

Legislative Assembly of Alberta

Title: Tuesday, March 13, 1990 2:30 p.m.

Date: 1990/03/13

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

[Mr. Speaker in the Chair]

head: **Prayers**

MR. SPEAKER: Let us pray.

O Lord, grant us a daily awareness of the precious gift of life which You have given us.

As Members of this Legislative Assembly we dedicate our lives anew to the service of our province and our country.

Amen.

head: **Introduction of Visitors**

MS McCOY: Mr. Speaker, it is my pleasure to introduce to you and through you to members of the Assembly special guests seated in your gallery, and I would ask them each to rise as I introduce them. The first is Margaret Shone, who is Chair of the coalition on equal rights for mentally disabled Albertans; Barry Greenspan, who is representing the Alberta Association for Community Living; Tony Hudson, who is representing the Canadian Mental Health Association, Alberta division; and Fil Fraser, who is chief commissioner of the Alberta Human Rights Commission. I would ask all members of the Assembly to give them our usual warm welcome.

MR. DOYLE: Mr. Speaker, I'd like to introduce to you and through you to the members of the Legislature six hardworking members of the West Yellowhead aboriginal community. I ask them to rise. They are Dan Martel from Edson; Peter Callihoo from Marlboro; Russel Plante from Marlboro; Clarence Norris, Grande Cache; Valerie Findlay, Edson; and Randy Layton from Valleyview. I ask the Assembly to give them a warm welcome.

head: **Presenting Reports by
Standing and Special Committees**

MR. NELSON: Mr. Speaker, I wish to file the report of the Select Special Ombudsman Search Committee with the recommendation to the Assembly of the appointment of Harley Johnson as the fifth Ombudsman for Alberta.

MR. SPEAKER: Thank you.

The Member for Edmonton-Jasper Place.

head: **Notices of Motions**

MR. McINNIS: Thank you, Mr. Speaker. I rise to give verbal notice that I will rise at the conclusion of question period to seek leave of the Assembly to move adjournment of the House to debate a matter of urgent public importance; namely, the decision by the appeals division of the Federal Court of Canada in the Oldman River case and the effect of this very important decision on a number of projects in the province of Alberta.

MR. TAYLOR: Mr. Speaker, I've already sent notice as required by the rules to you on a question of privilege with respect to the restriction of media access to the members.

MS BARRETT: Mr. Speaker, it's my intention at the end of question period to request unanimous consent to deal with the following motion:

Be it resolved that this Assembly makes clear its desire to make this Legislature as freely accessible to the public as possible and our willingness to facilitate public appreciation of our proceedings and work. To ensure such openness, the Assembly agrees to declare the third floor hallway around the Chamber open to the public through removal of all recently erected impediments to access and by redesignating the Confederation Room a combined MLA and media room for the purpose of allowing reporters access to members.

I have 85 copies, Mr. Speaker.

head: **Introduction of Bills**

Bill 3

Department of Consumer and Corporate Affairs Amendment Act, 1990

MR. ANDERSON: Mr. Speaker, I request leave to introduce Bill 3, the Department of Consumer and Corporate Affairs Amendment Act, 1990.

The purpose of this Bill is to allow the minister to enter into interprovincial and international agreements that require the sharing of information.

[Leave granted; Bill 3 read a first time]

Bill 2

Department of Transportation and Utilities Amendment Act, 1990

MR. ADAIR: Mr. Speaker, I request leave to introduce Bill 2, being the Department of Transportation and Utilities Amendment Act, 1990.

The purpose of this Bill, Mr. Speaker, is to clearly indicate that profits and losses of the transportation revolving fund will offset one another and the residual amount remaining at the end of each fiscal year will be carried forward. The change responds to a request by the Auditor General.

[Leave granted; Bill 2 read a first time]

Bill 8

Individual's Rights Protection Amendment Act, 1990

MS McCOY: Mr. Speaker, I request leave to introduce Bill 8, which is the Individual's Rights Protection Amendment Act, 1990.

Bill 8 proposes 15 amendments to the Individual's Rights Protection Act. These changes reinforce and clarify our human rights law, they expand its protection to some of the more vulnerable members of our society, and they bring the Act into line with recent Supreme Court of Canada decisions and with the Canadian Charter of Rights and Freedoms.

[Leave granted; Bill 8 read a first time]

Bill 4
Licensing of Trades and Businesses
Amendment Act, 1990

MRS. MIROSH: Mr. Speaker, I request leave to introduce Bill 4, being Licensing of Trades and Businesses Amendment Act, 1990.

The amendments set out the framework needed to allow the government to delegate its present regulatory responsibilities to an independent body.

[Leave granted; Bill 4 read a first time]

MR. SPEAKER: The Member for Banff-Cochrane.

Bill 5
Insurance Amendment Act, 1990

MR. EVANS: Thank you, Mr. Speaker. I request leave to introduce Bill 5, Insurance Amendment Act, 1990.

The purpose of this Bill, Mr. Speaker, is to make it easier to change the amounts, the terms, and the conditions of accident insurance benefits paid under an automobile insurance policy by moving those matters from the Act to regulations. Another provision in the Bill is to add additional authority to regulators to take disciplinary action against both insurance agents and adjusters by way of financial penalties.

[Leave granted; Bill 5 read a first time]

MR. GOGO: Mr. Speaker, I move that Bills 4 and 5 be placed on the Order Paper under Government Bills and Orders.

[Motion carried]

head: Tabling Returns and Reports

MS McCOY: Mr. Speaker, I am pleased today to table with the Assembly the annual report of the Alberta Human Rights Commission covering the period ended March 31, 1988.

MR. GETTY: Mr. Speaker, I'd like to table copies of the correspondence between myself and the Prime Minister and his reply regarding Alberta's selection for appointment to the Canadian Senate.

MR. ANDERSON: Mr. Speaker, I'm pleased to table the annual report of the Alberta Securities Commission for the year ended March 31, 1988.

MR. KLEIN: Mr. Speaker, yesterday the hon. Member for Edmonton-Jasper Place indicated to the Assembly that full information on dioxin results to which I referred on Friday last was not to be found in the Legislature Library. The information I referred to has been publicly available from the Alberta Environment library since May 19, 1988, but it appears that only a summary was filed with the Legislature Library. To correct that error, today I am filing the background documents to which I referred last Friday, and I apologize to the hon. member. Thank you.

REV. ROBERTS: Mr. Speaker, I'd like to file copies of a report containing the recommendations of a children's health symposium hosted by the Official Opposition as well as the New Democrat proposal for a northern Alberta children's health network.

MR. BOGLE: Mr. Speaker, under section 19(4) of the Auditor General Act it is my pleasure to table the Report of the Auditor General for the fiscal year 1988-89.

MR. SPEAKER: Hon. members, I'm pleased to table the 1989 annual report of the Legislative Assembly Office.

head: Introduction of Special Guests

MR. TAYLOR: Mr. Speaker, it's my pleasure to introduce to you and through you to the House 55 bright, alert high school students from Sturgeon composite high school sitting in the public gallery. They're accompanied by their teachers Douglas Agar and Colleen Soetaert. I would ask them now to rise and receive the welcome of the Assembly.

MR. SPEAKER: The Member for Edmonton-Gold Bar, followed by Calgary . . . I'll figure it out in a minute.

MRS. HEWES: Thank you, Mr. Speaker. I'm privileged today to introduce to you and through you to the members of this Assembly 23 very special guests. They are students from St. Gabriel elementary school in beautiful Gold Bar in Edmonton, and they're accompanied by Mrs. Rena Methuen, Mrs. Joan Semchuk, and Mrs. Lydia Chadder. They're seated in both the public gallery and the members' gallery, and I'd ask them to rise to be welcomed by the House.

MR. SPEAKER: The Member for Calgary-McKnight.

MRS. GAGNON: Thank you, Mr. Speaker. It is my pleasure to introduce Mr. Brendan Dunphy, president of the Alberta Teachers' Association. He is seated in the public gallery, and I would ask him to rise while we give him a warm welcome.

MR. DAY: Mr. Speaker, it's a privilege for me to introduce to you today 14 of Red Deer's finest citizens, representing the Royal Canadian Legion No. 35. I'd invite them to stand and receive the warm welcome of the Assembly today.

MR. TRYNCHY: Mr. Speaker, it's my pleasure today to introduce three people. I want to introduce one special person, and that's the youngest voter in the Legislature. She's here with her parents, Mr. and Mrs. Fischer. They're the son and daughter-in-law of Butch Fischer, the MLA for Wainwright. I'd ask them to stand in the gallery and accept the warm welcome of this building.

head: Oral Question Period

Oldman River Dam Federal Court Decision

MR. MARTIN: Mr. Speaker, today's decision by the Federal Court of Appeal to require a comprehensive environmental review of the Oldman River dam project, frankly, is a stinging indictment of this government's botching of this matter from day one. As a result of this government's bungling and mismanage-

ment millions of taxpayers' dollars are at risk. The government wanted this dam regardless of the environment; the environment be damned, so to speak. My question to the Minister of the Environment is this: will he now finally admit that this government was dead wrong to forge ahead with this project without a full environmental review and public hearings?

MR. KLEIN: Mr. Speaker, the answer is simply no.

MR. MARTIN: Mr. Speaker, that's the most arrogant answer I've had, with millions of dollars sitting out there that the taxpayers could . . . We didn't hold a review.

My question, then, to the minister. If he says that they were not responsible, how does the minister explain the fact that on pages 29 and 30 of the decision it says that the provincial EIA guidelines were not sufficient in providing for full public participation and that the independence of provincial review panels is in doubt? How does he justify that?

MR. KLEIN: Well, Mr. Speaker, I would like to defer to my hon. colleague the Minister of Public Works, Supply and Services, but in doing so I would like to remind the hon. Leader of the Opposition that this was a decision against the federal government and not the province of Alberta.

MR. KOWALSKI: Mr. Speaker, I think it's really important to make it very, very clear that the Federal Court of Canada document that was issued today contains no decision or order halting construction of the Oldman River dam.

MR. MARTIN: That's beside the point, Mr. Speaker. It's this government's incompetence that's caused this to be this way.

My question, then, to the Minister of Public Works, Supply and Services. Will he finally do the right thing and order that this construction be stopped till this matter is settled?

MR. KOWALSKI: Mr. Speaker, the right thing is to abide by the decision of the Federal Court, and I want to repeat: the judgment issued by the Federal Court of Canada today in Ottawa makes it very clear that the Federal Court document contains no decision or order halting construction of the Oldman River dam. Nor does that court decision call on the government of Alberta to undertake an environmental assessment review process. That has been done in the province of Alberta.

MR. SPEAKER: Second main question, Leader of the Opposition.

MR. MARTIN: Mr. Speaker, just to follow up with the minister. The point they're trying to make in here on pages 29 and 30, to this minister . . .

AN HON. MEMBER: Question.

MR. MARTIN: I have it; it's a new set there, hon. member. Don't get excited.

Mr. Speaker, it says very clearly that if the province had had proper EIA hearings, they would not have had to make this decision. How does the minister justify that?

MR. KOWALSKI: Mr. Speaker, if the hon. gentleman would like me to file with the Legislative Assembly today a copy of the judgment, I'd be very, very happy to do so.

But if I look at the three points that are contained in the judgment of the court order today, points (b) and (c) make it very, very clear that the court is directing the federal Minister of Transport to comply with the environmental assessment review process guidelines and further that the Federal Court is directing the federal Minister of Fisheries and Oceans to comply with the environmental assessment review process guidelines. There is nothing contained in this decision that causes any order to halt construction of the Oldman River dam, Mr. Speaker.

MR. MARTIN: Mr. Speaker, we'll try to get it through to this stubborn government that they're only making the problem worse; we don't know what they're going to review. Doesn't it make sense, in view of the fact that we've already wasted 50 percent of the money in this, that we stop and wait and find out what that environmental review is going to say? Doesn't that make sense?

MR. KOWALSKI: Mr. Speaker, the hon. gentleman has already admitted that he doesn't know what they're going to do. Those are his words, and he just uttered them a few minutes ago. The reality of where we are right now with respect to construction of the Oldman River dam is that we are approximately 70 percent complete on this most important environmental enhancement and improvement project. We've now invested in the province of Alberta some \$250 million.

The purpose of the dam is to store, control water flow in the southern part of the province of Alberta and to ensure that the citizens of the southern part of the province of Alberta have equal access to security and safety with respect to water as do the citizens of Edmonton – there are two dams located to the west of the city of Edmonton – and as do the citizens of Calgary; there are eight dams located to the west of the city of Calgary. This government believes in enhancing and protecting and improving the environment, and that is the purpose of the Oldman River dam, Mr. Speaker.

MR. MARTIN: Mr. Speaker, such drivel. What we are now going to do is throw good money after bad. If they'd listened a long time ago – and the point that I want to make to this minister: is it not true that if we'd had proper environmental impact hearings to begin with, we wouldn't be facing this problem?

MR. KOWALSKI: Mr. Speaker, it is the view of this government that proper environmental assessment hearings were held in the late 1970s and the early 1980s, and there is nothing that contradicts that position in this particular court decision, dated March 13, 1990, in a federal court of Canada located in Ottawa, Ontario.

Heritage Savings Trust Fund Valuation

MR. DECORE: Mr. Speaker, in an academic paper which is to be published on Thursday, two members of the University of Alberta Faculty of Business conclude that the actual value of the Heritage Savings Trust Fund should be some \$1.26 billion less than is now being reported. The members of the faculty also call into question the accounting practices and the management practices of the government in reporting the fund. The paper compares the Alberta heritage fund and the Alaska fund. But the most notable challenge comes to the Alberta division of the heritage trust fund, and that is the members of this faculty saying

that the government is overvaluing because, first of all, the government is subsidizing certain Crown corporations to pay income on debentures that are due and owing; secondly, that the general fund is being used to pay income on government promissory notes; and lastly, that the actual value of these certain Crown corporations has gone down so significantly that the debentures should be discounted, that the equity value of the corporations is reduced.

MR. SPEAKER: Question, hon. member.

MR. DECORE: My question to the Treasurer is this: would the Treasurer agree to employ these suggested and more appropriate accounting procedures and practices to more properly identify the actual value of the Heritage Savings Trust Fund?

MR. JOHNSTON: I'm sure, Mr. Speaker, that members will notice today that the annual Report of the Auditor General has been tabled. It's right here before us. In the Auditor's report there is clear evidence that the position taken by the hon. member is just dead wrong. He just doesn't know what he's talking about. The Auditor General has said clearly that the accounting principles we're using are appropriate. There's absolutely no question about the valuation of assets. There is a comment about the deemed assets, but other than that the member is absolutely wrong with respect to his allegations.

MR. DECORE: Mr. Speaker, it is not I that am making these allegations; these are allegations made by two learned professors at our own university. I'm sure you would accept, Mr. Treasurer, that they're not incompetent. On that basis, are you prepared to allow this matter to go to external auditors, external chartered accountants, who can review these accounting practices and determine whether or not Albertans are being deceived in the actual value of the fund?

MR. JOHNSTON: I wouldn't want to get into debate about whether or not academics are the only source of truth. There may be some question about that. But I can say, Mr. Speaker, that it is really an insult to the Legislative Assembly that the hon. member across the way is calling into doubt the judgment of the Auditor appointed by this Assembly. That in itself is not fair, and there's some doubt about whether or not the member's credibility is on the line, and now he has called into some disrepute the Auditor General's comments. I think he should seriously consider what he has just said.

MR. DECORE: I'm getting . . .

MR. SPEAKER: Order please, hon. member. There's another difficulty involved here: that the member started out by talking about a report that is supposed to be released in two days. There's no evidence it will be released. This House has no verification that it will be released, so the final supplementary question could be addressed taking that into account.

MR. DECORE: Well, based on the argument, Mr. Speaker, that the Alaska fund, as assessed by I think most people in the world, is found to be efficient, precise, clear in terms of its accounting practices and the return on investment because it is operated on a true arm's-length basis from government, is the minister prepared to recommend and to initiate, to put into

effect, a true arm's-length arrangement between the operation of the fund and the government?

MR. JOHNSTON: Well, Mr. Speaker, the member's been here for a full year. He's had an opportunity to come to the Legislative Assembly subcommittee chaired by the Member for Cardston on the heritage fund. He had an opportunity, if he wanted to attend there, to listen to some very interesting debate – debate, by the way, which has covered this ground fairly completely. In that debate we have pointed out time and time again that in fact the rates of return that are generated by the Heritage Savings Trust Fund are comparable to any other large fund managed across Canada. We put the test on a basis of the rate of return, and I can assure you that the heritage fund itself is doing much better than many of the independently managed funds across Canada, and that has been tabled in the House, Mr. Speaker.

Secondly, there's no question that the assets that are reported in the Heritage Savings Trust Fund are accurately reported at real values. There is no need to confuse anybody, including the citizens of Alberta, that those valuations are not there, because they are there, Mr. Speaker. The Auditor General has confirmed that, and I think it is reprehensible for the member to call into question the judgment of the Auditor General, who by the way is working on a set of guidelines generally agreed to across Canada by the Institute of Chartered Accountants. To say, therefore, that some other independent body would give a better judgment is just false.

Now, if the member wants to remove the Auditor General, if that's what he's suggesting, there's a procedure for that, and I don't think, Mr. Speaker, that this Assembly can call for that. This government supports the views of the Auditor General, and he has confirmed the way in which it's managed, confirmed the way in which it reports to this Assembly, and to consider anything else is just misleading.

MR. SPEAKER: The Member for Drumheller, followed by Edmonton-Avonmore.

Senatorial Selection Process

MR. SCHUMACHER: Thank you, Mr. Speaker. My question is for the hon. Premier and relates to the letter from the Prime Minister which he tabled today. In view of the fact that the Prime Minister is now breaking the undertaking he made in the Meech Lake accord by failing to recognize the list of names provided by this province last October when he acted with alacrity on lists provided by the Premiers of Newfoundland and Quebec, can the Premier advise the Assembly why the Prime Minister is treating us as a second-class province?

AN HON. MEMBER: Because he's a Conservative.

MR. SPEAKER: Order please.

MR. GETTY: Mr. Speaker, I think any review of the Meech Lake accord, of the intent and spirit of the Meech Lake accord, of the position of the Alberta government with regard to the Senate selection we went through, of this Assembly with the legislation that was passed, and then the expression by the people of Alberta obviously should lead the Prime Minister and the government of Canada to conclude that they should appoint Mr. Waters immediately. Even in an assessment of the Prime

Minister's letter, which I've tabled today, there are no grounds under which the Prime Minister and the government wouldn't appoint Mr. Waters immediately.

MR. SCHUMACHER: A supplementary, Mr. Speaker. While he doesn't state it in the letter, the Prime Minister has indicated that one reason he is treating Alberta's list in a dilatory manner is that Premier Peterson is not anxious have the Senate vacancies in his province filled at this time. Can the Premier tell us if his colleague Mr. Peterson is the cause for Mr. Mulroney's lame excuse?

MR. GETTY: Well, Mr. Speaker, I'd heard that there was some inference of Premier Peterson or the government of Ontario in some way holding up the appointment of the Alberta nominee for Senate appointment. I found that to be extremely disconcerting. I spoke to Premier Peterson personally about that matter, and I want to assure the Assembly and all the people of Alberta that the government of Ontario and Premier Peterson feel that Mr. Waters should be appointed immediately in the national interest and that Albertans should be answered.

MR. CHAIRMAN: The Member for Edmonton-Avonmore.

Family Violence

MS M. LAING: Thank you, Mr. Speaker. My questions are to the Minister of Health. For the last few weeks Calgary has been stunned by a rash of violent attacks upon and killing of family members. At the same time, the head of a treatment centre with an 85 percent success rate in treating abusive men is quitting in frustration over the lack of funding for the program. Is the minister aware of this situation, and what is the mental health division of her department going to do about it?

MRS. BETKOWSKI: Mr. Speaker, I will take the question as notice from the hon. member and report back to her.

MS M. LAING: Mr. Speaker, my supplementary is to the Minister of Family and Social Services. For two consecutive throne speeches this government has promised to address the effects of violence in families. The focus needs to be on potential perpetrators of violence, and unfortunately for victims of violence in Calgary this help has come too late. Given that violence in families is a provincewide problem, what commitment will this minister make to ensure that prevention programs will be funded throughout the province.

MR. OLDRING: Mr. Speaker, this government and this minister are concerned about family violence. As the member knows only too well, we have announced a number of initiatives towards addressing this societal ill. The member knows full well that last year we were able to see the funding of a number of pilot projects as it relates to family violence. I'm quite encouraged at the way Albertans are joining with this government in addressing this problem. Albertans recognize that this government can't solve it alone, but as I say, I am encouraged at the way community agencies, community groups, churches, and individuals have responded with government in trying to address this very, very serious problem.

MR. CHAIRMAN: Thank you.

The Member for Calgary-Mountain View, followed by Edmonton-Whitemud.

Funding to Metis Association of Alberta

MR. HAWKESWORTH: Thank you, Mr. Speaker. My questions are to the minister responsible for native affairs. Mr. Speaker, the Metis Association of Alberta is facing a financial deficit this year of \$280,000 and are planning to cover it by directing funds they receive from the Alberta government under the Metis framework agreement. Misdirecting funds in this manner will clearly be counter to the intent of that framework agreement. Will the minister confirm that the Metis Association has this deficit because it improperly diverted funds to its newspaper, the *Native Network News*, a move clearly contrary to government funding policy, and because the MAA leadership got big pay raises. Will he confirm those two facts?

MR. ROSTAD: Mr. Speaker, the Metis Association of Alberta is a fine, upstanding organization that works with the government to enhance delivery of programs from our government to the Metis of Alberta and, in fact, works with the government to develop programs that can serve their specific needs relating to their culture. The framework agreement, recently signed by our Premier, is a three-year agreement that helps to enhance the working relationship between the Metis of Alberta and six or seven of our government departments to make them an integral part of our programming. The alleged financial situation that the Member for Calgary-Mountain View refers to is unbeknownst to me. There are, of course, trust conditions that apply and accountability that applies to any moneys that our government gives as grants working with the Metis Association. I will certainly take that under advisement and will share with the member and with the Assembly later as to that problem, which I find surprising knowing the good working relationship our department has with the association.

MR. HAWKESWORTH: Well, Mr. Speaker, perhaps the minister could speak with the Deputy Minister of Municipal Affairs regarding this particular problem and the fact that he's recommending that a financial recovery plan and committee be set up. I'm surprised that the minister wouldn't be aware of that.

Would the minister, then, inform this Legislature, given that his bureaucracy is setting up such a financial recovery plan, whether the proposed recovery plan will be designed to recover public moneys which are being misspent within that organization, or is it some other arrangement designed to perhaps protect the MAA from political fallout?

MR. ROSTAD: Mr. Speaker, I can assure the Assembly that any moneys that are granted by the government to the Metis Association are accounted for. I recognize that I do not know the specifics that the member is alleging, but if there has been misuse or misallocation of funds that is under review, if the member is accurate in saying that our department is working with the association to recover that money, I don't see that any undue negative imputation should be brought with those comments.

MR. SPEAKER: Edmonton-Whitemud, followed by Wainwright.

Administration of Lottery Funds

MR. WICKMAN: Thank you, Mr. Speaker. The annual report of the Auditor General '88-89, which was released today and which the Provincial Treasurer holds so dearly to his heart, is very, very critical of the way this government handles its lottery revenues. If I can quote from the document:

The Province's lottery revenues and costs are not being handled as required by current legislation. Furthermore, the Lottery Fund . . . is not being administered as required by the Financial Administration Act.

Mr. Speaker, obviously the government continues to contravene its own statutes despite the fact the Auditor General has raised the same concerns in his last five annual reports. To the minister responsible for lotteries. In light of the Auditor General's most recent criticism of his handling of lottery revenues is the minister now willing to act on the Auditor General's recommendation and begin to live up to the laws he was elected to uphold?

MR. KOWALSKI: Mr. Speaker, the hon. gentleman from Edmonton-Whitemud was rather selective in his quotations from the Auditor General's report. What he neglected to do was quote from the top line on page 77, which states:

In my 1987-88 annual report, I stated that the Amendment Act [and that was Bill 10], when proclaimed, would eliminate my previously reported concerns.

As all hon. members know, the Interprovincial Lottery Act, Bill 10, was approved by this Legislative Assembly and proclaimed by the cabinet. This statement today is a rather interesting one because it was only a year and a couple of months ago that the Auditor General conveyed to us in written information that once Bill 10 had been proclaimed, all would be in order. So we'll have to take this matter under review.

With respect to the second matter that the hon. gentleman raises, the Auditor General's report is now dated, and I would refer the hon. gentleman to cabinet decision 134/90, which provides that the government is in compliance with what the statement of the Auditor General is.

MR. WICKMAN: Well, Mr. Speaker, apparently that doesn't appear to be the case, and my next question I'll direct to the Premier. Will the Premier explain: what is the use of having the Auditor General conduct the audit if his ministers are just going to ignore these valuable recommendations that have occurred over the last five years pertaining to this subject?

MR. GETTY: Mr. Speaker, if the hon. member had been listening to the answer from the Minister of Public Works, Supply and Services, he would have heard that the government had been complying with the Auditor General's position. Also, if the hon. member recognizes the strength and the capabilities of the Auditor General, he should pass it on to his hon. leader.

MR. SPEAKER: The Member for Wainwright, followed by Edmonton-Mill Woods.

OSLO Project

MR. FISCHER: Thank you, Mr. Speaker. My question is to the Premier. There is a lot of concern in this province regarding the federal budget announcement of their pullout from the OSLO project after the engineering studies are completed. The

6,000 to 8,000 people that are counting on these jobs are very upset. The loss of the financial spin-off will have such a harmful effect on business and employment right across the province. Especially with the very successful record of performance of Syncrude, there must be some interest from other investors. Could the Premier advise what he is doing to get this crucial project going again?

MR. GETTY: Mr. Speaker, as the hon. member noted in his question, the project is proceeding on through the engineering phase. However, as the Minister of Energy has said publicly, the government wants this project to continue to proceed past that stage. We will be doing everything we possibly can to convince the federal government that they made a bad error in judgment, particularly in the area of supplies of energy for other Canadians – Canadians outside of Alberta who will require that energy supply just at the time when, as most members know, the OPEC nations will be in a position once again to tighten their hands around the throat of the western world. If we can come up with the supply, if we have this supply of oil for Canadians, we will be in the position of once again being able to work ourselves to energy self-sufficiency. We will pursue every opportunity we possibly can.

Now, I should tell the hon. member that in my conversations with other governments the government of Ontario has advised me, as a result of my request, that they would meet immediately with our Minister of Energy. The government of Ontario, recognizing that the supply of energy would, in fact, be very advantageous to them in the coming years when the oil supplies will be needed in Canada, then would look at investing in a substantial way in the OSLO project.

MR. TAYLOR: Get their signature on a cheque.

MR. SPEAKER: Supplementary, Wainwright, not Westlock-Sturgeon, thank you.

MR. FISCHER: Supplementary. Will there be some follow-up with other provinces as well in encouraging other investment?

MR. GETTY: Well, Mr. Speaker, the Minister of Energy may want to augment my answer. I point out to the member and to the noisy gentleman from Westlock-Sturgeon across the way that the government of which I was a member was able to obtain an investment by Ontario in the Syncrude project, where they made not only a substantial investment, but they made a substantial profit. That's a record for other governments to consider.

Mr. Speaker, we will talk to companies. We'll talk to other governments. It may also be an opportunity, for instance, for the government of Quebec, through energy companies which they influence or control that operate within our province, to take a serious look at investing in OSLO, as well as other governments in Canada.

MR. SPEAKER: Thank you.
Edmonton-Mill Woods.

Workers' Compensation Board Claims

MR. GIBEAULT: Mr. Speaker, my question is to the minister responsible for the Workers' Compensation Board. Yesterday this minister had a meeting with some 35 injured workers to discuss their concerns here at the Legislature and at that time

told the workers their claims would be reviewed in 10 to 15 days. When the minister stepped out of the meeting, WCB staff said this review would take four to six weeks. So I'd like to ask the minister who lied to those injured workers. Was it him or the staff of the WCB? [interjections]

MR. SPEAKER: Thank you. Be good enough to withdraw the word "lie," and let's get on with some other phrase, hon. member.

MR. GIBEAULT: Can the minister explain . . .

MR. SPEAKER: Have we got a problem here with eyesight? Sorry. Thank you. Please proceed.

MR. GIBEAULT: Can the minister explain the discrepancy when he says one thing to injured workers and his staff say something else? Who can they believe?

MR. TRYNCHY: Mr. Speaker, I thought the hon. member was supposed to withdraw something.

MR. SPEAKER: Thank you, hon. minister. The member rephrased. Therefore, the Chair assumes it has been withdrawn. The minister may reply.

MR. TRYNCHY: Thank you, Mr. Speaker. Yes. Yesterday we met with a number of injured workers, and I advised the workers that it would be my hope that they could receive an answer within 10 to 15 working days. I was advised thereafter that it would take longer because some of the concerns they raised were quite extensive. So nobody lied to them, Mr. Speaker. We're going to handle them with care, as quickly and as fairly as we can.

MR. GIBEAULT: So we still don't know when that will be.

Let me ask the minister this. Also present at that meeting were a security guard and a police officer. I'd like to ask the minister this simple question: will he now publicly apologize for using these kinds of Romanian style intimidation tactics with the injured workers of this province?

MR. SPEAKER: Perhaps the hon. Member for Edmonton-Mill Woods would pull out his copy of *Beauchesne* and look at section 409(10). The minister will not reply with regard to a statement made outside of this House.

The Member for Edmonton-Strathcona is next, please.

Review of the Escape of Daniel Gingras

MR. WRIGHT: Mr. Speaker, my question is to the Attorney General. Hon. members will remember the sad case of Mr. Daniel Gingras, who escaped from West Edmonton Mall while on a temporary escorted absence from the penitentiary where he was serving a life sentence for murder and went on to commit two more murders. My question to the Attorney General is this: will he bring us up to date on the steps he has taken to check out the possibility of criminal negligence charges being laid against those responsible for this extraordinary decision, having regard to the quite astonishing irregularities disclosed in Mr. John Weir's report?

MR. ROSTAD: Mr. Speaker, the hon. member is right: it was

a tragedy that Mr. Gingras did escape from custody, and tragic circumstances came from that. We as the Attorney General's department have reviewed Mr. Weir's report. It obviously did not give everything. We were finally able to obtain from the federal Solicitor General's department an unexpurgated copy. We then reviewed that and found after that that there were appendices to this which had a great deal of the more intimate details of the occurrence. After some difficulty, we were able to obtain the appendices. They're currently under review with our department and the RCMP. I expect a decision to be coming soon.

MR. WRIGHT: If I can just follow that up, Mr. Speaker. Will the Attorney General not agree that this process is taking somewhat longer than is desirable?

MR. ROSTAD: Mr. Speaker, I wholeheartedly concur with that. I might admit that there was quite a bit of bureaucratic delay from the federal government. We have the report and hope to have a decision soon.

MR. SPEAKER: Thank you.
Edmonton-Meadowlark.

Oldman River Dam Federal Court Decision (continued)

MR. MITCHELL: Thank you, Mr. Speaker. Regardless of what the minister of public works says, it is very clear on page 33 of today's Federal Court ruling that the construction of this dam cannot proceed without federal approval, and I read: the court grants the appellant an order

quashing the Approval of September 18, 1987 issued by the Minister of Transport to the . . . Department of the Environment for permission to carry out works in relation to construction of a dam on Oldman River.

He states very, very clearly on the same page that he cannot exempt the province from that piece of legislation. To the minister of public works: is the minister somehow saying that in spite of what is said very, very clearly in this ruling, he has federal approval to proceed or that he simply doesn't care whether he has federal approval or not?

MR. KOWALSKI: Mr. Speaker, the hon. member caveats, of course, his comments by saying that it's his interpretation and the like. The only interpretation that I can really deal with as a minister of the Crown is an interpretation of the court of Canada. The interpretation provided to me by legal counsel makes it very, very clear, I repeat, that the court document "contains no decision or order halting construction of the Oldman River dam." Further, I have been advised by numerous legal counsel that the province of Alberta is not in breach of the Navigable Waters Protection Act.

MR. MITCHELL: Mr. Speaker, regardless of how he wants to interpret it, is the minister not simply saying, in fact, that he is going to proceed with the construction of this dam before the federal environmental review that has been called for by the courts is completed, regardless of the fact that to do so is to break the laws of this land?

MR. KOWALSKI: Mr. Speaker, there is nothing in the document which would lead me to suggest that. I might quote,

as one hon. member today has already quoted from the decision rather selectively, one statement from page 29 of the decision:

As the voluminous record before us clearly demonstrates, much detailed work and study has been done by or on behalf of Alberta as well as by others, in examining the environmental impacts of the dam project upon the Oldman River Fisheries and otherwise.

MR. SPEAKER: The Member for Grande Prairie.

Highway 56 Extension

DR. ELLIOTT: Thank you, Mr. Speaker. Over the past week and the last few days I've had a considerable number of constituents in the Grande Prairie area bombard me with questions about a highway that I'll identify as Highway 56. It has been suggested that this highway supposedly starts at Stettler and goes south to the U.S. border. It's also been suggested that this highway is one of the most blatant examples of pork-barreling that we've got in this province, and I'd like to ask the Minister of Transportation and Utilities if his department has any specific intentions with this highway and what their actions are.

MR. ADAIR: Mr. Speaker, the highway referred to, Highway 56, is a road that starts east of Camrose on Highway 13 and goes to the Trans-Canada; that's the present routing of 56. There have been a number of meetings that have occurred over the years for an extension of that to the U.S. border. To do that, we would have to either cross the Blackfoot Reserve or go around it and join up with highway 845. Those discussions have been going on for some time, and at the present time we haven't reached a decision in the discussions that we've had with the Blackfoot Reserve. I might point out for those who may have written the article that the work that needs to be done is south of the Trans-Canada, quite a long way away from the central Alberta constituencies.

DR. ELLIOTT: Mr. Speaker, when the minister says that the work has been going on for some time, does that mean prior to the last election? Would he have any indication of how many years?

MR. ADAIR: Back to 1967, Mr. Speaker.

MR. SPEAKER: Edmonton-Highlands, followed by Calgary-North West.

Federal Funding for Advanced Education

MS BARRETT: Thank you, Mr. Speaker. As with the Member for Wainwright, I'd like to talk about the established programs financing cuts, another broken promise from the Mulroney government when it comes to funding provincial programs such as advanced education and health. The total cuts between now and 1994 are going to come to \$684 million, of which \$197 million will be cut from postsecondary education in Alberta alone. I'd like to ask the Minister of Advanced Education if he's prepared to reverse the Provincial Treasurer's policy of "let them cut, cut, cut" and now start fighting Mulroney and Wilson when it comes to their agenda to beggar the provinces.

MR. GOGO: Mr. Speaker, first of all, I appreciate the hon. member's attention to the postsecondary system, which is very

successful. As regards to the funding, it's long been established as a practice in Alberta that all established programs financing, certainly from 1976 on, has been in the hands of the Provincial Treasurer, irrespective of those funds going to advanced education and health. So, in fairness, I would have to defer that question to the hon. Provincial Treasurer for response.

MS BARRETT: I see an anxious response from the Provincial Treasurer. I don't blame him, considering that he told the federal government to go ahead and cut Alberta's budget, Mr. Speaker. I don't blame him.

I would like to ask the Advanced Education minister one more question then, and that would be: given that we're heading into a trend of two tiered education in the postsecondary system – those who have the money can get in, and those who don't queue up – has he any plan to redress the serious deficiency that Alberta is suffering with these transfer payment cuts?

MR. GOGO: Mr. Speaker, I don't know where the hon. member is coming from with regard to her information. We do not have a two tiered system. We have a Students Finance Board in place with about \$100 million. Our policy is that for any Albertan who has the ability plus the desire to get into the postsecondary system, finances will not be a problem. So I have some difficulty with the hon. member's question of running a two tiered system. Frankly, if you look at the tuition fee question, the second lowest in Canada, and if we look at the funding of the postsecondary system, we think that we're amongst the leaders in Canada. So although I respect the hon. member's question, I don't think it's factual.

MR. SPEAKER: Calgary-North West.

Employment of George de Rappard

MR. BRUSEKER: Thank you, Mr. Speaker. In November of 1989 George de Rappard, who was the Chief Deputy Minister of Alberta Economic Development and Trade, was faced with a two-year ban in trading securities by the Alberta Securities Commission. In November of that year we in the Liberal opposition asked for his resignation, and we finally see now he has resigned effective February 28, 1989. The question I have I would like to direct to the Premier, please. Why was Mr. de Rappard allowed to continue in his position as Chief Deputy Minister of Alberta Economic Development and Trade after the Alberta Securities Commission had made their recommendation?

MR. GETTY: Mr. Speaker, I should draw to the attention of the hon. member that Mr. de Rappard has served the people of Alberta for some long period of time. There was a decision which had been appealed. I think the hon. member should recognize the contribution Mr. de Rappard has made to the province and the people of Alberta and also the fact that the decision he's referring to is under appeal.

MR. BRUSEKER: My supplementary question I'd like to direct to the Minister of Economic Development and Trade. In light of the conflict-of-interest report, tabled by the Premier yesterday, that recommends a one year cooling-off period, will the minister rethink his decision to use Mr. de Rappard as a consultant prior to the one year cooling-off period? Is he going to abide by that suggestion in the conflict-of-interest guidelines?

MR. ELZINGA: Mr. Speaker, I notice that the hon. member has a question on the Order Paper, which we look forward to responding to. I should indicate to the hon. member also that no decision has been made as it relates to his question. But I'd like to reinforce what the Premier indicated. We should acknowledge the outstanding contribution this individual has made to the economic well-being of our province, and I'm sure all members join me in acknowledging that outstanding contribution.

MR. SPEAKER: Thank you.

The Member for Clover Bar, followed by Westlock-Sturgeon, then Edmonton-Gold Bar.

Health Care Expenditures

MR. GESELL: Thank you, Mr. Speaker. My question is directed to the Minister of Health, and it deals with health care expenditures. Our present system requires patients to obtain a referral from a general practitioner to a specialist even if the patient was or still is in that specialist's care. Similarly, prescriptions issued by a specialist have to be rerouted back through the general practitioner. Both charge for this service. My question to the minister: why are we requiring that taxpayers pay for this duplication of services through this referral system?

MRS. BETKOWSKI: Mr. Speaker, there are a variety of factors that are involved in referral practices between general practitioners and specialists in the province. Certainly some specialists rely on general practitioners to determine when a patient is referred to them, and it's certainly an issue upon which the medical services utilization committee reported to the province. Clearly, we are trying to ensure that the resources are being used in the best way possible, and having a check, if you like, on when a patient is referred to a specialist is a principle that I believe is sound.

With respect to the issue of prescriptions, perhaps the member could provide me with some specific details on the matter. In general, there is not a specific benefit that is provided for the writing of a prescription. With a visit to a physician, the writing of the prescription is included within that. If a physician is operating improperly, certainly there is a route of review by the College of Physicians and Surgeons.

MR. SPEAKER: Time for question period has expired. Might we have unanimous consent to complete this next supplementary and answer plus the Minister of the Environment giving a response to a question as raised yesterday by the Member for Edmonton-Jasper Place?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed? Carried. Thank you.
Clover Bar, final supplementary.

MR. GESELL: Thank you, Mr. Speaker. I will certainly take the opportunity and advise the minister with respect to this prescription.

My second question, Mr. Speaker, is: could the minister explain why our health care system covers the cost for penile implants but does not cover the cost for in vitro fertilization?

MRS. BETKOWSKI: Mr. Speaker, the services provided under

the medical care plan in Alberta are services which are medically required. Those include services for the initial laboratory costs and medical services required for the diagnosis of infertility and also medical services required during pregnancies which have come about from infertility treatments. The plan also provides for coverage of surgical procedures such as penile implants and others that restore male or female reproductive organs damaged through disease, accident, congenital defects in order to enable conception. However, the plan does not provide for coverage of services which simulate conception, such as the act of in vitro fertilization, which is of course the fertilization of the egg and the sperm outside of the body.

MR. SPEAKER: Thank you.

Minister of the Environment, supplementary from yesterday.

Environmental Standards for Pulp Mills

MR. KLEIN: Mr. Speaker, yesterday the member from Jasper Place . . .

MR. SPEAKER: Edmonton-Jasper Place; thank you.

MR. KLEIN: The Member for Edmonton-Jasper Place asked me questions regarding the noncompliance of the Procter & Gamble mill at Grande Prairie with respect to total suspended solids.

Mr. Speaker, the facts are these. Alberta Environment was concerned in 1987 about declining efficiency of the lagoons at the mill, which would create a long-term TSS problem and required the mill to prepare an action plan to deal with that situation. That plan, approved by Alberta Environment, called for the lagoons to be dredged and the sludge placed in a secure landfill. When the operation began, Procter & Gamble encountered elevated TSS readings, and Alberta Environment ordered the operation immediately halted and required a new plan from Procter & Gamble. Mitigative measures were implemented, and yet the higher than normal TSS levels still occurred. At that point the department allowed the operation to continue but only at high river flow periods to minimize the impact. Now, the bottom line, Mr. Speaker, is that this operation was managed by Alberta Environment to prevent an even more serious and long-term problem with total suspended solids from the mill; in other words, short-term pain for long-term gain.

Now, in the two years since this operation much has changed at Alberta Environment. Operations such as these are being handled more sensitively, given our current knowledge of dioxins and the industry's ability to implement more stringent practices. In fact, the new operating licence for Procter & Gamble contemplates a 54 percent reduction in the allowable limit of total suspended solids.

The whole pollution control division of Alberta Environment has been reorganized since this incident to put new emphasis on compliance and enforcement, and the new emphasis at the department of enforcement, compliance, and licensing are further evidence, Mr. Speaker, of this government's ability to move quickly to deal with new environmental expectations and realities.

MR. SPEAKER: Edmonton-Jasper Place, succinct supplementary.

MR. McINNIS: The minister dealt rather conveniently with the 1988 violations but not the 1989 violations while he was the Minister of the Environment. I simply want to ask why Procter & Gamble is allowed to get away with these extra emissions. Why doesn't he either shut them down or, at the very least, issue health warnings to people on the river that this type of thing is happening?

MR. KLEIN: Well, Mr. Speaker, things change over a period of time, and as I explained, we are strengthening our enforcement and compliance standards. And as the hon. member knows, Mr. Speaker, things do change in government. For example, when the hon. member worked for the NDP government in British Columbia, no pollution orders were issued for any of those rotten, stinking pulp mills in British Columbia. Now, had the hon. member been doing his job when he worked for the ND Party in British Columbia, they might not have had to close down the fishery at Howe Sound today. [interjections]

MR. SPEAKER: Order please.
Member for Edmonton-Meadowlark.

MR. MITCHELL: I rise on a point of order under *Beauchesne* 495(1), (5), and (7) with reference to the document utilized by the minister of public works in answering my question earlier today. I would like to have that document tabled in the Legislature as soon as possible in accordance with the provisions of the section of *Beauchesne* which I just outlined. The point that I would like to make, Mr. Speaker, is that . . .

MR. SPEAKER: Thank you, hon. member. I think the point is made. Did the member not complete it within that succinct summary? If you wish to give some more, let's hear it very briefly.

MR. MITCHELL: That document was relevant to the point that the minister was making and, I think, of particular interest to this House since it was an opinion defending his decision. I would like to know, and I'm sure the House would like to know, whether that opinion was rendered him by the very same lawyer that lost the case in the first place.

MR. SPEAKER: Thank you very much. That's inappropriate, hon. member.

Minister of Public Works, Supply and Services, if he wishes to speak to this point of order. Otherwise, it would just be matter of reviewing the Blues.

MR. KOWALSKI: Mr. Speaker, if the hon. gentleman is asking me to table a copy of the Federal Court of Appeal decision, that's a public document; I'd be happy to do that. I already agreed to do it earlier, but it is a public document. They got half a million dollars for research; I'm sure he can go down to a federal court and pick one up.

MR. SPEAKER: Thank you, hon. member. The Chair will review the Blues.

We have one or two items that we need to work through, ladies and gentlemen. I think we have five additional items at last count.

The first item deals with a point of order as raised by the

Member for Westlock-Sturgeon yesterday after an attempt by the member to table a document in the House. The manner in which this was presented to the House by the Member for Westlock-Sturgeon and the text of the document tendered – after careful examination it clearly characterizes it as a supplementary or minority report, and this indeed is not permitted under Standing Order 65(2).

head: Questions of Privilege

MR. SPEAKER: The next issue is a matter dealing with a purported point of privilege as raised by the Member for Edmonton-Jasper Place and as spoken to by that member plus the hon. Minister of Public Works, Supply and Services. In this matter the Chair has examined the precedent in the House as well and believes that this is indeed not a *prima facie* case of privilege. It's clearly a disagreement between two members of the House with regard to the motion for a return. The precedent within the House, a ruling by Speaker Amerongen on March 5, 1973, is a matter of document that should be referred to by all members of the House. But succinctly it comes to this, and I quote:

Subject to being referred to precedent to the contrary, which the Chair has so far not been able to find, and does not expect to find, an Order for a Return cannot be construed as ordering a minister or a government to produce a document which does not exist.

Moving along to item three, a purported point of privilege, the Member for Westlock-Sturgeon has given due notice to the office of the Speaker and also has given notice to the House with regard to the purported point of privilege. The Chair recognizes the Member for Westlock-Sturgeon and then, if deemed appropriate, a representative from the government and from the Official Opposition.

Member for Westlock-Sturgeon.

MR. TAYLOR: Thank you, Mr. Speaker. I base my motion of privilege with respect to recent restrictions put on the chances of the MLAs meeting with the media and where they would meet, but base it first on *Beauchesne's* page 11 on Privilege, which really in turn quotes from *Erskine May* under section 24.

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

There are other things in that chapter, but basically what we're talking about, Mr. Speaker, is the relationship – you might almost call it a symbiotic one – between the MLAs and the media in order to transmit the deliberations and the actions that take place in this House to the public. The media is the public. If I may go on a little bit further and quote. I believe Sir Edmund Burke is popularly accredited with this, but it was actually Macaulay in 1828 who said, "The gallery in which the reporters sit has become a fourth estate of the realm." This, again, to show the basic nature of the relationship that exists between MLAs and the media.

Certainly any of us in the House have had times when we've had run-ins with the media and thought that they'd been very imperfect, indeed, in covering our pearls of wisdom or whatever little gems we had to put forward. But maybe it's a relationship that you see in math, Mr. Speaker, when two negatives multi-

plied together come up with a terrific positive, if the imperfect MLAs and the imperfect media interacting together come up with maybe a perfect message to the public. The fact of the matter is – and I believe it's been set up through the years. I believe there's much proof, without taking much of your time, that the media *is* probably as much a part of Parliament as maybe even your office or our office or anyone else here. So anything that strikes at the media or in any way limits their way of reporting hurts all of us. This is why I think it is a question of privilege.

I am concerned, Mr. Speaker, at the sort of bunker mentality that seems to be creeping into how we handle the media. Of course, Alberta is no stranger to that. I believe it was in 1937 we passed an Act called An Act to Ensure the Publication of Accurate News and Information. That was of course declared ultra vires some years later. But it is a tendency that maybe some of us have in the House when we don't see our words reported as they should be, and possibly more so from the government side than it is from the opposition side, because the media maybe more often opposes government or it brings out things that government doesn't like. However, I would remind, if this goes to a vote, that the government members over there may well be sitting on our side three years from now. As a matter of fact, Mr. Speaker, it's highly likely, in very limited numbers.

This creeping bunker mentality I've noticed since I've been in the House. When we first got in, you could meet the media anyplace and everywhere. It started out, Mr. Speaker, and has moved on down in a war of attrition. They used to have the Confederation Room, then down into the basement. Now they have to go down to the birdbath and interview us there. I'm afraid at this rate of attrition they'll be outfitted with parkas and asked to go out to the front steps in another year or two.

Mr. Speaker, the idea that they cannot access us anywhere except in the confines of the back of this Legislature I think is anathema. It's opposite to what we started at. The whole idea was that the House, the whole building, was free to the media, with only a limited section where we could sit and converse amongst ourselves and, back in the days when nicotine was allowed, blow it *in* each other's faces. Now it's the reverse. We've done a complete reverse in that the media is the one restricted to just a few places and we have access to the whole House.

Mr. Speaker, I think, without further ado, that I've presented enough evidence for you to allow the motion to go forward to the House. Because it is striking at the very basis of a democratic society when you limit, as slowly and surely as we have over the last few years, the right of the media to access the MLAs.

MR. SPEAKER: Deputy Government House Leader, just a moment.

The Member for Westlock-Sturgeon. To allow what motion to go forward, hon member? Was my hearing at fault there? Or were you just talking about the matter of privilege?

MR. TAYLOR: I'm sorry, Mr. Speaker. I couldn't hear you.

MR. SPEAKER: The Chair will take it that the member is speaking of privilege and was not speaking to a motion going forward later in the afternoon. Thank you.

Deputy Government House Leader.

MR. GOGO: Thank you, Mr. Speaker. Speaking to the matter raised by the hon. Member for Westlock-Sturgeon, I assume it's under Standing Order 15 and 15(6), whereby Mr. Speaker may allow such debate as is necessary.

Mr. Speaker, I have a lot of difficulty with what the hon. member has raised. I draw Your Honour's attention to Standing Order 15(1): "A breach of the rights of the Assembly or of any member constitutes a question of privilege." I have a great difficulty understanding what the hon. member is getting at by reference to either *Beauchesne* citation 24 or 25. I really think, with respect, he's dealing with a matter not of privilege but convenience.

Reading, Mr. Speaker, your memo dated March 13 to members of the Assembly, it would appear to me, and I would hope to other members of the House, that there's maybe not adequate access – I suppose that's in the eye of the beholder – but there's certainly access to the fourth and fifth estate. There are 40 of them. They get not only consideration, but they get special seating in the House. How on earth does the hon. Member for Westlock-Sturgeon deem it abridging his privileges when we make no other arrangement for the public of Alberta to sit in a special seating gallery to observe and we guarantee under the Constitution the hon. member's right of freedom of speech in this House to rise at any time and say his piece?

Mr. Speaker, I cannot agree for one moment, and I would certainly hope members of the House would agree that this is not a matter of privilege. I would certainly recommend, Your Honour, that you not find it a matter of privilege.

MR. SPEAKER: The Chair is somewhat concerned that there were indeed some inaccuracies in the comments made by the Member for Westlock-Sturgeon. There was at least one exaggeration with regard to what has been indeed the practice of allowing access to this whole building for the media.

The Chair has listened to the Deputy Government House Leader and will therefore take the matter into consideration and report back to the House tomorrow.

There's a request under Standing Order 30. Edmonton-Jasper Place.

head: Request for Emergency Debate

MR. McINNIS: Thank you, Mr. Speaker. I rise under the provisions of Standing Order 30 to seek leave to move adjournment of the House to debate a matter of urgent public importance; namely, the decision released earlier today in Ottawa of the Federal Court of Canada appeals division in the case of the Friends of the Oldman River Society and several federal ministers and Her Majesty the Queen in the right of Alberta.

This is a very, very important matter which I consider personally to be a victory for the forces of justice in generations to come. But sticking to the raw facts of the matter, there are three crucial findings in this particular decision which I draw to the attention of the Chair: first, that Alberta laws place too little emphasis on public hearings in relation to environmental matters; secondly, that nothing in Alberta law guarantees the independence of the review process on environmental matters; and thirdly, a permit sought and received by the province of Alberta has been both quashed and declared binding upon the Crown in the right of the province of Alberta.

I submit, Mr. Speaker, that this particular decision presents the province with a legal hiatus, the dimensions of which I'll attempt to explain very briefly prior to Your Honour presenting

a ruling. Perhaps the best way to do that would be to quote the words of Mr. Denny Thomas, who, when he's not writing the Liberals' environment policy, is representing the province of Alberta in these very important court proceedings. He urged the court to keep in mind the public interest as they weigh the significant implications of this appeal. He says, and I quote, "It has implications for nearly any project carried out by public or private parties anywhere in Canada."

These words of the counsel representing the Crown in these appeal proceedings: that the implications are for any project carried on publicly or privately in the province of Alberta. I submit to the Chair that the hiatus presented today is more serious than any other in the rather sordid history of this project.

Speaking to the urgency of debate, the project implications include, among many others, the Daishowa project at Peace River, which is under construction and also in parallel court proceedings at the moment, the Weldwood of Canada expansion at Hinton, the Alberta Newsprint Company pulp mill at Whitecourt, and the Alberta Energy Company pulp mill at Whitecourt approved by the Minister of the Environment on August 17. Those are the implications for projects presently under construction in the province of Alberta.

Turning, secondly, to the implications for the Oldman River project, which was the subject of the proceeding, it's very clear from the comments of the Crown counsel in that case that the Crown saw the importance of this decision. It's also recognized in the style of action and the decision by Her Majesty the Queen in the right of Alberta to seek status as a corespondent in this particular case that the government has recognized the importance of this decision for some time. I remind Your Honour that there was a point in the proceedings at which the government attempted to unapply for the federal permit which is at question here. Unfortunately, the court has told them that that approach is as ludicrous as common sense would dictate. The finding of the court is that that permit is binding on the Crown; it's not optional on the Crown. The Crown is now in the position of proceeding or attempting to proceed with a project for which its licence has been revoked as of today, Mr. Speaker. I think that surely does qualify as a legal hiatus.

I refer Your Honour to Your Honour's own decision of December 10, 1987, in respect of, coincidentally, the same project, although a very much lower level of proceeding and a very much less binding level of decision upon the Crown, where Your Honour observed that

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.

I submit that the hiatus today is very much greater. In fact, in December of '87 that hiatus paled in significance in relation to an appeal court decision from the Federal Court of Canada appeals division which says that this government is proceeding unlawfully if it proceeds to construct this project – unlawfully, that is – without a permit which is binding on the Crown in the right of the province. If there was ever an issue that cried out for the attention of members of the Assembly today – I mean the focused attention, not simply a comment that somebody might make in the course of another debate – it is those two facts: number one, that the government is proceeding, according to the word of the minister today, without a permit which is required by law; and secondly, that all of these other projects presently in construction today are also imperiled.

This Assembly has got to debate this matter. I don't say we have to conclude. We have to have the opportunity, if members

wish, to debate this motion this afternoon.

MR. SPEAKER: The Member for Edmonton-Meadowlark.

MR. MITCHELL: Thank you, Mr. Speaker. I rise in support of the motion under section 30 of the Standing Orders. I speak on behalf of my caucus in presenting our support. I will state briefly why we believe that this matter is of tremendous urgency.

First, it has urgent implications for the manner in which the government is proceeding now on the Oldman River dam. The government is proceeding if it continues to allow construction, as it appears that it is, without federal approval under the navigable waters Act, and that is breaking the law. Secondly, this ruling has tremendous implications for other major projects proposed and under development in this province. To name but a few: of course, the Weldwood expansion, the Daishowa pulp mill, the Alberta Energy Company pulp mill, the Al-Pac pulp mill project – we have yet to see what, in fact, its status is.

There are two ways in which projects of that nature by proceeding do so at a tremendous disadvantage to Alberta and Albertans. First of all, they involve money, the investment of Albertans' money for infrastructure and direct support through loan guarantees. Secondly, each and every day that those projects are allowed to proceed, they damage the environment further. Those two factors heighten the urgency of the debate and of this Legislature's ability to settle the issue raised under section 30 today. We support that motion.

MR. ROSTAD: Mr. Speaker, you refer to Standing Order 30(7)(a):

The matter proposed for discussion must relate to a genuine emergency, calling for immediate and urgent consideration. Then you consider *Beauchesne* 390, that the urgency relates to not the matter but the urgency of the debate. Then you also refer to *Beauchesne* 387, where, if it is to be an emergency, as against even urgency, it must be something that is "within the administrative competence of the Government." The government of Alberta does not have the administrative competence for environmental assessment review programs. Those are within the federal jurisdiction; the Minister of Transport, the Minister of Fisheries and Oceans are federal officers, federal ministers.

Also in conjunction with the fact that that is within the federal competency, the matter is a decision of the Federal Court of Appeal, which is appealable to the Supreme Court of Canada. I must advise the Assembly that our legal counsel have advised, and we have decided that we will be seeking leave to the Supreme Court of Canada to appeal. [interjections] In answer to the chirping squirrel to my right, the government of Alberta had the sagacity to put themselves on the record as an intervenor so that we could appeal in the likelihood that some decision would be made against us.

But it's my submission that the proper tribunal to hear this is the Supreme Court of Canada, and a debate of this matter now, before that decision is made, would abrogate the rules of our Assembly.

MR. SPEAKER: Member for Edmonton-Strathcona.

MR. WRIGHT: Much obliged. Very short, Mr. Speaker. Surely the urgent public importance lies in the announced intention of the minister to defy the court order.

MR. McEACHERN: Just to elaborate that point a little bit further, the member on the other side said that it was not within the competence of this Assembly to decide whether or not the federal government would hold environmental impact assessments. That's true, and that's not the question. It is within the competence of this body to decide whether to go ahead with the project or not in spite of that decision by the court. That is what we will need to discuss.

MR. SPEAKER: Minister of Public Works, Supply and Services.

MR. KOWALSKI: Thank you very much, Mr. Speaker. It seems that there continues to be some confusion in the minds of some hon. members with respect to what the court document actually said. Mr. Speaker, it may very well have been helpful if we had read into the record the complete court documentation with respect to this matter, which would very clearly set it out. But there is a précis attached to it. It's a public document; it certainly is available.

I repeat: very, very clearly, the federal court of Canada document contains no decision or order halting construction of the Oldman River dam. My colleague the Attorney General has already indicated what another step of action is with respect to this matter at another level. In fact, the Friends of the Oldman River Society did not even ask the court the question: should the dam be halted?

MR. SPEAKER: The Chair begs the indulgence of the House for a moment or two while a piece of information is confirmed. Thank you.

Order please.

The Chair was listening carefully to all participants in the discussion from the point of view that under Standing Order 30(2) the member presenting the request must deal with the matter of urgency. The other references, of course, are indeed germane. The difficulty of an emergency debate, should it proceed, is that there is no formal motion before the House in the sense that no decision would be made, but rather it would be an opportunity for members to speak to a maximum of 10 minutes each with respect to the topic, because it does not entail any decision of the House.

The matter, of course, has been raised in question period by more than one member on this day. The Chair was *in* the unfortunate situation of not having a copy of the legal decision as issued, which might have been to some degree helpful for the Chair in terms of question period as well as this particular part of our proceedings.

The Chair was somewhat disposed to consider the fact that urgency was not an overriding concern on this occasion because of the opportunities in question period not only today but at other times, but also the ability of all hon. members to participate in throne speech debate, which would resume tomorrow, in the understanding of the Chair. And, of course, within the development of throne speech debate, members of opposition parties would be enabled to move amendments and subamendments and be able to discuss on a wide-ranging number of issues.

Having said that, the Chair has now learned, as have all hon. members, that it is the intention of the Crown to appeal. The moment that occurs, then the door is indeed closed with respect to the sub judice convention. [interjections]

Excuse me, hon. members. If the Chair had not already made

up its mind as how to proceed, the Chair might be indulged in some response with regard to contempt.

Having heard the response from the Attorney General that the Crown does indeed intend to appeal and the fact that that can happen at any time in the opinion of the Chair, the Chair therefore rules that that urgency requirement has been met. Having said so, the Chair with due respect will remind hon. members that perhaps in future they will not try to second guess the Chair by making comments till the decision has been made.

Now, the urgency requirement, in the opinion of the Chair, has been met, Standing Order 30(2). If hon. members would like to pull out their Standing Orders they can, of course, read it for themselves. The Speaker has indeed ruled in favour of the motion, and shall now put the question. Shall the debate on the urgent matter proceed? Those in favour, please say aye.

HON. MEMBERS: Aye.

MR. SPEAKER: Hon. members, what's this jack-in-the-box . . . [interjections] Hon. members, please listen. Would you pull out your Standing Orders, if you have them: 30(3). Shall the debate on the urgent matter proceed? Those in favour, please say aye.

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

MR. SPEAKER: Subsection (4) now comes into play:

If objection is taken to the question, "Shall the debate on the urgent matter proceed?", Mr. Speaker requests those members who support the motion to rise in their places.

So those in favour, please rise.

[Several members rose]

MR. SPEAKER: Thank you.

Standing Order 30(4)(a) has indeed been met, and therefore we are setting aside the ordinary business of the Assembly to discuss this matter of urgent public importance, each member limited to 10 minutes.

The Member for Edmonton-Jasper Place.

head: **Emergency Debate**

MR. McINNIS: Thank you, Mr. Speaker. May I say I appreciate the generosity of spirit you have shown in the substance of your ruling.

Perhaps the place to begin discussing the Oldman River dam project, which has a long history that many members of this House will be familiar with, is with the Environment Council of Alberta report in 1979. The Environment Council of Alberta held public hearings in various areas of the province on water management issues in the Oldman River basin, and they produced a report which stated in part, and I quote:

An onstream dam is not required at this time, nor in the foreseeable future.

The report goes on to say, Mr. Speaker:

The least preferable onstream site . . . is the Three Rivers site. Since the environmental and soil impacts are much greater . . . only the Brocket and Fort Macleod sites should be considered. The Three Rivers site would . . . involve flooding 5,800 acres

with . . . extensive social and environmental damage, the largest and most intense of all of the onstream sites.

Thus says the Environment Council of Alberta, after consulting with people in the province of Alberta.

The Federal Court of Appeal decision rendered earlier this date makes a very interesting finding on this point, Mr. Speaker, and I believe that this decision will go down in Canadian history as one of the most important ever in the environmental law field. In that respect the current minister of public works will go down in history, perhaps not the type of history he would have written *for himself, especially judging by his performance* yesterday. The minister earlier did quote from the decision, but he quoted out of context from it, and I want to read the full quote so that members who maybe haven't had a chance to see this decision will understand the way he attempted to twist the decision earlier today. It says, and I quote:

As the voluminous record before us clearly demonstrates, much detailed work and study has been done by or on behalf of Alberta as well as by others, in examining the environmental impacts of the dam project upon the Oldman River fisheries and otherwise. Counsel for Alberta offered a comparative analysis of each step taken in carrying out these studies and the assessment and review . . . required by the Guidelines Order . . .

This is the part that he failed to read.

. . . but I must agree with counsel for the appellant that this comparison falls down in at least two crucial respects. The Guidelines Order, unlike the provincial regime, was plainly drafted to allow for the expressing of public concern and the availability of a full opportunity for the public to participate in the environmental assessment and review process. Although public input was received in the course of the provincially based studies mentioned above, the laws under which they were carried out place much less emphasis on the role of the public in addressing the environmental implications than does the Guidelines Order. Secondly, nothing in those laws guarantees the independence of the review panel in any discernible measure.

Rather a different complexion to the quote than presented by the minister earlier.

What it says is that governments can no longer go around making decisions on environmental issues and on environmental projects without talking to the people. I think that's an absolutely ground-breaking decision and one that this Legislature ought to celebrate as it contemplates the implications for the rest of our province and, I suggest, the rest of Canada, because this decision, while it may be appealed, I think is, at least for the time being, the law of the land. I think it's very likely to be upheld because it contains very sound reasoning.

Why didn't this provincial government agree to public hearings on its Oldman River dam decision? The answer is very clearly contained in the ECA report which I referred to earlier. It's because the result of public hearings was that the dam shouldn't be built. The funny thing is, you know, that when you allow people in on decisions, you get better decisions. I wish this minister and the Minister of the Environment and the Premier and others in this government would realize that when people express these concerns, they're trying to help them make better decisions. This is our province; this is our country; this is our future, and all of the people who put forth of their own time, their own effort, their own expertise, are doing so out of love for the province and out of love for the future of their children and generations to come. We get so much slanging back and forth on these issues that sometimes that central point is lost.

I recall the first news conference I had after I was appointed

to the position of opposition environment spokesperson. I said very simply that

if the Getty Government doesn't start to approach environmental impact assessments of development projects in this province in a serious manner, it may find this key role is removed from Alberta's hands and assigned to Ottawa.

I do believe that the decision rendered today unfortunately bears that out. The warning was very clear in the decision of Rafferty-Alameda, a similar dam project on a river in which a government, in that case the government of Saskatchewan, decided to *proceed without giving the people their say. And they had met* a similar fate. Suddenly we're in a whole different ball game. Many, many times the government was asked whether it had taken heed of the lesson of Rafferty-Alameda in respect of the Oldman River dam project. Many, many times we got the standard half-hour Kowalski speech: you know, the one where he waves his arms in the air and says, "Well, we've got dams on the Saskatchewan; why not the Oldman River?" where he accuses people who express this very genuine concern that I have of wanting to deprive southern Albertans of water. What nonsense, what sophistry.

Clearly, what is germane is that there are many different ways of solving problems, and in the environment especially, you don't begin solving problems with a fixed agenda. You don't say: "We're going to build a dam. It's up to you guys to try and defeat us, and if you don't want to, take us to court." The result of that is that somebody's going to take you up on it, and they're going to take you to court. Clearly, the government has been taken to court for all of its bluster and for all of the, I think, excessive rhetoric that's been used to defend its position. The courts have said that those who believe that you bring in a project which is expensive, which they considered to be unnecessary, to be improperly sited, and to be ecologically harmful, have the right to be heard as well.

Now, you will note that the style of action initially was Friends of the Oldman versus some federal ministers, and the provincial government bought itself in. Today they're trying to say, "Well, this doesn't affect us because it's a decision against the federal government; it's not a decision against us." What nonsense. I can't believe that the Minister of the Environment, who's here right now, would attempt to suggest that, given that the province of Alberta sought and received a federal permit for this project. They attempted to weasel out of that later on. The court said today: no, you can't do that because you are bound by that federal Act; you are bound to have such a permit.

This is a provincial project upon which I'm told the provincial government has spent \$250 million to date. Now, I think at the very least I would like the Minister of the Environment to stand in his place today and assure the House that the lesson of the Appeal Court decision has been heard by the government. It's the same lesson as the Rafferty-Alameda decision at a lower level. The lesson is that you can't have a project until the public have their say. It's not good enough for a minister who may be biased at the outset to have reams of studies prepared and be briefed on those studies and say, "I'm satisfied." It's not enough for a Minister of the Environment to do the same thing as was done in the Alberta Energy project in Slave Lake. Don't kid yourself. The Alberta Energy project is every bit as coloured by this decision as the Oldman decision is. The Daishowa project — it's the same thing. They have a bunch of coffee parties; the Member for Peace River attempts to explain from time to time that this qualifies as a proper environmental impact assessment. There is no way. It's gotten beyond the point

where politicians can define what environmental impact assessment process is.

Now, I give full credit to the Minister of the Environment for recognizing there's a problem here. I give him credit for his setting up a task force, for making a commitment to bring in legislation this session to clean up the poor state of environmental impact assessment law in Alberta. I think it's only fair to say that this minister did not write the laws as they exist now, which essentially is one section of the Land Surface Conservation and Reclamation Act which allows the Minister of the Environment to decide when and where an environmental impact assessment will be held and what form it will take.

Now we have the court very clearly saying that if a provincial government – it doesn't matter *if* it's a provincial project; if it has implications in the federal sphere, it has to meet the test of the federal guidelines order. And the test of the federal guidelines order is clearly that the studies be done publicly, that they begin by . . .

MR. SPEAKER: Thank you, hon. member.

The Chair would like to provide to the House the wording that was supplied to the Chair in the original request for the emergency debate.

That the House debate

a matter of urgent public importance, namely the Federal Appeal Court ruling on the Oldman River dam and its implications for various Alberta projects,

so that other members might participate in the debate. Thank you.

The Chair recognizes the Member for Edmonton-Meadowlark, followed by the Leader of the Opposition.

MR. MITCHELL: Thank you, Mr. Speaker. I would like to argue – and will argue, Mr. Speaker – that there are two issues raised by this Federal Court of Appeal ruling. One issue directly addresses the question of the Oldman River dam and how this government should or should not proceed at this time. The second issue addresses the broader implications of this finding for projects other than the Oldman River dam in the province of Alberta.

I believe that it is a very, very clear interpretation of the ruling by the federal court that the province of Alberta cannot allow construction to continue on the Oldman River dam until such time as they receive federal approval under the navigable waters Act, and they cannot receive federal approval under the navigable waters Act until the federal government has fully and properly exercised its responsibility to conduct an environmental impact assessment into those areas under federal jurisdiction and within the federal mandate.

The minister of public works wanted to say earlier today that somehow this ruling does not apply to his government or that if it does apply, I guess he doesn't care. He is, of course, directly contradicted by his own Attorney General, who stands up and says, "We're going to appeal this ruling," which, of course, *de facto* must mean it does apply. Otherwise, why would you bother to appeal it?

I would like to go through, point by point, why in fact this ruling applies directly to the provincial Crown, to the provincial government; why in fact the provincial government is bound by this ruling, bound to halt construction of the Oldman River dam until such time as the federal environmental impact assessment called for in this ruling is completed.

On page 33 of the court ruling, we find – and I would like to

point out that of course the minister of public works didn't read all three findings; he only read finding (b) and finding (c). It's finding (a), of course, which is directly relevant to the point he was trying to deny before us earlier today. It says:

I . . . would grant the appellant

(a) an order in the nature of certiorari quashing the Approval of September 18, 1987 issued by the Minister of Transport to the Alberta Department of the Environment for permission to carry out works in relation to construction of a dam on Oldman River in the province of Alberta pursuant to the Navigable Waters Protection Act.

The approval to the province is quashed on page 33, section (a).

Now, is that lack of approval relevant to the provincial government? The ruling is very, very clear that in fact it is, because the ruling states in the second paragraph – and I paraphrase – that the provincial government cannot be exempted from approval requirements of this Act. There can be no other conclusion but that if this government proceeds with the construction of the Oldman River dam, until such time as the federal review is complete this government is blatantly breaking the laws of this country.

It's not simply a legal argument, however, Mr. Speaker, that we need to address here. The fact is that we now have two very powerful rulings that have specific implications for other projects on a logical basis and on a moral basis.

First of all, the Al-Pac hearings panel – and it was a federal/provincial panel – ruled that there were some very, very serious shortcomings with the Al-Pac project proposal. Now we find that proposals of the nature of Al-Pac, proposals with major environmental implications and with implications under federal mandate, must, according to this federal court ruling, be reviewed by the federal government. The question we have to ask of the Minister of the Environment and that we can never seem to get an answer for, is: Mr. Klein, if you embraced . . .

MR. SPEAKER: Forgive me, hon. member. We do not use surnames or first names in this Assembly.

MR. MITCHELL: Sorry. I thank you, Mr. Speaker.

To the Minister of the Environment we must ask this question: since you have embraced so wholeheartedly federal involvement in the Al-Pac review process, and since you have spoken so well of the virtues of that review process, why is it, Mr. Klein, that you have not . . . [interjections]

MR. SPEAKER: Thank you. Hon. member, you have a short memory.

MR. MITCHELL: I'm sorry.

Why is it, Mr. Minister of the Environment, that you have not insisted upon a similar review process – at a minimum, a similar review process – for Daishowa, for Weldwood, for Alberta Energy Company, and for Procter & Gamble? Do you know why that is, Mr. Speaker? Because their initiative to invoke the Al-Pac hearings process is nothing more than public relations. They thought they could buy off the political pressure by doing that. What they are addressing is only the public relations problem that they perceive with respect to projects such as the Al-Pac project and the Oldman River dam project. What they are not willing to embrace and understand is that they must today embrace and address the substantive environmental issues related to these projects.

It is simply a fact, Mr. Speaker, that this government has a

moral obligation, if not a legal obligation, to ensure that a proper environmental impact assessment process is invoked and implemented for the Oldman River dam project and that a similarly proper environmental impact assessment process is invoked for each of the major northern Alberta pulp mill projects and any other projects of that nature in this province in the future. To do otherwise is, one, probably legally wrong in the general sense and specifically against the law in the case of the Oldman River dam, and to do otherwise can be little short of morally reprehensible in the case of these major development projects in this province.

Thank you very much, Mr. Speaker.

MR. MARTIN: Mr. Speaker, I rise in this urgent debate. It seems that the more we go along, the less the government learns, Mr. Speaker. They may say, and the Minister of Public Works, Supply and Services tried to say, that there were no problems; it was just a federal problem. Then he half-quoted what they're saying in this particular document on this decision. This is a very serious matter not only for this project, the Oldman River dam, but as has already been mentioned, for the future of this particular province.

Now, Mr. Speaker, I want to just refer very quickly to – it's called: January, 1990; an Oldman River dam update. I think it was from the hon. Minister of Public Works, Supply and Services. He said it was all systems go last summer as the Oldman River dam project experienced one of its highest activity periods, and as a result, the dam is now one half of its final height, bringing the project to the 60 percent completion mark. He might have been speaking a little too early, Mr. Speaker. He certainly wasn't anticipating the decision that came down.

This has been a long debate that we've held in this Legislature over 10 or 12 years, as I recall, when this project was first talked about. I recall my colleague Grant Notley suggesting that there may be better ways than a dam, and suggesting that we needed more public input. I remember the Environment Council of Alberta saying there may be problems with this. But this government wanted to go ahead with dams. That was the only answer for them: build a dam here, build a dam there, build a dam everywhere and, as I said earlier on, if I may use it, forget about the environment; the environment be damned. To everybody that disagreed with them and said there might be other ways economically to deal with the waters, that there might be other ways, "Oh no, you're against southern Alberta," which was such nonsense at the time, Mr. Speaker, such nonsense.

Now we have this government, by the minister's own figures – I don't know what this dam is going to end up costing him by the time it's built. From the latest figures I've seen, it's some \$353 million, 60 percent complete. Millions of dollars into a project, and all of a sudden the federal court says you don't have a permit to build it. You call that performance from a government? What a total waste of taxpayers' money. Instead of listening to people back at the start when they said: "Take your time. Hold an environmental impact assessment to look at the economics of it, to look at the environment, and find out that there may be a better way. Take your time on it," no, this government bullheadedly pushed ahead. Now all Albertans, including especially southern Albertans, are being held at ransom. Mr. Speaker, that's the reality of it.

Now, I'd say with the Minister of Environment that with the Al-Pac decision they finally did the right thing – kicking and screaming into that decision. We were told at one time we didn't need environmental impact assessments; they had it all

under control there too. Hopefully, we won't have the same errors that we've had with the Oldman River dam here, Mr. Speaker. But the government has learned. All of a sudden they look at the polls – they've got lots of money – and say, "Oh, people are concerned about the environment; therefore, we'll learn the lingo: sustainable development." We'll even talk perhaps about the Brundtland commission, but we really just want to talk about it; we don't want to do anything about it. If this Minister of the Environment believes – believes, Mr. Speaker – that environmental impact assessments are important, then he should be saying to his colleagues very clearly that you have to respect this court decision and we have to involve ourselves in that environmental impact assessment.

If he believes in what he said about Al-Pac, this minister has no choice, absolutely no choice but to take that position into cabinet. He has to say it to those colleagues, the Attorney General who says, "I don't care what they say; we're going to appeal it." Is that concern about the environment? Is that concern about the law? No, they're more worried about saving their skin.

What an arrogant position to take, Mr. Speaker. That's their only concern, to protect themselves. Then you have the minister of public works coming up, when he looks at the decision and only reads part of it. Clearly, on pages 29 and 30 they say that if the province had been doing their job, if we'd had a proper environmental impact assessment, this decision wouldn't have been made. They go on to say that they don't allow adequate public participation, and they certainly question the independence of what went into that decision. So the minister's well aware that if we'd had a proper environmental impact assessment with this project, even after we had the problems when we had this emergency debate two years ago, maybe it would come out that this is a good project after looking at all the concerns. We wouldn't be facing these problems right now. But the government tried to hide behind it, push ahead, and forget about what the courts are saying. As I say, Mr. Speaker, we may all be paying the price for that now.

The minister says, "Well, we don't have to stop construction." Well, they don't have a permit. What we could be doing is having this government continue with the construction and an environmental impact assessment comes back and says you can't do it, so we're just going to throw good money after bad. What's the hurry? You should have stopped before. Now you have another opportunity, with only 60 percent complete, to stop and do the right thing, but no, I don't see that coming from this government. Mr. Speaker, I appeal to the Minister of the Environment, who's a spokesman for the environment on this matter. His credibility is on the line here. He has to stand up to this government again. He has to do that and get them to do the right thing on this.

Now, the important point about this is not only what is happening with the Oldman River dam here. It has important, serious implications for any other project in this province. We ask the question: if it made sense to hold an environmental impact assessment with the Al-Pac project, doesn't it make sense to have an environmental impact assessment with all the other pulp projects? Or are we just going to barge ahead, build them, and then end up in the situation we have now with the Oldman River dam? Does that make sense? Is that looking after taxpayers' dollars? Is that looking after the environment? Is that what the people of Alberta want, barge ahead? Then we'll wait till the courts tell us we can't do it.

Mr. Speaker, as I say, it's serious for this project, but it

certainly has implications for all the other projects we're involved with. For the government to say, "Well, we did everything right in this and it's the feds that didn't do it," that's nonsense. Maybe they were incompetent too. But the point is that if the province had been doing their job, we wouldn't be facing this situation. Mr. Speaker, and through you to the Minister of the Environment, a very serious question we will want to be asking this government through the Minister of the Environment: is this government now finally going to read the writing on the wall and order an entire environmental review and public hearings around all the other projects before it's too late? Or are we not going to do it? I'm going by what the Premier said – maybe this will change his mind – that everything's just okay on all these matters. We'll just plough ahead with all these projects and then we'll be having another emergency debate about Daishowa, another emergency debate about this, another emergency debate about that. Meanwhile taxpayers' dollars will be going down the tubes.

Mr. Speaker, they have one more opportunity to do the right thing here. I especially appeal to the Minister of the Environment to put the pressure on his colleagues to do what I believe he knows is the right thing.

MR. SPEAKER: The Chair will recognize the Member for Westlock-Sturgeon.

The Chair just wants to point out that in the normal course of debate, in both *Beauchesne* and *Erskine May* parliamentary tradition is to debate pro and con. The Chair wants to draw attention to that, because at the moment the Chair has only been able to recognize members on one side of the debate.

Westlock-Sturgeon.

MR. TAYLOR: Thank you, Mr. Speaker. I rise on the pro side. I'm sorry the cons are con in every way over there. We can't hear anything except the thundering silence. Apparently somebody up above hasn't unleashed the dogs of war over there yet, but they will be coming.

If I may touch on a couple of things. I always like to develop things more from an historical point of view. I've seen some improvement and progress in handling the environment by the government here. I won't attribute it to that great populist, one of my neighbours from Calgary away back, but there is probably a bit of light and reason creeping into the government benches over there. I've heard them mention "trustee," for instance. You know, once a government considers themselves trustees rather than owners, they are along about 50 percent of the way to realizing what a good environment is all about. Because once you're a trustee – and the government has used this term a number of times – you start thinking not of the rape and pillage of the countryside for your own immediate benefit but that you are here for a short time to use something your grandchildren will be using and on from there. You have a duty to keep your environment or your ethos, whatever you want to call it, in better shape than you found it or at least as good.

[Mr. Jonson in the Chair]

I think this is one of the problems this government has run into, Mr. Speaker, through the last years. They're used to the idea of a major project being something you dream up just before an election, and you start moving the bulldozers and scratching the dirt around and making noises as the election approaches. That day has gone by; it doesn't matter what party's

in power. I guess it's only natural that the Conservatives, being the way they are, would probably be one of the slowest to come to that recognition in the design of major projects. It's not necessarily going to be a slower process but one you have to start ahead of time to get all the input from those who may be affected.

This is the second part. This sort of petty chauvinism we've seen so often in provincial governments, and particularly the people across the House here, shows up as: "This is my province and don't anybody dare come in here. I'll cut the trees down, I'll shoot the buffalo, I'll dam the rivers, and to hell with anyone else." Well, that's one of the things, Mr. Speaker, that slowly has to change when it comes to how the environment is handled. The environment is not a local business anymore. Talk to our municipalities that are having lots of trouble now. Talk to the Minister of the Environment over there about how often now he's getting appeals from people in our different municipalities saying things are going on and they want the Minister of the Environment from the province to intercede. Likewise, the federal Minister of the Environment has been asked to intercede on provincial matters. I might add that I suspect the United Nations and world organizations are asking the federal Minister of the Environment to look after his or her realm or whatever they're looking after, everything like the seaways, weather control, weather modification, shipping lanes. There's no such thing . . .

Mr. Speaker, I notice you've switched seats with the other Speaker, but the other one, being a poet, would be very familiar with John Donne saying that "No man is an island." No province is an island, no country is an island when it comes to the environment, Mr. Speaker, and this is the main point we have to get across. Consequently this willy-nilly dashing forward, buffalo-hunter mentality, exemplified particularly by the former Minister of the Environment – all those little goodies out there to butcher, do away with, and turn to the benefit of society for the eternal glory of a government later on and a brass plaque in the corner – has got to go. That thinking has got to go by the boards. This is one of the reasons I talk about suspending the plans and sitting back today and taking a close look at what we're doing.

It's not really the dam itself so much, but we have other major projects, the Daishowas and the rest of the Athabasca River. We've gone marching ahead as if there's nobody in our whole area when we go downstream from the Athabasca to the Peace and to the Mackenzie, as if just because we happen to be sitting in this spot we have a right to make their decisions. Likewise in the Rocky Mountain conservation area, which the dam was put together to collect water from, ostensibly to do great and wonderful things.

The greatest sins in mankind have always been committed from the point of view that they are going to help somebody, that they are going to allow something great to march forward, whether it's massacres or diverting rivers. Whatever it is, they're always done with great, noble aims, ostensibly by the people in power. Just one of the things I'd like to see – and I think there's a glimmer of light coming through, Mr. Speaker. It may be just a small crack in the door touching the antediluvians across there, but it's getting there, that light of reason that they are indeed trustees and indeed the federal government may have something to say. The federal government may even have a responsibility, Mr. Speaker, that's coming through, and consequently today I rejoice at the court decision of bringing home common sense and reason.

I only appeal to the government now to follow that through if they want to survive the next election. Sitting in the opposition, I've always found that you feel rather torn whether you should offer them good advice and thereby they could prolong themselves in society or whether you should sit silently and let them ruin the countryside. I've never been able to figure for sure what an opposition member should do, but I've taken the positive side and I'm going to recommend what they should do. Hopefully they will have the light of reason to do it. Hopefully — who knows, Mr. Speaker? — I may have put enough turpentine on the bottom of those seats over there that some of them will screw up the courage to get up and answer the comments and the arguments that have been made over on this side.

Thank you.

MR. ACTING DEPUTY SPEAKER: The hon. Minister of the Environment.

MR. KLEIN: Thank you, Mr. Speaker.

I would like to recite a bit of history myself if I can. First of all, I would like to take you back to the process that was in place, at least until May 15, 1989. Mr. Speaker, there was a process in place whereby the Alberta government had the opportunity to assess the environmental impact evaluations of federal projects and sign off on those projects. There was a reciprocal arrangement where the federal government had the ability to participate with the province in assessing our projects and, after doing that assessment, sign off on those projects.

Just before that three-year agreement was about to expire on May 15, 1989, the Federal Court of Canada made a ruling on the Rafferty and Alameda dams on the Souris River in Saskatchewan. The court ruled that the federal government had certain responsibilities under its own environmental impact assessment processes and that it failed to carry out those responsibilities. Therefore certain things had to be done to do a proper federal assessment of that particular project. As a result, the agreement with the province of Alberta was not renewed, and we were committed then to enter into negotiations with the federal government to devise a new process for future projects. Indeed that's what we did with respect to the Alberta-Pacific pulp mill project between Athabasca and Lac La Biche. We attempted as a province and as a federal government and as the government of the Northwest Territories to put in a process that not only would fulfill the federal government's environmental impact assessment guidelines but would serve to strengthen our own environmental impact assessment guidelines as it pertains specifically to the public involvement portion relative to environmental impact assessments.

We weren't dragged kicking and screaming into this process. Indeed, if one would go back and check the records from time to time, which members of the opposition are not prone to do, they would find that my predecessor Dr. Reid announced in April 1989 that the Alberta-Pacific project would be subject to a public review, that there would be intervenor funding for the project, and there would be a full public review of the program.

As the federal government got involved in this particular exercise, the scope expanded and, as we know now, it was a process that lasted some 27 days. It stretched from municipalities all the way from Edmonton, up the Athabasca, through Lake Athabasca, up the Slave River to Great Slave Lake, and all the way up the Mackenzie River, to the satisfaction of the hon. Member for Westlock-Sturgeon. It resulted in 8,000 pages of evidence being compiled and involved hearings in 16 com-

munities, something like 5,000 spectators and participants, and intervenor funding. Hopefully, it will serve as a model for the new natural resources conservation board which was announced in the throne speech, a formalization, if you will, of the process to make sure — and it's too bad the hon. Leader of the Opposition is not here to listen to this, because he asked the question, Mr. Speaker — that all projects in the future are examined with full public participation where the rules can be formalized and a level playing field created. And they will be applied to future projects.

The hon. Member for Edmonton-Meadowlark talked about addressing today's environmental realities, but he related them to yesterday's projects. I guess if he really wants to be serious about this, I would suggest that perhaps he take me up on my offer expressed to him a couple of days ago in this very House. Perhaps he should talk to his Liberal buddies in Ontario about the pulp mills that have been existing in that province for years and years, stinking and polluting that environment. Perhaps he should talk to his Liberal buddies in Quebec about the pulp mills that exist there that have been stinking and polluting that environment for years and years. Perhaps he should talk to his Liberal buddies in New Brunswick about the stinking, rotten, belching, polluting pulp mills that have existed there for years and years.

Mr. Speaker, the hon. member of the opposition talked about doing things right. What we're going to do in this particular instance is assess the court ruling relative to the Oldman dam. We're going to determine what the federal government is going to do, understanding that this charge was against the federal government, this ruling was against the federal government and not the province of Alberta. We're going to determine what they are going to do with respect to this situation. We are going to take our time, we are going to be reasonable about this, and we're going to do a full examination of the facts, understanding that there was no mention whatsoever in the court ruling handed down today that the Alberta government should bring this project to a halt. We are going to do a full-scale examination of the facts and do what is right after that examination has taken place. That is what this government is going to do. We're going to act responsibly, we're going to do what is right in the long run, and we're going to take our time to make sure that what is done is done properly, not only for the preservation of the environment, not only to fulfill what is right in terms of environmental assessments, but to make sure that whatever is done is done in the spirit of sustainable development.

Thank you.

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

MR. WRIGHT: Thank you, Mr. Speaker.

With the greatest respect, the attitude of the dam minister is astonishing: that he will defy the court order. It's as simple as that. It's as if . . . [interjections] Come on, come on. What's that? There is no order? There is no order? Read it. Read it. Here is the disposition . . .

AN HON. MEMBER: I can't read.

MR. WRIGHT: Well, that's a possibility. . . of the Federal Court of Appeal.

In the result, I would allow this appeal with costs both here and in the Trial Division, and would grant the appellant

(a) an order in the nature of certiorari quashing the Approval of September 18, 1987 issued by the Minister of Transport . . . That's the federal minister, of course.

. . . to the Alberta Department of the Environment for permission to carry out works in relation to construction of a dam on Oldman River in the Province of Alberta pursuant to the Navigable Waters Protection Act.

Now, Mr. Speaker, that is plainly a withdrawal of the development permit which is binding this province.

MR. ACTING DEPUTY SPEAKER: The Minister of Career Development and Employment on a point of order.

MR. WEISS: Mr. Speaker, if I may have your permission, sir – and I'm sorry to interrupt the hon. member, because I do appreciate hearing his other point of view – I'd be so obliged if he'd provide to all members the information he refers to so we'd have the privilege of referring to it as well. It's in the Standing Orders.

MR. ACTING DEPUTY SPEAKER: I would draw to the attention of hon. members that no point of order has been raised, no citation quoted. I guess it was a matter of personal convenience of the member. Would you please proceed, Edmonton-Strathcona?

MR. WRIGHT: However, I do agree with what the hon. minister cites as a point of order, and it applies to the minister who first brought it up, who is the Minister of Public Works, Supply and Services. He did offer to file the thing, so I'm sure he'll give you a copy. I just got this recently.

The second part of the disposition, Mr. Speaker, is "an order in the nature of mandamus directing the Minister of Transport to comply with the Guidelines Order." Now, that's the federal guidelines order, as some of us know, for environmental impact assessments. The third part of it is "an order in the nature of mandamus directing the Minister of Fisheries and Oceans to comply [also] with the Guidelines Order." So it is clearly on the one hand a withdrawal of the permission to continue with this large development and, on the other hand, an order to the responsible federal ministries to proceed with the environmental impact assessment. The arrogance, therefore, of saying "Well, we'll go along with it anyway" is just the same sort of arrogance we saw in 1987 when there was a similar order of the trial division of the Court of Queen's Bench, I guess, then, which was similarly ignored.

Now, Mr. Speaker, the reply from the Attorney General is, "We're going to appeal." I should just point out to hon. members that there is no automatic stay of execution on these orders when there is an application for leave to appeal. There is in the Supreme Court of Canada if there's an actual appeal, but subject to correction – I haven't been able to definitely pin it down – my understanding is, at any rate, that this automatic state does not apply simply for moving for leave to appeal. Similarly, the matter will not even be under sub judice until leave to appeal has been granted. Up to that point, it's just simply an application, as it were, to put the matter back sub judice. So I'm sure the Chair will bear that in mind when assessing the propriety of ruling out further questions on this simply because the province has applied for leave to appeal, if in fact they do that. The Attorney General, I guess, has stated that is the intention.

Mr. Speaker, all this points up the point, I suppose, that we

have changed gears. Even the government, according to the throne speech, has changed gears in the sense that the environment in their books is suddenly much more important than it was. Consequently, we have to pay attention to that. I mean, let them obey their own prospectus in the throne speech in which the environment is given top priority.

Here we have all manner of assertions that this dam is a disaster. Just to remind hon. members of the great variety of assertions to this effect, I will touch on a number of quotations, Mr. Speaker, from very diverse origins. My colleague from Edmonton-Jasper Place has referred to the assessments of the Environment Council of Alberta. "An onstream dam *is* not required at this time" and so on – he read that out earlier, so I won't do so again. Andy Russell, the famous outdoorsman and writer:

. . . everything the Oldman represents and has nourished for 10,000 years is in jeopardy. If future generations are to be inheritors and not just survivors, we have an obligation to act with firmness and utter finality in its protection. There is no legacy in all nature to compare to a free-flowing river.

If you think that a bit too poetic, Mr. Speaker, perhaps then listen to a professor of geography, Arleigh Laycock.

To provide off-stream and on-stream storage on the scale proposed is gross overbuilding relative to the capacity of the river . . . The trends are discouraging because agriculture prices are not keeping up with irrigation costs and provincial subsidies . . . are growing rapidly.

Dealing with that point, Mr. Speaker, which we have to bear in mind, we must all agree that the present mode of using the water amongst the farmers who are struggling to keep their farms going in the most unpropitious, natural circumstances in the Palliser Triangle is very wasteful. With much less expenditure than a dam represents, much more efficient use of the same volume of water could result so the dam would be unneeded.

Robert Bateman, artist and naturalist:

The Oldman dam is another one of those huge mistakes that will destroy another precious piece of our natural and human heritage.

From an archaeologist, Barney Reeves:

The dam will . . . have the greatest negative impact on Alberta's Historic and Prehistoric Resources and related riverine ecosystems . . . in the history of Alberta.

Bob Scammell, lawyer and outdoors writer:

This dam will seriously damage the valuable fishery in three of Alberta's finest trout streams. One of these rivers, the Crowsnest, ranks among the best in North America and is becoming widely known . . .

Mr. Speaker, I hesitate to carry on with this, but at least I will draw members' attention to the diversity of the origins of admittedly diverse opinions, but all against the dam: the World Watch Institute; the *Calgary Herald* in an editorial on less expensive methods of irrigation that I have referred to; a study commissioned by Donald Hodel, U.S. Interior Secretary; David Suzuki; and, of course, the Chief Justice of Alberta himself.

Now, Mr. Speaker, if we are serious about our commitment to the environment, we have to stop this construction until this is sorted out or at least until the order is vacated. It seems to me that there is no honourable middle way. If you believe in the rule of law, if you believe that courts have a place, then we have to obey. It's as simple as that. At the present time, it's as if there is no development permit for this. Suppose that in the city of Edmonton someone did not have a development permit and was building an hotel. It doesn't matter how big the structure; the fact is that it's unlawful and the developer would

be liable to an injunction at the drop of a hat. Surely this government does not have to wait for some other group to come to court to ask for an order of prohibition or an injunction or whatever the process would be to oblige the province of Alberta to comply with the effect of the Federal Court of Appeal's ruling.

Mr. Speaker, is the time running to an end?

MR. ACTING DEPUTY SPEAKER: It is, hon. member.
The Member for Calgary-Mountain View.

MR. HAWKESWORTH: Thank you, Mr. Speaker. Well, I'll give this government credit for something. There they are, standing over there with egg all over their face, and they're still saying, "We're only making an omelet; just slipped a little bit." There's something to be said for anybody who can stand up and say that.

But there's something more important at stake here today, Mr. Speaker. There's something more important today than just whether the Oldman River dam is going to proceed or not. What's important today is the message this government is sending out to Albertans. The message they're sending out is that it's okay to ignore a decision of the court – if you look at the fine print, there's an escape clause, there's an escape hatch; it's okay to ignore the spirit of the law as rendered by the Federal Court – that it's okay to do whatever you want if you can get away with it. That's the message this government is sending out to Albertans today. It's a shameful message for them to be sending out today, Mr. Speaker. The message is that all that matters is whether you get your way or not.

The fact is that some people took this government to court, and the court agreed with the people that took this government to court. The court agreed that this permit should be quashed. The permit on the basis on which construction is proceeding is quashed, Mr. Speaker, and it's wrong for the Minister of Public Works, Supply and Services to simply say that because it didn't in so much fine language tell him that he has to stop construction, he's going to flaunt that decision until he gets his way.

Well, Mr. Speaker, there's more at stake here than simply a development permit, simply the construction of a dam. There's something at stake here which regards the confidence people have in their public officials to respect the rule of law in a democratic society. All over the world there are people in the streets demanding the kind of laws that we have, the kind of democratic system we have in our country. They've lived without it for years and decades and generations. They're crying out all over the world to have the kind of system of law and respect for the law that we've enjoyed in this country for a long time, and here we have a minister of the Crown saying that he's going to flaunt the decision of the Federal Court regarding the construction of a dam project in southern Alberta. There is more at stake here, Mr. Speaker, and one of the things that's at stake is our whole democratic institutions. If we're willing to take them so for granted and hold them in such contempt that we're prepared to do these kinds of actions, what is our message to other people in other parts of the world about what kind of democratic system we have in place, what kind of democratic laws we have in place, in our country?

You know, people are losing confidence in the political institutions of this country. As people who have been entrusted to look after those institutions, we'd better wake up and make sure we don't hold them in such contempt that the message we're giving out to Albertans is that they can also hold our

democratic institutions in contempt as well. There's an awful lot more at stake than a dam; there's more at stake than an environment in this province. So let's not make any more mistakes. What is at stake is respect for the law, and what is at stake is respect for public institutions. If we want the public to have respect for this place, then we in this place had better darn well have respect for it as well, and we'd better darn well have respect for the other democratic institutions of our nation.

MR. ACTING DEPUTY SPEAKER: The Member for Pincher Creek-Crowsnest.

MR. BRADLEY: Thank you, Mr. Speaker. This is the second time in the last two and half years I've felt moved to rise and participate in emergency debate regarding the Oldman River dam topic. I'd like to respond to a couple of the suggestions made by some of the members opposite and also to speak on behalf of my constituents. In fact, I know there is no other member in this House who's had to deal with the issue of the construction of the Oldman River dam more than myself. The Member for Calgary-Mountain View talks about respect for democracy. In five provincial election campaigns the subject of construction of an on-stream storage reservoir on the Oldman River dam has been a subject of those election campaigns. On each occasion I have been elected to this Assembly to represent the people of that area with regards to that subject. So we talk about the will of the people; we talk about democracy. I know that the citizens of my constituency have sent me here with a strong message with regards to proceeding with the construction of a dam on the Oldman River.

Now, it has been a very difficult subject for my constituents, because the benefits of the dam will not be felt as much in my area as they will be felt downstream. Those arguments were made to those citizens by candidates from the parties opposite – sometimes two or three candidates – opposing the construction of a dam on the Oldman River. But my citizens, the electorate down there, have taken those arguments, have weighed them very seriously, looked at the alternatives, and have come to the conclusion that it is in the best interest of southern Alberta to proceed with the construction of this dam, for a number of reasons.

Now, the other points that the hon. members have made today suggest that there has not been a thorough process initiated by this government over that period of time to review all the matters related to environmental concerns. Many ministers of the environment have come into this Assembly, trundled wheelbarrows full of documents outlining what has taken place. There has been significant public input with regard to this process: technical studies; a water management study committee made up of local citizens from my area and southern Alberta looked at this question and came to the conclusion that an on-stream dam was necessary; there were public hearings by the Environment Council of Alberta. The Member for Edmonton-Strathcona reiterates their conclusion. I must remind members that it was in 1978 that those extensive public hearings were held across southern Alberta, also in my riding. There were those who argued against these public hearings. They said, "There should be a site-specific hearing." Well, there were basinwide hearings, very broad public involvement. To come back to the point made by the Member for Edmonton-Strathcona, he said that the ECA said the dam is not required at this time. That's 1978; that is 12 years ago.

[Mr. Deputy Speaker in the Chair]

This government has had the foresight to plan for the future of southern Alberta by moving ahead with the construction of this dam. We've taken into consideration the widest possible points of view in coming to this decision. It's interesting to note that even in the much alluded to federal environmental review process guidelines there is the statement that even though a federal environmental review panel may come to a certain conclusion, the minister and the Crown have a right to make a decision other than that which a panel may come to the conclusion of. We took into consideration the broadest possible interests and concerns with regard to this matter, from all points of view, in southern Alberta and elsewhere. As I say, I believe the fact that I'm in the Legislature today shows that the people in that area have respected the decision which this government has made.

There are those who argue that the Federal Court has found against the government of Alberta, that we should therefore stop construction. The Federal Court has found against the two federal agencies regarding their involvement in this project; it hasn't found against the province of Alberta, with regard to what we have done.

AN HON. MEMBER: Wrong.

MR. BRADLEY: No, they have not found against the province of Alberta.

I wanted to talk about what the consequences of stopping construction might be, for those who advocate stopping construction. They have no conceivable idea what the impact of that would be. That would be the most irresponsible thing we could do, as citizens of the province of Alberta, to stop construction of that dam partway through. Once a project like that is started, you have a time period in which to complete construction of the dam. In the first year of construction you're at risk in terms of potential flood impacts. In the first year of construction a one in 50 year flood event could wipe out the works that are there and have an impact downstream far greater than the impact of the construction of the dam site itself. Now, into the second year of construction, I believe, we're at the point of about the one in 300 year risk with regard to flood. Are the members opposite suggesting that we stop construction and put at risk all those people downstream? I don't think they really want us to stop construction, and I believe that my constituents, the people I represent, do not want this project to stop at this time. They've had the arguments, they've accepted it, and they wish to see it proceed to its conclusion.

So, Mr. Speaker, I believe it is highly irresponsible to stop construction, and anyone who considers that option has to consider very seriously and weigh what the consequences of that decision would be if there were such a flood event and what impact that would have downstream.

Thank you, Mr. Speaker.

MR. DEPUTY SPEAKER: The hon. Member for Calgary-North West.

MR. BRUSEKER: Thank you, Mr. Speaker. I would like to rise in support of the motion that was brought forward. I do not have the document in front of me which has been referred to by so many of the members, and I have the good fortune of not being a lawyer, so I won't debate the legal proceedings that have

gone on here. I would rather deal with the concept, the philosophy that is being discussed here, which is the need for a proper process. A proper process, as I understand it, would require that we have the impact assessment done prior to the onset of a project. As I understand the legal document, the decision that was rendered suggests that that did not in fact take place.

Over the years, Mr. Speaker, as a member of the more noble profession, being part of the education profession, I would raise the environment and development with my students. Over the years I've spoken with and taught several thousand students. I would suggest that one of the most sensitive issues to my students, who are now young men and women living in the province, is the development of the environment and the jobs that would go with it. There's a saying – and I don't know to whom this should be credited; it's certainly not mine – that we do not inherit this earth from our parents; rather, we borrow it from our children.

I would suggest that in light of court decisions that are happening today, it is incumbent upon governments – and not simply this government but all governments – to be more responsible in their manner of behaviour. We are seeing many instances now where the courts are deciding what it is that governments should and should not do. For example, we are involved with a process right now, the electoral boundary revision. I'm sure everyone is aware of the decision in British Columbia where the courts directed what the government should do. Here we have a similar kind of situation, Mr. Speaker, where the courts are deciding . . .

SOME HON. MEMBERS: Relevance.

MR. BRUSEKER: It is relevant; shut up and listen.

. . . where the courts are deciding what governments should do. [interjections] Nice to see they're awake over there. They feel so strongly about it, Mr. Speaker, that only two members from the government side have bothered to rise and speak on this issue. Obviously, there's not a lot of dedication to that particular concern.

This government keeps on talking about leadership. When Saskatchewan was told that they . . .

MR. DEPUTY SPEAKER: Order please. I regret to interrupt the hon. member, and I'm sorry. I believe the record will indicate that the hon. member used the words "shut up and listen" to some other hon. member. I would ask the hon. member to consider those words, because I think he might consider withdrawing them, upon reflection.

MR. BRUSEKER: Certainly, Mr. Speaker. I do withdraw that. However, since it was raised, perhaps on a point of order I might just mention section 13.

(4) When a member is speaking, no person shall . . .

(b) interrupt that member, except to raise a point of order.

I did not hear any citation, so perhaps that could be directed to the government members. Thank you.

I shall continue then, if that's all right, Mr. Speaker. The Saskatchewan government, the Rafferty and Alameda dams. It was suggested that their procedure was inappropriate. Construction has halted. We hear a lot of chest beating and back slapping and back pounding from this government, talking about leadership, and we don't seem to see that happening in this particular instance. I would suggest that we need more leader-

ship in the environmental impact assessment process.

It was discussed earlier that if an individual or a corporation tries to proceed without the appropriate permits, then of course they would be shut down. In fact, the implication from the court judgment that I see before us, that we're discussing today, suggests that this government does not have the appropriate permits, Mr. Speaker. Well, if that's the case, government has, under the leadership role, which is by very nature the primary task of government – it makes it absolutely critical that a government provide that same sort of leadership role, stand up and say, "Yes, we must follow the guidelines just as everyone else must do, and we must in fact stop the development until we have agreement to proceed when it is appropriate to do so."

[Mr. Speaker in the Chair]

The concept of environmental impact assessments is a very broad one, and I think one of the things we need to discuss generally is the idea of how we impact upon our neighbours. When we propose a development of any sort, there is always an impact upon others. Sometimes the impact is large; sometimes the impact is small. But on these large developments such as the multiple pulp mills that have been discussed, the dam on the Oldman River – a very large development that has a very wide-ranging impact – then I would suggest that when we look at a development, we need to consider not only that particular area, not only the site, in the case of the dam, not only what is upstream from the dam, but also what may occur downstream from the dam.

As a point of example, Mr. Speaker, one of the things I hear from friends who live in the city of Medicine Hat is that they continually express concerns about the quality of water they receive from the city of Calgary. So the city of Calgary is having an environmental impact upon the city of Medicine Hat, which in turn will have an environmental impact upon cities downstream. [interjections]

MR. SPEAKER: Order please.

MR. BRUSEKER: If we look at that concept with the pulp mills we have in northern Alberta, the large Procter & Gamble mill which is already there, the expansions that are proposed, the new pulp mills that are proposed will not only individually have an impact but cumulatively they will have an impact, far ranging, right up to the Arctic Ocean and ultimately, perhaps, worldwide, given the delivery of currents providing water to other locations around the world.

So, Mr. Speaker, I think I might just sum up my comments this way. We need to have firm leadership. I think everyone would like to see and wants to see development in this province. Everyone wants to have jobs. But the key issue in this particular instance, I believe, is the sequence in which that occurs. We want to have development, but we want to have development that is environmentally sound. We want to have development that is long ranging, that will provide long-term jobs, and we need to provide that kind of leadership by having the government abide by what happens in the courts. So we need to be very careful about the message we are sending out to our young people. We need to be very careful about the message that is being sent out to the people of Alberta, and not only to the people of Alberta but to the people in other countries.

We had the Minister of the Environment earlier speaking about providing leadership and complaining about the belching,

spewing, foul, et cetera, et cetera – I forget all of the adjectives he used; he was most colourful – pulp mill developments that have occurred in other provinces. Well, Mr. Speaker, if this government is so proud of their development, let's provide the leadership here. Let's stand up and do the right thing, which the courts have directed now, and then we can go to those other provinces and say: "Listen. We got the message, we implemented it, and we did the right thing." We need to be very careful in the developments that we have in this province.

Mr. Speaker, I would urge this government to reconsider the requests, the demand perhaps, that the court has put forward. We need to be very careful about what's going to be happening in this province so we have appropriate development that all Albertans and, in fact, all Canadians can be proud of.

Thank you.

MR. KOWALSKI: Mr. Speaker, when one has an opportunity to participate in a debate with respect to the importance of the Oldman River dam, one always thanks himself for that given day and that given occurrence that has been provided to him, because I can think of no more important environmental improvement or enhancement project that has been undertaken in a great length of time in North America than that of the Oldman River dam.

It's interesting that in this debate this afternoon a fair number of the colleagues in the Legislative Assembly have quoted various phrases and phraseology from the court document that was issued today in Ottawa, Ontario. As I recall, not one member, though, has pointed out some very important and pertinent factors included in the court document, which basically points out about the long-range approach that this government has taken with respect to the Oldman River dam. Quite clearly, if hon. members would like to review what is included in the text of the court document, essentially through to page 6, they will find – this is the court record, and these are the words of the court, Mr. Speaker.

The idea of a storage reservoir on the Oldman River was first conceived in 1958 when Alberta asked the federal government to determine the feasibility of constructing such a work at Livingston Gap.

One can go on and elucidate a variety of dates in here. On page 4 there's the following quotation:

Between 1966 and 1974 Alberta and Canada were involved in a federal/provincial water supply study which included the Three Rivers site.

On and on it goes until finally it points out:

In August, 1984 Alberta announced its decision to proceed with construction of the dam at the Three Rivers site.

Mr. Speaker, there is a history of involvement. There is a history of participation not only by the people of Alberta with their government and their previous government with respect to the needed importance of water and water management in southern Alberta, but there has been an involvement, in fact, with the federal government. I hope that all members will remember on this very important day when once again we address ourselves to the importance of the Oldman River dam that we're here to remember what it is we're doing. We're talking about conserving and preserving the most precious resource we have in the province of Alberta. The Oldman River dam will provide on-stream flow regulation and the main source of water supply for some 125,000 people and 48 communities in southern Alberta. That is the prime purpose of the Oldman River dam. It includes their recreational needs, their domestic

needs, their municipal needs, their industrial water needs. It includes water supplies for irrigation and for wildlife enhancement.

On previous occasions we've been through the whole debate with respect to the economic benefits of this particular project. We've talked about cost ratios. We've tabled documentation. We've had the documentation challenged, debated, and resolved, yet the conclusion always was and always comes back to one very pertinent point, that in terms of a benefit/cost ratio the estimate is that there are 2.17 to 1 advantages with respect to the Oldman River dam.

This decision of the court today in Ottawa did not – and I repeat, did not – contain any words or phraseologies which say that there is a decision or an order halting construction of the Oldman River dam. It has, however, provided the opposition members of this Assembly with one more kick at the cat, to have another debate with respect to the merits of the Oldman River dam.

I'm just delighted that on this particular day of March 13, 1990, we hear once again that the position of the Liberal Party is opposed to the Oldman River dam, we hear once again that the position of the New Democratic Party is their opposition to the Oldman River dam. I'll take them back one year, Mr. Speaker, when there was a provincial election in this province and they were running around trying to convince the people of southern Alberta. They said: "Oh, just a second. You may have heard those nasty Tories tell you that we're opposed to the Oldman River dam, but we're here to assure you that we're not." Well, the people then didn't buy it, and the people today don't buy it. I'm just really pleased that one more time we have written into the record, the *Hansard* of the province of Alberta, their official positions, because they speak one day out of one side of their mouths and another day out of the other side of their mouths.

Mr. Speaker, this has been an important debate, and I'm glad hon. colleagues have taken an opportunity once again to attempt to dispense and dismiss the needs of the people of southern Alberta, to ridicule the needs of some 48 communities and 125,000 people, to forget about the need to store water, to forget about our apportionment agreement we have with the province

of Saskatchewan and the province of Manitoba – and they've written off any need for wildlife – by simply saying: "We don't have to conserve, preserve water in southern Alberta. We don't have to be concerned as a government to enhance and improve the environment of this province." This government stands for that, Mr. Speaker. That's what the Oldman River dam is all about.

MR. GOGO: Mr. Speaker, I wish to advise members of the House, as stated earlier by the Government House Leader, that we'll not be sitting this evening. I wish to advise hon. members that tomorrow the government will be calling . . .

SOME HON. MEMBERS: Adjourn debate.

MR. SPEAKER: Forgive me, hon. member. Perhaps you could adjourn the debate. We might test that motion first, please. [interjection] Well, the Chair had recognized the Minister of Advanced Education. I'm sure he could do that, too.

MR. GOGO: Mr. Speaker, if it's in order, I'll adjourn debate on the motion.

MR. SPEAKER: The Minister of Advanced Education, the hon. Member for Lethbridge-West, has made that request of the House. Those in favour, please say aye.

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

MR. SPEAKER: The motion carries.

MR. GOGO: Mr. Speaker, the government will be calling the throne speech in debate tomorrow.

[At 5:28 p.m. the House adjourned to Wednesday at 2:30 p.m.]

