrogant and start taking over, whether it was the little trapper that had his rights interfered with when Social Credit was blown up by a new government back in the late '70s or whether now it's the rights of the people that have been treaded on. Maybe the result would have been the same, but that's not the argument. To say that you're doing a wonderful good, that you're doing a wonderful thing, Mr. Speaker, cannot justify skipping the rules of the law.

For instance, if they talk about value -- I'm sure the members of this House could call almost anyone in the oil business and they will tell you that hundreds of millions, maybe billions, of the public's assets could be locked in a sulphur or gas reservoir at depth. Yet we go through the most intricate of rules, the most intricate and long drawn out, maybe a lot of people still don't consider today, to tap that wealth without in any way or form taking away the rights of people on the surface, the right of the people that have to breathe the air around that project. We are very, very careful about that. We have those rules. If the Minister of Energy, for instance, walked in tomorrow saying that he will waive these rules as far as surface rights or as far as plants are concerned because the government is going to make billions out of what's in the ground, we would laugh at him -- laugh at him, Mr. Speaker, even more than we do now. But the fact is that you can't use the argument that you are doing an economic good as a reason. [interjections]

MR. SPEAKER: Excuse me. Order in the House, please.  
Hon. member.

MR. TAYLOR: I'm sorry, Mr. Speaker. I know sometimes my comment does erupt.

Mr. Speaker, what I want to hammer in again: this is democracy at work, No one, no matter how wonderful that dam is, no matter how great it is -- and the minister involved in it -- has the right to tread on the rules and the rights of people or to shortcut

and skip due process. This is what is at debate, whether somebody in his Napoleonic dreams or in the idea of somehow or another the good was going to flow on -- more crimes have been committed against humanity, if we study history, by people that perceived they were going to do a good than were ever committed by people that knew they were doing harm. There is hardly a major crime in our history against the rights of people or against the people in general that has not been committed by somebody that didn't think he was doing a wonderful thing: this is so good for you. and I'm sorry; you're going to have to take it whether you like it or not. This, Mr. Speaker, is what we're arguing here today: whether this government has the arrogant right to go out and abolish the rules, many of them which they made themselves, and proceed on what they think is a good.

Thank you.

MR. SPEAKER: Edmonton-Highlands.

MS BARRETT: Thank you, Mr. Speaker. I'd like to commend my colleague the Member for Edmonton-Glengarry on his initiative to get this important subject debated in the Assembly. He will be tonight, as a matter of fact, attending a public meeting in Fort Macleod on this very issue, and I'm sure he'll be able to bring some enlightening information to that meeting.

Mr. Speaker, I think the essence of what we're dealing with here is a government that is contravening a court order. I believe that constitutes a substantial violation of its own mandate. Its own mandate is to be the upholder of peace and good order in the country and in the province that it's apparently to serve. What I wonder about, Mr. Speaker, is the issue of trust. If this government is willing to say, "Oh, courts are fine until we don't like their ruling," on how many other occasions will we see them violating their own rules, violating their own Constitution, their mandate?

Now, I notice a couple of people in the Assembly talking about how it is that we have to have this dam. Well, I don't buy any argument, including that from the Member for Pincher Creek-Crowsnest, that this is a minor violation of a court rule. "We're just continuing to build the tunnels," he says. "We're not actually constructing the dam." That's no excuse, Mr. Speaker. If this government wants to appeal it, they can appeal that decision. If they want to pursue a stay of execution, they can do that. But, by God, they should have to live up to the law of the land just like every other person in the province. I remember our famous, our holier-than-thou Environment minister saying not very long ago that jail might be the right place for culprits who spill pollutants into the environment. Hey, some special talk from the minister. He's willing to talk about it. He's not willing to prosecute violators, and he's willing to contravene a direct order of court. Now . . .

MR. SPEAKER: There's a difficulty with the last comments, hon. member. Statements outside the House, if they indeed were made, not statements inside the House. So let's cany on.

MS BARRETT: Thank you, Mr. Speaker.

Now, I'd like to talk about the issue of the dam itself. First of all, the government says, "Well, you know, we're following some of the recommendations of the Environment Council." Well, that's right. What they are doing is following the recommendation that said: you should pursue alternatives to this dam. So we've got reservoirs and canals built and more on the planning boards, Mr. Speaker. You know what the effect of that is? The effect of that is to make the dam redundant, but that minister and that government don't care if it's redundant or not. They are still operating under the foolish assumption that spending hundreds of millions of dollars in a given area during a particular year is going to get them re-elected. I think they're about to find out that it doesn't work that way.

Now, Mr. Speaker, the hearings that we've heard about were on general water management; not on this particular issue, the dam itself. When the previous Environment minister talks about a cost/benefit analysis having been conducted some years ago, he would be well advised to keep in mind that the assumption was that it would cost \$150 million, not two or three times that amount.

Last night, Mr. Speaker, the Peigan nation in the area pledged its support to the Friends of the Oldman River. They totally opposed the dam, and they have very good reason, I think. They're not against irrigation either. I invite the members of this Assembly across the floor here to send out everybody's speeches today, because what's clear is that there isn't a member in this Assembly who isn't supportive of irrigation where irrigation is necessary, and southern Alberta clearly requires irrigation. What's required, however, from the sensible perspective is that it be done in a cost-efficient way and in a way that preserves good productive land at the same time and doesn't tromp on the rights of the aboriginal people in that area.

There are other ways if this government wasn't so blind-sighted, so arrogant, and so untrustworthy as to continue to do what a court has told them not to do, Mr. Speaker. The question that has to be asked is: just how far will they go; just how many times will they break their own laws? Just how many times are they going to say, "Oh well, we don't like that court decision; we're not upholding it."?

MR. SPEAKER: The hour is 5:30.

[The House recessed at 5:30 p.m.]

