Legislative Assembly of Alberta

Title: **Tuesday, June 26, 1990 8:00 p.m.**
Date: 90/06/26
[The Committee of the Whole met at 8 p.m.]

head: Government Bills and Orders
Committee of the Whole

[Mr. Jonson in the Chair]

MR. DEPUTY CHAIRMAN: Would the committee come to order, please.

Bill 29
Public Utilities Board Amendment Act, 1990

MR. DEPUTY CHAIRMAN: Are there any comments, questions, or amendments to be offered with respect to the Bill?

MR. HAWKESWORTH: Just a couple of comments, Mr. Chairman. It's basically a change in the funding of the expenses of the Public Utilities Board. As I understand it, at the present time the expenses of the board are paid through the General Revenue Fund, so there's going to be a shift to some extent in terms of the board being able to prescribe fees to be paid by local authorities or persons interested in matters that come before the board. I'm just not speaking against that particular change. I just would note that in the past the regulatory board being funded out of the General Revenue Fund provides, I guess, a little more of an impartiality to the board by shifting more of the cost recovery to persons that have an involvement or an interest in matters brought before the board: makes it more of a user pay. I hope that in the future the board isn't going to be seeing its mandate as sort of accommodating itself to the group that is paying the bill. I hope that the shift that may occur in the years to come is not going to make that sort of a shift in the thinking of the board or in its understanding of what its mandate is. Its mandate in all cases has been to act as a referee on behalf of the public, on behalf of the public interest. It's done that, generally speaking, quite well over the history of the board, and it would be something that I wouldn't want to see changed simply because the funding arrangements for the PUB change as a result of this Bill.

What I would see occurring in this legislation is an indirect way by which the Provincial Treasurer can, in essence, raise more money by putting less of a call on the General Revenue Fund for the operations of the Public Utilities Board and by shifting some of the expenses to those groups being regulated. I can see some of the thinking there and certainly can understand why the Provincial Treasurer would want to be doing that in the context of the fiscal problems that he's grappling with. But again the point I'd like to raise and ensure, as best we can ensure these things: with a change in the operating costs being met perhaps more directly from the costs of assessments placed on people or organizations bringing matters before the board, it may be that a very subtle shift would take place whereby the interests of those people and those organizations would start to be seen as being paramount to the PUB. After all, they're the ones that would be paying the freight.

With those comments, Mr. Chairman, I just would like to place my reservations on the record that it's an area I think we'll be monitoring over the years. I would hope that this new arrangement is going to be fairer in the long run by making people more directly involved pay the bill, but let's hope that in the future members of the board see their mandate shifting and that they become more interested in reviewing matters brought before them as being the interests of the public as a whole; that the organization coming before the board launching an application is seen as being the primary body or group that the board is serving, because they're the ones paying the bills.

So with those reservations, I wish the PUB well in its new change here, but I just make that reservation as I review the Bill.

MR. DEPUTY CHAIRMAN: Calgary-Buffalo.

MR. CHUMIR: Thank you, Mr. Chairman. The Member for Calgary-Mountain View has been extremely gentle on the legislation, I would say. I find it to be somewhat of a, shall we say, crummy piece of legislation. I find it substantively bad and procedurally worse.

From a substantive point of view it allows two-thirds of the cost of running the Public Utilities Board to be passed on to consumers. The reality is that the fees that are going to be charged to the utility companies which appear before the Public Utilities Board will in fact be passed on in rate increases and therefore ultimately end up in the hands of consumers. This is on top of the impact on consumers through the ending of the rebate of provincial income taxes on utilities, and it comes on top of the federal freeze on the rebate of their taxes. Now, taxes on utilities are regressive because they impact most heavily on low-income individuals, and all of these things taken together we consider to be a move very much in the wrong direction, particularly when we look at the fact that over the past four years lower income Albertans have been hit dramatically heavily because this regressive use of fees and other types of charges which impact on low-income people has been the main modus operandi of raising revenue for the government. That's the substantive aspect of it.

However, procedurally the objections are even more spectacular. I might say that unless the minister has some explanation . . . I would like to get some explanation from him as to whether my perception of what's going on here is correct or whether I've missed something, because if my perception is correct, I'm wondering how this legislation could withstand a challenge under the Charter of Rights. As I understand it, the board is given absolute carte blanche, total arbitrary power as to whom it can levy fees against pursuant to this legislation. You don't have to appear before the board; all you have to do is be subject to its jurisdiction in some year. From what I can see, there's no regulation that stipulates a fair formula. It's going to vary with the taste and predilection of the board. Now, presumably they'll try and work out something that's fair, but in terms of the substantive structure for a taxing statute, to not have any measure or basis of taxation is really a highly spectacular thing to be asking the members of this Legislature to approve. We're approving a pig in a poke. We're approving a system which will allow the Public Utilities Board to tax *in* whatever way it wishes to do so. And then if one of the taxed entities should choose to object and wishes to appeal, to whom is it that they appeal? They can appeal back to the board itself. This body with unfettered discretion, with no basis, no objective mechanism or touchstone with respect to a basis for appeal: that is the entity to which the appeal relates. As I say, I find it very difficult to understand how this would withstand a challenge under the Charter of Rights.

I find it even more difficult to understand why it is that a piece of legislation that is so lacking in procedural safeguards would be hustled through. It's certainly not a piece of legislation that the Alberta Liberal Party can support. So I would ask the minister – I'd be very appreciative if he might comment on the aspects I raise. Firstly, are we correct in our perceptions that the fee increases will be passed through to consumers? Number two, are we correct that the assessment is to be by the board without any standard or objective touchstone by which one can judge fairness? Are we correct that the appeal is limited to an appeal back to the board, and if so, why do we have such an arbitrary process in this instance?

MR. ORMAN: Mr. Chairman, I should point out to the hon. Member for Calgary-Buffalo that, I guess, it's you pay me now or you pay me later. Consumers or taxpayers are going to pay, and generally they're one and the same.

The mill rate that we're talking about here, Mr. Chairman, is one-tenth of 1 cent, so there will be no visible impact on utility rates by rolling it in the rate base. This principle, the user-pay principle, is consistent with the CRTC and the National Energy Board. We've been doing it with the Energy Resources Conservation Board for years, Mr. Chairman, and that's a 50-50 split. Now, the reason it's a 50-50 split at the ERCB is because they do a lot of reporting and a lot of evaluations and reports for government, so it wouldn't be fair to charge the user for the portion that we use the ERCB for government purposes. But with regard to the PUB, it's in fact going to be levied against the users, and it's deemed that a two-thirds, one-third split is the split. This legislation basically sets the criteria by which the board must act, and it is no different than what occurs essentially with regard to the Energy Resources Conservation Board.

So I quite frankly recognize the concern the member has, but in fact, it's not inconsistent with other bodies that are charging back to the user the cost of doing business with those bodies.

MR. HAWKESWORTH: I appreciate what the hon. minister is saying, Mr. Chairman. I can see why the government would want to move in this direction given the financial situation that the Provincial Treasurer is presently grappling with. We just had a Bill go through the Assembly not too many weeks ago asking for an increase in the ceiling of debt for the province of Alberta of something like 11 and a half billion dollars, so I can see why the Provincial Treasurer is looking here, there, and everywhere to save a few dollars. It is, I guess in some ways, about time that he started to do that.

My only concern is that in doing this he understood that the mandate of the Public Utilities Board is not to be changed, in that because the source of funding for the board and the source of income for the board is from the groups launching appeals or launching applications and bringing them forward the board then doesn't shift its attitude towards those bodies and see them more as groups to be facilitated as opposed to the present mandate, which is that they be groups and applications that are reviewed on behalf of the public interest, because after all, the public, through the General Revenue Fund, is paying the freight. So it's a subtle shift that may occur. I can't say at the moment that it would or that it will or that's happened in other jurisdictions. I can just see that that's a possibility as more and more of the costs of running the board, administering the board, are borne by those applicants stepping forward, and without the applicants stepping forward, there's not the income for the board. They may see them as a bit of – not a milk cow but the source of income by which the board operates and meets its day-to-day expenditures. So that could colour the attitude and the mandate and the posture that the board takes with these organizations and these applicants. I just want to put on the record that the board should not shift in its attitude and its mandate and its priorities.

Again, there's a course for appeals of the assessments, and I think all those technical routes are placed in the Bill or placed in the legislation. So I don't have any concerns with ensuring that the assessments are fair. I just think the overall policy direction for the board ought not to shift because the source of funding for the board has shifted.

MR. ORMAN: Mr. Chairman, to reply to the Member for Calgary-Buffalo. First, another point that he raised. I should point out that he asked about the discretionary powers of the PUB in terms of how this assessment will be passed through. Before the utilities pass it through to the customers, they must have a hearing before the board to determine that the assessment is fair and reasonable and that it will impact on consumer rates. It is something that the board has to do whenever there's a proposed rate increase. Whether it's this rate increase or whether it's a general rate increase, there must be a hearing before the board to consider the matter.

The Member for Calgary-Mountain View brings up an issue that I guess on the surface would have a concern. I guess from a theoretical point of view you could say that because the industry is paying the lion's share of the support to the agency, somehow that's going to influence the decisions of the board. I don't think so; I know it won't, Mr. Chairman. That will not occur, because there are regulations that the industry must live by. If they don't like the decisions and somehow complain because they're paying two-thirds of the regulatory cost, it has no impact on the board members. They respond to the legislation and are not parochial enough to somehow be influenced by who pays their particular costs. I just don't see that as an issue.

MR. DEPUTY CHAIRMAN: The Member for Calgary-Buffalo.

MR. CHUMIR: Thank you, Mr. Chairman. The minister indicated, if I understood him correctly in his last comment directed to myself, that any increase in rates has to go through a hearing, and accordingly whatever is levied on a utility, if it were to be put into the rate base, would then have to be the subject of a hearing?

MR. ORMAN: Right.

MR. CHUMIR: Yeah. But the costs, if I understand it correctly, are automatically passed through; they automatically pass into the rate base. So the hearing would presumably be a mere formality in respect of this particular cost, because it would be indisputable. But perhaps the minister may care to comment on that. I assume he's not saying that there has to be a hearing before the board levies a tax or any portion of . . .

MR. ORMAN: Just before they pass it on.

MR. CHUMIR: Pardon me? Just before the passing on. Right. That was correct.

Well, I don't quite understand how that vitiates my concern,

because the fact is it would inevitably be passed on right through. It's a valid cost. The only issues would be whether or not the cost is a valid or a reasonable one, and I presume – I might get in there and argue that it's unreasonable, but I don't think any board would buy that, and I probably wouldn't buy it if I were sitting on a board, from their perspective.

But what I wanted to get down to was the comment of the minister that this is merely one-tenth of a cent on the mill rate, the implication being that this *is* a trivial sum. Well, you know, it may be trivial in that sense, but it tends to add up, and if it's trivial in respect of utility rates, it's certainly equally trivial in respect of income taxes, and income taxes are levied at progressive rates – perhaps not as progressive as they might be, but they are progressive and they exact more from higher income people.

That's the thrust of what we're saying should be, and in isolation I must say I can't be too hard on the minister because he's only doing something very, very small and in one little corner. But I put my comments in the context of what I've seen going on by the actions of the heavy-handed Provincial Treasurer there for four years. This is the straw that breaks the camel's back, and we're concerned with the principle of how this government is going about raising money which hits lower income individuals very, very heavily.

Now, I also don't recall having heard the minister address the questions that I raised with respect to process, as to whether there is any standard for raising money or taxation. By what measure does a utility know how much it's supposed to pay? Or if there's an appeal – section 20.4(1) states that "a person assessed . . . may appeal to the Board on the grounds and in the manner set out in the regulations made under subsection (2)," and then it says, "the Board may make regulations respecting appeals." So here's the board levying taxes on any basis that it wants without standards and then being the appellant body and setting out its own standards and grounds. I find it very bizarre. It's Kafkaesque; this is pre Václav Havel Czechoslovakia, Mr. Chairman.

So I would be interested to hear the minister's comments on those. He might be interested to hear his comments too.

MR. DEPUTY CHAIRMAN: Would the committee entertain the introduction of guests? Unanimous consent required.

HON. MEMBERS: Agreed.

MR. DEPUTY CHAIRMAN: Opposed?

The Member for Athabasca-Lac La Biche.

head: Introduction of Special Guests

MR. CARDINAL: Thank you very much, Mr. Chairman. It's a pleasure for me to introduce to you and through you to the Assembly 10 members from the Buffalo Lake Metis settlement in my constituency. These members have traveled here tonight to witness third reading of Bill 34 and Bill 35, the Bills these Metis people designed with us, facilitating the process where these Bills will see the Metis achieve self-determination and self-sufficiency in the near future.

I have in the public gallery Horace Patenaude, chairman of Buffalo Lake settlement; Ernest House, junior councillor of the settlement; Glen Auger, councillor; Dorothy Ladouceur, councillor; Susan Heron, councillor assistant; Marvin Pichon, member; Dennis Reid, a Buffalo Lake councillor; Tina Reid, Viola Bourque, and Terry Bourque. If they'd stand, I'd like the Assembly to give them the usual warm welcome.

head: Government Bills and Orders
Committee of the Whole

Bill 29
Public Utilities Board Amendment Act, 1990

(continued)

MR. DEPUTY CHAIRMAN: Are you ready for the question?

HON. MEMBERS: Question.

[Title and preamble agreed to]

[The sections of Bill 29 agreed to]

MR. ORMAN: Mr. Chairman, I move that the Bill be reported.

[Motion carried]

Bill 43
Oil and Gas Conservation Amendment Act, 1990

MR. DEPUTY CHAIRMAN: Are there any comments, questions, or amendments to be offered with respect to this Bill?

HON. MEMBERS: Question.

[Title and preamble agreed to]

[The sections of Bill 43 agreed to]

MR. ORMAN: Mr. Chairman, I move that the Bill be reported.

[Motion carried]

Bill 51
Gas Utilities Statutes Amendment Act, 1990

MR. DEPUTY CHAIRMAN: There is the government amendment there.

MR. ORMAN: Mr. Chairman, I should confirm that there *is* an amendment that was circulated to hon. members, I believe on June 11.

Just briefly, Mr. Chairman, this amendment has a couple of reasons for it. First, in the current provision of section 3(2) we found that with this amended Act, the Gas Utilities Statutes Amendment Act, 1990, Bill 51, we had left a loophole for direct sales to go into a franchise area and escape the franchise tax that was levied by the municipality on the utility. Therefore, direct sales gas was escaping this tax. We now have an amendment that really provides for the calculation of the direct sales to be done in a way that provides for a deemed value. The manner in which the natural gas is taxed by the franchise will not change. This Bill provides for the Public Utilities Board to deem a value for direct sales gas to be included in the franchise. They will do a weighted average of all direct sales gas, and it will be deemed to be part of the flow of gas in the system that Canadian Western, in the example of Calgary, sends into the municipality. In that there may be a number of direct deals, it would be too cumbersome to use the actual value, so what the Public Utilities Board will do is take into account all of the reported direct sales, do a weighted average value, and that will

be included as deemed as part of the utilities' share, and the tax will be levied apportionately.

So that is the purpose of the amendment, to plug that particular loophole, Mr. Chairman.

[Motion on amendment carried]

[Title and preamble agreed to]

[The sections of Bill 51 as amended agreed to]

MR. ORMAN: Mr. Chairman, I move that the Bill as amended be reported.

[Motion carried]

Bill 52
Natural Resources Conservation Board Act

MR. DEPUTY CHAIRMAN: There are a number of proposed amendments to Bill 52.

Dealing first of all with government amendments to Bill 52, the hon. Minister of Energy.

MR. ORMAN: Mr. Chairman, I circulated earlier this evening the government amendments to Bill 52, the Natural Resources Conservation Board Act.

Mr. Chairman, by way of a preamble, as we've indicated in the past, as speakers on the government side who have spoken in the past have indicated, we have no precedent that deals with the adjudication of natural resources and with the balance of economic development and protection of the environment to try and model this particular board after. I say that, Mr. Chairman, as a preamble to the amendments that you have before you. Basically, these amendments will accomplish the following.

First, in section 1(f) we have deleted the words "that normally occur in a natural state." It has been determined that those words mean nothing and basically are redundant in the definition that it occurs, Mr. Chairman.

Section 2 is struck out, and we have included a new section 2. Mr. Chairman, this is to allow the board to have a very well-defined job that they must dispatch in the legislation, and that is as I've indicated: balance economic development with environmental protection. I believe that this wording does a far better job than in the current provisions in the legislation and will allow the board to have a clear understanding as to what exactly their raison d'être is.

In section 9(1), Mr. Chairman, we have done some word changes. It's just improvement on the wording.

In section 10 in both subsections (2) and (6), we struck out "hearing" and included "proceeding." Mr. Chairman, our intention was to always allow for validated funded intervenors to be able to access intervenor funding ahead of hearings. So let me say that if it was determined by the board that a hearing was not necessary, that both the proponent and the intervenor felt that they could deal with the issues that were at the table based on the public announcement that there was going to be a review, there would be consideration given to intervenor funding for a proceeding, not strictly for the hearing process. So we have broadened that. It's our hope that in many cases we'll be able to prevent the necessity for a full hearing if we can't have both intervenor and proponent come to terms without the necessity of a full hearing: both the cost and the protracted nature of the hearing process.

Section 16(2) is amended to strengthen a concern that has been expressed with regard to conflict of interest.

So those are the House amendments, Mr. Chairman, that the government proposes for the Natural Resources Conservation Board Act, Bill 52.

MR. DEPUTY CHAIRMAN: The Member for Edmonton-Jasper Place.

MR. McINNIS: Thank you, Mr. Chairman. I would like to address a few remarks to the amendments put forward by the Minister of Energy. This is a Bill that we should spend a lot of time discussing, because for all anybody knows, this is going to be the legislation under which environmental impact assessments are conducted, certainly until such time as this Legislative Assembly or a future Legislative Assembly decides otherwise. So I think we'd be remiss in our duties if we simply gave it the once-over if we thought of it as being an interim measure, if we put a great deal of faith in promises of legislation which may come to pass in future sessions but also may not come to pass in future sessions.

As far as environmental impact assessment in Alberta is concerned, this is it. I think we have to make our determination and our judgment of the Bill and do our work on the Bill accordingly, and I hope we will spend a great deal of time, at least enough time, on each and every section of this Bill so that we can try to make this a Bill that Albertans can truly be proud of and that this Legislative Assembly can be proud of.

It is correct to say that the first amendment, government amendment A, eliminates words that mean virtually nothing, but it's also correct in my judgment to say that the entire amendment means nothing. It doesn't make a great deal of difference in terms of the object and the exercise and the practical reality of the Bill. I think probably that reflects the fact that this Bill arises from a bureaucratic perspective rather than a public interest or indeed an environmental perspective. I believe the minister made that more than clear in his introductory remarks on second reading when he identified the following persons as having crafted the legislation.

MR. DEPUTY CHAIRMAN: Hon. member, we're not returning to second reading debate. We're dealing with amendments. I'm sure you have debate on the amendments. Please proceed.

MR. McINNIS: I'm debating the government amendment, the one that's before the House at the moment, and I'm pointing out that – this is going to be a long night; I can tell – the government amendment reflects a bureaucratic perspective and not a public interest perspective, not an environmental perspective. I believe that this point is very central to the deficiencies that exist in the Bill, and that's what we're going to be debating here in this committee.

It was mentioned that four individuals had done the drafting of the Bill. Three of them are former Chairs of the Energy Resources Conservation Board, one is the former Deputy Minister of the Department of Energy, and I think the fourth is Dr. Barry Mellon, the Deputy Minister of Executive Council. These are government officials. These are bureaucrats, and the scope of the background and the interest and the thinking of people who are involved in bureaucracy is bureaucratic thinking. It's not necessarily thinking that reflects the concerns that people have in the community. But indeed, that's what the stated purpose of Bill 52 is. The Natural Resources Conservation

Board Act is to be a device whereby the public can become involved in decisions which are made on projects and, I would suggest, a lot of other matters which affect the environment, because we lack in the province of Alberta at the present time a mechanism whereby the public can become, first of all, informed as to what's happening in environmental matters. By that I mean the actual facts of industrial, bureaucratic, and corporate activity as it affects the environment. They can become informed of the effects of those activities on the environment and projected effects of those activities on the environment in the future. Because this is not a static situation at all. You can't describe environmental matters . . . Could we have some order in the committee, Mr. Chairman? [interjections]

MR. DEPUTY CHAIRMAN: Does the speaker wish to proceed?

MR. McINNIS: It would be my great pleasure to proceed.

So this legislation is a device whereby the public can, first of all, become informed as to the state of the environment and the projected state of various activities therein. Secondly, it's a device whereby people with expertise in the community can evaluate the proposed consequences of any particular legislation, any particular proposed activity, whether that's an industrial project, a government project, or an existing industrial activity, and to have that advice publicly available so that people can comprehend the best that science has to tell us about the future. Because there are no sure things when it comes to predicting the future, and that certainly goes in the environment as well as the economy and political trends and any of the rest of it: something perhaps the government should keep in mind.

Thirdly, it provides an avenue whereby the public can become involved. In what, Mr. Chairman? Involved in making sure that all of these activities, projects, and programs are compatible with our need for a healthy future in our province.

Now, it so happens that we're fortunate in one respect, that many parts of our province remain undespoiled, that there are many wilderness experiences that are much worth having. There are areas where we have relatively clean water. We have relatively clean air in most of the province. So we have some options, but having some options does not mean we can afford to be lax in our regard for environmental matters. It certainly does not mean that we can afford to be lax in regard to legislation. For that reason I remain concerned that the amendments put before the Assembly today by the government are an inadequate response to the deficiencies in this legislation, which have been drawn to the attention of the government, certainly by the Official Opposition but by a number of qualified people who have been active in environmental issues.

Now, I've noticed lately that a number of people in the government, some you would expect but some you would not expect, have been sneering at the word "environmentalist," in particular the Minister of the Environment, as if there were something wrong with being called an environmentalist or as if that were a pejorative term, as if that term applies to somebody who is extreme in their outlook and has no particular right to speak on environmental issues. Well, to me an environmentalist is somebody who has a demonstrated interest, a demonstrated record of concern, and a demonstrated ability to pursue some worthwhile activity on behalf of an environmental issue. There are very many people in the province of Alberta who have been doing that for a long period of time and have developed some expertise, some of them in the area of public involvement – and clearly, that's central to the amendment that's before the committee at the moment and to the purpose of the Bill itself – and others who have developed expertise in particular issue areas, whether in the field of biology, in the various natural sciences and the ecological sciences.

I daresay the humanities and social sciences have an environmental flavour these days as well. The new Chair of the Environment Council of Alberta appointed by the Minister of the Environment is, for example, an environmental psychologist. So there is expertise dealing with environmental issues that go much beyond the traditional hard scientific issues, and those people are environmentalists, and I believe that their experience in these matters should be valued. In many ways the public opinion of the province is catching up to the activities of some of those people over a long period of time, and I believe for that reason and because of the good sense they're making that some of the people who have made concerns known about this Bill deserve to be listened to.

Unfortunately, the amendments before us by and large are not substantive at all. Amendment A on the account of the minister removes words that mean nothing at all. Amendment C essentially says the same thing in slightly different words. Section D does not deal with the absolute vagueness of the criteria for intervenor funding.

There is a brand new substantive concept in law introduced in this legislation. That is the idea of a direct interest in relation to an environmental proceeding, and of course, that concept is in turn related to the idea of intervenor funding. Now, if you introduce a new substantive concept into law, I submit, Mr. Chairman, that the government has an obligation to define what that concept means. Otherwise, how do the people who administer that concept operationalize it? How do they make day-to-day decisions based on this new concept in the absence of a definition? Well, it leaves them in a very difficult position. They would have to presumably dream up a definition. Why is it that the government would find it desirable or even necessary to force upon a board of appointed officials the responsibility of defining a key term in a statute?

I'd hoped beyond hope that the government would in some fashion deal with that, clarify the language, but they haven't. Instead, the amendment to section 10 is I think perhaps a good one, but it doesn't deal with the central problem of that section. What it does is expand the period in time in which it's possible for an intervenor to receive funding. It expands it to the prehearing phase rather than simply the hearing phase, but it doesn't make it any clearer who qualifies to be on that list. That's a very important question, and it's a problem for the legislation because in the absence of a definition people who contemplate an appearance before the board will have to evaluate their financial position in the absence of any firm criteria. They'll be guessing as to whether the board may choose to define the term "direct interest" in a way that includes them or not, unless of course the board makes a series of interpretations and provides some guidance in advance. But then you have, in effect, statute law being made by an unelected board, and as I said, Mr. Chairman, I think that's an unhappy state of affairs.

The final amendment, E, to section 16(2) simply is a cross-reference. It's, again, not really a substantive amendment.

So the only item among this group of five amendments which might be considered substantive is the amendment to section 2. Now, section 2 is certainly the section of the Bill which I have criticized most heavily and which, I think, a great many others have. For example, the *Calgary Herald* editorial, June 8,

suggested that there is an onus upon the government right now "to prove that [the NRCB] is more than mere paper work." They suggested that the way that could be done would be to have the NRCB review the new Al-Pac project, and I believe that would be a good thing from the perspective of giving the board some profile, giving it a positive relationship of trust with Albertans right off the bat. With a situation in which it's possible for a major project like that to go through without appearing before the board, they suggested that

> the board will be seen as little more than fancy wallpaper for a provincial government playing a hypocritical double game; a government which permits huge developments while stalling public objections.

Further on:

> Only belatedly has the province responded to public environmental concerns with something more solid than closed-door negotiations, after-the-fact public reviews and bitter court wrangles.

Well, I think section 2, whether it passed in its original form or whether it passed on amendment, would certainly be the subject of protracted court wrangles. Now, court wrangles on environmental issues have become commonplace of late, but that wasn't the case even a year ago, even at the time that I was elected to this Legislative Assembly. It was very rare for an environmental group to consider taking the government to court. It did happen from time to time, but now it happens to the point where you have three, four, and five lawsuits stacked deep on each particular project. I know of at least two lawsuits which are in preparation on account of the statement by the Environment minister that a decision on the Al-Pac project was expected before this NRCB goes through and that, in fact, that project is likely to be approved without any full public review.

In the amendment that is before us right now, the government has basically done one and only one thing. It's added the words "in the public interest," and that's supposed to give some substance to the type of review that the NRCB is suppose to accomplish. Otherwise that section as rewritten is essentially the same as it was in the first place, save with the addition of the words to ensure that "the projects are in the public interest."

Now, the public interest is an interesting concept. It certainly doesn't have a very precise legal meaning, in any clear sense. In fact, the public interest is what people who are elected to public office are elected to determine. Yes, I mean, when we all go to the electors, we talk with our electors about what is in the public interest, and we talk about our commitment to the public interest. We talk about the values that we place. We put our values forward, and we ask the endorsement of our electors so that we can during our term of office determine what the public interest is. There are, you know, political science definitions of politics that revolve around who it is who gets to determine what the public interest is. So here the government is, again, giving to an unelected board the job of attempting to determine what the public interest is.

Now, the public interest could, according to the draft that's currently before us, include an unspecified mix of social, economic, and environmental effects. Well, surely one of the questions that you would have to determine in deciding the public interest is what weight do you put on social concerns, what weight do you put on economic concerns, and thirdly, what weight do you put on environmental concerns? That mixture is anything but clear. It's like all of these broad areas of concern are thrown into a great big pot, and the pot is presided over by three to five Albertans chosen by the Lieutenant Governor in Council. There's no indication of what sort of qualifications they would need to have other than that section of the Bill which refers to conflict of interest. They're prohibited from having a conflict of interest in respect of a particular project that's in front of them. Which is fair enough, but it doesn't require that any of them have any particular expertise related to social matters, to economic matters, and indeed to environmental matters, nor does it instruct them in any sense on what weight to put on each of them or give them any criteria for determining what it is they have to determine under this legislation, which is essentially a go or a no-go decision. I'll leave aside for the moment the fact that under the legislation the government can dictate terms and conditions which must be imposed on a project by the board in the event that it makes a decision to allow the project to go ahead.

Nonetheless, the decision-making authority is in a general sense placed with the board, but they're not given any instructions as to how they are to exercise that authority except that they must in their opinion feel that the project is in the public interest, and that's not a test. That's not an objective test. It would be very difficult, it would be impossible for anyone to tell externally on reviewing a decision whether that test has been met, because it's a subjective test. It's a test which is entirely normative. You know, one person, the Member for Calgary-McCall, could say, "This in the public interest," and I would be hard pressed to challenge that it's his opinion something is in the public interest. I might disagree with his opinion. I might have my own opinion, and I might be able to argue it, but I can't prove to anybody that it's not his opinion that it's in the public interest, because it is.

We've seen over the years in this Assembly that people have all kinds of weird and wonderful ideas of what's in the public interest. The Member for Athabasca-Lac La Biche, for example, believes that the Al-Pac project is in the public interest, and I don't believe that it would be possible for me or anybody else to convince him otherwise, nor could I convince a third party that it's not his honestly held opinion that it's in the public interest. It is his honestly held opinion, and he's been very capable of expressing his opinions here in the Legislative Assembly. Indeed, when he speaks, he speaks, I'm sure, with the full knowledge is his heart that he's speaking on behalf of the public interest of his constituents, but that does not necessarily mean that it's in the interest of our right to a healthy future in the environment in the province of Alberta. In fact, we can have successive groups of three to five individuals make all kinds of rulings on projects, each one believing that they're acting in the public interest and therefore acting in accordance with this legislation, and we could end up in a situation in which all of our rivers are polluted and dead, in which the air is unbreathable, in which the great and beautiful province of Alberta has become more like the ugly, the despoiled areas of eastern Europe.

I would say all of the environmental degradation that's ever happened in industrial society has happened at least in the name of the public interest. I mean, it's not for us to look into the hearts of every person who ever made a decision on an environmental matter, but it is for us to say that some mistakes were made and the mistakes were made in the name of the public interest. But I think we've gone beyond the point where we can afford to make mistakes on environmental questions in the name of the public interest, in the name of economic development, in the name of jobs, in the name of any other value. Because nobody comes along, Mr. Chairman, and says: "I've got a great idea for you. It's going to mean that your fish are contaminated with dioxin, and you're going to get cancer, and you're going to get heart disease." Nobody does that. They come along and say, "No, we've got a state-of-the-art mill here, and we believe that

the social benefits are tremendous, the economic benefits are out of this world, and environmentally it's state of the art." They all say the same thing. Irrespective of those claims which they believe to be true, in fact, when it comes to such nondescriptive terms as state of the art, it may even objectively be true that it's state of the art, but that still doesn't make it right. It still doesn't make it good for the environment, and it still doesn't get us toward any type of goal in respect of our environment.

I come back to the point, Mr. Chairman, that this is environmental impact assessment legislation. This is the way in which two-thirds of the environmental impact assessment process will take place. The first third of it is still within the hands of the Minister of the Environment, and were this legislation to pass in its present form, that first third would still take place under section 8 of the Land Surface Conservation and Reclamation Act. So phase one is still with the Minister of the Environment, but phase two, which is independent scientific review, and phase three, which is the public participation process, take place entirely within this legislation. So it's absolutely, plainly not good enough where you have environmental impact assessment legislation under which two-thirds of the process takes place and there is no commitment to any environmental value whatsoever in here. There is merely a cauldron into which all of the environmental concerns are poured, into which this legislation provides no framework for analysis, provides no waiting system, and the outcome of which is not informed by any goal whatsoever.

It's that lack of vision, it's that lack of a guiding concept which is the major deficiency of the Bill, and that deficiency is plainly expressed within section 2 which contains the purpose of the Act. If you don't have a purpose like that, then phase 2 and phase 3 could simply be a process of filling in time until such time as a decision is to be made. That's the thing that we most have to guard against in this type of legislation in which scientific review and public involvement is seen as simply another time-consuming step that the government has to go through in order to bring a project to fruition, just like the government regards this Legislative Assembly: it's just a time-consuming process that they have to go through in order to get legislation through.

They obviously look upon the NRCB as a process which will take time, which would not ultimately influence the decision that has to be made. Therefore, I think the *Calgary Herald* editorial writers are bang on the money. What we have in this legislation is, in effect, the same old cycle of backroom negotiation and deal-making, and there's no question whatever that the structure of section 9 makes it clear who negotiates with project proponents. It's not the NRCB; it's the government that does the negotiation, followed by after-the-fact reviews as in: "Here we have a project. This is what the government has come up with, you lucky people. This is what you're going to get." And the process that's involved is simply something that will take place, and the initial terms and conditions as outlined by the government will be the ones that would be incorporated in the final analysis.

I think of the story of Al-Pac, which admittedly is an experiment on the part of the provincial government. They're breaking some new ground. They broke some new ground a year ago when they agreed to set up a joint federal/provincial panel to review that project. I think the experience has been very instructive. Unfortunately, only one of the people involved in that process had anything to do with the drafting of this legislation, and that, of course, is Mr. DeSorcy, who chaired the Al-Pac review panel. What people have noticed, aside from the initial expressions of concern for the environment – oh, yes, they're always concerned for the environment, Mr. Chairman – is that the government has essentially shelved that report. All of the key recommendations have been ignored or passed over to another review process.

MR. GESELL: Point of order, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Order please.
Point of order, the Member for Clover Bar.

MR. GESELL: I've been listening . . .

MR. DEPUTY CHAIRMAN: Citation, please.

MR. GESELL: Well, Mr. Chairman, I would cite 640(3) in *Beauchesne.* I would cite 62(2) of the Standing Orders, and I would cite 20(b) in the Standing Orders. I've been listening to the hon. member speak. I feel the hon. member is not only not speaking on the amendment; he's still back on second reading. Now, if I deal with 640(3),

> The purpose of each stage . . .

in referring to the stages of a Bill,

> (3) In Committee – In committee the details of a measure are the primary objects of consideration with alterations in its provisions being proposed. Amendments must be compatible with the principle . . .

Now, we're on an amendment here, Mr. Chairman, and Standing Order 62(2), which I've cited, indicates:

> (2) Speeches in committees of the whole Assembly must be strictly relevant to the item or section under consideration.

Standing Order 20(b):

> 20 In the matter of a member taking part in a debate on an amendment to a motion:
>
> > (b) except when an amendment is a substitute motion, a member speaking to the amendment, other than the mover, must confine debate to the subject of the amendment.

Now, I've looked at the amendment. The hon. member is straying. I know, Mr. Chairman, that you provide some latitude, but the hon. member is straying pretty far and wide from that particular amendment. As I mentioned at the beginning, he is debating the principles of this particular Bill. He's not even in committee; he's not dealing with the amendment.

MR. McINNIS: On the point of order, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Yes, Edmonton-Jasper Place.

MR. McINNIS: I reject categorically the allegation that I am debating the principle of the Bill. I am debating the purposes of the Act, which is section 2 of the Bill. If the member will pay attention to the paper in front of him, he will see that we're dealing with an amendment to section 2, the purpose of the Act. I don't believe it will be possible for me to debate an amendment which is in fact a rewriting of the purpose of the Act without debating the purpose of the Act, which is quite different than the principle of the Art. I'm sure if the member reflected on it, he would appreciate that that's exactly what I'm doing.

I have a very quick example to give, and that's about the extent of it.

MR. FOX: On the point of order, Mr. Chairman.

MR. DEPUTY CHAIRMAN: The Member for Vegreville.

MR. FOX: Well, I'd just like to concur with my colleague for Edmonton-Jasper Place and signal my intention to get involved in the debate on this as well.

The amendment proposed by the hon. Minister of Energy, amendment B here to section 2, striking out section 2 and replacing it with another one, deals with the purpose of the Act and describes that in the broadest possible sense. If we can't discuss the purpose of the Act, which is "to provide for an impartial process to review projects that will or may affect the natural resources," et cetera, et cetera, then what the heck can we discuss? I mean, the fact is that this is a very broad amendment that deals with, you know, the purpose of the Bill, and we need to be able to examine that in a thorough sort of way to determine whether or not we want to vote in favour of this amendment. It's got to be contrasted to the impact of the originally proposed section 2 in the Act, and I submit that if the Member for Clover Bar wishes to involve himself in the debate, there are more straightforward ways of doing that.

MR. DEPUTY CHAIRMAN: The Chair has been listening quite carefully and, while appreciating the points raised by the hon. members on this particular point, would just reflect that certainly section 2 deals with the purpose of the Bill and therefore has quite a possible breadth of discussion available to it. There is no need here, though, to go into past history and repeat the actual debate of second reading. However, I would only at this point ask the Member for Edmonton-Jasper Place to proceed, please.

MR. McINNIS: Thank you, Mr. Chairman. I was attempting to apply the very important example of the Alberta-Pacific EIA Review Board to the amendment to section 2, because I think it's very instructive in crystalizing the problems with the section as it's been rewritten by the government.

We had a comprehensive series of public hearings that were held, a tremendous amount of input by Albertans who, on their own time and their own money for the most part, prepared incredibly detailed submissions, and a lot of evidence was produced. Now, one of the key problems that emerged early on was the lack of available information about the state of the environment on the Athabasca River within the reach of the project and the impact of this particular project. That was a major sticking point, and the board struggled heroically to try to gather the available information from whatever source. They took all of the information the company provided. They took all of the information provided them by the various intervenors, including the two Environment departments, federal and provincial, and the various groups that appeared.

They went beyond that. They canvassed available literature. They sought out all of the world-renowned experts in the field of organic chemistry, especially dioxin and furan organic chloride chemistry. They brought them to Alberta, and at one point I did table a list of who all those scientific people were. They questioned the proponent very closely about all of those things, and in the end of it they came out with a report that indicated that the information just wasn't there upon which a decision could be made. That was the recommendation that was put to the government, that this information has to be gathered before a decision can be made. That was the substance of their recommendation.

Unfortunately, the government took the report and put it to one side and said: "Well, that's interesting, but we're going to forget about that project and we're going to hold new discussions with the developer on a new project. We're going to hire a new group of scientists over here to review the project." So all of the information that came out of the hearings was, in effect, declared by the government to be irrelevant to the decision. That's the key point. There is nothing in section 2 as rewritten that relates the information gathered by the panel to the decision that's ultimately made. There's no cause and no effect, so it's quite possible for the board to do as the government did with the Al-Pac process: set it to one side and go for a completely different process. That's a very serious problem.

MR. DEPUTY CHAIRMAN: The Member for Edmonton-Meadowlark, on the government amendment.

MR. MITCHELL: Thank you, Mr. Chairman. I would like to address the government's amendments as well. I guess on one level they seem and appear to be quite administrative, and because they seem to be benign for that reason, it's difficult to oppose them. But I should point out that we are opposed in principle to this Bill because of its many weaknesses, and administrative changes to an already weak Bill add up to weakening weaknesses, perhaps.

I would like to be a little more specific in stating some concerns. My feeling is that amendment A, striking out "that normally occur in a natural state" – it's true that these words mean virtually nothing, and for the sake of some kind of tidiness I suppose that would be acceptable.

But in B I am concerned, because B addresses the purpose of the Bill. At one level I suppose it makes it a little tidier and the wording is a little cleaner, given the intent or the level of commitment that this government has to environmental protection, a very weak level of commitment. I guess that rewording this section to make it cleaner, to make it more tidy, really begs a broader question, and the broader question is that this Act nowhere, in its purpose section or anywhere else, gives this board a mandate to protect and to conserve the environment. One would think that if the purpose of this NRCB is anything other than protecting and conserving the environment, it would not be doing what logically and obviously an NRCB should be structured to do. I guess I question why the government would be reluctant to state that this board's mandate is to protect and conserve the environment, why it wants to skirt that issue at some level. I know the minister talks about the need to find a balance, and that's important and nobody's disagreeing with that, but then why doesn't he state that it is the purpose of this board, on the one hand, to protect and conserve the environment and, on the other hand, to find a balance between that objective and that initiative and some kind of sustainable economic enterprise.

I believe it is very, very important among other things that this section should be amended, yes, but should be amended to specify environmental protection and conservation as an important feature of the mandate, the purpose of this board, and that among other things it should certainly specify that it isn't there just to review the potential environmental impact on subsurface or land surface or water, fauna, and flora resources. In fact, it should also specify air, and it should be very, very careful how it uses that word "resources," because of course this government's bias is that a resource is something you can turn into money, and I think it is very important for us to note, to appreciate, to understand that there are many places and many cases where environmental resources should have quite a different end use or quite a different purpose, quite a different level of respect, on the part of the legislators and all Albertans.

In D I would say that on the one hand these look quite benign. "Hearing" is to be replaced by "proceeding." Now,

admittedly this gives the board somewhat more flexibility. I think anybody who's reasonable would understand that there will be reviews that the board would undertake of a relatively minor nature, of a noncontentious nature, where there is no public interest, where there isn't, therefore, the need to have a hearing perhaps. I caution people in assessing my comments in this regard, in that there must be at least a public appeal process to ensure that when a decision not to have a public hearing is undertaken, there is recourse to the public. There may well be many cases, in fact, when the nature of the issue, the lack of confrontation, the lack of contentiousness, a general consensus in society that a public hearing isn't necessary – it would be important – but a review is still necessary, that the word "hearing" should properly be replaced by "proceeding." The problem I have with that is that to move one step away from "hearing" without ever defining that the board has an obligation to undertake public hearings or public proceedings – and I emphasize the word "public" – is, I think, to erode further that important feature, what should be an important specification of this Bill: that the board in fact should be inclined to do whatever it is to do in the public eye. Therefore, there should be at least public proceedings, and if it is ever to be private, the onus is on the board to specify why that might be the case. I have an amendment to that effect that I will be raising later.

I would argue that on the one level we can't support these amendments because they do little to strengthen an already weakened Bill. As the House knows, we voted against this. My caucus was the only caucus in this Legislature to vote against this Bill in principle, because we have some very serious concerns that there are many principles in this Bill which are extremely weak and to support those principles would be to deny, in fact, that a board of this nature should be structured in certain proper ways. In addition, these amendments are a slippery slope, Mr. Chairman. They beg questions that should be addressed in this legislation, and they begin to erode even further certain very important principles upon which a Bill such as this should be based, such as, for example, the need to have public hearings or public proceedings, as the case may be.

MR. McINNIS: Perhaps I'll just conclude my remarks on the amendment to section 2. With the Al-Pac project, as I said, the proponent came back with a second proposal. Now, here's where it gets interesting. The government is toying with the idea of not having a full review of the second project. In fact, the Minister of the Environment said today that a decision on the Al-Pac project will be made by the end of this week or early next week without a full review of the type which would be held under the Natural Resources Conservation Board Act. Why, Mr. Chairman? Because he's declared himself satisfied that the problems are solved.

Now, here you have a case in which a minister and a government are deciding to avoid a full-scale review on a new project on what, in effect, amounts to political grounds; you know, when he says that it's not fair to require a new review of the new Al-Pac proposal because they already had a review. That was of a different project. Some of the details of the new proposal were discussed at the Al-Pac hearings. It was discussed that the technology was not available for commercial application in the new project, and it was discussed that there was no data that could be applied to evaluation of the new technology; therefore, it wasn't evaluated.

So a government is deciding, perhaps, if the minister is correct, that there will not be a review of the project. Why? Well, I think the why is for some economic or social reason. There's an economic or social imperative that leads the government to the conclusion that there should not be a full-scale review of the new Alberta-Pacific project. That unfortunate decision which apparently has been made by the government is entirely compatible with section 2 as it's presently written. If you put economic and social factors somewhere in the same broad category as environmental factors, then, yeah, maybe you would compromise on environmental issues. Maybe you would even decide that it would be unfair to a developer economically to subject a new proposal – it's in the nature of the terms of reference of the EIA review board that they could really only evaluate the proposal before them. Even though they did attempt to find out about the possibility of this new technology and they were told in evidence that the new technology was not available and therefore it could not be evaluated, it's in the nature of that that they had to deal only with this proposal.

A new proposal comes along, and it's entirely possible under section 2 that this idea of waiving an environmental review altogether, just waiving it, would be possible because of the social and economic effects, the social effects perhaps being a lobby by pro development forces within the community, the economic impact clearly being a financial penalty on the part of a developer not to proceed with a project. It's in the nature of the development industry that if a project is not environmentally sound – if it does not contribute in some fashion to preserving, protecting, enhancing the environment, if it does not contribute to sustaining functioning ecosystems, then it cannot be considered environmentally sound. I would argue that legislation of this kind must take as its guiding light and principle that the project must be environmentally sound before it can be approved. We're still stuck in a position where that is anything but clear in the legislation, and if you couple that with the fact that within the balance of the Bill it's quite possible for the NRCB to waive a public hearing, it's quite possible that we could end up with the Al-Pac scenario repeated over and over again. A developer comes forward with a project; no approval is granted by the NRCB. The developer comes back with a new project, and for whatever reason a deal is made and the project is potentially approved without even having the claims of the new project evaluated.

I would remind the Chair and members of the Assembly that Dr. David Schindler, a member of the panel, has stated publicly, based on research he conducted recently in Finland, that it is not possible for Al-Pac to meet the claims that they're making about the new project. Yet . . .

MR. DEPUTY CHAIRMAN: Order, hon. member. I do feel you're getting very much into the details of the Al-Pac situation, and these last few words I cannot relate to the clauses. But perhaps proceed, please.

MR. McINNIS: Perhaps the Chair would instruct me how it's possible to give an example without citing facts. How can you do this thing?

MR. HYLAND: Figure it out, John.

MR. McINNIS: Figure out how to give an example without facts? See, you are the guys who made decisions without facts. You can't hang that on us. I'm saying that the facts of the matter are what must lead to a decision. You can't allow legislation to pass this Assembly which allows decisions to be made without reference to the facts. That's the point that's being made here. When you can take all of the facts and set

them to one side and say, "Well, that's interesting, EIA review board, but we're going to have a secret meeting in the Premier's office, and we're going to design a new project, and we're going to design a plan on how we're going to get the thing through," this NRCB could very well turn out to be nothing more than the willing handmaiden of that type of process.

Believe me, this type of thing happens all the time, whether we're talking about a property development, whether it's a subdivision, whether it's an industrial development. Whatever type of development activity there is, it's in the nature of it that if a developer is refused, they come back with changes. They do it every time, and that's exactly what's happened in the case of the Al-Pac proposal. There is no guarantee in the final analysis that any one of these projects will be subject to a public review, with the exception of a pulp, paper, newsprint, or recycled fibre operation. Aside from that, there is no guarantee that there will be a public review at all, but more importantly there is no guarantee that the relevant facts will result in a decision being made. That's the point: that somehow all of those who have read this legislation, with concern that in many cases goes beyond concern into alarm and apprehension, have been saying to the government that the decision-making criteria, which could only be found in the structure of this Act in section 2, are completely and totally deficient.

For that reason, this amendment just simply fails to grasp the situation. It has to be underscored that every developer will make a claim. Every developer will state that a project has economic, social benefits, and every developer will attempt to minimize the importance of the environmental impacts. That's generally the way these things go. But if these things are in the legislation, all one category, and there's no basis on which to favour one over the other, there's no basis for essentially, you know, tipping the scale. The way it's set up in the legislation, you've got social and economic benefit over here, environmental cost over there, and somehow these two are to be weighed and a balance struck, and they call that balance the public interest. Well, that's political language, Mr. Chairman; it's not the legal language. It doesn't provide any assurance to present and future generations of Albertans that in fact these developments will take place in a way that's compatible with our right to a healthy future. We could in fact end up with some real turkeys from an environmental point of view, not in this Legislative Assembly but in the province of Alberta, if this legislation were to pass in the present form.

[Motion on amendment carried]

MR. DEPUTY CHAIRMAN: A number of amendments have been presented. I recognize the Member for Edmonton-Jasper Place.

MR. McINNIS: Thank you, Mr. Chairman. I would like to make just a few comments on the Bill in committee prior to the introduction of my first amendment. I think that so much has been expected of this legislation because of the extreme importance that environmental matters have assumed in people's minds, and this is not an abstract phenomenon. It's not in any sense a fad or a trend. It's not something that will pass. It's something that is in my opinion built very deeply into the commitment that people have, not just in their political views, not just in how they might vote, what actions in the government they support or don't support, but in their own personal lifestyle and their own personal approach to family living.

Now, the environmental impact assessment process, of which this is a part, is nothing more nor less than how we try to avoid making serious environmental mistakes. I think we can do a great deal more than that, and I think I look to a government which has the courage to consider the environmental impact of a great many things, certainly major project development, because one of the ways that we influence our future in the province is to consider, evaluate, pass judgment on proposals. But it's fundamentally important in terms of the overall scope of this legislation that we look to existing activities, that we look to government programs and policies and legislation such as, for example, the outrageous proposal to allow the commercial slaughter of elk in the absence of any type of environmental assessment. All of these things should be part of the scope of environmental impact assessment legislation. What we're dealing with here is two-thirds of the environmental impact assessment process on projects alone, on a narrow range of projects.

Now, I will be addressing the question of the scope of the Bill, but I think the place to start is to try to determine what are the values that should inform and direct and guide the operations of this legislation. Much has been written about environmental impact assessment; in fact, there is a very serious and a very highly respected academic study of environmental impact assessment. Alberta is fortunate enough to have one of the leading experts on the environmental impact assessment process in the person of Dr. Bill Ross from the University of Calgary, who also served as a member of the environmental impact assessment review board on the Al-Pac project. So his contribution has certainly been noted, and there are a great many comments within the EIA review board report on the process and a number of process recommendations.

I think we would be in much better shape if the government spent more than two minutes reviewing this report, more than the time it took them to realize that they weren't going to get their blessed Al-Pac project through and then to proceed to concoct a political strategy to in effect deep-six this report, and that's exactly what's happened to this report since it was presented in early March. But indeed there are very substantial recommendations and commentary dealing with the public input process coming from the experts, coming from the people who've actually gone out there and done it, and to go out there and do it is a much different thing than to study it and dream about it and manipulate it and, indeed, sit down and write rules about it. I feel badly that the government did not apparently spend a great deal of time studying the concerns and recommendations just on the process that came forward in this report.

Subsequent to that and following in fairly short order, we had another report tabled. Actually, perhaps my memory is wrong. I think this one may have come first. The Alberta Environmental Impact Assessment Task Force, a task force which consisted of representation from within the provincial government, reported on March 2. The bureaucratic sector was represented, so they had their input into this report. Also represented was industry on the part of representatives from the forest industry and the petroleum industry, and further represented were the environmental activists, the people who have a demonstrated commitment, concern, and ability to deal effectively with environmental issues. All those people were there, and they presented a very elaborate model, a lot of detail in terms of how environmental impact assessment processes should be done. Now, I did hear the minister say at one time that he had read that report before he reviewed the draft legislation. Unfortunately, he either chose not to accept what he read or else didn't understand it, because this legislation before us in

committee today does not reflect the EIA Task Force report, nor does it reflect the EIA review board report dealing with the Al-Pac project. It is, as I said, Mr. Chairman, an almost entirely bureaucratic document. It has process, procedure, but not substance. It doesn't breathe with the lifeblood of what we're trying to do here.

What is it that we're trying to do here? Well, perhaps to focus this debate, I would like to bring forward an amendment. It's marked amendment 1, and it strikes out the second clause in section 2 and substitutes:

> to provide for those reviews to be conducted in public with the assistance of independent expertise to determine whether the projects and activities are compatible with maintaining and preserving the natural ecological diversity of the Province of Alberta in order to perpetuate or restore the integrity of functional ecosystems.

That's the amendment I'd like to put before the committee, and if I may, I'd like to speak to it briefly.

The amendment gives the board a job basically. This is a board which has a structure, a procedure, but it doesn't have a very strong mandate under the current draft legislation. So this amendment will give it a job to do. It says, first of all, that the reviews they are conducting should be done in public, because it's the nature of this agency that they involve the public in the process. Up to now every environmental impact assessment in Alberta, save for one, which was the Al-Pac EIA, has been done entirely within the Department of the Environment. I call it the paper blizzard. The developer submits usually a six-inch tall stack of documents prepared at great expense by their consultants. By the way, have you ever wondered why none of the consultants ever recommend against building a project? I have, and I haven't been able to find an answer to that. Anyway, they choose their consultants, prepare the six-inch tall stack of documents, and it goes to the bureaucracy. The bureaucracy takes the six inches of documents and passes them out among the various people there. They all read through and mark with their pens where they think information is missing. They write notes based on the marks they've made. They put all the notes together in a document and call that a deficiency review.

The deficiency review is sent to the developer, and essentially it's like a group of short-answer essay questions. It says, "Describe, please, this phenomenon; answer this question." The consultants for the developers go through the short-answer essay exam presented to them by the Environment department and prepare a supplementary EIA document, which is usually about a one- to two-inch thick document. Then the officials in the department pass it out again. They go through it with their pens and mark all of what they think are still missing answers. They send another – this time it's down to a memo usually, 10 pages or so, which is then answered in a rather longer memo. This essentially goes on until such time as the government wants a decision. The paper blizzard ends and a decision is made. Up to a year ago, that has been the entire scope and substance of environmental impact assessments in Alberta.

As I said, we went a different route on the Al-Pac project. Unfortunately, that's been shelved and an entirely different procedure is being developed in respect of the new Al-Pac project. So I guess we've gone to a third model in terms of dealing with that, and now the fourth model is before us today. In the fourth model that document comes out of the department into the hands of the NRCB, and here's where they kick in. Now, in the literature of environmental impact assessment theory at least, it's clear that process is very, very important. I mean, we are dealing with a process that involves the public, and people have a right to expect that certain things will happen when the process is triggered. That's essentially the way most of the Bill is laid out. But then when the process is over, you can talk process all you like, but sooner or later somebody's going to have to make a decision. That's where the provisions of section 2 become absolutely crucial. A decision can be challenged under this legislation only on a point of law. You know, there is no appeal.

Over the course of the past year I've done a lot of thinking about who should ultimately make the decisions. I began with my democratic value structure saying that of course an elected government has to decide these things, but I'm persuaded on the basis of a lot of detailed argument and thought that in fact when it comes to the question of whether the environment is going to be destroyed by a project or not, it's not really a political decision, not in the same sense as whether we should tax cigarettes at a buck a pack or a buck and a half a pack. You know, whether a smoker should pay an extra half a buck in taxation every time they smoke a pack of cigarettes is fundamentally a political decision, but dealing with the environment, either a project is compatible with functioning ecosystems or it's not. If it's destructive of functioning ecosystems, if it destroys the natural ecological diversity of the province, that's not a determination that can be made in a political fashion. It's a determination that has to be made on the basis of scientific evidence and on the basis of an informed interpretation of scientific evidence.

An equally important point but perhaps not germane to the scope of the amendment – I think the scope of the amendment has more to do with the substantive criteria – is that it's important that the people who make that judgment know what they're talking about and know what they're hearing and know how to separate a true claim from a false claim. I would guess that if any member of this Legislative Assembly were told by somebody from Al-Pac that this technology will reduce organic chloride emissions to .2 kilograms per air-dried tonne of pulp, most of us would say, "Well, that's interesting, but what does it mean?" Even if you did know what it meant, how would you know whether it was true or not? Well, a scientist like, for example, Dr. David Schindler – this is only an example – says, "I've checked it out and .4 is the most that's possible given this technology." Now, somehow or other somebody has to be able to make a decision on that, and you have to know something about it in order to make the decision. Ultimately that information has to be fed into some type of criteria in order to reach a decision.

I recall that the board was extremely frustrated with the lack of data and also the lack of criteria upon which to make a decision, because the criteria is also crucial. We have to have a standard of what we want to achieve, and much of the discussion on that project, for example, revolved around oxygen. Oxygen is a very important issue in every river system in the province of Alberta. It's an issue in the North Saskatchewan. Very clearly it's an issue in the Athabasca River, because without oxygen fish die, especially young fish, who need oxygen in order to grow and live. So any board making a decision on that project will in effect be deciding how many milligrams per litre of dissolved oxygen will be in that river.

You know, you can't say to anybody, "Well, you've got to make a decision about that" unless you give them some criteria. Now, the government doesn't have any criteria. They don't have any standards for dissolved oxygen. There's no number you can go to on a sheet of paper in order to make that decision. There are some objectives, which have no force of law whatsoever. So

it's left to somebody, in this case the natural resources conservation board, to determine whether the correct amount of oxygen is there or not. Well, how do you value oxygen? Oxygen is sold in bottles to the public, but you can't use the price of oxygen over the counter, because our problem in this case is that we have to get oxygen delivered to the fish in the river and the fish are not going to show up every day at a given checkpoint and receive their daily dose of oxygen. They're not going to do that.

So we've got to give this board some criteria which transcend the numbers, which transcend all the gobbledygook and the mumbo jumbo in the currently drafted section which in effect throws all these factors into a pot and says, "You figure it out." We have to say to them, "There's something we want you to achieve." I submit that if we really think about it, what we want out of this environmental issue, what we want out of this process is natural ecological diversity in the province of Alberta which perpetuates and restores the integrity of functional ecosystems. You know, there is no engineer in all of creation who's capable of designing a functioning ecosystem. They can't do it. Science is based on reductionism. You take complex interrelated systems and get PhDs by tearing them down into smaller and smaller pieces. You don't get a PhD for understanding how a broad ecosystem works or understanding what it takes to make an ecosystem function. No, you don't. You get a PhD for breaking it down to the molecular level. If you can determine how a tsetse fly will behave under some outrageous, extreme circumstances involving selective breeding, radiation, and all kinds of stress and so forth, you probably could become a full professor. But science can't design an ecosystem.

What we can do as legislators is say to the NRCB, "It's your job to make sure the ecology of the province of Alberta continues to function." How do you do that? Well, obviously you look at making sure the ecosystems out there continue to function. That may not be good enough either, Mr. Chairman, and that's why there is a second part to this amendment, which suggests that the board also has a role in restoring the integrity of ecosystems which may have been destroyed by past industrial activity, careless recreational activity, thoughtless legislation and policy on the part of government, the dumping of sewage, all the various things that we have found convenient or previous generations of Albertans have found convenient to do under the name of social benefit, under the name of economic progress, in the name of jobs or what have you. You know, it also turns out that some of the claims on the economic and social end of things are also difficult to evaluate, because developers in their nature inflate the job prospects of particular projects. In fact, Mr. Chairman, I daresay that governments occasionally inflate the economic and social benefits of given projects. Not that this government should be singled out unfairly, but it was only last year that 11,000 jobs were promised from all this forestry development. I think the government would be hard pressed to show very much more than 2,000 jobs to date, if that much at all.

So we're in a situation where throwing all these values into a cauldron, stirring quickly, and asking for a decision is simply not good enough from the point of view of the right of Albertans to secure a healthy future. You know, I think how better to do that than to value and honour the earth, because it's the nature of ecosystems that we're not capable and developers are not capable and governments are not capable of modifying ecosystems. We're not capable of designing ecosystems and not capable of necessarily restoring the damage if an ecosystem is destroyed.

So it turns out that we've had three major reviews of environmental impact assessment legislation in the past year. We've had one done by a joint federal/provincial review panel, one done by a representative panel of government, industry, and the environmental community, and a third one done by a bureaucratic in-house committee under the tutelage of the Deputy Minister of Executive Council in a cabinet committee chaired by the Minister of Energy. Now, which one of those three does the government choose to bring forward its model environmental impact assessment legislation? Not the federal/provincial panel, not the tripartite review board, but the bureaucratic in-house panel of the provincial government. I think that's bureaucratic thinking, and that's what makes section 2 what it is today. That's how it got to be what it is today, because it was designed by bureaucrats for bureaucrats to serve their political masters. I suggest that we serve the interest of maintaining and preserving the natural ecological diversity of the province rather than political or bureaucratic needs and we put forward the goal of perpetuating and restoring the integrity of functional ecosystems rather than serving the needs of the government of the day.

MR. DEPUTY CHAIRMAN: The Member for Edmonton-Belmont on the amendment.

MR. SIGURDSON: Thank you, Mr. Chairman. I'm pleased to rise and support the amendment that's been put forward by my colleague the Member for Edmonton-Jasper Place. In fact, I think it's one of those amendments that is well thought out and for which the member ought to be congratulated, because obviously it takes in a rather wide area of consideration.

You know, for a long time we've looked at our province, our country, even our world as this vast, endless supply of whatever we need; we can do anything we want to it and it's always going to bounce back. That's not the case. I think finally we've come to a point in time when we realize that we live on a very fragile planet that has to be properly cared for. Mr. Chairman, what we're trying to do with this amendment is show that we've got to give due regard for that sensitive ecosystem that's out there. We can't continue starting off with the premise that we're going to try and achieve point A without looking at the consequences of what the development or what point A or goal A is going to do to the lakes and the rivers and the air. What we've got to start looking at is the end those rivers flow to. We've got to make sure that those bodies of water, for instance, are going to be able to be sustained over the course of time if we're going to have an economic policy that purports to help the area. Well, if it purports to help the area, then surely to goodness in helping a certain geographical area, it ought not at the same time it's trying to help something destroy something. That's not the balance, the equation, that we need.

We can no longer throw effluent into streams and garbage into the air thinking that if it's out of sight, it's gone; if it's away from us and somewhat removed downstream, it's no longer the problem of one particular community. Mr. Chairman, we've arrived at a point where I think hopefully we're going to give a little more care and attention to the community in which we live. That community doesn't just mean those folk that live immediately in the area. It means those people that live downstream, people that survive on the ecosystem that's somewhat away from the area of damage, the area of development. It means that people that are removed from that area are also going to be able to survive.

It's time for that change. You know, I've seen political campaigns that always talk about change or renewal. Goodness,

in the early '80s there was the Conservative campaign out there that talked about renewal, regrowth. Maybe what it was was more regrouping. But if that change is really going to take place, Mr. Chairman, perhaps that change has to be that we're going to have to restore back to the ecosystem, back to the earth, and make sure we're going to be taking some of the corrective measures necessary to enhance that which we've damaged. It means something more than just covering up landfill. It means something more that just having a golf course where we used to have a garbage dump. It means something more than just having strip mine reclamations. It's means that we're going to have to have more regard for the entire system around us.

What we're trying to do with this amendment is to make sure that the so-called enhancement, so-called reforestation programs that some areas have adopted – they're not necessarily going to return the area to a natural state, what it once was. What we're doing is proposing to go in and make some significant geological, geographical, geophysical changes and put on our stamp of approval and call it finished and complete. Well, that's not the case. It doesn't necessarily return to a natural state of being. Once we as human beings have gone in and tampered with the system, the state, the area has changed forever. So we've got to make sure we have the ability to ensure that certain projects that should be proposed for certain areas are going to be in harmony with the natural ability of the area.

How do we do that? This amendment, Mr. Chairman, proposes exactly how it should be done. It talks about having the necessary public review, with public assistance, for projects for any particular area. Now, obviously if we're going to go through an exercise, there's got to be some credibility that's associated with that exercise, and that's why you've got to have the independent expertise that's mentioned in this amendment. It's not much good, say, for an individual that has an PhD in inorganic chemistry and another individual that may have a PhD in physics to go out and take a look at something that requires a biological scientist and call that committee a scientific committee studying the matter at hand. That's why this amendment is so important, because it calls for independent expertise to determine the ability of the projects.

Now, in order to do that, there has to be a wide resource base of intellectual talent, and that can be drawn from any of the university communities, if not in our province then certainly outside our province. We've had a number of scientists that have come into Alberta to look at our environmental plans. We've had criticism out of the state of Oregon about our environmental laws, and perhaps that's fair. We've often boasted about being number one, and then when somebody comes along to critique the statutes we have on our books, to look at our laws, we feel a little embarrassed by some of the effort we've put into certain areas. This is one of them. So what we've got to do is make sure that that independent expertise is there and available. That's exactly what this amendment calls for.

Now, why do you have to have it? It's rather simple. There's going to be that community of interest that's going to respond to any proposal, to any project, and that community of interest is going to talk about a variety of issues that are of importance to their concerns. They want to address those matters that are important, whether it's their livelihood, whether it's fishing for food, whether it's hunting for food, whether it's harvesting of timber for economic development, or whether it's harvesting of land for agricultural purposes. There are going to be those communities of interest that put forward certain proposals to this independent committee that's going to examine things.

The problem with all of that is that we get into the concern of process, and too often, all too often I would submit, we have decisions that are made after the fact. We hear of plans that are going ahead and we haven't had sufficient opportunity to speak to that. If we do, if we are made aware of it, there's the attitude out there amongst Albertans, Mr. Chairman – that quite frankly is rather upsetting to me as a member of the Assembly – that they think they can't take on the government; they're not going to have the opportunity to have any input into the decision-making process. That's a rather sad situation. We need to be able to make sure that what we're doing is providing some form of assistance, whether the assistance is through a financial arrangement that's made by the Treasury Department or whether it's made through offering and lending the expertise of certain scientists to those groups that express an interest. We have to make sure those people are able to access the funding and the information they need in order to go before a committee of experts to make a reasonable presentation, to make a presentation that's going to be heard and hopefully have some effect.

Mr. Chairman, that clearly hasn't been the case to date. We talk about Albertans feeling left out of situations. I was at an event today when people were talking about the process of Meech Lake, and you'd think people would have learned, that politicians in this Assembly would have learned about process, about how to include people. We should have learned from that argument.

What we're talking about here is something that is going to talk about environmental impact. We're going to talk about the necessity of speaking to natural changes of our environment. Mr. Chairman, certainly if we're going to be able to have people come forward and present their opinions, they ought to be able to have the assistance of the government, and that means making studies available. We don't do that, or seemingly we don't do that. My goodness, every time we have motions for returns on the Order Paper asking certain questions of the government, we get all kinds of incredible excuses, that we can't have this study because it's an internal memoranda. It's something that is shared between this department and that department of government, and you can't access that information. You would think that there ought to be the ability to gain that information, to have that assistance, but it's not there. Perhaps a companion resolution to this, Mr. Chairman, ought to be a freedom-of-information Act for the province of Alberta to make sure that when the government conducts a study into economic diversifications in certain areas, there's going to be a study of environmental damage or environmental assessment. When we talk about environmental assessment, it's that those studies ought to be shared with the public, and that's just not the case.

So what this one would do, Mr. Chairman, in light of the fact that we haven't a freedom-of-information Act, this amendment here would call for the ability of the public to get some assistance so that they would be able to go out, take a look at the information, have the input, maybe go out and get other expert opinion on what was being offered and on the millions of dollars that we spend on certain studies. Perhaps there are those folk out there that would offer free their opinion, willingly offer free their opinion that may be contrary to the studies that we've paid millions of dollars for. I don't think that's too much to ask, surely to goodness, if we're going to start to look at cleaning up, cleaning up the mess that we've made, cleaning up the mess that

we've been left with, not because there's been necessarily some nasty individuals out there who purposely go out and damage the environment, but because what we had was the opinion for such a long period of time that there was an endless supply of water, of clean water, an endless supply of clean air, an endless supply of everything that we need without having proper consideration of the damage that we're creating down the road.

Mr. Chairman, we need that information. We've got to make sure that that information gets out to people. Otherwise, all we're going to be doing is spinning our wheels and going – we're not spinning our wheels; we're throwing the whole exercise into reverse and going the wrong way. If we're going to go forward, Mr. Chairman, we're going to have to start providing the kind of information that's contained in this amendment. I would certainly support the amendment, encourage other members to support the amendment, and I congratulate the Member for Edmonton-Jasper Place for moving it. It's very well.

MR. DEPUTY CHAIRMAN: There seems to be some confusion among members, and I must admit that all the material was not in front of the Chair that I guess I should have had here. We're dealing with what is labeled amendment 1, submitted by the Member for Edmonton-Jasper Place. It deals with section 2. However, I would like to just re-establish – we will continue to deal with that amendment, but I would like to remind hon. members that there is a procedure which should normally be adhered to. That is, we should go with amendments as they appear in the legislation, in which case, for another time, we should have been dealing initially with the amendment which deals first with section 1. But we're dealing with the one that is labeled number 1 and deals with section 2, if that's understandable.

MR. SIGURDSON: Sorry, Mr. Chairman. I can't hear you.

MR. DEPUTY CHAIRMAN: It was not pertaining to you, hon. member. I'm sorry. [interjection] We are, because it's being discussed. We're dealing with amendment 1 as submitted by the Member for Edmonton-Jasper Place, but it is not in order in terms of the Act. That's all I'm pointing out right now.

The Member for Edmonton-Meadowlark.

MR. MITCHELL: Thank you, Mr. Chairman. I would like to say that I am sympathetic to the reasoning behind and the intention for this amendment. One of the real weaknesses in this Bill is that it doesn't specify that the hearings or the proceedings should be, can be, in fact must be in public. But to say that they must always be held in public is an extreme statement and an extreme position to take. I believe that perhaps only in one-half of 1 percent of the cases or in one-half of 1 percent of all the time that hearings are undertaken, there may be some reasons why the board would want to retire to a nonpublic process. For example, they may be discussing a new technology for which there is some proprietary consideration, for which there is a patent process pending. There may be information of commercial importance, of comparisons and competitive significance. In very rare cases it might be justifiable, therefore, not to have this directly in public. There must be a process whereby the board would have to justify, and whereby members of the public could have an appeal to ensure, that that particular exception was invoked properly and acceptably.

But to say that it must always be conducted in public, without any regard for some of those albeit rare but nevertheless significant cases, I believe simply demonstrates a certain extremeness, a certain naivety to this particular amendment, which would mean that while I am very sympathetic and while I will be suggesting a number of amendments to address the issue of the publicness of these processes, I simply feel that it wouldn't be responsible for me and for my caucus to support this amendment. I say that with some regret because I certainly appreciate what the Member for Edmonton-Jasper Place is attempting to undertake. I will say to him that we have an amendment which will address this issue in what I believe to be a slightly better way, and I would ask for his support at that time.

MR. DEPUTY CHAIRMAN: The Member for Edmonton-Beverly.

MR. EWASIUK: Thank you, Mr. Chairman. I, too, want to rise in support of amendment 1, submitted by my colleague from Edmonton-Jasper Place. I'm a little surprised that amendments of this nature weren't forthcoming from the government. During debate on second reading I was left with the impression that the minister had received communications from the Environmental Law Centre and that he was seriously going to consider their suggestion, recommendation, and indeed he was going to discuss it with them. I thought: well, great; that's going to occur. I thought maybe the recommendations would be brought forward in amendments when we were dealing with it in Committee of the Whole. Unfortunately, that hasn't occurred, and I'm rather disappointed that that is the case.

Insomuch as the amendment before us, Mr. Chairman, no doubt my good friend from Edmonton-Belmont has addressed the need for the kind of process that's going to make information during hearings available to the public, and I believe that these kinds of meetings must be conducted in public if you're going to have fair and proper hearings. Now, certainly if the panel requires that they must discuss something that perhaps should not be discussed in a public forum, then indeed they have the option of adjourning to an in camera session to deal with those kinds of items. But certainly it seems to me that if we're talking about our environment, the hearings must be in public in all cases to ensure that the relevance of any of the information that has been made available at those hearings is available to everyone concerned.

The assistance of independent expertise to determine the projects' and activities' compatibility I think is a very important component in this particular amendment, Mr. Chairman. When we spoke to this Bill in second reading, it was identified at that time that three or five members on the panel is a rather small number of people who will require a great deal of expertise. It was conceded, at least it was believed by this side of the House, that that wasn't sufficient, that indeed there should be provisions made available to bring in expertise to supplement the people on the panel to ensure that the hearings are given a proper and adequate hearing. So this amendment addresses that particular issue.

The other problem that I see and that I'm surprised the minister has not addressed and brought before us is the funding for the intervenors. It would be quite difficult for an intervenor unless he has some direct interest, as the Bill states. He doesn't know if he's going to get paid or not. So it becomes incumbent on the government to ensure that independent expertise is available at the expense of the government to ensure that all the relevant information and concerns are raised.

Now, we're dealing here, I think, with a very important Bill. I think it has a great deal of importance. I think it could go a

long way in making this province a healthier and better place to live. Again my colleague from Edmonton-Belmont raised the event we were at this morning where we had the Governor General present. All the schools in the area were there, and they had the opportunity to bring a message to the Governor General. Without exception all of the students who were present at the function spoke about the environment to the Governor General. So I think it's very important that when we are talking about a Bill as important as Bill 52, if we're going to ram it through this session – and again I think there's an objection that that should be done. I think there should be an opportunity for the . . .

MR. DEPUTY CHAIRMAN: Hon. member, we do have an amendment before us. I realize the Bill is important, but the amendment, please.

MR. EWASIUK: Well, again, I think the importance of the hearings that are being suggested in this amendment – they must be done in public, and the process must be such that there is expertise available to enhance the presentations, to ensure that all the important components of the presentation are addressed and are presented to the panel.

It is quite clear that if the government is serious and wants to endorse that they are going to adhere to the protection of the environment, then I think without doubt they must consider amendments of this nature. I would support and I would hope that the members in the House would consider giving support to this amendment, because I think it goes a long way to removing any fears that the public has – the people that have vested interests, have a direct interest in appearing before this board – that the process is not such that every opportunity will be given to them to make their comments in a manner that is going to be well understood, so that the panel making the decision on the project will be able to ascertain that the concerns raised by the intervenors is such that it's relevant and should be addressed in their decision-making.

So I would urge all members to support this amendment. I think it's going to go a long way in making sure that the young children that were speaking about the environment today will also have security in the future if we at this time in this House make the necessary changes and bring in Bills that are going to protect the environment for us down the road and for our children down the road.

MR. DEPUTY CHAIRMAN: The Member for Vegreville, on the amendment.

MR. FOX: Thank you, Mr. Chairman. I would like to support the amendment as proposed by my colleague the Member for Edmonton-Jasper Place because . . .

MR. TAYLOR: Surprise, surprise.

MR. FOX: Well, I'd just like to remind the Member for Westlock-Sturgeon that it's not a surprise that it's a good amendment. It's drafted by a member who has researched the Bill thoroughly and put a considerable amount of thought into ways that it could be improved, because we support the Bill in principle. We did that in second reading. We support the idea that there needs to be a process. Now, what we need to do is make sure that that process is given purpose, that it is going to be effective, and that it will indeed accomplish the objectives that we want it to.

The amendment adding this clause to the new section 2 is to provide for reviews that would be

> conducted in public with the assistance of independent expertise to determine whether the projects and activities are compatible with maintaining and preserving the natural ecological diversity of the Province

et cetera, et cetera, Mr. Chairman. I think the words as written are very important, because what we're trying to do is say, "Yes, we agree that as described in section 2, the purpose of the Act would be to provide for an impartial process."

But if you read the section provided by the hon. minister's amendment, it goes on to say:

> provide for an impartial process to review projects that will or may affect the natural resources of [the province] in order to determine whether, in the Board's opinion, the projects are in the public interest having regard to the social, economic and environmental effects of the projects.

Well, as an Albertan I want more out of this Act than a determination from the board whether or not the projects . . .

MR. DEPUTY CHAIRMAN: Excuse me, hon. member. Order, Calgary-Buffalo. Calgary-Buffalo, order please.

Please proceed.

MR. FOX: Thank you, Mr. Chairman. As an Albertan, a citizen of the province, I want more out of this process. I believe the NRCB can accomplish more than just a determination of whether or not in the board's opinion a particular project is in the public interest. I mean, big deal. If it's in the public interest, who cares? There has to be some mandate provided the board, some definition given to their purpose included in section 2, and that's exactly what I believe is provided for in amendment 1 proposed by the Member for Edmonton-Jasper Place, because it insists that these reviews "be conducted in public with the assistance of independent expertise."

If I might speak briefly to that, I guess I have to relate that to my own experience, Mr. Chairman, in order to examine the import of that. We're living in a time when every politician, regardless of political stripe, acknowledges that public interest in the environment is very strong. Public survey after public survey identifies the fact that the environment is right at the top of everyone's list in terms of pressing issues, matters of public concern. Businesses recognize that. They're trying to appeal through advertising campaigns and, in some cases, through legitimate commercial development to that public concern about protection for the environment.

What do we learn from that? As politicians we need to learn that the public has a need to express their views, in fact has the right to express their views. We have to acknowledge that in the legislation we provide, and we have to empower people. We have to provide the opportunity for them and make sure that that right is legislated so that their views can be heard, their input can be considered, and so that they can be assured, regardless of the decisions that are made in the end – because once we fine-tune this Bill and make it accomplish what we want it to accomplish, we assume that the decisions are going to be good ones, based on the best information available. But we want to be able to assure people, whether they are the decisions they wanted or not, that the process has been sound and that their input has indeed been considered.

So we need to provide for those reviews to be conducted in public. It's not enough to do as we've done in the past and just say: "Your company wants to build an industrial project. We know it's going to pollute, but why don't you just go out and hire some scientists, write up a little report, and tell us how

wonderful it's going to be? We'll flip through the report, table it in the Assembly a couple of years after you build the plant, and we'll call that public review." It wouldn't be unlike the Oldman dam process. I think we need more than that, and the basic first principle is that these reviews must be conducted in public; further, that those reviews "be conducted in public with the assistance of independent expertise." We need to have scientific examination of the information provided, evaluation of that information, recommendations made about the impact of the development based on that scientific information done by people who have no particular axe to grind. We don't want scientists hired by the company who draw their cheques at the end of every month from that company and who live in fear of offending their bosses when they conduct reviews.

We all know about the supposedly independent laboratory in the United States that conducted a number of important reviews on behalf of the government of major pesticides and insecticides. Industrial Biotest Laboratories I believe it was called, IBT. Does that ring a bell? [interjection] What a memory, Edmonton-Jasper Place. IBT conducted these reviews. They were paid handsomely for it. We found out years later that their results were cooked, that there was false information in there, that they were basically confirming whatever the company who hired them wanted them to confirm, and as a result the public was jeopardized. I as a farmer had to go to sleep at night knowing that I'd used products certified by this company as safe within the existing guidelines only to find out later that in fact they weren't safe and that these tests were skewed.

So we need to get some assistance from independent expertise, people not tied to one cause or another. I suggest it would be just as wrong for us to go to a scientist who may own property or who may have a home right beside the stream that is going to become the watercourse for the effluent of said plant. That person could be described as having some axe to grind or pecuniary interest in the outcome of the public review and assessment of the information.

So I suggest that these are very important words. I haven't heard members opposite speak to this amendment, so I'm not sure what their assessment of it is. I know that the hon. minister will want to stand up and tell us what his views are. But I can't imagine an hon. member in this Assembly who expresses concern for the environment, who has supported this Bill in principle, that we try and establish a process that will review projects and assess their impact and report to the public, that provides that process – if we support that in principle, then I think we must add this clause. Certainly I believe I've made some arguments the minister might want to respond to in terms of providing for these reviews to be conducted in public with the assistance of independent expertise. The members are probably waiting for an example of how this might work so that they can be convinced to vote in favour of this amendment.

I'll just very briefly describe to them a concern raised today in the House with regards to the escape of some captive elk from a ranch near Lloydminster. Mr. Chairman, I don't intend to get into this in detail; I'm going to talk about a process here. Clearly it illustrates not that these vasectomized elk pose a risk to anybody but that escapes can occur. No matter how good your regulations are, no matter how ironclad you think your assurances are, mistakes will be make and accidents will happen. It gives credence or validity to the concerns expressed by thousands of Albertans that raising these animals in captivity poses a risk to the wild populations of elk in the province. One at least has to acknowledge that that concern is valid.

Well, what do you do with that concern? Do you ram a Bill through the Legislature and not pay attention to it and pretend that you have concern for the environment? No. What you do is establish a natural resources conservation board, determine that game ranching shall be referred to the board for a thorough assessment of the impact of that, and you make sure that the reviews are conducted in public – we may perhaps have a debate later in the evening when I can discuss that in much greater length – so that people know what information's being assessed, they know that the process is valid, they know that they have the opportunity to participate and that as Albertans who share in the ownership of that resource, they will have an opportunity to effect the outcome. As well, the assistance of independent expertise needs to be sought in a case like that.

Using this example again briefly, some of the people I've met with – the director of the Calgary Zoo, a very thoughtful Albertan with considerable expertise whose opinions cannot be characterized as off the wall, has told me that he believes, based on his years of experience in dealing with animals, that there is a potential for genetic pollution when elk raised in captivity who aren't vasectomized escape into the wild. In fact, there is a risk even when the vasectomized ones escape because they don't lose their desire. They may lose their ability but not their desire. They can interfere with the basic . . .

MR. DEPUTY CHAIRMAN: Hon. member.

MR. FOX: It's an example. I'm preparing the hon. Government House Leader for what's to come, foreshadowing. And I can assure you I resisted the temptation in question period to talk about the sexual preference or potential of these vasectomized animals.

Anyway, the point is that there needs to be some independent expertise. [interjections] These members are causing me difficulty, Mr. Chairman. I'm trying to speak on this.

The independent expertise is important. There are people with considerable expertise in this case who express concern, and they're being told by a government who doesn't have a process in place, who does not have the benefits of a good, fine-tuned NRCB to submit this to, that: "We don't want to listen to your input. We're not going to consider it. We're going to disenfranchise you by ramming this Bill through the Legislature." That highlights the need to pass this amendment here, because we need to assure Albertans that we're treating their concerns and their resources – they're not our resources; they're the resources of the people of the province of Alberta – with the utmost of respect, that we're good stewards not just of the economy but of the province and all of its resources.

If I may go further with the words in this amendment:

> . . . to determine whether the projects and activities are compatible with maintaining and preserving the natural ecological diversity of the Province of Alberta.

Mr. Chairman, who could argue with that? Again, that's like apple pie and motherhood. I mean, who could argue with something so basic? Surely we would want to determine whether projects and activities planned for various regions of the province are compatible with maintaining and preserving the natural ecological diversity of the province of Alberta. This speaks to our rich heritage and vast potential, because Alberta does indeed have a vast ecological diversity. We have many regions in the province, many climates, many diverse geographic regions, a diversity of wildlife of various forms in the province. Surely we want to ensure that projects and activities that are approved as a result of reviews conducted by the NRCB must be

compatible with maintaining and preserving this natural ecological diversity, understanding that every change, regardless of how insignificant on the surface it may appear, has a subtle and interconnecting impact on other parts of the environment. The system that seems to be working in Mother Nature is designed by someone far greater than any of us, and if we intend to do things that influence the flow of nature or the interactions of species, then we better make sure that we're using all of the best resources and information at our disposal prior to making those interventions or those decisions.

So we want to maintain and preserve "the natural ecological diversity of the Province of Alberta," and this doesn't preclude development. I want to take my hat off to my colleague for Edmonton-Jasper Place, because he is a consistent protector of the environment and advocate of the environment, who understands the need for the development of the economy in the province of Alberta, who, in caucus and in meetings wherever I have a chance to hear him talk on issues like this, is emphatic about the need to develop our province's resources but to do it in the most thoughtful, conscientious, responsible way possible. We need to provide jobs for people, but we don't want to jeopardize opportunities of generations in the future for the sake of meager opportunities for people now. We want to do these while preserving: create jobs, build the economy by making sure projects we approve are subjected to reviews conducted in public with the assistance of independent expertise to determine whether these projects are compatible with maintaining and preserving the natural ecologic diversity of the province in order to perpetuate or restore the integrity of functional ecosystems. We shouldn't assume that all systems are working well and that all of the systems are complete and that the relationships between everything in the province are positive and symbiotic. The fact is that we as humans have interfered over a number of years in a number of ways, so when we examine it, we've got to look not only at perpetuating the integrity of functional ecosystems but in some cases restoring the integrity of functional ecosystems.

I'm reminded of a very interesting debate that I heard when I was a guest speaker at the convention of the Christian Farmers Federation, Mr. Chairman. There was an eminent authority from the state of California, I believe. I'd be hard pressed to think of his name off the top of my head, but anyway, this gentleman was talking about the need to think beyond sustainable agriculture. That was the theme. Sustainable agriculture was a concept that he had concerns with because he pointed out that even poor systems can be sustained. Even things that don't work particularly well can be sustained over time, and we need to think beyond that. He talked about regenerative agriculture. In the case of crop management, looking after a part of the earth, the soil, for example. We need to develop cultural methods that would not just maintain the soil at whatever its productive capacity is but would hopefully regenerate, restore life in all its diversity to that soil so that it can serve us better. To the extent we treat that resource with respect we prosper as individuals and as a human family in the world. I think that's the concept that is proposed and embraced by my hon. colleague's amendment here, when he talks about perpetuating or restoring the integrity of functional ecosystems.

I've tried to deal very briefly, Mr. Chairman, with the impact and import of the various words in these amendments, to roll it all together. I think we've got one heck of an improvement to Bill 52. I'm anxious to hear the comments of the Minister of Energy in case more convincing needs to be done. I'll await his comments.

MR. HORSMAN: Mr. Chairman, I move that the committee rise, report progress, and beg leave to sit again.

[Motion carried]

[Mr. Speaker in the Chair]

MR. JONSON: Mr. Speaker, the Committee of the Whole has had under consideration certain Bills and reports the following: Bills 29 and 43. The committee reports the following with some amendments: Bill 51. The committee reports progress on the following: Bill 52.

Mr. Speaker, I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

MR. SPEAKER: Having heard the report, those in favour, please say aye.

HON. MEMBERS: Aye.

MR. SPEAKER: Opposed? Carried. Thank you.

head: Government Bills and Orders
Second Reading

Bill 31
Livestock Industry Diversification Act

Moved by Mr. Fox:
The motion for second reading be amended to read:
That Bill 31, Livestock Industry Diversification Act, be not now read a second time but that the subject matter of the Bill be referred to the Select Standing Committee on Public Affairs to assess the need for an environmental impact assessment on the provisions contained therein.

[Adjourned debate June 20: Mr. Hyland]

MR. HORSMAN: Mr. Speaker, pursuant to Standing Order 21, I move that the debate on the motion for second reading of Bill 31, Livestock Industry Diversification Act, be not further adjourned.

MR. SPEAKER: Having heard the motion, those in favour, please say aye.

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

[Several members rose calling for a division. The division bell was rung]

[Eight minutes having elapsed, the House divided]

For the motion:

Ady	Fjordbotten	McCoy
Anderson	Gesell	Moore
Bogle	Gogo	Musgrove
Bradley	Horsman	Nelson
Cardinal	Hyland	Orman

Cherry	Isley	Paszkowski
Clegg	Jonson	Tannas
Day	Laing, B.	Trynchy
Drobot	Lund	

Against the motion:

Chumir	McInnis	Roberts
Ewasiuk	Mitchell	Sigurdson
Fox	Pashak	Taylor
Hawkesworth		

Totals:	Ayes – 26	Noes – 10

[Motion carried]

MR. SPEAKER: The Member for Cypress-Redcliff.

MR. HYLAND: Thank you, Mr. Speaker. Participating in the debate this evening, I was looking through *Hansards* relating to the debate on two previous occasions when this Bill came before the Assembly.

MR. McINNIS: That was where we terrorized the government into closure.

MR. SPEAKER: Order please.

MR. HYLAND: It's interesting to note some of the many, many words that were in that debate, Mr. Speaker, and they were words. They didn't say a whole lot, but they were words filling pages. The interesting part is the quotations related to the Premier during the Stettler by-election. Some of the members quoted what the Premier was supposed to have said. I don't know how they got the quote. I didn't see any other members of the Assembly there, but I was there myself that night in Forestburg when the question came up.

MR. McINNIS: We got the tape.

MR. SPEAKER: Order please.

MR. HYLAND: Mr. Speaker, that was an interesting forum that night, because the local people who forums are generally for had hardly any chance to ask their candidates questions. There were people from pressure groups all over the province wanting to ask questions that night, the last forum of that by-election . . .

MR. McINNIS: Were they Albertans?

MR. HYLAND: . . . but there was a question that came up.

I notice the hon. member keeps on speaking. It seems to me that about an hour and a half ago in this Assembly he was demanding that everybody pay attention to what he said. Now that it isn't his turn, he wants to keep on talking and have more than his share of the time.

Mr. Speaker, as I remember that night, the Premier was asked a question about game ranching in the province of Alberta. When he answered the question, he started by asking the questioner: you've asked about game ranching in the province of Alberta? He said: let me give you what I interpret as game ranching; game ranching to me means the use of land where animals are let out and hunting occurs for a fee; that is my understanding of game ranching; if you're asking me if game ranching will exist in Alberta, I'm telling you that game ranching will not exist in Alberta as long as I'm Premier of the province. He also said that game farming exists and would continue to exist because it was a vibrant industry in this province. So it's selective cutting when you use part of a quotation. We appear to use . . .

MR. McINNIS: A point of order.

MR. SPEAKER: Point of order, hon. member.

MR. McINNIS: I'm rising to ask the member if he would permit a question.

MR. SPEAKER: Well, that's not a point of order. It's a challenge.

MR. McINNIS: Under *Beauchesne's* . . .

MR. SPEAKER: It's a question. It's a question to the member.

MR. McINNIS: The question is: is he aware of the legal definition of game ranching in the province of Alberta as the raising of . . .

MR. SPEAKER: Order. Order please. It's an interruption of the member. The member has to say yes or no, will he take it. That's all. I haven't heard an answer because of the noise.

Cypress-Redcliff, do you wish to take the question or not?

MR. HYLAND: No, Mr. Speaker.

MR. SPEAKER: Thank you.

MR. HYLAND: The member will have an opportunity, obviously, to present his views further on this motion.

But, Mr. Speaker, those were the comments and exchanges that I remember that occurred that night in Forestburg.

But on the amendment to delay the Bill. We have in this province an interesting, active, and the possibilities of a vibrant industry in this Bill, a chance where people in areas in agriculture and land in agriculture that can't be used for many other things can be used in this fashion, for animals like elk, so that they can use that kind of land that normally isn't good cattle pasture, isn't good land for growing crops on, et cetera.

This will give another sector in the development and diversification of our agricultural industry in this province. I'm sure that if members would stop and think about it, they would agree that agriculture needs all the diversification we can get. I think we've shown that in the situation that exists between the diversification in agriculture in Alberta at the present time versus the lack of diversification in our neighbouring province of Saskatchewan. So all these things in the diversification of agriculture will affect those in agriculture. They will also affect those in, I would suspect, small slaughter facilities that exist throughout this province and employ people. It will give these places a possible chance to diversify and go into the processing of animals other than beef and pork and, indeed, enhance them and enhance small communities in Alberta.

I would encourage all members to defeat the amendment.

MR. SPEAKER: The Member for Edmonton-Belmont.

MR. SIGURDSON: Thank you very much, Mr. Speaker. I, too, am pleased to be able to rise tonight and speak to the amend-

ment that was moved by my colleague the Member for Vegreville not too long ago when we were last debating this important piece of legislation, which once again is a change in government policy.

Now, I listened carefully to the remarks that were made by the hon. Member for Cypress-Redcliff, and he said that he had read on those two previous occasions when we've had the opportunity to debate this Bill – all two occasions – that all we were doing was filling pages with words. Well, Mr. Speaker, with due respect, you know what? We're going to again talk about certain matters that are before this Assembly, and I would hazard the guess that the members opposite aren't going to like what we have to say, because we're going to remind them that the Premier did indeed that night during the by-election in Forestburg talk about game ranching.

Now, what's amazing is that we've got the Member for Cypress-Redcliff, who doesn't want to talk about the definition or define game ranching because it would be a bit embarrassing. It would indeed be a bit embarrassing to have to try and rationalize or justify the comments that were made by the defeated Premier, the former Member for Edmonton-Whitemud and now the Member for Stettler. Now, rather amazing that that night in Forestburg he said that he would not bring in game ranching in Alberta. We've got a tape of that: would not bring in game ranching in Alberta. What do we get now? We get, "Well, this isn't game ranching." You know, we're not going out and allowing a particular definition, their definition, of game ranching.

Their definition of game ranching is where you allow people to go out and take an elephant gun and shoot Bambi in an enclosed compound. Well, you know, you don't have that with cattle ranching. You don't allow that kind of opportunity, and yet that's ranching of a form, isn't it? Look to the Minister of Agriculture for some advice on that. Isn't that ranching? I would suggest that that is, and what we've got now is game ranching. But no, we're going to stick a different definition to game ranching, a different definition than what has previously been there, and it's rather sad that we're changing just the argument and the semantics of it. We'll say: "Well, this fits in this instance. This fits in a different instance. But boy oh boy, we didn't tell any fibs." We made a commitment for something. Way back in 1989 when the Premier was looking for a safe seat somewhere in Alberta, he said to those folk, "Here's my commitment: no game ranching." Now, in order to honour that commitment, we're going to twist the definition to suit the purposes of the time. Well, you know . . . [interjection] Pardon me?

MR. SPEAKER: Thank you both, hon. members. Never mind the member speaking. We have an amendment before us. We're not talking about any by-election. We're not talking about an election. We're talking about an amendment, so let's have a go at the amendment.

MR. SIGURDSON: Thank you, Mr. Speaker. I was just about to point out that the Member for Cypress-Redcliff was calling the Member for Edmonton-Jasper Place to order for interruptions when I was interrupted by the Member for Cypress-Redcliff. That's all right.

MR. SPEAKER: Now you're interrupted by the Chair again.

In terms of the seriousness of the debate, I would really like to listen to you about this amendment.

MR. SIGURDSON: Thank you, Mr. Speaker. Indeed, I'm about to get back to that straightaway. The amendment says

> that the subject matter of the Bill be referred to the Select Standing Committee on Public Affairs to assess the need for an environmental impact assessment on the provisions contained therein.

Why? Why do we need to do that? Surely to goodness, if we're going to have consistent policy, we wouldn't have to refer it to the Select Standing Committee on Public Affairs. If the policy were consistent, there wouldn't be any problem at all. If the policy were consistent with what was promised by not only the Premier during the by-election but previous ministers of the Crown, previous members of the government that sat on the back bench, then we wouldn't have to refer this matter to that committee. But the problem is that we've got a change. We've got a change in the public policy of the province of Alberta that's being supported by the government. They're coming forward and saying, "Well, my goodness, nothing's changed." Well, we disagree. We suggest that there are a number of Albertans out there that disagree as well, and for that reason we think we ought to have the opportunity to have Albertans appear before the Select Standing Committee to discuss this matter, because again what we've got is a change in government policy from what was promised not all that very long ago to today.

Mr. Speaker, I would argue that there is some other embarrassment that relates to this Bill as well. That's a letter that came out of the office of the Ombudsman, dated May 4, 1988. In order to address that, I would like to move the following subamendment, initialled by the Clerk on June 18. I'll hand it out for distribution so all hon. members will have the opportunity to read it and give it their due consideration. Just to read it into the record, the amendment is further amended by adding after "therein" the following:

> , and to assess the extent to which the prior public input on the subject matter was skewed, as was recently determined on appeal by the Ombudsman for Alberta.

Now, Mr. Speaker, I'm sure that . . .

MR. SPEAKER: Thank you, hon. member. The Chair needs to point out once again that because a document has been initialed by one of the Table officers, it doesn't necessarily mean it's going to be accepted by the Chair. So let's have that perfectly clear yet again. And until the matter is distributed in the whole House, the debate will just hold tight for a while.

In the opinion of the Chair, this does indeed appear to be in order, but it's just pointing out the procedural basis. So we'll await distribution.

MR. SIGURDSON: Thank you, Mr. Speaker. On the subamendment: as you know, the office of the Ombudsman has acted in an impartial way on behalf of all the people of Alberta. At times there are decisions that the Ombudsman makes that cause some embarrassment for the government, and I think that this is one of those occasions. I know that by moving the subamendment, there's going to be further limitation on the topic, and that's important: that we make this focus specifically to the matter that the Ombudsman dealt with in his letter of May 4, 1988.

MR. SPEAKER: The Member for Edmonton-Jasper Place.

MR. McINNIS: Thank you, Mr. Speaker. This is a very appropriate turn of events at this moment, that the Member for Edmonton-Belmont would move an amendment which focuses

in on the public input process, because I believe the public input process has been skewed, as the Ombudsman says. In fact, I think they skewed it right up from the beginning to the very end. I believe that's the untold story of this issue, which hopefully will not remain untold very much longer, given the excellent amendment put forward by my colleague today.

It's interesting that the Member for Cypress-Redcliff should talk about words on a page in relation to debate on this particular matter, because it seems very clear that every commitment, assurance, every statement put forward by the government over the past several years has been treated by this government as nothing more nor less than words on a page. I guess it goes back an awfully long way. It certainly does predate the investigation by the Ombudsman, which didn't come out of a vacuum. It came, rather, out of a complaint by some citizens who felt that the process was being manipulated by people who wanted the decision of the government to go a certain way: people who had a financial interest in promoting this industry, people who were working under cover within the provincial government, some of them ministers of the Crown, some of them government officials with anonymity, to try to steer the government in a particular direction. The Ombudsman makes it absolutely clear as a result of his investigation that different people were given different information about how the input process was to be conducted – different people being given different information. The Premier very clearly indicated to Albertans not only that game ranching was not public policy in the province of Alberta but that the government was not considering allowing it. Those words were spoken at a public meeting. There is a tape, and the tape is available if anyone believes that the record is unclear.

I think Albertans have to have some faith that lawmakers are conversant with and sworn to uphold the law, and when the Premier talks about game ranching, surely every Albertan would have the right to consult the Wildlife Act and find out what the legal definition of game ranching is in evaluating the words of the Premier in relation to that matter. But clearly there can be no doubt whatever as to the meaning of a letter signed by the Minister of Forestry, Lands and Wildlife on May 23 of this year, 1990, which just so happens to be almost exactly the date upon which the Bill was introduced in the Assembly. I think the Bill was introduced on May 27. May 23, a few days prior, the Minister of Forestry, Lands and Wildlife signed a letter stating that:

> No changes respecting the matter of sharing the administration of big game farming with Alberta Agriculture will occur without full debate in the [Legislative Assembly].

Well, here we are in the Legislative Assembly debating this Bill under a cloak of a closure motion, which is not full debate; it's truncated debate. It's debate which has been arbitrarily limited as to the number of members who can participate, the viewpoints that can be put forward, the matters that can be canvassed in debate, the very important matters that be canvassed in debate. The government is quite literally tampering with the privileges of the Assembly over this Bill. Why? Well, the Deputy Premier has his answer. He stated in this Assembly June 25, which is Monday this week – he alleged:

> the New Democratic Party in this Assembly, the Official Opposition, made it absolutely clear at the outset that they had no intention of . . . anything but frustrating and delaying the passage of the legislation,

for which statement he offers no proof whatever. He offers no evidence whatsoever. This is just an allegation, just another random allegation, I suppose, words on the page . . .

MR. SPEAKER: Order. Order please, hon. member. Perhaps the member would be good enough to look at the subamendment words. It deals with a matter of correspondence which is dated May of 1988. That's the direction the subamendment takes us. It is not dealing with events of 1990, as have been mentioned by the member, nor with events of this week. It's the hon. member's caucus that has put forward this subamendment, so let us deal with the wording of the subamendment.

MR. McINNIS: Just on the point of order, Mr. Speaker. The focus of the amendment is to ask the committee "to assess the extent to which the prior public input . . . was skewed."

MR. SPEAKER: "As was recently determined on appeal by the Ombudsman for Alberta" in a letter dated May 4, 1988, is what the Chair has.

MR. McINNIS: Yes, but that's the example of how the process was skewed.

MR. SPEAKER: Excuse me. Excuse me. Do you have other . . .

MR. McINNIS: Just because it was skewed once doesn't mean it couldn't be skewed again.

MR. SPEAKER: Thank you, hon. member. There's no need for the House to be skewered on this either. Does the member have other information to file or table, or has that been done without the knowledge of the Chair? Because by the wording here – I'm sorry, we have to come back to what this subamendment says. It's not full scope of debate.

MR. McINNIS: Absolutely it's not the full scope of debate. It's debate on the amendment, and the amendment deals . . .

AN HON. MEMBER: The subamendment.

MR. McINNIS: The subamendment deals with the matter of public input being skewed, and includes the example of the finding of the Ombudsman on an investigation of one – and only one – of several instances in which public input around this process has been frustrated, delayed, and, generally speaking, removed from the decision-making on this process.

I think a further example of that is the statement of the Deputy Premier, which has no basis in reality. In fact, this image of a government terrorized by a small band of opposition members, terrorized into panicking and bringing the largest hammer . . .

MR. SPEAKER: Hon. member, take your place. Take your place. There's been no evidence of any terrorism taking place here.

MR. McINNIS: Well, that's my point exactly.

MR. SPEAKER: Thank you, hon. member. Your point again will be to the subamendment. Let's deal with the subamendment when you are recognized, hon. member, and if the Chair has to continue to interrupt for a few more times, then you will lose the right to speak.

MR. McINNIS: My point exactly, Mr. Speaker: there is no terrorism on the part of the opposition; there is no terrorism on

the part of Albertans. There's merely a bunch of people, a bunch of Albertans who are trying to come to terms with what is admittedly a complicated issue of public policy where there are arguments in favour, there are arguments against, but there is also evidence in favour and evidence against. Now, what might constitute evidence? Well, in the example of the Ombudsman's letter, which is referred to in the subamendment, there is the evidence of Albertans, of what their positions, what their concerns are.

Let me bring this right home to an absolute, another very clear and specific, example. Approximately three weeks ago this date, which puts us in the first week of June, after the introduction of this Bill and before the government panicked and brought in closure, a group of elk escaped from an elk ranch in the vicinity of Lloydminster. During that time, the past three weeks, a number of elk were at large and in the process of being rounded up. The government never chose to bring that information to the attention of Albertans, not on your life. It was raised in the Legislative Assembly by my colleague from Vegreville in his capacity as the Acting Leader of the Opposition today. He pointed out that in fact despite all of the assurances which had been made by members of the government as part of the public input process, which is what we're debating under this amendment, all of the assurances that have been given to Albertans that this would never happen, that all of the safeguards are in place – you get that from the Minister of Forestry, Lands and Wildlife, whose responsibility was and is for the wildlife resources of our province, and the Minister of Agriculture, who says: "No, nothing can go wrong. We've got all the safeguards built into that."

That's part of the pollution of the public input process by this government, where they make an assurance like that knowing that assurance to be false, without foundation, knowing that in fact an incident has taken place, that elk from a licensed elk farm have escaped and are today in the wild. It so happens that in this instance they're male elk which have been vasectomized, and it leads the government to attempt to assure Albertans that nothing can go wrong as a result of this incident. Well, most Albertans looking at this would say, "Jeez, you know, maybe something could go wrong."

MR. SPEAKER: Excuse me, hon. member. What was that word?
Gee whiz?

MR. McINNIS: I believe I said, "Gee whiz, something could go wrong."

MR. SPEAKER: I trust that's what you said.

MR. McINNIS: Well, I don't believe that I said anything improper in any case.

But, you know, things can go wrong, things do go wrong, and I think a government which has the courage of its convictions is prepared to acknowledge that a circumstance like this not only could happen but has happened and is prepared to level with Albertans and say: "Well, all right; what if it does happen? Then what? Can we live with it?" It's something that's in another context called risk analysis and it's something that any prudent investor does looking at a business proposition. It's something that any prudent legislator does, looks at the potential for downside: is there a risk, how great the risk, and can we afford it? That's the type of calculation that's being made here. It's a question of: where does the public interest lie?

To do that, you know, I suggest that the government has to be prepared to accept more than one opinion on the matter. Well, they've done that, and there's been a complex and I say Machiavellian history of manipulation of public involvement in trying to get the public to agree to establishing such an industry as game ranching in the first place. This goes back at least as early as January of 1987, when documents were put out suggesting certain things might happen, would happen, certain types of input would be considered or not considered. That was the case of the Ombudsman, where some Albertans were told one thing about the type of information that would be considered by the government, and other Albertans – it just so happened they were Albertans who were in support of the industry – were told a different thing: they were told another avenue would go. Meanwhile, you have statements by ministers of the Crown, chiefly ministers responsible for Forestry, Lands and Wildlife but also the Premier, indicating that such a thing as game ranching will not be allowed in the province of Alberta.

The public was manipulated into believing that if they allowed this activity to take place under the name of game farming, there would not be a game ranching industry grow out of it. That was the second round of manipulation, which follows the Ombudsman's determination that the initial input process was skewed and presented a . . . Well, I think the Ombudsman speaks for himself, and I don't need to put words into his mouth. The Ombudsman goes beyond suggesting that the process was skewed. He says:

> conflicting information on how form letters would be evaluated was given to some organizations interested in expressing their views [and] this could provide the Minister of Forestry, Lands and Wildlife with misleading information as to the true opinions of the general public.

So it was clear that this was not a violation without consequence; it was one that had a fairly serious consequence.

Then going on to the development of game farming and, most recently, the incident involving the escape of elk . . .

MR. SPEAKER: Order please, hon. member. I'm sorry. The Chair is willing to listen to discussion which takes place prior to the date of the Ombudsman's letter of May 4, 1988. If the hon. member were to look at the exact wording of the subamendment as proposed by the Member for Edmonton-Belmont: "and to assess the extent to which the prior public input on the subject matter was skewed." That means prior to the date of the writing of the letter, so may we switch it back in that direction, please.

MR. McINNIS: Okay. Well, I understand your ruling, and I respect it.

The Ombudsman's finding is part of the pattern of misleading the public on this issue, and unfortunately it does not end with that. That's another reason why we should have an opportunity not just to debate this Bill but, I think, to defeat it this time around.

MR. SPEAKER: I'm sorry for the interruptions.
Vegreville.

MR. FOX: Thank you, Mr. Speaker. I'm pleased to rise to speak on the subamendment to my amendment, proposed by the Member for Edmonton-Belmont, the impact of which, I guess, is that we refer this whole matter to the Committee on Public Affairs to determine, additionally to my amendment, the extent to which the prior public input on the subject matter was skewed, as determined by the Ombudsman for Alberta.

I hope that members opposite have copies of the letter from the Ombudsman – and I certainly wouldn't indulge the House and read it all, but there are a couple of sentences that I think are very important in the letter – sent by the Ombudsman on May 4, 1988, to one Larry Simpson. The opening paragraph:

> Dear Mr. Simpson:
>
> My assistant, Daniel Johns, has completed the investigation of your complaint. I have carefully reviewed the information gathered in the course of the investigation and on the basis of the facts before me, I find support for your complaint.
>
> I believe that conflicting information on how form letters would be evaluated was given to some organizations interested in expressing their views on big game ranching.

Now, I submit that's a scathing indictment of this government's policy development: determined by the Ombudsman to be skewed. What he is saying is that under whatever guise public input was solicited or entertained by the government in developing their papers on game ranching, their subsequent policies with respect to the Wildlife Act and leading to the development of Acts sometime after 1988, Mr. Speaker, were skewed; that the public input was not a legitimate process. I think as members dealing with this Bill, we must express grave concern about the fact that the process is skewed and has been determined by someone respected as thoroughly independent as being skewed.

It's our hope, I guess I should make it clear, that the impact of the subamendment and of the amendment, if approved, would be that this Bill would not pass second reading; this Bill would not be dealt with this session. This Bill would be referred to the Committee on Public Affairs to assess the extent to which public input had been skewed and, additionally, the need for an environmental impact assessment, because there are thousands of people in this province who feel that their opportunities for input have been denied them, that the information they have presented with the best of faith has been misinterpreted, mishandled, and not dealt with properly. I submit that this not only is offensive to the process of the development and passage of legislation in the House, but it jeopardizes the industry.

I would have to say that if I was Minister of Agriculture proposing a Bill knowing full well that there are thousands of Albertans who don't want the Bill to go through, I would like to be able to say to them that I'm confident I'm on solid ground, I've got answers to your questions and I'd be prepared to answer them; I'd be prepared to listen to your concerns; I'd be prepared to look at your input and maybe make some changes. But if I knew that the public input process prior to 1988 that led to the development of several papers that are available in the library, Mr. Speaker: Game Ranching – game ranching, Member for Smoky River – Issues Discussion Paper, October 1986, and Game Ranching in Northern Alberta, prepared by the Northern Alberta Development Council dated July 1984. These documents are extensive discussions of and indications of pending government policy and legislation giving rise to the development of the Wildlife Act, captive wildlife ministerial regulations, and the Wildlife Act captive wildlife regulation. Mr. Speaker, if I as the minister or as any member of this Assembly knew that the public input process had been determined by the Ombudsman to be skewed – I've got to be careful how I say that word late at night – I would want to adopt this subamendment, to endorse it; I would want to pass it because I would want to make sure that the integrity of the process is preserved, that the integrity of the process is paramount.

Now, the fact is that the industry is in jeopardy. Even if this Bill is passed unamended and unaltered, which may be the case – closure is in effect – the industry is jeopardized and developed under a cloud of suspicion, because this public input process has been determined as skewed by the Ombudsman. There are a lot more people out there. I suspect a lot of Albertans don't take great interest in the development of this piece of legislation, Mr. Speaker. I think that's a fair comment. There are some who take a passionate interest in it from one point of view or another. And I would suggest that the people who are keenly interested in the Bill – far more of them have great concerns about what the impact of the passage of the piece of legislation will be. There are some strong advocates, some strong opponents, and I think if we want to make sure that we don't develop an industry that will be subjected to constant controversy, if the producers, the advocates of game ranching, don't want to be subjected to controversy and challenged at every step, then they, too, should want to make sure this process is a proper one, to make sure that Albertans who have concerns have an opportunity to have them heard.

The advocates of the industry, whom the government is speaking for in this Assembly, whom this government is representing by proposing this Bill in second reading, should know that the public input process has been determined by the Ombudsman to be skewed, and they should be concerned about that. I'm hoping that in the context of the debate on this subamendment we will be able to highlight that concern for them. Maybe they will in turn be able to pressure the government to come to its senses and delay passage of this legislation pending a review by the Public Affairs Committee, et cetera, et cetera. Because it is crucially important, Mr. Speaker, in an industry that is so controversial, dealing with issues that are so complex, that the input process be sound. The people in the province of Alberta, who own this precious resource – because these elk don't belong to a handful of ranchers who farm them. They may own 25 head or 300 head or 15 head, but we're dealing with the elk population in the province of Alberta, which many people in the province believe will be jeopardized by the commercialization of some of their population. People have that concern. It's a public resource, so the public must be assured that their input will be considered and that they have opportunities for input.

If we review the history that was considered by the Ombudsman prior to making this ruling, Mr. Speaker, we can easily see how he arrived at that conclusion. Another piece of information that I hope government members have at their disposal and certainly would be useful to them when they're considering how they're going to vote on this subamendment – I hope the Minister of Agriculture has provided it to them – is a document called the Public Input Process. It's sort of subtitled Who is Conning Whom? It's a very revealing document, Mr. Speaker. It's produced, I believe, by the Alberta Fish & Game Association, and it's a chronology of this public input process determined as skewed by the Ombudsman dating back to October, 1982.

Again I'll just highlight some of it, because there are some constraints to debate tonight. The curtain is closing on debate at second reading by virtue of the closure motion. So I just want to highlight some of the things in this document, the Public Input Process: Who is Conning Whom? so that hon. members can consider it prior to deciding how they're going to vote.

In October 1982 a new wildlife policy developed internally by the government was released by the government. Deep within it was an indication that the development of a game ranching industry – and for the benefit of the Member for Smoky River, ranching was a term that was used constantly by the government, the employees of the government, the advocates of the industry

right up until the time of the introduction of Bill 31. All of a sudden ranching means paid hunting, not the production of elk for the purposes of selling meat. That's a latter-day definition. Anyway, buried within the document was an indication that the development of a game ranching industry would become part of the long-term goals of the department. The fact that this would imply the abandonment of long-standing and time-proven wildlife conservation policies was not mentioned. No indication that this was a change in policy: part of the skewed process, I submit, Mr. Speaker.

A little more than a year later there were some revisions to the Wildlife Act developed internally without public consultation. They were released to the public, and the public responded with great concern, did not appreciate the revisions that were made. The public outcry was strong enough to convince the government to grant an extension to that revision date, to April 1984. [interjections] Called progress.

Regulations have to be developed, but we need to assure the people we represent, Member for Smoky River, we need to assure Albertans that their input is considered and that the public input process is not skewed. They need to know that there's integrity in the process and that we respect the integrity. That's why this Bill somehow juxtaposes with Bill 52, but that's another debate. Some months later, November 1984, the final draft of the revised Wildlife Act was seen by the Fish & Wildlife Advisory Council. They had one day to review it, one day prior to the then Minister of Forestry, Lands and Wildlife, Don Sparrow, calling for its endorsement. In the opinion of the people who were asked to assess it, the sheer volume of the material and the lack of time given to them to assess its impact made it virtually impossible for them to express their concerns about the privatization of our wildlife resource and game ranching. The public – again, the people we're supposed to represent – had virtually no chance to see the final drafts of the Act before it was passed. Now, these developments predate our involvement in the Legislative process, but they're certainly part of the public input process referred to by the Ombudsman as skewed, and that's worrisome to me.

Shortly after that, early in November 1984, the white paper on game ranching was released, very much like the paper I referred to earlier that is available in the library. The public had until December 15, 1984, to respond. Clearly most of the public wouldn't even have time to obtain the document and read it, much less have an opportunity to respond. The whole process is skewed because it's been rushed. There's been an uncanny kind of urgency to the development, to the changes in these things, without consideration for the public's view. This is something that ought to be a concern to the advocates of the industry whether they're government advocates or industry advocates, Mr. Speaker.

In April 1985 an Alberta Agriculture employee, someone working for the government, co-founded the Alberta Game Growers Association. Their stated purpose was to unite game producers in Alberta such as to form an active official lobbying group promoting the betterment of the game ranching industry in the province. This was not a legal industry, and yet here we've got an official of Alberta Agriculture, Mr. Judd Bunnage, co-founding an association whose mandate it is to unite producers to promote the betterment of an illegal industry. It's a worrisome process, Mr. Speaker. No wonder the Ombudsman referred to it as skewed.

In effect one would have to determine that the government had assisted, by implication in the formation of the group, to lobby itself. This group was created to lobby government. There were people from government involved in creating the group to lobby government. There are other words to describe that process that I won't attempt to introduce into the Assembly, but certainly the Ombudsman's choice of the term "skewed" is appropriate.

Public officials were claiming at that time that paid hunting was not being considered. However, the new Wildlife Act, section 2, states that

> a person shall not be regarded as having hunted a wildlife or exotic animal
> (b) if the activity in question was reasonably incidental to
> (ii) game ranching, or
> (iii) the operation of a permit premises under a permit that authorized the keeping of captive wildlife.

Again, this is a curious interpretation of laws and the development of laws in a way that . . . Upon reviewing the information here, I think "skewed" is a moderate term, a gentle term by a gentle and thoughtful Albertan. The Ombudsman could have gone much further in responding to the complaint of one Larry Simpson.

MR. SPEAKER: Hon. member, if you review the letter, I don't think you'll find that word.

MR. FOX: Well, the report of the Ombudsman's letter remains the same, Mr. Speaker, that he has great concerns with the public input process.

MR. SPEAKER: The Chair is just concerned that we do not impute to the Ombudsman a word he did not use, that's all.

MR. FOX: Point well taken, Mr. Speaker. I believe the term "skewed" has been used in documents that I can't confirm were attached under the Ombudsman's hands. In fact, the term is coming from the paper that I'm reading from now, and I thank you for permitting me to correct that on the record.

October 1986: the Game Ranching Issues Discussion Paper – I held that up for members earlier – was released by government. Again, members should be aware that there's a complete description of what game ranching is. They say, and this is page 2 of that report,

> Big Game Ranching is . . . "the raising of big game for the production of red meat and other products for public consumption and use."

Now, for the Minister of Agriculture to come along and say game ranching doesn't mean the raising of animals for meat and it only means paid hunting is a most curious interpretation of the word "ranching," one that is, I suggest, unique to him and to him alone. Certainly it doesn't fit in the vernacular in the province of Alberta where ranching is a time-honoured industry and has always meant the production of animals for slaughter.

Anyway, this discussion paper was released by government in October 1986. It is felt by some of the opponents of game ranching that this was a curious bunch of propaganda by the government meant to convince people that they ought to agree to the introduction through the back door of a game ranching industry. It led to the eventual extension of permission by the government to people in the province of Alberta to raise elk domestically for sale of breeding stock and for the harvest and subsequent sale of velvet harvested from antlers, Mr. Speaker. So there wasn't much of an opportunity to assess this paper. The groups that expressed concerns about the development of a game ranching industry and its impact on our wildlife resource felt that they didn't have much of an opportunity for input there. No wonder the public input process has been called into

question and the Ombudsman decided to find support for the complaint of one Larry Simpson. Because it's a litany, Mr. Speaker, of process subverted at every stage, from the inception in 1982 right up to the issuance of this letter in May 1988, and certainly the introduction and process of the Bill subsequent to that.

I think the concerns are legitimate. The concerns are extensive. If nothing else, my appeal is to the minister and to the government to understand that Albertans have a right to be heard. To the extent we deny them that right, we jeopardize the very basis of our democratic process. We're here to be debating Bills. We will have spent by the end of tonight, Mr. Speaker, less than six hours' debate on this, no legitimate public input. The public input that has occurred, as limited as it is, has been found wanting by an impartial official, the Ombudsman of the province of Alberta. It has not afforded the people of the province of Alberta, pro or con on the issue, a chance to legitimately assess the impact of this industry.

I can't say it in any other words: I hope that the government will respond in a positive way for a change rather than in a paranoid sort of way trying to rush this through. Respond in a positive way; give Albertans a chance to be heard. Go out there with confidence. If they believe that they've got something worth while with this industry, go out there with confidence and explain it to the people of Alberta. Answer the questions that are raised; address the concerns that are expressed. Don't tuck your tail between your legs and ram this Bill through the Legislature, because there's going to be a price to pay down the road.

MR. ISLEY: Mr. Speaker, I stand to speak in opposition to the subamendment and suggest probably the only thing that is skewed here is the thinking that we're hearing from across the floor. I would like to correct a lot of misinformation that has been shared with the House during this debate, but I know you will call me to order and draw me back to the subamendment, so those points I will save for later on. I would suggest to the hon. Member for Vegreville that when he reads a letter to the Assembly, he should read the entire letter. I finally have in my hands a copy of the letter from the office of the Ombudsman, dated May 4, 1988, from which he read to you the first paragraph and the first sentence of the second paragraph. I'll pick up where the hon. member left off:

> As this could provide the Minister of Forestry, Lands and Wildlife with misleading information as to the true opinions of the general public, I asked the Deputy Minister of the department to recalculate the results of the public input process distinguishing between form letters and non-form letters. This he has done and added an addendum to the "Public Response to the Big Game Ranching Discussion Paper". I am now confident the Minister will receive a truer picture of public opinion.
>
> I am told by Mr. Johns that you have expressed a wish to know the results of the review process. I suggest you contact the Minister of Forestry, Lands and Wildlife. As the study was prepared for him and belongs to him, I do not have the authority to release it.
>
> As corrective action has already been taken, I will now be closing your file. If you have any questions, you may call Mr. Johns.

I submit to you, Mr. Speaker, and to the members of the Assembly that the full contents of that letter would demonstrate in the Ombudsman's position that there was no "skewed" prior to the date that letter was submitted.

Let me address a few other points, Mr. Speaker, that the hon. members mentioned in connection with the debate on this section. We heard a partial story of some escaped elk in the province, and again they wished to provide the House with just enough information to lead people to believe that there may be some type of problem out there. The fact of the matter, as the Minister of Forestry, Lands and Wildlife shared with the House this afternoon, is that 25 elk escaped from a farm in the Lloydminster region, allegedly as a result of vandalism that occurred at a gate on the farm, that 16 of those elk have been recaptured. The reason why it is not a big news story is that forestry officials know that those elk are all genetically pure, and even if there was any intermingling in the wild, you are certainly not damaging any wildlife in the province of Alberta. The only loser in all of this, Mr. Speaker, would be the game rancher himself. The gainer, if you wish, would be the number of genetically pure elk in the wildlife. Fortunately the game rancher, for his sake, is still optimistic that he will be able to recover the other nine elk, and I hope he is capable of doing that.

MR. SIGURDSON: Point of order, Mr. Speaker.

MR. SPEAKER: Thank you. The Member for Edmonton-Belmont.

MR. SIGURDSON: Thank you, Mr. Speaker. The point of order is that at one point when the hon. member . . .

SOME HON. MEMBERS: Citation.

MR. SIGURDSON: Twenty-one. It's under closure. Look it up.

When the hon. Member for Edmonton-Jasper Place was addressing the issue, you called him to order on a number of occasions for addressing something that was post May 4, 1988. The Minister of Agriculture is now speaking about something that is of today's date. He was referring to what was going on in question period today, and I don't see any intervention. So I just call the minister, ask the minister to address that which is the subamendment, consistent with the Speaker's ruling.

Thank you.

MR. ISLEY: Mr. Speaker, on the point of order.

MR. SPEAKER: Yes.

MR. ISLEY: I will respect any direction the Speaker gives me but not what comes from the hon. Member for Edmonton-Kingsway. Let me remind the House that I was responding . . .

AN HON. MEMBER: Not Kingsway. Belmont.

MR. ISLEY: Belmont. Sorry.

Let me remind the House and yourself, Mr. Speaker, that I was responding to points that were made in the debate on the subamendment. Surely if a point can be made in a debate, a point can be counterdebated.

MR. SPEAKER: Thank you, hon. minister. The point of order is indeed valid. The Chair is pleased to hear that some members are indeed starting to listen to the admonition from the Chair. The other point, though, is that when other members have to be called to order not once but two or three times with respect to it before the message sinks in, it obviously is going to bring counterarguments at some stage of the game.

Bearing that in mind, the Chair is indeed quite certain that the minister now will address the rest of his comments to the subamendment.

MR. ISLEY: Thank you, Mr. Speaker. We have heard in the debate on the subamendment that we have had less than six hours' debate on this Bill. If one would just check the record, we debated this Bill for a full two hours on June 1, almost a month ago; we debated this Bill again for a full two hours on June 15; we debated this Bill on June 20 and again today; and we are now well over six hours. I suggest that anyone adding up the time can verify whether or not this is the fourth time and how many hours it has been debated. I would suggest also, Mr. Speaker, that anyone reviewing *Hansard* would realize how many times we have heard the same type of misinformation repeated to this House.

MR. FOX: On the subamendment, Ernie. On the subamendment.

MR. ISLEY: Let me move, then, on the subamendment, because if the hon. Member for Vegreville can talk about what game ranching means in a subamendment, certainly the Minister of Agriculture should be able to talk about what game ranching means.

MR. SPEAKER: It's perhaps the wrong time for debate with the hon. Member for Vegreville.

MR. ISLEY: I recall the hon. Member for Vegreville suggesting that the Minister of Agriculture was trying to convince the people of this province that game ranching means paid hunting. I would suggest and challenge the hon. member to determine where I ever made that statement inside or outside of this House. I did make the statement in the introduction of this Bill, Mr. Speaker, that we were not using the terms "game farming" or "game ranching" in the Bill because they tended to lead to a lot of confusion in the minds of Albertans. I know people out in our farming community, and maybe our city boys there don't, who raise cattle and call themselves farmers. I know people out there in our agricultural community who raise cattle and call themselves ranchers. Yet if you check where any of those cows end up, they generally tend to end up in a slaughterhouse somewhere in North America.

So to try to make a distinction out in rural Alberta without the confusion of, hey, if you farm something, it's not slaughter, but if you ranch it, it is, in our judgment led to confusion, and we deliberately talked in the Bill about game animal production units and stayed away from those terms and very clearly said up front that this Bill basically does two things. Number one, it transfers the overseeing of game animal production units on a day-to-day basis from the Department of Forestry, Lands and Wildlife to the Department of Agriculture. Secondly, it legalizes meat sales in the province of Alberta.

MR. SIGURDSON: Point of order again, if I may, Mr. Speaker.

AN HON. MEMBER: Have you got a better citation this time?

MR. SIGURDSON: No, I'm going to stick with the same citation.

MR. SPEAKER: The last citation was not valid.

MR. SIGURDSON: Well, I'll stick with the one that the Speaker used when he interrupted the Member for Edmonton-Jasper Place. It's the exact same one.

MR. SPEAKER: Hon. member, it is not the same citation. Perhaps the hon. member would care to do his homework and then rise on a point of order.

MR. SIGURDSON: Right. Mr. Speaker, *Beauchesne* 459.

MR. SPEAKER: Which one of us is going to sit down here? It's going to be you.

MR. SIGURDSON: Well, I guess it would be me.

MR. SPEAKER: That's good. That's good. Now to the point of order, Edmonton-Belmont.

MR. SIGURDSON: Yes, thank you, Mr. Speaker. The point of order is that we've had the minister come back time and time again to address a matter that is not at all relating to the subamendment. The subamendment clearly talks about a period of time prior to May of 1988. The minister is talking about legislation that was introduced this spring session 1990. So, Mr. Speaker, I would just argue that the minister is out of order if he keeps on coming back to the same point time and time again. He ought to be looking at the subamendment every once in a while and trying to phrase the argument in light of the time period around 1988.

MR. SPEAKER: To the point of order.

MR. ISLEY: Mr. Speaker, on the point of order. I would again submit to the hon. member that if there's one set of rules for that side of the House, it should also apply to this side.

SOME HON. MEMBERS: Exactly.

MR. ISLEY: The first one should be that you should be able to control yourself.

The second one should be that if you can raise a subject in a debate on this matter, then I should be able to respond to it. I have responded only to points raised by members from that side of the House. Now, if I'm out of order, if you want me to talk about what happened before 1988, I'm quite content to do that.

MR. SIGURDSON: Question period; try a ministerial statement.

MR. SPEAKER: With regard to the subamendment – and if the Member for Edmonton-Belmont or any other member wishes to peruse the Blues, I'm sure they just need to stick around for about another hour and you'll be able look at them – you'll be able to see that after the Chair experienced some difficulties and apologized for having to continually interrupt the Member for Edmonton-Jasper Place with respect to relevancy, indeed we then went to listening to remarks for 22 minutes by the Member for Vegreville. In the course of that 22 minutes the Member for Vegreville made a number of comments that were in addition, which strayed somewhat from the subamendment; for example, talking about hours of debate that had been consumed or not consumed in terms of the whole matter of Bill 31, an amendment at second reading, at the amendment stage, and then at the subamendment stage.

So indeed the Chair agrees that the Member for Edmonton-Belmont is right in raising the point of order with some of the comments made by the minister with respect to today, but nevertheless in light of some of the comments that were made by the Member for Vegreville, some latitude is employed by the Chair. Indeed in that respect, while we try to adhere to relevancy and repetition and things like that, the Chair is trying to encourage all members to stick to the point.

So now the Minister of Agriculture, I'm sure having listened attentively, will now take us back to the subamendment.

MR. ISLEY: Mr. Speaker, the subamendment says:

> to assess the extent to which the prior public input on the subject matter was skewed, as was recently determined on appeal by the Ombudsman for Alberta.

I would again submit to the Assembly that there was no skewing of public input prior to May 4, 1988, and the evidence of the fact that there was no skewing is contained in the letter that the Ombudsman wrote on May 4, 1988, that the hon. Member for Vegreville only chose to share partly with this House. I would repeat two sentences from that letter.

> I am now confident the minister will receive a truer picture of public opinion.
>
> As corrective action has already been taken, I will now be closing your file. If you have any questions, you may call Mr. Johns.

I suspect that if the hon. members check with Mr. Johns, I believe he's still with the Ombudsman's office.

Let us look at what was going on in this province, Mr. Speaker, before 1988 with respect to the issue that we want to assess the prior skewed input on. Game farming has been allowed in this province for in excess of 30 years. Raising of animals for breeding stock, raising of animals in zoos, raising of animals on game farming has been there for 30 years. The sale of antlers from elk was legal certainly before 1988 and has been going on for some number of years.

What are we, you know, assessing the skewed information for? What are we searching for? The decision is being made now with respect to the legalization of meat sales. The decision is being made now with respect to the administration of a certain activity. We've heard criticism tonight and the identification of a staff member of Alberta Agriculture by the name of Judd Bunnage. I think his name has come up a number of times over activities that he was involved in prior to 1988, just so I stay in order and keep the boys happy. I am very amazed that the agricultural critic, our hon. Member for Vegreville, would be criticizing a member of the agricultural staff of this province for working and assisting a group of individuals involved in a farming activity. We have members of our agricultural staff working with the cattle producers of this province. We have members of our agricultural staff working with the hog producers in this province. We have them working with the canola producers. We have them working with the beekeepers.

MR. FOX: Those are all legal. Those are legal industries.

MR. SPEAKER: Order. Order.

MR. ISLEY: Mr. Speaker, I would remind the hon. member for Vegreville that game farming, the raising of game animals for breeding purposes and for the sale of antlers, was a legal activity in this province prior to 1988. So don't try to convince the House that raising animals for breeding purposes was an illegal activity.

MR. FOX: When the game growers was established . . .

MR. SPEAKER: Order please, hon. Member for Vegreville.

MR. FOX: He's all mixed up.

MR. SPEAKER: Order.

MR. ISLEY: Mr. Speaker, as I indicated, we've got staff from the department working with a variety of commodity groups out there, and I don't see any reason why any member of this House should single out one group who were carrying on a legitimate activity and say, "Hey, it's wrong for staff to work with them."

What other concerns have we here, Mr. Speaker, that should be looked at that were occurring prior to the public input into the subject matter in 1988? You know, I'm not sure. I'm not convinced that there is anything out there. If the hon. members have some evidence, they should be bringing that evidence forward. As I indicated earlier, much of the information we've heard going through this debate lacks a little bit in its accuracy. At some point before the debate is over, I wish to address those matters.

So I would again state, Mr. Speaker, that I'm quite confident in what the Ombudsman indicated in his letter of May 4, 1988, that whatever concerns were raised by one Mr. Larry Simpson have indeed been rectified. I'm also quite comfortable that the activities being carried out by one Judd Bunnage from the animal division of Alberta Agriculture prior to 1988 were in order. If members opposite, particularly the agricultural critic from Vegreville, have some evidence of illegal activities that Judd Bunnage was involved in, I wish they would share them with, the Assembly.

Mr. Speaker, I would again encourage everyone to vote against the subamendment so that we can move back and deal with the amendment and dispense with it, so that we can then move to dealing with second reading of the Bill to get it into committee so we can deal with it in full study. [interjections] I think we will find the opportunity to defeat the amendment, hon. member; I'm sure we will before very long. Then we'll be able to open the debate, and I'll be able to correct some of the, shall we say, confusing information that was shared with the Assembly earlier on.

With that, Mr. Speaker, I thank you.

MR. SPEAKER: Under the provision of Standing Order 21, we now have some procedural motions. The first deals with the subamendment proposed by the Member for Edmonton-Belmont.

[Motion on subamendment lost]

MR. SPEAKER: With respect to the amendment proposed by the Member for Vegreville.

[Motion on amendment lost]

MR. SPEAKER: In regard to second reading of the Bill, those in favour of second reading, please say aye.

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

MR. SPEAKER: The motion carries.

[Several members rose calling for a division. The division bell was rung]

[Eight minutes having elapsed, the House divided]

For the motion:

Ady	Fjordbotten	Musgrove
Anderson	Gesell	Nelson
Bogle	Horsman	Orman
Cardinal	Hyland	Paszkowski
Cherry	Isley	Severtson
Clegg	Jonson	Tannas
Day	Laing, B.	Taylor
Dinning	Lund	Trynchy
Drobot	Moore	Zarusky

Against the motion:

Ewasiuk	Hawkesworth	Pashak
Fox	McEachern	Sigurdson
Gibeault	McInnis	

Totals:	Ayes – 27	Noes – 8

[Motion carried; Bill 31 read a second time]

head: Government Bills and Orders
Third Reading

Bill 15
Workers' Compensation Amendment Act, 1990

MR. GIBEAULT: Mr. Speaker, I do want to get in a few comments on third reading of Bill 15. It certainly was disappointing that the minister wouldn't consider any of the amendments that we submitted on committee reading of this particular Bill. I suppose it's in keeping with the fact that the WCB even had its own annual meeting today that here we are passing a Bill which is going to be nowhere near providing any kind of leadership in workers' compensation legislation in the province.

We tried to get the minister to consider, for example, having in Bill 15 a provision to index disability pensions for injured workers, the kind of provision that exists in B.C., Saskatchewan, and Ontario. Why not in Alberta? The minister said that he wants to give the board freedom to make their own adjustments. Of course, they're subject to cabinet approval. That's not going to be any consolation to the injured workers, because we don't have any mechanism in place to ensure that there is a regular review or on what basis that review will be done, whether it's the consumer price index for the past 12 months in any given calendar year or what. So we're disappointed that the minister has chosen to stonewall on this. We thought this was an opportunity to show, as I said, a little leadership here, but sadly enough such is not to be the case.

We also had hoped that the minister would have taken advantage of this opportunity to have a more accountable and responsive board of directors for the Workers' Compensation Board. The minister has talked about the necessity of having workers involved in Occupational Health and Safety and having a co-operative agreement between labour and employers in the workers' compensation system, yet we recall that the last nominee for such a position by the Alberta Federation of Labour, the largest workers' organization in the province, was rejected. So again another opportunity has been passed, Mr. Speaker, and that, I think, is truly disappointing.

I suppose, Mr. Speaker, it's that kind of confrontational attitude that we see coming from the minister and from the government in this area that led the Alberta Federation of Labour at their last convention, just last week, to in fact call for the minister's resignation and to go even further and call for his defeat in the next general election. So, Mr. Speaker . . .

MR. SPEAKER: Hon member, I'm sorry. That's not part of third reading on this Bill. The principle at third reading is quite similar to that at second reading, and there's nothing here in the Bill that relates to the resignation of a minister being called for.

MR. GIBEAULT: Well, except that, Mr. Speaker, I would suggest, with respect, that it's the content of Bill 15 that does not have the confidence of the workers of this province. That is, in fact, regrettable, and it's led to the actions that I just mentioned.

In terms of that Bill, Bill 15, again we had other requests for measures that we thought the government might consider to make it more effective, to ensure that appeals are done more promptly, and to ensure that injured workers get the benefit of an appeal so they don't get stuck without money in a situation where they're disabled or unable to work for extended periods of time while the bureaucracy takes months – or who knows how long? – to hear appeals.

It is disappointing that there is no indication of a response from the government to try to improve Bill 15, the Workers' Compensation Amendment Act, and as a result of the government's intransigence on this, Mr. Speaker, the New Democrats will not support this piece of trash.

MR. SPEAKER: Well, hon. member, the term "trash" is really not acceptable in terms of a parliament. There are sufficient citations about making references to decisions of the House, and I hate to think how many times I've had to deal with the hon. member with respect to language in this Chamber. I wonder if you would be good enough, because I'm certain you are attempting to be a student of the House, to withdraw that word and just say that you're not prepared to support this Bill.

MR. GIBEAULT: That will make my point, so I'll withdraw that word and say that we will not support this Bill.

MR. SPEAKER: Thank you.

The minister, in summation.

MR. TRYNCHY: Mr. Speaker, I move third reading of Bill 15, the Workers' Compensation Amendment Act, 1990.

[Motion carried; Bill 15 read a third time]

[It was moved by the members indicated that the following Bills be read a third time, and the motions were carried]

No.	Title	Moved by
23	Agricultural Statutes Amendment Act, 1990	Isley
29	Public Utilities Board Amendment Act, 1990	Orman
32	Irrigation Amendment Act, 1990	Musgrove

Bill 34
Metis Settlements Land Protection Act

MR. SPEAKER: The Member for Athabasca-Lac La Biche.

MR. CARDINAL: Thank you, Mr. Speaker. I move third reading of Bill 34, the Metis Settlements Land Protection Act.

MR. SPEAKER: The Member for Calgary-Mountain View.

MR. HAWKESWORTH: Thank you, Mr. Speaker. I will take just a few moments on Bill 34 – and I take it Bill 35 is likely to be called in a few moments – to make some concluding remarks about the package of legislation that is presently at the final stage of consideration in the Legislature and would again reconfirm our caucus' support for Bill 34. I just would say as I have at the other stages of consideration of this legislation that I feel that in keeping with what our objective is as a caucus and as a party, to honour and respect aboriginal rights as it may affect the Metis people in the province, we felt there could have been some wording changes that could have been adopted in the Bill that would have strengthened the position of the Metis people in this province in terms of their aboriginal rights.

Nonetheless, I would say to the government and to the members of the Metis settlements federation that we understand the process of negotiation that has taken place. We hope this legislation will meet the expectations of all the parties, the hopes and aspirations they have for this legislation. We hope it is going to work as intended. Of course I'm confident that on the part of the Metis settlements general council and the people of the individual settlements there is certainly every intention on their side of that equation to make it work. I have my concerns that perhaps government is not as cognizant in this province of what aboriginal rights might mean and how they might best be protected in the legislation. I think there were some ways in which the wording could have been strengthened in that regard.

Nonetheless, I'm sure that the government is also hoping sincerely that this legislation can work. It's something that builds on the past, the experience in the province in the past, through the original establishment of the settlements and now grants title to the general council in the form of letters patent. It's not a model that has been adopted in other provinces, and perhaps other provinces could look to Alberta's model in some way and perhaps to some extent copy it in their own jurisdiction, but in order for that to occur it has to prove itself, demonstrate that it will succeed. I'm sure that there is a good will that exists in the province throughout the Metis settlements across the north, on their part, to ensure that it works.

I can say to the members of the Assembly and the government this evening, Mr. Speaker, that we very much ourselves want to ensure that this legislation works. We want to make it clear that we are prepared to co-operate if there are amendments that are required down the road to strengthen the legislation and to make it better for those individuals who are residents of the Metis settlements, and we're quite prepared to co-operate however we can to ensure that the interests of those who are Metis people and not members of settlements, that don't have a land base, can also be taken into account and protected in the future as well.

We want to make it clear that this legislation grants, as it states quite clearly, surface rights and that if at some future date if aboriginal rights as they affect Metis people living on settlements come to be defined as including subsurface rights, nothing in this legislation precludes that opportunity being provided to Metis people. I want to make that clear. I don't think the government has made that clear. Certainly it is the intention of our caucus that all that's being granted is surface rights and that nothing from our view should be seen or construed as in any way undermining the possibility of Metis people in the future gaining access to the subsurface rights. Perhaps government has a different interpretation; I would hope not. I would hope that that opportunity will continue to exist and that those rights or those opportunities are not extinguished by this legislation being adopted by this Legislature tonight.

As I say, if the government had seen fit to adopt the wording change proposed at committee reading, I think it would have made it abundantly clear to those who might be interpreting this legislation in the future that the Legislature did not consider this legislation to be extinguishing rights but simply confirming and vesting rights for Metis people on Metis settlements. However, that amendment was defeated by the government majority in the Legislature, and we now leave it to the future and to those who will be entrusted with the responsibility of carrying out this legislation and for making it work. I know that without goodwill the legislation can be frustrating and frustrated, but there's no question in my mind, Mr. Speaker, that at least as far as the Metis community is concerned, there's enthusiasm and good wishes, and they want to get on with the job of implementing these pieces of legislation and making them work and demonstrating that the accord reached with the government is going to work for their best interests.

To that I say congratulations to them for their hard work over the years in the negotiations they've taken on with the government. I will say, Mr. Speaker, that I will continue to monitor it and ensure that government lives up to its side of the bargain. If there are any opportunities that I can help create to strengthen this legislation on behalf of the Metis people of this province, I will take every opportunity to do so, as I have on behalf of our caucus throughout the debate and in the various readings of this legislation as it's gone through the House this session.

Thank you.

MR. CARDINAL: Mr. Speaker, in closing the debate, I'd like to make a couple of comments which were mentioned by the Member for Calgary-Mountain View. The process we have here in Alberta is a model for Canada. The reason we have that is that this government here now cares for aboriginal people. We not only take leadership in dealing with Metis issues, but we take leadership also in dealing with other aboriginal issues, and we don't want to forget that.

The other issue that was mentioned, and I'm glad it was: the Official Opposition wants to make sure that the process in place for the Metis people in the Metis settlements, which takes the north part of the province – they want to make sure this legislation works. One thing I want to make clear to the House here today, to all the members: these Metis settlements in a lot of cases have to depend on some outside economy also to make their processes work. That's why I stand here on a regular basis to address the issue of poverty in northern Alberta and the need for economic development, economic stimulation in northern Alberta. We can put these processes in place, but unless we develop the economies in that part of the province, they'll fail. They won't work. We need to develop the economy in that area.

I would hope they seriously reconsider some of the comments they make in relation to the forestry developments, because I think these processes that were put in place may have a hard time succeeding unless we move forward with some of these industries. I think they should seriously reconsider some of the

comments in relation to environmental management and economic development, because I don't think it's as bad as some people tend to put across. There are a lot of scare tactics being used, and I think eventually they'll be exposed. I would hope that with this Bill we can help the Metis, but let's keep in mind the other outside factors that will assist the success of the native people in Alberta.

[Motion carried; Bill 34 read a third time]

Bill 35
Metis Settlements Act

MS CALAHASEN: Mr. Speaker, I move Bill 35, the Metis Settlements Act, for third reading.

SOME HON. MEMBERS: Question.

MR. SPEAKER: Call for the question.
Member for Calgary-Mountain View.

MR. HAWKESWORTH: Thank you, Mr. Speaker. This is a fairly comprehensive Bill in terms of setting up the actual mechanics, the operations of the Metis settlements, and the general council, outlining the various roles and responsibilities they are to play.

Perhaps the things I say this evening or the tone will not be in any way different from what I've already said in previous debate on the other readings of the Bill. I would, I guess, like to state once again to ensure that the message is clear, Mr. Speaker, that I still do not understand why this government feels they have to hold such residual power and vest it in the hands of the minister and the cabinet. Throughout this legislation residual powers are given over to the minister which I think are more than necessary and more than are reasonable in the circumstances. After all, it's the avowed principle of the legislation to provide . . . I would say it would be my objective to see self-government for Metis people on the settlements throughout this province, and I would hope, as I've interpreted their point of view, that that is their objective as well. Yet for every power provided in this legislation, at the final end of the process the minister maintains the power to interrupt, to frustrate, to change, to alter, to veto if the minister so chooses. It's like – I don't know what the similar equivalent would be. It would be, I suppose, as if the Senate were to have the ability at all times to veto something that the House of Commons might decide, and there's sort of no appeal from that ultimate authority.

So I want to say to the Metis federation that I congratulate them on the work that they've done, and I would say to the government that I think there were some possibilities here that the government could have moved on to ensure a stronger form of government at the local level for the people responsible for making this legislation work on behalf of their residents, on behalf of the people that they represent in the Metis settlements. I just say again that especially sections 224, 223, and 222 in particular regarding the responsibilities of the general council to make decisions based on unanimity and then after setting in place that very strict requirement – which in and of itself is a check or a bit of an obstacle even for decision-making and in requiring that degree of consensus – nevertheless, even after expecting and requiring that to occur, the minister still retains the right to overrule a unanimous decision of the general council.

I mean, I have faith in the general council and the people who will be on that council representing the Metis people in these settlements. I have faith that they are going to carry out those responsibilities with integrity and with full knowledge of the responsibility they hold and with full knowledge of what's required in their communities and will come to the round table represented by the general council and work out their differences, negotiate their differences, and reach consensus about some very significant issues. I have no doubt that that process by itself will ensure that the best interests of the people of the Metis settlements will be protected, honoured, and upheld under this legislation. I don't see the need for the minister to have the right, after all of that process has gone forward, to step in and second-guess those people and say, "I don't like your decision; therefore, I'm not going to allow it," whether it be all of the policy or a part of the policy.

So my comments are directed towards this government, Mr. Speaker. My criticism is towards this government that would write this sort of power to themselves into this legislation. Again, the cabinet retains some powers in other areas where I don't think it's necessary, where I have the confidence that the general council is going to be able to carry out their responsibilities and powers without the need to have the government review that matter at every turn and be required to approve it at every turn or retain the right to veto it at every turn. I think there's a missed opportunity here, that the government could have done this differently and could have basically taken the leap of faith that would have truly separated the philosophy of this Bill from the philosophy which underpinned the Metis betterment legislation.

I see and I detect that the government's philosophy behind this legislation has not progressed yet as much as it ought to have progressed in this particular area. Perhaps it's a matter of time in that the government feels they need to be convinced that the entire system is going to operate as they hope, and this is perhaps only an interim measure and after some practice has been experienced with the legislation, they may be prepared at a later date to come forward and remove these particular clauses of the legislation and give true self-government to the Metis settlements. If that's their policy or attitude towards the legislation, then I would just encourage them to get on with the job and consider making that sort of change sooner rather than later. I think it's just a residual power that is not necessary given the circumstances, but I am prepared to watch this work, and hopefully the government will see the wisdom of what I'm suggesting and will not tolerate or allow these sections of the legislation to operate in practice.

Finally, Mr. Speaker, I feel it's very important to re-emphasize another section of the Act for which I brought in two amendments at Committee of the Whole. Unfortunately, they were not adopted by the government, and again I think there's a flaw in the drafting of this legislation that provides the minister an unprecedented power that is not enjoyed by the Minister of Municipal Affairs, to use an equivalent analogy, the power of the minister to basically intervene in the affairs of a settlement if he decides they're being conducted in an irregular, improper, or improvident manner and to act without having to observe the laws of natural justice. I can't believe that this government would intentionally want to bring forward that sort of legislation, yet when I brought it to their attention and attempted to correct it in the form of an amendment, the amendment was rejected.

These are rights that every Albertan ought to be able to enjoy. If they're charged in some way, they have the right to hear their accuser, hear what the evidence is against them, the right to

defend themselves, the right to have a hearing, the right to deal with the matter in that way, yet under section 176 of this Bill, Mr. Speaker, the minister can move by basically making up his mind that something is going wrong in a settlement without requiring that the rules of natural justice be followed and can summarily dismiss a settlement council, individual councils, or an employee or official of a settlement. Or alternatively, once he's decided something needs to be changed, he can simply direct that settlement council or that employee to take whatever action the minister dictates ought to take place in the circumstances. If that's not carried out, the minister then has the right to dismiss those individuals.

Again, I'm not arguing with the right to include that sort of power, a residual power in the hands of the minister. What I object to is that there is no process spelled out to ensure that a minister will conduct a proper hearing, conduct a proper investigation, allow people to present their case and have their day in court, so to speak, before he acts. I think that's a fundamental flaw in this legislation, and I'm sorry that the opportunity was not taken to correct it when the Legislature had the opportunity.

Having expressed my concerns and criticisms of the government for what I feel are some missed opportunities and wrong priorities within the legislation, I still have to say to you, Mr. Speaker, and to the Assembly that I want to sec this legislation work. I know that for, I guess, most of the last 110 years, since the Riel rebellion, the importance that land has for Metis people can't be overestimated. The land provides security, stability, and a base for economic growth and economic development. The experience of the Metis settlements in this province was traumatic some decades ago when, with the stroke of a pen, a number of those settlements were simply eliminated, written right off the map. People lost their homes and a base for what they felt was their future development. One can't underestimate in any way the importance that land has for Metis people, and I'm pleased to see that the government has moved to provide a title for that land. I feel that the model or the mechanism used to ensure that the land cannot be alienated is one that will work, and I commend those who came up with the concept for the way they've drafted that legislation.

I know that we need to get on with the job. We need to make it work. I hope the flaws of the philosophy and the residual powers given to the minister are not going to be overriding considerations in the approach the government takes to the implementation of this legislation. I think it's important that government recognize that this means giving up control and power and allowing the Metis people to determine their own destiny in their own communities. That's got to be the overriding principle behind the implementation of this legislation.

Let's not forget, Mr. Speaker – it should be emphasized in the public record – that the Metis people have given up something as well in order to get this deal, to get this accord, to get this legislation. They've agreed to drop claims and litigation where I feel they had a good chance and a good opportunity and an excellent case to justify the legal action that they have been pursuing in the courts for some time. But in a way I think that's expressed best by one of the leaders of the Metis federation, and that is that we're giving up a dream in order to realize a reality. The dream would be to win a court case that would confirm their view, confirm their claim, but that might not occur, and it might take many long years if it were to be pursued in the court. So they've willingly given that up in order to get this accord.

So the government is getting something out of this as well. In exchange we have the reality of this legislation, some firm base for the Metis settlements to move into the future, a base for economic development. I would just add my congratulations and best wishes and again say to members of the Assembly that we're prepared to begin work tomorrow to ensure that this legislation is strengthened in practice. If there are any opportunities in the future, I can assure hon. members we will do everything we can to take advantage of those opportunities to improve on what is before us this evening.

MR. SPEAKER: The Member for Lesser Slave Lake, summation.

MS CALAHASEN: Thank you, Mr. Speaker. I just want to make a few comments relative to what has been brought forward. As a person of Metis ancestry I begin to wonder what we mean by vexatious or frivolous information coming out. As Metis, we do not talk on for no reason whatsoever, and I guess I have a problem with that. I don't know how to address some of the issues which have been brought forward over and over again. I'll just sort of touch on some of the things I think are very, very important.

The ministerial power seems to be coming into play a lot here. When we're looking at what the ministerial powers are, the ministerial powers outlined in this package are no greater than those given to the Minister of Municipal Affairs by the Department of Municipal Affairs Act or the Local Authorities Board under the Local Authorities Board Act. I find it really upsetting, I guess, in a sense to see this being brought forward, particularly when the government of Alberta has worked co-operatively with the Metis federation to bring this Bill forward. It is very interesting to see that some members do not believe that the Metis have enough gumption, enough skills to negotiate their own concerns and that they do not require someone else to talk for them. I think it's really interesting to see the comments that are being brought forward by the opposition.

Just to talk on the Local Authorities Board. The Local Authorities Board has the power to inquire into the financial affairs and investigate the bank accounts of a local authority should it deem such action necessary. The Minister of Municipal Affairs also has this power of inquiry, and I know that's something that keeps coming forward. This Act is not inconsistent with other municipal Acts that are now in place, Mr. Speaker. The only difference is that this Act takes into consideration the cultural aspects that the Metis people wanted brought into this particular Act, and I think that has to be commendable on behalf of the Metis people.

Mr. Speaker, I guess in closing I would like to thank the hon. Member for Calgary-Mountain View for bringing his points forward; however, I feel that this Bill is on the right track in terms of addressing the Metis peoples' aspirations to self-sufficiency.

Thank you.

[Motion carried; Bill 35 read a third time]

Bill 37
Alberta Government Telephones
Reorganization Act

MR. STEWART: Mr. Speaker, I'm pleased to move third reading of Bill 37, the Alberta Government Telephones Reorganization Act.

MR. TAYLOR: I wanted to take a minute, Mr. Speaker, to go on record to show that the Liberal caucus supports this Bill. We supported it in theory in number two, and although we wanted to amend it a couple of times – the amendments would have been nice to have in there – we weren't able to do that. So we have to settle for the fact that – I think it's a flawed Bill, but it's not fatally flawed.

I think one of the things that's made it difficult for the government, maybe for the opposition, and maybe for a lot of people out there is that they don't understand that whether AGT is owned by the government or privately, they're going to compete in an entirely new milieu. I think you get down to the basic philosophy that if you're operating in a competitive enterprise, should you be government owned or privately owned? If you follow the philosophy that anything that's government owned is better than anything that's privately owned, whether it's Esso, the taxi companies, or the local pizza parlour, then you of course have to go on to the argument that it should be publicly owned.

Certainly, the word Liberal came from is liber, meaning free in Latin. The original free enterprise idea that developed the western world was that free competitive ideas working in a free competitive market give the best solution or the best economy in the long run and give the most economical service. [interjection] You get a little bit of chattering, of course, from the NDP. They sort of feel that dark clouds are swinging over the horizon. But public ownership has always been used as an excuse for living on the public payroll or padding the public payroll. If you can't make a living any other way, you can go get your brother-in-law to get you a job in a government organization. I know the capitalists on my right who have made such a success, who have made it in the Legislature now, would like to stay on the taxpayers' dole for many, many years, I guess, as many of the others. It's still no reason why the phone company should operate under the same principles. They have to get out there and compete. Even in the House here we have to get out and go through an election every four years, and I suppose that's a form of free enterprise that even the NDP would not like to see done away with.

This is a form of competition and streamlining that I think may have to have some fine-tuning down the road, because I believe that there are some concerns. Particularly, although it's not in the Bill itself, we don't like the idea of loaning money to people or giving them interest discounts to buy the shares. I think it's something that the free market should operate because you're already skewing it a bit – if you'll pardon that word, which has been used so often this evening – if you start loaning money or giving them free interest to go after it.

I would like also to state that it is our party's view that the government may think of many other areas that they could privatize or move into. There's certainly been a huge overhead built up that has to concern people. I know it must be of some chagrin and some sadness on the point of the party on the right here, the NDP, that even the phone company's labour unions are for the privatization. They're very disappointed, they feel that they have been bought off, but the point is that the employees of state-owned organizations like the idea too of private-owned organizations, as Margaret Thatcher found out starting about 10 years ago when it used to operate in the U.K. [interjections]

MR. SPEAKER: Order.

MR. TAYLOR: These people that keep marching to a tune that went out of phase and died when Wordsworth hit his grave are going to . . . I think you'll always get that. And they serve a useful purpose. They show how bad you could be. It's like anybody. You need that before and after portrait to look at. But without giving them too much hell – I usually give the government hell in turn. I know they're well motivated. I've run into a lot of people who figure that if the government owned things, it would be better, and I suppose that should be around. But in this particular case, with the competition that's now in the whole telecommunications field – I don't know what was in that pizza the NDP gave me yesterday.

With the competition, it's rather silly to try to think that a government-owned organization and one such as AGT, which has had more employees per $100,000 of income than any other phone organization that I know of in Canada and the United States, would not be able to compete. I don't think the government has the knowledge, and this is something the NDP should agree with me on. Surely you don't expect those cue balls over there, NDP, who have beggared up so many other things that we've challenged on, you think that they could actually run a telephone company? Surely you must realize that they can't run a telephone company. I have another confession to make: I don't think the Liberal Party can run one either, but we might be able to do a better job. So why do we all want to run telephone companies?

So let them get out there and see what private enterprise does. I think it's a little bit of a confession on their side, too, that they don't know everything, and they'll turn it loose to the private sector.

Thank you very much.

MR. SPEAKER: Edmonton-Kingsway.

MR. McEACHERN: Thank you, Mr. Speaker. I find the Member for Westlock-Sturgeon's comments quite incredible. His party said they couldn't make up their mind whether or not this was a good idea. They asked the government: "Convince me. Bring forward the evidence that would show that AGT should be privatized. You know, convince me it should be done." Well, given the amount of information brought forward by the government, which is totally nil, I wonder why they're convinced. I guess it means they wanted to sell it right from the first. The only information that's been brought forward, in fact, the facts and figures and documents quoted, of which I have another multitude this time, have been brought forward by this side of the House. Nothing's been brought forward by the government; nothing's been brought forward by the Liberals in the way of facts or figures or analysis or documents that back up anything. I don't understand.

It reminds me of the Meech Lake debate in this House last year. This government brought forward a resolution wanting Meech Lake. They wouldn't hold any hearings . . . I'm sorry; it's further ago than that.

AN HON. MEMBER: Try three years ago.

MR. McEACHERN: Yes, it's three years ago. I beg your pardon.

In any case . . .

MR. SPEAKER: Hon. member, order. [interjection] Order. Perhaps the member would pull out his well-thumbed copy of *Erskine May* and turn to page 509: "Debate on third reading . . .

is more restricted than at the earlier stage, being limited to the contents of the bill." I really don't think you're going to find your most recent comments in the Bill.

MR. McEACHERN: I was just merely making the analogy, Mr. Speaker, that the government brought forward no documentation, no arguments, and left us to argue both sides and all directions of the issue to decide and put forward what should be a reasonable position in this Assembly. There has been no substantive debate from the other side of the House that wants this Bill passed, and that is the point I was getting at: it's the same thing they did with the Meech Lake accord resolution.

Now, the minister in his opening address on this Bill did make some comments, and I quoted a few of them the other day. I want to look at a couple again today. If you look at the June 8 *Hansard,* page 1763, you'll find the minister laid out a lot of the bases of his idea that we needed to privatize AGT. I'll just quote part of it.

> At the present time, Mr. Speaker, there are fences around AGT. We have indicated to AGT on numerous occasions that we don't want it out there tramping on the toes of the private sector.

Gosh, isn't that too bad that a Crown corporation was outdoing the private sector in some areas? Lots of Crown corporations do that, particularly when you've got kind a natural monopoly situation and they're well established after 84 years of good service to this province. He goes on to say:

> It must, obviously, fulfill its responsibilities as a telecommunications company to provide universal service and access to that service for all Albertans. It has done that, and it will do that in the future, but it has not had the opportunity to fully expand in the areas of telecommunications in which there are great opportunities for the future.

So he likes to brag about the great opportunities we have for the future, and admits, after reading a number of different documents, that the future has got some interesting challenges in it and some changes may need to be made. But I'm not sure that the minister is doing it all quite the right way. Certainly selling AGT is not one of them.

[Mr. Moore in the Chair]

He goes on to say:

> So what we are doing, Mr. Speaker, is really giving AGT a head start in order to compete in the global marketplace and to provide the type of opportunities for Albertans, for employees, and for the investing public.

So we've got this great future. AGT is going to go out there and seize that future and become one of the big players in the global markets.

He goes on to talk about the capital needed, and I'll get back to that question a little later. But I want to also just quote him in talking about employees: "For the employees it means no layoffs, and indeed AGT has never had layoffs." Mr. Speaker, I suggest that the minister cannot deliver on that promise about no layoffs. All you have to do is look at: if we allow long-distance competition in the telephone industry, we will see things like what Bell just did already. They decided to lower their long-distance rates by 15 percent and immediately started to lay off 1,100 people. So the minister will not deliver on that promise.

Mr. Speaker, the minister also made a number of comments about the only document they've put out themselves really, other than his speech in introducing the Bill: his speech to the chamber of commerce on Wednesday, March 28, 1990, which I've referred to on a couple of occasions, and I want to do so again. On page 10, after saying, "I don't have the answers for you at this time," nonetheless, for anybody that was reading between the lines at that time the whole article basically said that we're going to sell AGT. This is a direct quote.

> However, no matter what route we may choose to follow in the future, there are certain principles that will guide us. Albertans can be assured of continued affordable universal access to a telecommunications system of the highest quality. AGT will continue to be managed and controlled by Albertans, rates and services both rural and urban, business and residential will be effectively regulated, and employee interests will be paramount.

Now, isn't that wonderful? I just wish that he could deliver on that promise. He goes on to say:

> There is no way that AGT is going to be controlled by some large corporation like CNCP or Rogers, rather it will continue to be the responsibility of Albertans to guide AGT into the future.

Well, I hope he lives up to it, but I have grave concerns. If the minister would not sell AGT and if he would go before the CRTC, which is going to start regulating the telecommunications industry in this country . . . We can no longer do it in Alberta with the Public Utilities Board; I understand and accept that the Supreme Court decision has pre-empted that. But if he would not sell AGT and if he would fight against the Unitel application at the CRTC level, then I would believe he would be trying hard to deliver on that promise. But when he sells AGT and will not promise to fight the Unitel application, then I don't think he can deliver on that promise.

I've a number of documents and articles that talk about this privatization process and the effects and what we can expect from them. Some of the evidence is somewhat ambiguous, Mr. Speaker, but quite a lot of it comes down on our side of the argument.

AN HON. MEMBER: The ambiguous side.

MR. McEACHERN: No, on the side of not going along with the privatization.

I mentioned it the other day, but I didn't give the actual numbers. If we allow long-distance competition, according to Peat Marwick when they reported on behalf of the telephone companies to the Federal/Provincial Territorial Task Force on Telecommunications by Bud Sherman . . . Peat Marwick suggested: if we allowed a 25 percent discount on long-distance prices and a 20 percent market penetration by Unitel's application – or any other big company that wanted to horn in on our long-distance business – then we would find that residential rates would go up considerably in almost all the telephone companies across Canada, AGT being one of the worst. The increase for AGT would be almost 40 percent in costs for residential rates. That was their projection.

Also, the minister has made a big thing about how competition is good, and this is one of the things that private enterprisers always holler about. Well, Mr. Speaker, if we're heading in the direction of global companies dominating huge tracts of countryside in the telecommunications industry because of its natural monopoly nature, then you're hardly talking about competition. I mean, the word competition is rather a strange one. What we're talking about with the Unitel application is some competition in the long-distance industry, with the second company coming in, Unitel, wanting to hook into our system that we've already built. We already have a long-distance network, and we don't need them. It's superfluous and unnecessary.

Now, this competition is supposed to stimulate a lot of things, according to most of the theories put forward by the minister and anybody else that seems to be in favour of selling off AGT.

But I would just quote, again, from the Sherman report. It's on page 29 of the summary, and it says here . . . [interjection]

Mr. Speaker, if the Member for Calgary-McCall would like to speak to this Bill, then I wish he would stand up and speak to the Bill. Otherwise, I wish he would keep his mouth shut and quite muttering away and swearing at me every time I open my mouth. Well, if he wants to take me up on a point or two . . .

MR. ACTING DEPUTY SPEAKER: Hon. member, please sit down. [interjections] Order. Order.

Are you prepared to continue to speak to the Bill, hon. member?

MR. McEACHERN: Yes, as long as I get some quiet here, because this guy . . . [interjections]

MR. ACTING DEPUTY SPEAKER: Order. Hon. member, if you want to continue to speak to the Bill, that's fine. If you're not, then we'll have other speakers. Now, you're prepared to speak and continue?

MR. McEACHERN: Talking to the Bill, Mr. Speaker, I was about to quote from the Sherman report, and it says on page 29 that technological developments in the telecommunications industry have been strong and accelerating in recent years, although the pace of this development is difficult to attribute specifically to either the presence or absence of competition in any market segment. Having looked at the industry, what the Sherman report really has concluded is that you can't really tell how much of the technological development is a result of competition in the market and how much is a result of monopolistic practices in the market. In fact, since it's kind of a natural monopoly, a company that has a monopoly often has the ability to generate more revenues, and having done so, then they can use that money for R and D and in fact go ahead and make technological advancements. Because of the nature of the industry, then, there's no clear indication that competition is a natural and automatic gain. That is the point I wanted to make.

Also, there was an article in the *Globe and Mail* the other day, June 20, and the heading is "The pros and cons of privatization: Thatcherite prescription hasn't cured all companies of old habits." It goes on to talk about the heads of 40 companies getting together, most of them already privatized and the rest sort of waiting their turn. They met together to compare notes about how things were going. They did so under the auspices of the London Business School. What is interesting is that these are your buccaneer private enterprisers, Mr. Speaker, that got together on this. The study came out rather ambiguous. It's not so clear-cut and so cut and dried as you might think.

[Mr. Speaker in the Chair]

The study found that four out of the five bosses were convinced, of course, that privatization had been or was going to be essential to a fundamental improvement of their company's performance. But other than sort of a general attitude in that direction, when they got down to studying some facts, they found some things were a little less clear. I'm quoting the study now. For instance:

> Turning to more quantifiable matters, the study found cuts in the work force a common feature of privatization – in the runup to sale and often in its wake too.

So, Mr. Speaker, the privatization of AGT is very likely to lead to layoffs. It's a fairly common phenomenon when public companies are taken private.

> A little further along here it says that these 40 people had trouble pinning down any general effects of privatization on profitability, and found no discernible pattern of improved returns on capital employed, returns on sales or growth in output.

Here we are following this Thatcherite or British model in Canada saying, "Let's privatize AGT to get all these great benefits," and in fact the 40 heads of some of the biggest companies in Britain are looking at what they're doing and realizing that the facts often don't bear them out in terms of it being such a great idea.

A little further along here:

> The study suggests that, while many privatized companies have indulged in a once-and-for-all shakeup around the time of their sale, a sizeable number have subsequently settled back into their old ways.
>
> This is doubly damaging, because the evidence points to a preoccupation with reorganization that may well have distracted them from another, and ultimately more important, kind of cultural change – the sort that leads to a obsession with quality control and customer satisfaction.

So privatizing AGT may not lead to quality control and customer satisfaction as the minister seems to think it will. In fact, the monopoly nature of AGT has meant that in the past, by his own admission, they have been able to do a good job in that regard, and he may be throwing that away.

They go on to say:

> Most obviously, turning a state monopoly into a private one has led to trouble.

The final paragraph says:

> So restructuring a company and exposing it to more competition while keeping it in the public sector might work nearly as well as privatization and quite as well as one that leaves it a private monopoly.

The idea of imposing competition in something that's sort of a natural monopoly may not work very well even if you turn into a private company and may not work nearly so well as if you leave it a public company while you're at in the first place.

So, Mr. Speaker, the minister rushes off in a direction based on his ideological thinking and not on facts or concrete analysis of what's going on in the world today.

It's interesting to note that we got a copy of Prudential-Bache Securities' glowing report on the telecommunications industry in Canada as a great place to invest. Some of the facts and figures this broker puts forward are quite interesting. I'm not sure that they're totally accurate, because I find other documents that disagree with some aspects of it; nonetheless, I think it's worth quoting. Since the government is intending to privatize AGT and issue all these issues, of course stockbrokers are going to be wanting to get in on the sale of those shares and get their cut. I put this information forward from his statement. Some parts of it I know to be accurate because it follows some of the information from the annual report and other information I've seen, but one or two points may have to be taken with a question mark.

You might wonder why people would want to buy into the telecommunications industry, and this gentleman does give some pretty good facts as to why they might. In the industry

- Secular volume growth of 10%-12% and more

is expected.

- Annual unit cost declines of 6%-7% as a result of technological advances.

That this is quite a healthy industry, Mr. Speaker, is the point I'm trying to paint here.

- New, higher profit margin services resulting in rising cash flows.
- Strong franchise characteristics and high barriers to entry.

Now, by that they mean that we're not going to be quick to let foreigners into the industry. I hope that point turns out to be true. I hope that Unitel's application does not become the start of a flood of foreign investment and foreign ownership of our telecommunication industries.

- Absence of foreign competition in a favourable regulatory environment.

Of course, that's still having to be sorted out with the CRTC taking over from some of the provincial public utility boards, but he seems to think it's heading in the right direction.

- Earnings growth of at least 20% per year.

So this gentleman is saying, "Boy, the telecommunications industry is a great one to get into."

Then he goes on to talk specifically about Alberta Government Telephones, and he says some interesting things about it. First, he gives some of the facts about how healthy it is. Of course, it's been owned since 1906 by the Alberta government.

> It is a $2.8 billion company with 1989 reserves of $1.2 billion and 1989 net income of $56.6 million.

He goes on to give us some more facts and figures and numbers from the annual report which show that Alberta Government Telephones is a healthy company. He goes on to say:

> Many Canadian telephone companies and even foreign governments look to A.G.T. as a model telephone utility because it is one of the most technologically advanced in the world.

Well, why do we need this competition to become technologically advanced if he's correct? Now, there is some question as to whether he's really correct or not. I have another book here which I intend to quote from to some extent that gives a little different view of the telecommunications industry in this country. Nonetheless, he seems to think that it's a great investment and that the company is doing well.

> The key to a telephone company is its network. A.G.T. has invested heavily in network upgrading in the past 4 years to prepare for the challenges, competition and high-growth opportunities of the 1990s.

Of course, all one has to do is think of the ILS program. I think the minister himself said that in two years we'll be the only jurisdiction in North America to have an individual telephone line into every rural part of our jurisdiction.

Mr. Speaker, this gentleman goes on:

> Some of the new, higher profit margin services that will be offered include: A single line into the home or business that will provide access to: Shared computer screens and data transmission . . .

and talks about some of the highly technical things that will now be provided along with the telephone hookups. Fibre optics in AGTs network has more than doubled in the last two years.

> A.G.T. is one of the dominant players in the global cellular communications industry . . .
>
> Perhaps the greatest potential in A.G.T. lies in its 100% ownership of NovAtel. In worldwide cellular telephone sales NovAtel captured the number 2 spot. NovAtel has 25% of the Canadian market, 21% market share in the United States and 9% in the United Kingdom. It is number 1 in North America, number 4 in the U.K. NovAtel completed over 50 sales of total cellular systems around the world in 1989.
>
> As you can tell from this report I think A.G.T. should be considered a core portfolio holding . . . .
>
> If the government of Alberta does proceed with the issuance of shares in A.G.T. you will be able to buy stock from many suppliers. I would like [of course] to have the opportunity to

take your business and buy stocks.

Mr. Speaker, if this company is doing so well now, why are we selling it for somebody else to cash in? That, I guess, is the sort of basic question that makes me wonder why the minister is selling it. Now, of course that gave a glowing description to try to sell shares. I will admit – and again I'm having to do all the research around here – this is the kind of article that the minister should have been putting forward.

This is telecom 2001: a strategic forecast by T. L. McPhail and B. M. McPhail, Alternative Futures: the Canadian Telecommunications Carriage Industry 1990-2001. It's a 1989 book, an update on what's happening in the telecommunication industries. There are some things in here that back up partly some of the things the minister has said about the directions that telecommunications are going. I don't mind putting those on the record. The minister wouldn't. It's okay. You see, in most debates of this sort, everything isn't all one sided. In the final analysis, we come down on the side of government ownership here and maintaining the monopoly and providing a service over the idea of somebody making a profit out of the telecommunications industry. But that doesn't mean that there aren't some problems in the industry that the minister has to deal with. So I don't mind putting a couple of those things on the record since they didn't stand up and make their case very effectively.

For instance, on page 207 of this document that I just cited, in the conclusion section, the first paragraph I think is very instructive as to what's going on in the telecommunication industries and what is expected by the year 2001.

> The Canadian telecommunication environment, in the year 2001, will be substantially different from what it is today, both domestically and internationally. On the domestic front, changes will be precipitated by the increased sophistication of the telecom technology and its users. Major thrusts into the Canadian market from foreign firms, such as the multi-million dollar sale of telecom switching equipment by the Stromberg-Carlsson, an American subsidiary of a British firm, to Manitoba Tel, will become increasingly prevalent. In addition, a new national telecommunication policy may be implemented in an attempt to harness and direct change. Internationally, heightened global competition and the staggering costs associated with telecom research and development will force a reduction in the number of major players.

Now, how are you going to have more competition if you're going to have fewer players in the long run? Who ends up controlling the industry is really the major question that I see, Mr. Speaker.

This article goes on to say:

> A consolidation of competing forces, ranging from Europe to the Far East, can be expected.

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

MR. SPEAKER: Thank you. A point of order.

MR. GESELL: This would be citation 23(d). If I may, Mr. Speaker, I've been listening, and the member has been quoting quite extensively from a number of documents. Twenty-three (d) indicates that if the member "refers at length to debates of the current session or reads unnecessarily from *Hansard* or from any other document . . ." Mr. Speaker, that's exactly what the member is doing. If he's raising some particular issues that he wants to discuss and use particular quotes from some documents, that's fine, but what he is doing here is reading us the document. I don't really appreciate that.

MR. FOX: On the point of order, Mr. Speaker. I believe that the citation used by the member is not an appropriate one in this regard. It says "in the opinion of Mr. Speaker . . ." Now, I'm sure the Member for Clover Bar doesn't purport to tell Mr.

Speaker what his opinion is. I hope that's not the case, because that gives me concern. In the years that I've had occasion to be subjected to his rulings, I suggest Mr. Speaker has opinions, offers them when appropriate, and doesn't need to be told what his opinions are by a member of the House.

MR. SPEAKER: I trust I can quote you on future occasions, hon. member. While the Member for Clover Bar perhaps quoted the wrong piece of scripture, if you will, there are indeed other references in *Beauchesne* about not quoting at length, and indeed there have been fairly long quotes given. But I am certain that in the time remaining the hon. member will deal with third reading of the Bill.

MR. McEACHERN: Thank you, Mr. Speaker. I'm trying to summarize our objection to the sale of AGT, and I think that so far I've been quoting a lot of things that back up where I stand. I've got to admit this particular item I'm reading at the moment is a little more ambiguous, but it does set the stage for the direction that the telecommunication industry is going in the future. Therefore, I can then understand some of the problems the minister has, but then we can suggest our solution to that problem, because everybody will have the context in which it must be made.

I've almost finished the particular section anyway, Mr. Speaker. There are just one or two more short sentences here on the shape of the telecommunication industry by 2001 as put forward by this document that I quoted earlier.

> A consolidation of competing forces, ranging from Europe to the Far East, can be expected. In terms of North America, the Canada/U.S. free trade agreement, which seeks to foster the development of a common continental market, will operate to encourage joint Canadian/American telecommunication ventures in both domestic and international markets.

I don't find that last part particularly encouraging. I don't think that CNCP needs Rogers Communications. I don't think we need foreign ownership in a big way into our telecommunication industries, Mr. Speaker.

In the conclusion they summarize with about seven different points. I'll just hit a couple of them. The first and most important point they raise is:

> First, and perhaps most significantly for both regulators and the industry, is the changing perception of the role of technology in the determination of telecom futures.

They go on to say:

> The needs of business and consumer users will become the most influential determinant of products and services; and marketing, the most aggressive component of future telecom success stories.

Now, they said the consumers would be the ones to determine the direction of the future in the telephone industries. They mentioned two groups, the residential users and, of course, the big business users. I guess what we're afraid of on this side of the House, Mr. Speaker, is that the direction we're going seems to be in a sense selling out to the really big users. There's no doubt that if Unitel's application goes through and horns in on the Canadian long-distance telecommunications industries, we're going to find that those big corporations which make a lot of long-distance telephone calls are going to have lower rates and get cheaper calls across the country. Everybody accepts that, and it's not such a bad thing in itself. Nobody's saying that that by itself is bad, but if the extra cost has to . . .

[Mr. McEachern's speaking time expired.]

MR. SPEAKER: Thank you, hon. member.

MR. ADY: Mr. Speaker, I move we adjourn debate. [interjections]

MR. SPEAKER: Order please. Order. Order.

Having heard the motion, 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.

Bill 43
Oil and Gas Conservation Amendment Act, 1990

MR. ORMAN: Mr. Speaker, I move third reading of the Oil and Gas Conservation Amendment Act, 1990.

MR. SPEAKER: There's a call for the question? [interjection]

MR. McEACHERN: Oh, shut up. Mr. Speaker, will you . . .

MR. SPEAKER: Hon. member . . . [interjections] Order. Order. Order.

I am sorry the member is upset, but the Chair did not hear anything and . . .

MR. McEACHERN: Oh, it was very carefully . . .

MR. SPEAKER: Order. Order.

Hon. member, if you don't button your lip, you're going to take a hike. Can I make it any more plain than that? No, I cannot. The business of insulting the Chair with words while the Chair is standing and trying to deal with the House is inappropriate.

May we continue? Third reading has been asked for Bill 43.

[Motion carried; Bill 43 read a third time]

MR. FOX: Mr. Speaker . . .

MR. SPEAKER: Order please.

MR. FOX: . . . you said that debate be adjourned on third reading [inaudible].

MR. SPEAKER: Hon. member, that was dealt with with Bill 37.

MR. FOX: Pardon me, Mr. Speaker, the interjections had me confused. [interjections]

MR. SPEAKER: Order, please, in the whole House. Order. The Chair perfectly understands the member's confusion.

So third reading has now occurred, in the opinion of the Chair, with respect to Bill 43.

Bill 48
School Amendment Act, 1990

MR. ORMAN: Mr. Speaker, I move third reading of Bill 48, the School Amendment Act, 1990.

SOME HON. MEMBERS: Question.

[Motion carried; Bill 48 read a third time]

Bill 51
Gas Utilities Statutes Amendment Act, 1990

MR. ORMAN: Mr. Speaker, I move third reading of Bill 51, the Gas Utilities Statutes Amendment Act, 1990.

MR. SPEAKER: Thank you.
Calgary-Forest Lawn.

MR. PASHAK: Thank you, Mr. Speaker. I understand that the city of Calgary in particular had some concerns about whether or not it would lose revenues as a result of the passage of this Bill. They do put a surcharge on the distribution of gas within the city of Calgary. I understand that the minister has dealt with this concern through the amendment that was introduced during committee stage, but I would appreciate maybe an extra comment from the minister on this question, as to whether or not in his opinion the city's concern has been adequately met.

A second issue with respect to this particular Bill. I think it's a good Bill. It's something that in essence I think I've been calling for, which in effect would permit the Crown share that belongs to Alberta from the sale of natural gas to be made available to industrial users and commercial users and institutions within the cities. I think that would be the case. I don't know if there would be a particular advantage to either the province or these institutes to have that gas made available to them, but as I understand this Bill, it would at least allow that to be a possibility.

MR. SPEAKER: Minister of Energy, summation.

MR. ORMAN: Thank you, Mr. Speaker. The hon. Member for Calgary-Forest Lawn and I had a private conversation with regard to the Crown share. As I understand his proposal, it would suggest that the Crown take in kind its Crown royalty share of gas and deliver it to the institutions at lower than the market price to keep their overhead down. As I pointed out to the member, it's really robbing from Peter to pay Paul. It's reduced revenue to the Crown by selling gas at less than the market price, so I see no advantage to doing it. All it is is a debit in one account as a credit in another account, so I don't really see how that would be addressed.

With regard to the city of Calgary, in fact the amendment I presented to the House in committee stage was drafted by the city of Calgary. We reviewed it, and as I've indicated on two previous occasions, it's intended to plug the loophole. It will do it not only for the city of Calgary but for the other municipal franchises, Edmonton included. They're satisfied with it, as I understand it, so I believe we have addressed the concern of the loophole to the franchise granters, Mr. Speaker.

[Motion carried; Bill 51 read a third time]

Bill 50
Alberta Cultural Heritage Amendment Act, 1990

MR. ZARUSKY: Mr. Speaker, on behalf of the Minister of Culture and Multiculturalism, I move third reading of Bill 50, the Alberta Cultural Heritage Amendment Act, 1990.

[Motion carried; Bill 50 read a third time]

Bill 53
Parentage and Maintenance Act

MR. SPEAKER: The Member for Highwood.

MR. TANNAS: Thank you, Mr. Speaker. I move that the Parentage and Maintenance Act, Bill 53, be now read a third time.

I want to make a couple of comments. This Act replaces provisions of the Maintenance and Recovery Act dealing with maintenance for children of unmarried parents. It's a child-centred Bill that addresses Charter issues, affirms the responsibility of both parents, and eliminates discriminatory distinctions between children born of unmarried parents.

I wish to thank the members for Edmonton-Avonmore, Edmonton-Centre, and Edmonton-Gold Bar. I have communicated in writing my replies to the questions raised by Edmonton-Centre and Edmonton-Gold Bar. I won't prolong the debate any further tonight with all the details, Mr. Speaker, and unless hon. members insist, I would conclude debate. Hearing no urgent demands to continue then, I conclude debate on third reading.

[Motion carried; Bill 53 read a third time]

Bill 54
Miscellaneous Statutes Amendment Act, 1990

MR. HORSMAN: On behalf of the hon. Attorney General, I move third reading of Bill 54, Miscellaneous Statutes Amendment Act, 1990.

[Motion carried; Bill 54 read a third time]

MR. HORSMAN: Mr. Speaker, I move that this Assembly now adjourn until 2:30 this afternoon.

[At 1:41 a.m. Wednesday the House adjourned to 2:30 p.m.]