

Legislative Assembly of Alberta

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head: **Government Bills and Orders** **Committee of the Whole**

[Mr. Jonson in the Chair]

MR. DEPUTY CHAIRMAN: Will the committee please come to order.

Bill 52

Natural Resources Conservation Board Act

MR. DEPUTY CHAIRMAN: Are there further speakers on the amendment as proposed by the Member for Edmonton-Jasper Place?

The Member for Vegreville.

MR. FOX: Thank you, Mr. Chairman. I was just thinking that perhaps the Member for Banff-Cochrane may want to get back in on this debate and do a little more for members of the Assembly than just provide us with a travelogue of his summer activities. I'd be really interested in hearing how he feels about this amendment: what he considers to be the merits or lack thereof of the wording that the Member for Edmonton-Jasper Place is providing to enhance the proposed Natural Resources Conservation Board Act. But I didn't hear that, and I'd just like to remind him that this is committee, members can speak more than once, and that he, if he so desires, could get back in and enlighten us as to what his position is, because it's important I think at the outset of debate to indicate to members of the Assembly whether you're going to be voting aye or nay. [interjection] Or if you're a Liberal, that you're going to vote both aye and nay, depending on how you feel on the issues.

I would provide that same reminder for the Minister of Energy, who is shepherding this environment Bill through the House. He has the opportunity to get up and tell us a little bit more about his response to this particular amendment than just where the head office of the NRCB is going to be located. I mean, that's fascinating information, but I'd like to know if he's in favour of this amendment. It helps me in my consideration of same, Mr. Chairman. So I'm just inviting members to feel free to participate in the debate after I conclude my remarks.

I think it shouldn't come as any surprise to members opposite that I'll be speaking in favour of this amendment and will be expressing that in a substantive way, through my vote at the conclusion of debate on this amendment, by voting in favour of it because I think it's a good one. I think if government members were to seriously consider the impact and the import of the wording contained therein, they would vote with us, because really this friendly amendment provided by the Member for Edmonton-Jasper Place to section 2 is to clarify what we believe to be the intent of the Bill.

The Bill as it's currently proposed, Mr. Chairman, reads:

The purpose of this Act is

(a) to provide an impartial . . .

That's the key word here: impartial.

. . . process for the review of projects that will or may affect the natural resources of Alberta.

I focus attention on the word "impartial." I think we can all agree with that. There's nobody here that's going to disagree that the process should be impartial and that we would want, through this NRCB, to be reviewing projects that will or may

affect natural resources in the province of Alberta. That's defined, I think, in the broadest possible sense. But it's the "impartial" that's important. The impartiality of the process is not guaranteed, is not enhanced in fact, Mr. Chairman, by clause (b) as it currently stands in the Act.

To provide for those reviews to be conducted having regard to the social, economic and environmental effects of the projects. Because that's too vague. That's subject to interpretation a little too much, I think, for me to be assured that the process will indeed be impartial. So we need to remedy that. We need to make sure that we protect the integrity of the environmental review process, that we ensure that the process be impartial by adding some words. We're proposing to do that by striking out clause (b) and substituting the following: "to provide for those reviews" – the reviews, of course, referred to in clause (a) – "to be conducted in public." In public: let's dwell on that for a moment.

In public: that's what ensures the impartiality of the process. So it's defined in public, in full view of the people of the province of Alberta, in front of the people on whose behalf we're making these decisions so that they can be assured that it's impartial, not just that they're told by us that it's impartial, not just that the minister says, "Well, a review was held, and it was impartial; trust me," because frankly people don't trust us. When I say "us," I use the broad brush here. Politicians generally are not trusted by the people. It's a reputation that is perhaps deserved in some cases, perhaps not in others, but it is a general perception the public has that we have to be cognizant of. People are very suspicious of the political process, and they're suspicious of the people who are involved in it, so we have to go the extra mile in providing that assurance in legislation. [interjection] I'm sorry, the extra kilometre. Pardon me, Dr. Elliott: the extra kilometre in assuring these people that the process is, in fact, impartial and above reproach. I think that's in our best interests. We have to be able to assure people that in the making of decisions on what *is* and what isn't going to go ahead in the province of Alberta, what is going to be and what isn't going to be supported, none of us has anything in particular to gain, that our decisions, our review of such projects are going to be impartial. Again, it's the perception that we have to deal with.

I'm not sure if Yogi Berra said it, but I'm sure he would have: in politics 90 percent of the game is perception and the other half is reality. Because it's the perception, we have to be very careful that we remove any suspicion from the public's mind, any. . .

MR. BRUSEKER: Is that new NDP math?

MR. FOX: That's Yogi Berra math. That's before your time, Member for Calgary-North West.

I think we do that by making sure that these reviews are conducted in public so that there is no perception of backroom dealing, of decisions being made behind closed doors like the Conservative candidate for Edmonton-Strathcona advocates, that decisions not be made behind closed doors, that they be conducted in public.

I think it's an important starting point, and we're going to have a lot of time, I think, Mr. Chairman, to review the many sections that are contained within this Bill and, hopefully, amend a good number of them to make it useful to Albertans. But we're just on section 2 right now, trying to define the purpose of the Act, and we believe that in order for the reviews to be impartial they need

to be conducted in public . . .
I'll go a little further.

. . . 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.

So we're not only insisting through this – and it may well be the intent of the minister that the reviews be public; I don't know, but I would feel more comfortable if that were guaranteed in legislation – that these reviews be impartial, the impartiality be guaranteed by having them conducted in public, but go one step further: that we enlist the expertise of people independent from the process. That means no stakeholders. That means that when we want to consider a project for a particular region in the province of Alberta and if we've got a private-sector firm willing to put some money into the province and develop a project, we neither accept it without question nor reject it out of hand, that we undertake a thorough, impartial review in public of the relative merits and impact of that proposal and that we don't rely on a report that's submitted to government by the people that these proponents hire, because that's not impartial.

That's not to say that the people conducting the review aren't impartial, and I could use Al-Pac 2 as an example here, where the government appointed a three-person panel, some of whom work for government, some of whom don't. I have no question about the integrity or the ability of those people, those fine people who were charged with the responsibility of reviewing that. They may have been impartial, but the process is not impartial because there were stakeholders involved, the stakeholder in this case being the Conservative government in the province of Alberta, who had already made substantial commitment to this project, who had already staked a lot of their political credibility, what little is left of it, on the outcome of those hearings.

So it's got to be impartial, it's got to be public, and therefore, we have to enlist the expertise of people independent from the process. That just doesn't mean independent of proponents, people who are either on the payroll of the company promoting the project or people who have some side benefit to be gained. That means as well that we don't appoint people to that panel who are sort of consistently against the project, people who would take a stand against the project without having a chance to review or assess the merits of that project. We're talking about "independent expertise to determine whether the projects and activities are compatible" with the following objectives.

8:10

Now, the government Bill as it's currently written says that the purpose of the Bill is "to provide for those reviews to be conducted having regard to the social, economic and environmental effects of the projects." We're trying to broaden that definition, having said that they're going

to be conducted in public with the assistance of independent expertise to determine whether the projects . . . 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 a much stronger statement, a much more complete statement about what the objectives of a Natural Resources Conservation Board Act should be. Reminding members that we're dealing with the purpose of the Act here, we want to come up with an economic strategy, a developmental strategy for the province that would be supportive of projects that maintain and preserve the ecological diversity that is the province of Alberta,

and we would reject projects that are at odds with that broad and very laudable objective.

So I want the government members, if it's possible for them to be impartial, to assess the merits of this proposed amendment. It's being done in public, because everything we say here is being recorded. The vote could even be recorded, if that's the wish of three or more members. So we've complied in that regard. It's at least public. We've certainly had the assistance of independent expertise to determine the merits of this Bill. There's been all sorts of correspondence between the Environmental Resource Centre and different groups that advocate for the environment. Certainly groups that advocate for industry have had some input into this Bill. So there has been some expertise. I'm just asking members to be impartial in their decisions and look closely at the amendment that's being proposed here, because I really think it has some merit.

I'd like us to consider what would be the impact on certain proposals in the province of Alberta, certain developments that have already occurred, if we had this independent process in place, this impartial, publicly conducted process in place prior to having proceeded with several projects. I guess the Oldman dam is a project that is a good one to use for illustration's sake.

If I could reflect, Mr. Chairman, we're having a fall session in the Alberta Legislature, a rarity over the last five years, but I do remember clearly that the last one we had was 1987. What was notable about that fall session was that for the first time in many, many years in the Alberta Legislature we had an emergency debate. It was an emergency debate that was held because it was discovered that the government had proceeded with construction on the Oldman dam without even having complied with their own regulations that limit or proscribe directions for that kind of development. The then Minister of the Environment, now Minister of Public Works, Supply and Services in charge of dam building, had failed to even get the construction permits that were required of his department prior to spending a lot of money on that project. We had an emergency debate on it, and it was quite instructive. Some members here participated in that debate. I believe the Member for Little Bow had a good half hour – well, 10 minutes I think was the emergency debate limit, but he certainly filled his 10 minutes with all sorts of instructive comments. It was memorable because it was the first time an emergency debate had occurred.

Now, what would have happened, Mr. Chairman, if we had had a legitimate environmental impact assessment process, whether it was done through this proposed NRCB or some other mechanism? What would have happened if we'd had this process in place where there was a genuine assessment done of the impact of the project in an impartial way that used independent expertise and that was done in public so that people in the province of Alberta had a chance to have their say? I would suggest that the project, had it gone ahead, would not have been subject to the same kind of controversy and animosity in the province of Alberta, because people who have concerns would have been able to assure themselves that their concerns would be addressed, that they'd be listened to. That's not been the process here. I know that the former Minister of the Environment, now the minister of propaganda, patronage, and pork-barreling, wheels into the Assembly wheelbarrows full . . .

MR. DEPUTY CHAIRMAN: Order please. Let's refer to people by their proper title.

MR. FOX: Pardon. The Minister of Public Works, Supply and Services wheeled into this Legislature barrows filled with

documents claiming that we'd had environmental assessments till you couldn't find any more, that the review process had been exhaustive, that there had been hundreds of public meetings and everybody had had a chance to have their say again and again and again and again. But the fact is that there were not publicly advertised hearings with independent expertise that were impartial, that offered intervenor funding, that made it possible for Albertans, whether they lived in the north, south, east, or west to have their say on that project. And I think that's unfortunate, because a project like that has provincial, in fact interprovincial, perhaps international implications. But certainly within the province of Alberta people, wherever they live, have a right to opinions and a right to be heard on whether or not hundreds of millions of dollars ought to be spent building a dam at that particular location at this particular time.

So if we'd had this process in place with the amendment provided by the Member for Edmonton-Jasper Place, whether people are proponents or opponents of the dam I think they would have been assured that the integrity of the process was there and that their views were heard and that development didn't proceed until all of the hoops were jumped through, the bridges crossed. They can't be assured of that now.

Another example, Mr. Chairman, I think is instructive to members, and that is the Al-Pac process, where we've had sort of a quasi-environmental assessment process, where a review panel was set up. They had a review process set up, a panel established. Hearings were held, and I think that part of the process is to be respected and certainly I hope something was learned through it. But when the government didn't get the recommendation they wanted, when one of the major stakeholders in the development of that project didn't get the answers they wanted, they went out and hired a Finnish firm, Jaakko Pöyry, paid \$400,000 of taxpayers' money hoping that this company would provide them an answer they could use. [interjection] You look good in the Premier's chair, Member for Red Deer-North: the would-be Premier from Red Deer-North.

The process was acceptable in some ways through the initial phases, but when the government didn't get the recommendations they wanted, in my view they subverted the process by going out and hiring a company they knew had been in the past advocating a bleached kraft mill developed on the Athabasca River, a company that had done that kind of scientific advocacy, if you will, for companies with similar technology in the past, hoping they would provide to the government some sort of vindication for the government's predetermined opinion on the issue. And that was really unfortunate.

Then we had this other subsequent review process that we've just gone through – I referred to it earlier – where the committee was established and held some hearings and the government accepts the report from them and is somehow reluctant to make the results of that report public. But if we'd had an NRCB Act in place that had a legitimate process, an impartial process that guaranteed hearings would be held in public, guaranteed that independent expertise would be solicited to provide opinion and information and that we wouldn't proceed with that project unless it met the stated criteria, unless that project could be developed in a way that was compatible with maintaining and preserving the natural ecological diversity of the province of Alberta – and that doesn't mean polluting the Athabasca River to the point where it won't support marine life. We're polluting it to the point where it can't provide safe potable water to the people who live in Fort McMurray or Fort Chipewyan or downstream. It means a project that has to pass a very stringent

review, and do it in public, where people can see what's going on.

If we'd had this review in place, Mr. Chairman, we wouldn't have seen plants like the Daishowa mill at Peace River, the Alberta Energy plant at Slave Lake, the Weldwood plant in Hinton: all of these things that the government sort of snuck through the backdoor without any review, without any opportunity for public input, without any legitimate open public assessment of the impact. We wouldn't have had that, and Albertans wouldn't be left feeling so jeopardized.

8:20

MR. PASZKOWSKI: We would have had nothing.

MR. FOX: Well, no, we wouldn't have had nothing, Member for Smoky River. What we're proposing is that we establish a legitimate public review process. I mean, if the Member for Smoky River is alleging that . . .

MR. DEPUTY CHAIRMAN: Order please.

MR. FOX: If the Member for Smoky River is alleging that these plants would not have passed any kind of review established by the Natural Resources Conservation Board Act as presently proposed by the Minister of Energy, then he can stand up and make that case. I suspect he's likely right, and if he's right, then he should be ashamed for being part of a government that would go ahead and develop plants that they know are not 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.

Maybe a member who has a chance to go fishing on the Wapiti River might have a chance to take a look at some of the water there and see what the . . . [interjection]

MR. DEPUTY CHAIRMAN: Order please, Member for Smoky River and also . . .

MR. FOX: The member's inviting me to go fishing, Mr. Chairman, but I'm too busy.

MR. DEPUTY CHAIRMAN: Please address your remarks to the Chair, hon. member.

MR. FOX: I'm too busy being an MLA to go fishing, Mr. Chairman.

Again dealing with public perception, what the government's done here is approve a number of projects in rapid-fire succession in order to get them announced, I guess, prior to the ill-timed election in February 1989 to prove some sort of commitment to diversification without having any legitimate public input process, and it's jaded the process. It's made the public suspicious of the government's intent and made it difficult for them to accept that the government is really . . . As sincere as the Minister of Energy is in proposing this Bill, it's difficult for people to take him seriously, because he was part of the government, probably part of the inner sanctum of decision-makers in that government that rushed these projects through. How can people believe that any review his government is responsible for will be impartial unless they make sure they're conducted in public as per the amendment proposed by my colleague from Edmonton-Jasper Place? We're just trying to help the government do a better job, Mr. Chairman, and suggesting ways that this Bill, flawed as it is, could be made

better so it serves people in the province of Alberta long-term.

Perhaps I could refer to another example that would illustrate why this particular amendment is important, Mr. Chairman. I'll refer to an issue that is perhaps in the minds of some outside the normal jurisdiction of something that would be reviewed by the Natural Resources Conservation Board Act, outside the sort of normal bounds of something that would be subjected to an environmental assessment, because one tends to think of that process as applying to a project in a particular place. A plant is going to be built here to either extract or process or harvest or further develop resources in the province. You know, that's a traditional sort of conception, I guess, of what an environmental impact assessment would be. I think we need to broaden that perception, and I'll refer to the suggestion I made in the Legislature six months ago and again today that before proceeding with dramatic changes to the elk ranching industry in the province of Alberta, we have an environmental assessment of the impact of that industry. I'm not talking about impact on a particular region or on a particular local resource. I'm talking about an assessment of the impact of changes in regulation, development of that industry, on a provincial resource, on the wildlife resource in the province of Alberta.

Now, I personally think that's a reasonable request. That's why I made it. I didn't think it would be that difficult for us to have a review conducted in public, independent expertise, not stakeholders, not the game ranchers, not the opponents of game ranchers, but independent scientific expertise to assess the impact of this industry on our wild populations, our precious wildlife resource. That could be expanded to determine whether or not the increased husbandry of elk in captive situations has a deleterious impact on existing livestock husbandry like the cattle industry. Certainly the events of the last few months confirm the concerns that I and others expressed, concerns that were ignored by the government, but if we had this legitimate process in place, Mr. Chairman, then I think we could be assured that it would be reviewed.

I'd just like to point out why the amendment proposed by the Member for Edmonton-Jasper Place is supportable and very good in that regard, is better than what the minister currently provides in his Act, using the game ranching example, Mr. Chairman, because we're insisting that projects be reviewed to ensure that they're "compatible with maintaining and preserving the natural ecological diversity." That doesn't make it specific to a region or a particular resource, be it animate or inanimate. It's a broad kind of definition that would provide the NRCB, I submit, with the kind of tools they need to review projects that people are concerned about, to provide people with the kind of assurance they need that the review is going to be thorough, impartial, and that it will have an impact on the decisions made by government.

That's the other part of the formula. It's not enough just to review projects, for governments to set up a committee and ignore the results of same, for a government to go out and hold public hearings and then ignore the results. People have to be assured that their input is going to carry some weight, is going to have some impact. I believe that if we have this kind of amendment to the Bill, people could have that assurance, Mr. Chairman.

I would just like to leave that suggestion with the minister, urge him to stand up and make it clear to me and my colleagues where he stands on the amendment. On the off chance that he doesn't support it, maybe he would try and justify that thoroughly untenable position for us, because I think this is an excellent

amendment and one that I'm going to support when it comes time to vote.

MR. DEPUTY CHAIRMAN: The Minister of Energy.

MR. ORMAN: Mr. Chairman, I have circulated to members some amendments, a consolidation of previous amendments together with some new amendments, but prior to doing that, for procedural reasons, I'd like to move . . .

MR. DEPUTY CHAIRMAN: Order please. If, as I anticipate, your intention is to move a motion, hon. minister, it's not in order at this time. We must deal with the amendment which is currently under debate. Then we would recognize government amendments.

The Member for Edmonton-Avonmore.

MS M. LAING: Thank you, Mr. Chairman. I would like to speak in support of this amendment brought forward by the Member for Edmonton-Jasper Place. I think it's important that when we structure questions and processes for answering questions, we expand the possibilities of the answers that we can find. Holding hearings in private suggests or creates a perception of secrecy, that the information cannot withstand public scrutiny or, worse still, the paternalistic and arrogant position that the public won't understand the information or can't make sense of it or can't make wise decisions, that in fact if the public were involved, all the discussion would do is degenerate into hysterical outpourings by different interest groups. So the suggestion we often hear is that we can't do it in public because it won't work.

But if we believe in freedom of speech and democracy, which we hear often enough that the members opposite do, then we must make debate open. That is the only way that democracy survives. That is the only way that the public interest is served, and certainly if the public interest is to be served, all people have to be involved in that process. We have to not only serve the public interest, but we must also create the impression that the public interest is being served.

It's not good enough for a government or a minister to say, "Well, I'm doing what's best for you." It's a tremendously condescending attitude towards the capabilities of the public to understand the issues before them. In fact, we have seen in the last decade and a half an increasingly informed public, I think much to the chagrin of the members opposite, who have to deal with an informed public that challenges their beliefs and their decisions. We see, then, the kind of paternalism that marks the old style politics that many people in Canada and in fact many people around the world have turned their backs on, the paternalism that says: "We are a group of experts, and we know how to take care of you. You as a citizen or as a part of the public cannot participate. You are not capable of it; we really know best," the sort of father-knows-best mentality we are beginning to throw out.

8:30

There is always concern about the confrontations that occur in public when the issue generates strong emotions, because interest groups, many groups of people feel shut out. They feel marginalized and ignored, and they become increasingly vocal as their feelings of powerlessness increase. The government that does not listen builds up this marginalization, which may lead to increasingly volatile situations and interactions. I think we've certainly seen that in the area of the environment and in many

other areas, the GST being another primary example. Even the dealings with our aboriginal peoples indicate volatility that rises out of powerlessness.

We are told, of course, in the Legislature that if people want to know, all they need to do is ask, but our experience in the Legislature indicates that decisions taken behind closed doors, assessments that are done behind closed doors are not to be made public. I think of my first term in the Legislature here, when we became aware of a review of community schools, a report that was circulating in the Department of Education. I wrote a letter to the minister, which was not responded to, and then I put a request for the report on the Order Paper. I remember the hours we spent debating whether or not that report should be made public, and in the end it was not, although I'm not sure there was anything in it when it finally did start to circulate that would have meant we should have spent so many hours trying to keep something secret that had nothing in it.

So again when there is secrecy, when things are hidden, there is a perception that something is going on. In the same way, we do not hear about the contracts that involve spending millions of taxpayer dollars, not made public. The question is: why not? If it is aboveboard, then it should be open to public scrutiny. If there's nothing to be hidden, why would you hide it? Surely the failure of the Meech Lake accord and the cynicism that has arisen out of this should have taught politicians some valuable lessons about doing things behind closed doors, acting in a paternalistic fashion. Even the standoff at Oka shows what happens when people are marginalized and feel powerless and disenfranchised. I think even Margaret Thatcher, who I'm sure is the heroine of those across, has learned a lesson that many people need to learn.

AN HON. MEMBER: More like heroin.

MS M. LAING: Heroin?

AN HON. MEMBER: She has to be injected.

MR. DEPUTY CHAIRMAN: Order please.

MS M. LAING: Political paternalism and a belief that one rules by divine right is no longer accepted even in that bastion of free enterprise.

Mr. Chairman, our natural resources, our environment, our future do not belong to politicians. They belong to all of us, to all Albertans and to our children and grandchildren. We all want to have choices about observing and participating in the process that will determine what our future will look like, what our province will look like in that future. A vote received on election day does not accord the politician the authority to rule by divine right. There is a need to be responsive between elections to those people whose votes have placed them in this Chamber. More importantly, in a democracy we should have learned that we have much to gain by listening to others, even those who oppose us. The minister who pushed through the game ranching legislation would have been well advised to heed the concern of those who opposed his legislation. You only have to turn on the TV to watch the news these days to see the lack of wisdom of that kind of initiative.

A belief that one knows all the answers and all the angles sets up that person for disaster. One wonders if people that believe they know all the answers and don't have to talk to anybody have so little faith in the correctness of their position that they

will not accept or be open to public discussion or scrutiny for fear that maybe they are wrong. So I think that kind of rigid adherence to a position really indicates a lack of security about the wisdom or the wiseness or the fairness of this position.

This amendment, Mr. Chairman, is about involving people in creating their future and seeing how the decisions are made, in helping all people participate in a meaningful way in the decision-making process that affects their future. Each person brings a different perspective, a different set of experiences, and a different set of values, something which can only enrich the process of creating the course of our future. Development of our environment, our natural ecosystems have broad-ranging, long-lasting implications. How many decisions based only on what the eye can see, shortsightedness, in terms of time, distance have led to disaster? What is below the surface, the hidden connections, the long-range and long-term effects, can only be really examined if people with differing concerns and expertise come together in dialogue and accountability. I think we see over and over again, especially in the medical field, the shortsightedness and the disaster that it has meant in terms of development also.

We need independent experts on a whole range of fields of expertise when we're looking at the environment, in engineering and physics and chemistry and biology and bioethics, so that we can look at the issue holistically. I think the wisdom of looking at things in a fragmented way is well demonstrated by a Scottish psychiatrist, R.D. Laing, who talked about the scientific mind that teaches us to analyze, to see but segments of the whole. He talks about chopping up an earthworm and looking at pieces of it under the microscope.

AN HON. MEMBER: Could he do the same thing to the Tories? What do you think?

MS M. LAING: Probably.

It doesn't matter how many pieces of the earthworm you look at or if you look at all of the pieces of the earthworm, you never get a sense of the living organism that the earthworm is. That is the danger of what we have in the scientific world now if we don't take a holistic approach and see things in context.

I think of another story of how the wise scientist in trying to discover the nature of beauty looks at the flower blooming in the field and pulls it apart petal by petal to discover the nature of its beauty, and how the eastern philosopher would look at the flower and contemplate and think of it in its context.

Our ecosystem is a living organism, even as it supports life. The tendency by politicians to narrow the focus to one segment with no sense of the whole can destroy our ecosystems, and we must, I believe, if we are to protect our ecosystem, look at it in the most whole and broadest sense possible. If the last two decades have taught us anything, it is the interconnectedness of all living organisms on this planet Earth and in the context of the nonliving aspects of the environment which support life and which we now know can be poisoned so that life no longer can be sustained. Therefore, we need a broad range of knowledge to study the total impact on the total context not only in the present but into the future as well. Daily we hear of the results of shortsighted projections, a cavalier attitude that puts future generations at risk. Not only do we need expertise but we need impartiality. We don't need to hear any more conflict of interest allegations. There are plenty of them floating around these days. We also need investigation and assessments free of the taint of an axe to grind kind of mentality. We need a commitment to objectivity inasmuch as that is possible. So we need experts who

aren't on bandwagons or are not going to gain personalty from the outcome. We in this amendment have determined the political agenda, and that is that we shall have strategies that maintain and preserve "the natural ecological diversity . . . in order to perpetuate or restore the integrity of functional ecosystems." That is the political agenda.

8:40

Now we have to say that in order to protect the environment, to restore it to its natural diversity, we must work and look to future generations. Often we hear about economic or monetary deficits not being visited onto the shoulders of future generations, but the environment will also be visited onto future generations, and an environment that can or cannot sustain a quality of life is something we need to be concerned about. We need to be concerned that in the future we will have clean rivers and air with protected natural life, flora and fauna, plants and animals. Tonight I saw on the news, discussed on TV, the impact of a shortsighted intervention. That was the building of a fence around a game ranch in the United States. It cut off the antelope's natural access to their winter grounds, and thousands of them died. This failure to see the full impact of an initiative means that the future will be diminished. I think that's what we're looking at. We have to assess what initiatives mean in terms of their fullest meanings on today's children as they grow into adults. For the children in the United States, where this game ranching was going on, they will never see antelope roaming free because of an intervention of a economic development project. We see the despoiling of our rivers, our lakes, our oceans so that the leisure activities of fishing and swimming in natural settings are no longer possible. They are pleasures of the past.

In closing, Mr. Chairman, I would say that we need open and public and impartial reviews because the impact will be public and impartial. We will all benefit or suffer alike from the development. We will all benefit or suffer alike if the initiatives are wise or if they are unwise and destructive. I would ask for support for this amendment so that all people can enter into the political arena and bring forward their voices and so they will hear how it is that decisions are made.

Thank you.

MR. DEPUTY CHAIRMAN: The Member for West Yellowhead.

MR. DOYLE: Thank you, Mr. Chairman. I stand up in support of the amendment to provide a means for maintaining and preserving the natural ecological diversity of the Province of Alberta in order to perpetuate or restore the integrity of functional ecosystems.

There's a need for this amendment to show the people of Alberta that we truly do believe in a good environment and a good study before certain projects go ahead. If this amendment were in this Bill, the people of the Cadomin area would not have to hire lawyers and consultants on their own to address the environment in the Cadomin area where Cardinal River Coals would like to mine some quarter of a mile from the townsite. The blasting would cause problems to the quiet terrain of the Cadomin area. The silt and disturbance of the groundwaters would cause pollution to run into the rivers in the Cadomin area and perhaps affect their groundwater.

The Member for Athabasca-Lac La Biche put it very well a few times when he said to me about the environment: why don't you do something about that filthy mill at Hinton and stop

sending that brown water my way; then perhaps I could get my mill. Well, perhaps the Member for Athabasca-Lac La Biche thought that was funny, but I didn't think it was very funny, and neither did my colleagues on this side of the House. Mr. Chairman, if the Member for Athabasca-Lac La Biche feels that the Athabasca River should be cleaned up at Hinton, then perhaps he could encourage his members on that side of the House to get their act in place and do something about the way they're polluting our waters.

MR. CARDINAL: That's an outright lie. You know that.

MR. DOYLE: Mr. Chairman, I could table that note if the member so wished, but I'll let him live with his conscience.

MR. CARDINAL: You're a dirty liar.

MR. DEPUTY CHAIRMAN: Order please.

MR. DOYLE: I would say that it's out of order for the Member for Athabasca-Lac La Biche to call the Member for West Yellowhead a liar.

AN HON. MEMBER: Stand up and say it.

MR. DEPUTY CHAIRMAN: Order.

MR. DOYLE: Mr. Chairman, I truly agree that this amendment would help the ecology in the province of Alberta, and I would hope that the government would stand in support of it and not stand in support of such things that I've heard from the Member for Athabasca-Lac La Biche. Because truly if he believes that river should be cleaned up, he should convince his colleagues to do something about it.

Also a recent development in the Hinton area, a very delicate place for salamanders, was a proposal sent out by this government for a developer to come in and build yet another golf course and a 120-room hotel. I would hope that if this amendment is put forward into this Bill, the sensitivity of the salamanders in that area will be protected.

Further to the coal expansion in the Cadomin area there is also, of course, the expansion of the Luscar Sterco mines. Those mines, of course, are well out of the reaches of any municipality, but again they would not have to go through a lengthy process and have people hiring their own lawyers to make sure that all the environment is protected before the projects are approved. I was pleased to see, though, the progress of Luscar Sterco and Cardinal River Coals on the cleanup after they mined out certain pits. They've done a great job. I'm sure the Minister of Municipal Affairs, who visited lately, would agree with me that the new lake created by Cardinal River Coals indeed is an asset in the regeneration of the bighorn sheep from some 52 to somewhere over 300 in that area.

But this amendment, Mr. Chairman, certainly would restore the integrity of a functional ecosystem in the province of Alberta, and we on this side of the House encourage the government to, rather than complain about the filthy waters they have caused in this province, put a Bill forward and we can clean them up. It's unnecessary that in this day and age 95 percent of all municipalities in this province are putting their sewage in the rivers. An avid fisherman like myself would not even venture into eating the fish in the northwestern part of Alberta because of the mess of these rivers both from municipal sewage and from pulp mills.

8:50

MR. DEPUTY CHAIRMAN: Hon. member, order please. I'd just like to respectfully remind the member: would you relate your remarks to the amendment, please, if they do relate?

MR. DOYLE: Yes, Mr. Chairman. This amendment, 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,

indeed would set development in this province in the right direction and stop some of the developments that happened in the past that have only harmed our water, air, and many of our streams and hillsides in the province.

Thank you, Mr. Chairman.

MR. DEPUTY CHAIRMAN: The Member for Calgary-Mountain View.

MR. HAWKESWORTH: Thank you, Mr. Chairman. I'd like to address a few comments to the amendment on the floor from the hon. Member for Edmonton-Jasper Place. I think one has to understand the context of this Bill only by understanding the history of environmental legislation in this province. If one doesn't understand the history of environmental legislation in Alberta, one can't appreciate what the nuances of these words in Bill 52 tabled by the hon. minister mean and why they need to be corrected in the amendment as put forward by the Member for Edmonton-Jasper Place.

I think it's ironic in some ways, Mr. Chairman, that this year, 1990, is the 20th anniversary from the time that the Social Credit government in this province first brought in the Environment Conservation Authority. It was in 1970. It was the final year of a dynasty that had governed Alberta for many years and in trying to, I guess, respond to what they saw as being public awareness and concern for the environment brought in a significant piece of legislation which I think history is going to judge quite kindly as being forward looking and responsive and indeed understanding of the importance that the environment requires for an independent advocate to act as a watchdog on behalf of the environment, on behalf of the people in reviewing government decisions. I mean this quite sincerely. I do believe that history is going to look back on that particular legislation with a great deal of sympathy for what it was attempting to achieve.

Just as a couple of examples, Mr. Chairman, of some of the powers that were given to the independent Environment Conservation Authority: the power to be able to, on its own, initiate an inquiry

into any matter pertaining to environmental conservation . . . and make its recommendations and report . . . to the Lieutenant Governor in Council.

Indeed, and particularly the point being addressed by my hon. colleague in terms of the amendment in front of us, the provision for independent public hearings in terms of the process of public hearings, the legislation adopted by the Social Credit government 20 years ago gave the Environment Conservation Authority the mandate and the authority to be able to

hold public hearings for the purpose of receiving briefs and submissions on any matter pertaining to environment conservation. That was a permissive power granted to the authority by the legislation. It also went on to spell out that if

required to do so by an order of the Lieutenant Governor in Council, [the authority] shall, hold public hearings.

As well, Mr. Chairman, the legislation again gave wide-ranging, permissive legislation to the Environment Conservation Authority to

engage the services of persons having special technical or other knowledge in connection with an inquiry of any matter pertaining to environment conservation,

wide-ranging legislation provided by that government in establishing Alberta's first environmental watchdog.

Well, Mr. Chairman, they were defeated a year later in the 1971 general provincial election, and it fell on the shoulders of this government to establish and carry out that particular legislation. I will give some credit to Alberta's Environment minister of the time, Mr. Bill Yurko, who sensed the public will and responded positively. Those were significant days for establishing an independent environmental watchdog in this province, and the track record of the Environment Conservation Authority was very definitely one of independence and a wide-ranging source of inquiry into environmental issues in this province.

But in a very short period of time this government got burned by the ECA. Its independence frequently called this government's decisions into question. It generated significant public debate, significant public discussion into environmental issues affecting the development proposals in this province, and they made this government account for its strategy of development without due regard to environmental impact in this province. So it was, Mr. Chairman, that it fell on the shoulders of a subsequent Minister of the Environment, the hon. David Russell, later in the 1970s to change the legislation to create the Environment Council of Alberta and in amending the legislation took away the significant powers that the Environment Conservation Authority was used to carry out. It no longer, for example, allowed the Environment Council of Alberta to, on its own, initiate public hearings and an inquiry into any matter affecting natural resources conservation in the province. Furthermore, it limited their abilities to engage the services of people having special technical or other knowledge, and it in effect allowed the government of the day to pretty well dictate their decisions as they made them in the political arena without having an independent watchdog for the environment as an advocate questioning government and attempting to hold them to account on behalf of environmental issues.

One has to understand that history, Mr. Chairman. It was this government that inherited a strong environmental advocate, and it was this government that eventually killed the Environment Conservation Authority and redirected it into a largely impotent group called the Environment Council of Alberta.

So now they have a political problem on their hands, Mr. Chairman, and that is that again the public interest and concern for the environment is at a height. Concerns about global climate change among other things has awakened in ordinary Albertans a very serious concern and a serious worry about what the cumulative effect of industrial development is upon our environment. I tell you, the people in this province are a far further, longer way ahead of the politicians in this Assembly in terms of what they would like to see a government do to ensure the integrity of the environment.

9:00

So this government has a problem: how do they appear to be responding to a deep and abiding and significant public awareness for the environment without recreating the very instrument

of environmental advocacy which they killed back in the late 1970s? On one hand they want to be appearing to act on behalf of the environment, establishing some kind of advocate, and yet on the other hand they cannot allow the legislation to give that body anything of significant power to hold future government in account for its decision-making. They've got this problem, and we can see inside Bill 52 itself this very dilemma. They tout Bill 52 as a new environmental advocate.

MR. DEPUTY CHAIRMAN: Order please, hon. member. You're clearly dealing with second reading debate. Please relate your remarks to the amendment proposed by the hon. Member for Edmonton-Jasper Place.

MR. HAWKESWORTH: Mr. Chairman, without rereading the amendment into the record, the amendment itself has to do with the powers of the natural resources conservation board to provide for those environmental reviews to be conducted in public in terms of public hearings and to provide for the assistance of independent expertise to allow that board to conduct itself in such a manner. It's because the legislation, Bill 52, does not have those powers inherent in it that the amendment in front of us is required. I say that this strikes right at the very heart of the legislation because section 2 has to do with the purpose of the Act. So if my comments seem a bit generic to the Bill, that's because it has to do with the generic purpose of the Act.

All that this section 2 does is provide for a process and "provide for those reviews to be conducted having regard to the social, economic and environmental effects of the projects." There's nothing said about a public process. There's nothing said about independent expertise. There's nothing in fact to allow this body that's being created to act in any independent way, in a self-motivating way to take onto itself, on the basis of its own decision-making, an independent mechanism for review of actions by this government.

This legislation makes it quite clear that this government has no intention of allowing any body that they create to be able to usurp in any way, shape, or form the political discretion of this government or a future government to do anything it wants without having any necessity to refer matters to this body or, even if they do decide to refer to this body, that it will have the independence to do a real and impartial process. This is why, Mr. Chairman, the amendment is in front of us: to ensure that this natural resources conservation board would have some degree of independence in order to conduct public hearings and call upon the assistance of independents in order to participate in that review.

This government, based on its experience in the past, is deathly afraid of environmental advocates, and the last thing this government would do, in my submission, would be to create an environmental body with real power. The reason it would be the last thing they would do is because such a body scares them. They do not want to recreate the kind of organization they killed back in the 1970s. So, Mr. Chairman, I submit to you that notwithstanding what certain Conservative candidates might say from time to time about standing up for their constituents and voting against the government, I can say with some assurance or confidence, although it doesn't make me particularly happy to predict this, that the government members will join together to defeat this particular amendment.

I think it's ironic that 20 years after a Social Credit government had the foresight to create the kind of body that is required today in 1990, it is this government that killed that body

that is also losing the opportunity to correct their mistakes and do the right thing. I think it would be a shame if the hon. member's amendment were defeated by this Assembly, but I understand the context and the history of environmental legislation and exactly why this government would make that choice to vote down this particular amendment. I think it's a shame. I think in fact if we were to go back and learn from history, we'd do a better job than what's currently in front of us in Bill 52.

I would urge all hon. members to represent their constituents and the concern they have for the environment and vote for this amendment, even if it means voting against the directives they may be receiving from their colleagues in the cabinet.

REV. ROBERTS: Mr. Chairman, I want to add another perspective to this debate tonight on this amendment presented by the Member for Edmonton-Jasper Place. I was listening carefully to my colleague from Calgary-Mountain View and a very excellent recitation of the history of environmental legislation in this province. I think we need to learn, as he says, from that history.

I would like to look to the future, though, and say how this piece of legislation, as overdue as it is, as dragging behind public opinion as it is – let's do the best job we can of drafting it in terms of the language, in terms of the mandate, in terms of all we know about environmental needs and where we're going. Let's do it properly here tonight and in the course of the debate on this Bill so that our children and our children's children 20 and 40 years from now can look back and say: "You know, back in 1990 they learned the lessons from the Soared government in Alberta, they learned the lessons of the inaction of Tory governments in Alberta, and they took the occasion to make it right. They put into legislation a kind of natural resources conservation board which had foresight, which had vision, and which was ahead of its time in terms of the needs for environmental protection and our natural resources." That's what I would like to see. That's what this amendment is calling for.

Now, some have argued and quibbled over not being entirely sure of some of the language and some of the wording and so on, and that's an important discussion. Let's get on with that discussion. Let's ensure that when we set up this conservation board for examining our natural resources, we do it with the best possible language so that we know what its purpose is. That should be fundamental. That's a primary consideration. We don't just say, "Oh, well, we have to do some damage control here or we have to sort of catch up for past inactions, so we'll put on that the best possible light we can get away with." They know they would have the support of us in the opposition if they were a bit more bold. As former Premier Lougheed used to say to this party, be bold; get out there in front of the issues. This amendment is asking them to do just that, to go beyond just sort of having a board which at its own behest or its own thinking would consider certain projects, but would provide clearly and succinctly and thoroughly for independent reviews at every stage – public input, public inquiries – to make it fundamentally the purpose of this Bill and this board to go out there and ensure that impartiality is observed and all voices, all environmental advocates are not dismissed, like they used to be, as dope-smoking tree huggers. I think it was just a couple of years ago that a member of the cabinet of this government referred to people who had concerns about the environment as dope-smoking tree huggers. Let's have done with even the slightest shred of that kind of notion and instead say no, we want all voices to be heard; we want all those who are concerned about

the environment, from whatever vantage point, from whatever prospective, to have a voice that will be heard by the natural resources conservation board.

9:10

So that's what this amendment does. I mean, it's always hard to look at the future with exact precision. Hindsight is 20/20 vision, as they say, but let's try to get some 20/20 vision looking at what it's going to be like and what we need in terms of this board's mandate 20 and 40 years from now. That's my point. To correct the misimpressions by the members of the Liberal caucus, the principle we supported at second reading was the principle that all projects that impact on our natural and, I would submit, even our human resources need to be thoroughly reviewed by this mechanism and done as strongly and as impartially as can be. But this Act only goes so far. So to correct any misunderstandings in terms of what the basic principle we supported at second reading was about, we support that, but let's at this point fix it up; let's at this point put our collective legislative minds together to ensure that it's going to capture the essence and the needs of environmental protection through the next few decades.

I know those across the way might say: "Well, no, we'll just carry on business as usual. We've done it in the government's own way. We've had our caucus meetings on it. We've had our bureaucrats look at it. It's been examined. We know what it's all about." Well, there's a new day of politics in Canada and in Alberta, Mr. Chairman, and these folks across the way have to know that they just can't glibly disregard any voices of opposition or dissent. They might just think back a few months at the fate of the Peterson government in Ontario which had a similar sort of cavalier attitude to other voices and what other voices wanted to contribute to public debate. That government there got turfed out, bureaucrats and caucus and all. They got turfed out. There's a new politics in this new decade, and it has a lot to do with us New Democrats. I want to let the members across the way know that in a recent throne speech read by the Lieutenant-Governor of the province of Ontario outlining the purposes and the goals Premier Bob Rae now has in that province – I might just quote. Just last week they said:

We accept our duty to the future. We will need to assess our decisions not only by standards of social justice or economic growth, but in terms of their ecological integrity.

"Ecological integrity" is the same language that's in the amendment. It's over there in the province of Ontario. Ecological integrity is what's going to assess those kinds of decisions. We know that we cannot have a healthy economy without a healthy environment. A sustainable economy will provide added opportunities for new jobs which will last into the future and will enhance rather than harm the environment. Our environment is more than the natural landscape. It is our individual health and well-being; it is our children's future. That's the point, Mr. Chairman and members across the way. Take a look again at this amendment and see if your children and grandchildren wouldn't want to have this language in this Bill. Take the occasion and the opportunity to put it there tonight, because voices across this land are saying that this kind of language, this kind of direction, this kind of vision is what politics in our day needs to be about. There are those among us who have the will and the foresight to try to put it there.

I would also like to think, Mr. Chairman, that the mandate of the board goes beyond certain forestry and pulp and paper industries and projects and the rest. Look at the degree to which this natural resources conservation board could also look

in terms of the future impact of landfill sites. Now, I know they would say landfill sites are a municipal matter and the health boards and health units will look at that. But *is* it not clearly also part of what this amendment is talking about that people out there are given a sense that yes, when a certain municipality wants to set up a landfill site, whether it's the one that was set up outside the St. Paul region quite a while ago and now sits in an environmental mess needing to have certain land reclamation efforts made upon it. . . . Again we've learned those lessons from the past. Maybe this natural resources conservation board and this Bill should by virtue of this amendment also say that projects such as what the city of Edmonton was planning in terms of the Cloverbar landfill site – maybe the natural resources conservation board should have had a way to examine that kind initiative and those kinds of projects. Before a city council was trying to make that decision on its own. So whether it's Cloverbar, St. Paul, or the whole issue of waste disposal and waste management in this province, that too is resulting in certain projects which will have an impact on our health and our environment and our children, and we need to have full independent assessments brought to bear on those kinds of projects as well.

Mr. Chairman, in conclusion let me say that I would hope that by virtue of this language, talking about ecological integrity and functional ecosystems, it is well understood that included in that is the human enterprise as well; that what we're talking about is no longer that sort of medieval view, which I'm sure still permeates the thinking of many across the way, about the great chain of being: here we have God at the top and then the angels and Adam and Eve and everybody else and then the animals and the insects. That kind of notion, that kind of theology or sociology or anthropology, has been done with. What we are talking about is a creation of wholeness, a creation where the human enterprise and the whole ecosystem work together in the whole of creation. What we're talking about by a functional ecosystem is the way in which the human enterprise and the human person work within that full environment of all creation and the ecological diversity is what we really need to preserve and perpetuate and, in our day and age, restore.

So let's look at the way in which the natural resources conservation board can have an independent mandate to look at the social factors, some social impact assessments of certain projects. Even the Hyndman report, I might point out to hon. members, calls for much more thoroughgoing health impact assessments of a number of projects in Alberta. I would say that both health and social impact assessments need to be given a lot more consideration so that they too are part of the mandate, part of the will, part of the vision of this Bill and this board. What do these projects do not just to our physical and biological system but to our neighbourhoods and to the way in which we live our lives and our life-style?

Mr. Chairman, we're all in this together, and I just want to beseech certain members across the way that there is a new day, as I say, a new way of bringing the best together into pieces of legislation, into governing in the best possible sense of the word the needs and concerns of all people in our society. This amendment does that in spades. This amendment gives that kind of strength to the purpose and gives this Bill some vision, gives it a sense of true impartiality and gives it the teeth and the meaning it deserves. In conclusion, this amendment added to this Bill with others that will come ensures that we will give our children the healthy future they deserve in this province and in all of creation.

Thank you, Mr. Chairman.

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

MR. McINNIS: Thank you, Mr. Chairman. If no other members wish to speak, perhaps I could say a few words to sum up the debate on amendment 1 to Bill 52 from the Official Opposition, the amendment to section 2. I know some of the words are difficult to say, but I think they have a great deal of meaning, and I hope to be able to explain to members why it's so important that we insert if not these words words that have similar impact on the legislation. I want to thank various members who have debated this amendment, particularly those who did debate the amendment. I listened with great interest to the remarks of the Member for Banff-Cochrane, who spoke at some length about his travels throughout the province on the task force dealing with the proposed environmental protection and enhancement legislation and the interface between this legislation and that legislation. I listened with interest as he mentioned the hard work of that committee working towards a consensus on the recommendations to be presented to the Minister of the Environment.

I listened to his comments on some broad major themes dealing with Bill 52, the legislation before us, and the importance of identifying the needs, the wants, and the aspirations of Albertans today, certainly a laudable suggestion. His suggestion that the definition of "the environment" which has been incorporated in the other legislation should be put into this legislation, again a proposal that I support. His representation that the legislation should be amended to define this question of who is directly affected and who may, therefore, appear before the board and his request to the minister that he carefully review the regulatory power in those pieces of legislation to make sure that the laws and regulations are the driving force: all of that was well and interesting, but he never quite got around to talking about the amendment. I wish he would have because it's a very important amendment, and it's one that happens to be before the Assembly and was at the time that he spoke.

9:20

Similarly, I listened with interest as the Minister of Energy explained how he had spent his summer meeting with the Environmental Law Centre, the Pembina Institute, the Environmental Resource Centre and how helpful those discussions had been. I listened and supported his announcement that the NRCB be headquartered in the city of Edmonton because of the reason and the logic behind that proposition. I listened to his assertion that in the incubation stage the NRCB would be housed within the ERCB for learning purposes and again found that edifying and interesting, and also the comment that the composition of the board hadn't been settled. But gosh darned if the minister didn't get around to speaking to the amendment either.

I'm beginning to wonder what it is about this particular amendment that I'm having so much difficulty focusing the attention of members of the government on, because the amendment puts forward a suggestion that there has to be some decision criteria. In an independent body there has to be some decision criteria upon which they can rest a decision. It's no good; it's simply not good enough for us to say to the NRCB, "You tell us what the public interest is," because the public interest is not defined in the legislation. I would venture to say it's not possible to define the public interest to the precision required of legislation.

But, you know, why do we have in environmental legislation such fuzziness? Why do we have legislation such that it's difficult to apply in practice? When the Parliament of Canada writes the Criminal Code, they're very precise and clear in their definition of what is onside and what is offside, because upon the application of that law will depend the guilt or innocence of people brought to justice, their freedom or incarceration. So parliamentarians, legislators take a great deal of care and attention to define those things precisely so that people know where they stand. In the provincial field we similarly take great care in most areas to make sure that the language of the legislation, when it's interpreted by interpretive bodies, is interpreted in the way that we want them. Why is it that when we come to environmental legislation, that clarity is no longer required? Why is it good enough in environmental legislation to say to some body like the NRCB, "You go ahead and determine what the public interest is"? We just don't work that way in any other field of endeavour that I can think of. This Assembly is never asked to pass legislation that delegates to someone else to determine what is in the public interest. I could be wrong about that, but I can't think of another example of where this Assembly gives to some other body the authority to determine what the public interest is. So that needs to be the focus of this debate.

I want to thank the Member for Edmonton-Meadowlark for what I take to be his qualified support of this initiative, although I daresay he's a little bit confused about what is second reading debate and what is debate in committee, what is in fact the principle of legislation and what is in fact specification which is to be dealt with in committee. But perhaps we'll have that discussion at some other time.

I do want to say that I think he's dead wrong when he says that terms like "natural ecological diversity" are ill defined and have no particular meaning, because I think he's perhaps failing to understand a significant trend in environmental legislation, not in this province to date but certainly *in* the United States and elsewhere, where the concept of biodiversity is being written into legislation as we speak.

Ecological diversity has at least three different elements to it. There's ecosystem diversity; that is, protecting a wide variety of different ecosystems. Mention was made of the 17 bioregions in the province of Alberta, and I'm certainly a supporter of ensuring that we protect the full range of ecosystem diversity within the province of Alberta in some measure. But it also includes species diversity; that is to say, different species, different types of organisms other than *Homo sapiens*, which is the one species that has in common with cancer the apparent desire for unlimited growth. Our species has presided over a process which has resulted in a great many other species disappearing from the face of the earth, and we have to find within ourselves the ability to put into our fabric of legislation the importance of preserving species diversity throughout the ecosystem that we're a part of. Finally, it includes the question of genetic diversity, because within each species you have different genetic traits, different genetic characteristics, and whenever we try to move a species into a monoculture, as so often happens in forestry, we create problems for the forest ecosystem by substituting a single genetic strand for what is a very wide and diverse genetic pool in nature. In fact, monocultures are notoriously more prone to disease and pests and so forth than a diverse genetic pool, because within a diverse genetic pool you will find some genetic trait which is disease resistant or pest resistant, so the species has a better chance to

survive if there's a wider variety of genetic material within the gene pool.

So this question of the natural ecological diversity, I submit, is fundamental to the project of preserving and protecting our environment, and I think that some of the other terms that were mentioned by the member and have been used in legislation in the past are clearly inadequate to the task. The record speaks for itself, but I daresay it would be hard to come up with a weaker formulation from the point of view of environmental protection than "in the public interest," which is essentially the government proposal, because I think we have to realize that the determination of what is in the public interest is never really property the domain of an independent panel of expertise. That's what people elect us for: we're to interpret the public interest as it is made clear to us by the people who elected us, and we are accountable for what is the public interest. So I think that our role in legislation is to put those values forward, and then I think it's appropriate to say that we have independent personnel who can determine whether the values are being met or not.

But as it is, I don't say the purposes are value-neutral; there are certainly values that are implied in the legislation, values expressed by the minister. It's value-laden throughout, but it's a very weak statement of values. It doesn't come right out and say it. What it does is suggest that there's a whole combination of things that have to be considered and they will be considered in some measure by the NRCB, and then you really can't predict what the outcome will be.

I think the important question of the role of Alberta Environment in the future is not yet answered by the government, and I do wish the minister sponsoring the legislation would deal with that, because I understand him to have said recently that this legislation will be put within the jurisdiction of the Minister of the Environment after it passes the Legislative Assembly. In other words, his involvement is limited to drafting the legislation and getting it through the House so that afterward the Minister of the Environment would be responsible for it. That appears to indicate an ascendancy of Alberta Environment in relation to project determination, and that probably is a positive trend, given the trend that we've had in the other direction.

9:30

I have to question why it was that this legislation was drafted behind the back of the Minister of the Environment with a task force chaired by the deputy minister to the Executive Council, who is one of the principal authors of the Bill, and why all of that went through the economic development committee of cabinet rather than the Minister of the Environment, which has the lead role in environmental protection. It really comes down to Alberta Environment, the minister responsible for the environment, being put in the position of being a supplicant or a lobbyist or an intervenor or an advocate, if you like, before this particular body, which dilutes the doctrine of ministerial responsibility and, I think, makes it much more difficult perhaps for people to know what exactly is happening or what's going to happen in environmental protection in the future.

The concept of sustainable development: I resist putting that term in legislation for the simple reason that it's like a political ping-pong ball. It makes a great deal of difference whether you put the emphasis on the sustainability part or the development part. In fact, it is possible to sustain development over a long period of time while wrecking the ecosystem that's underneath it, but at least within, if you read Gro Harlem Brundtland, the concept of sustainable development, there's the idea that a

generation such as our own should not diminish the ability of the next generation to take what it needs from the environment and the ecosystem. I think the only way we can do that is to make sure they have an ecosystem that's worth having. I think that's the bottom-line consideration, and what the Official Opposition is trying to write into this legislation is a criterion that says that at the end of the process, when it's decision time, that ecosystem has to be there. We have to have some way to maintain our continued health on this planet in the way that my colleague representing Edmonton-Centre spoke to so eloquently just a few moments ago.

So let's give this legislation some heart. Let's give this organization a mission in life. Let us see what they and we can make of our province in the future.

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

HON. MEMBERS: Question.

MR. DEPUTY CHAIRMAN: All those in favour of amendment A to section 2 as proposed by the Member for Edmonton-Jasper Place, please say aye.

SOME HON. MEMBERS: Aye.

MR. DEPUTY CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

MR. DEPUTY CHAIRMAN: The motion is lost.

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

[Eight minutes having elapsed, the Assembly divided]

9:40

For the motion:

Bruseker	Laing, M.	Mitchell
Doyle	McEachern	Roberts
Fox	McInnis	Sigurdson
Hawkesworth		

Against the motion:

Ady	Elliott	Nelson
Black	Evans	Oldring
Bogle	Fischer	Orman
Bradley	Gogo	Paszkowski
Calahasen	Laing, B.	Payne
Cardinal	Lund	Speaker, R.
Clegg	Main	Tannas
Day	McClellan	Trynchy
Dinning	Moore	Zarusk
Drobot	Musgrove	

Totals: Ayes — 10 Noes — 29

[Motion on amendment lost]

MR. ORMAN: I rose earlier, Mr. Chairman, as you noticed, and indicated that it was a little early. I was just trying to say to the opposition about the last hour, because I believe our amendments will more than cover all of their concerns.

MR. FOX: We'll be the judge of that.

MR. ORMAN: Yes.

Mr. Chairman, in that I have circulated to all members a new consolidation of old and new amendments by the government, I'd like, first, to move that the resolution of the committee adopting the government amendment dated June 26 be now rescinded.

HON. MEMBERS: Question.

MR. DEPUTY CHAIRMAN: Are you ready to vote on the question? All those in favour of the motion to rescind, please say aye.

HON. MEMBERS: Aye.

MR. DEPUTY CHAIRMAN: Those opposed, say no. Carried.
Hon. Minister of Energy.

MR. ORMAN: Mr. Chairman, I have before all hon. members a copy of the government's amendments that is dated November 26, 1990. These amendments are new amendments proposed by the government together with some refining of the previous amendments that have just been rescinded, and include some amendments that were also part of the June 26 resolution.

Let me say by way of information the reasoning behind the amendments that the committee has. First, let me say that in the Bill as it now stands, there was no definition for the word "environment." We did refer to environmental protection. However, we thought from discussions with many groups and certainly our colleague from Banff-Cochrane, who is chairing the environmental protection and enhancement hearings, that it was appropriate and important, Mr. Chairman, to include a definition for "the environment." That is included in section 1. We had in the June 26 amendment struck out the words in that section 1(f) "that normally occur in a natural state," and that will form part of this amendment also.

In section 2, with regard to the purpose of the natural resources conservation board, to make it consistent with the inclusion of a definition in section 2, we have modified the wording to substitute the words "the effect of the projects on the environment." We have taken out the words "environmental effects of the projects." So we have brought into harmony the definition in section 1 with section 2.

In section 8, Mr. Chairman, we felt it was important that we confirm the practice of the Energy Resources Conservation Board in this legislation. Although it is unclear in terms of the letter of the law that the ERCB and the NRCB must give notice of all applications, we felt, although it's not clear in the ERCB legislation, that we wanted to make sure it is clear in this legislation and may at a later date make the ERCB uniform with this legislation.

In section 8(2)(a), which was formerly section 8(1), we used the words "reviewing the information relevant to the application" instead of "learning the facts." There was difficulty in terms of defining what are facts, Mr. Chairman, and we thought there may be some views on both the proponent side and the intervenor side that is information that is relevant to the hearing, not necessarily fact. So we have amended the wording for those reasons.

Section 8(3), in fact, enshrines that the board will hold a hearing when it receives a written objection by a directly affected person, and we allowed the board some flexibility by using the

words "vexatious or of little merit." Now, in this section it is anticipated that if there is a project that comes before the board and there has been public notice given, and if there is an objection by an intervenor, that intervenor will have an opportunity to meet before the board with the chairman or members of the board and the proponent. In the event that differences can be resolved at the table, then that will occur. If they cannot, then there is a mandatory provision for a hearing. Again, that is in practice the way the ERCB conducts their activities, although it is not stated as explicitly as we would like to have it stated in the natural resources conservation board legislation. So we will be making and proposing that amendment for members of the Assembly.

Mr. Chairman, also in the legislation that we have, in section 8 there was some confusion with regard to whether or not all information that comes before the NRCB would be public. We have modified the wording to be sure that all information that comes before the board is available to all concerned individuals, those that request the information. As is the case with the Energy Resources Conservation Board, once the information does come to the board, it becomes public information, and the same will occur with the natural resources conservation board.

9:50

Section 9(1) is the same as the June 26 amendment. Section 10 is the same as the June 26 amendment.

Section 16(2) includes the June 26 amendment, where we've added "including a person appointed under section 22." Now, what we're trying to accomplish there, Mr. Chairman, is that there was a concern that individuals may not be suitable for employment or, under this legislation, could not be employed if they had some form of conflict with projects that may come before the NRCB. What we've decided is that those people certainly can become employed by the board, but it will be at the board's discretion as to whether or not they would be able to participate in any particular hearing. So it gives the same discretion on hiring as the discretion and the stipulations allowed for appointments to the board and members of the board's ability to hear projects based on whether or not a conflict is real or perceived.

Section 28(1) has been struck because the board's rules of practice and regulations will be covered in section 43. In section 43 we have divided from the Act areas that we feel are more appropriate in regulations than in legislation. Members will see that we have all of the provisions that are relevant under this particular section; some will go into the regulations and some will stay in legislation rather than all of it staying in legislation. It just has to do with the onerous nature of having the Lieutenant Governor in Council be involved in regulation-making ability.

Mr. Chairman, those are basically the comments on the amendments. I'd like to make a global comment if I may. The Member for Edmonton-Jasper Place made some comment with regard to the economic planning committee. I believed at the time and still believe that that committee was and is the appropriate forum for discussion on and development of this legislation, Bill 52, the Natural Resources Conservation Board Act.

Mr. Chairman, one of the environmental groups I met with indicated that after seeing the environmental protection and enhancement legislation, they finally saw where the NRCB fits in in the overall scheme of things. Their point is – and it's a very good one – that environmental protection should be the sole responsibility of the environmental protection and enhance-

ment legislation. The Natural Resources Conservation Board Act should have the responsibility of balancing environmental protection, economic and social issues as well, so somewhere there has to be an adjudication of the balance called sustainable development. So that *is* why this legislation does include in its definitions that it does provide for the balance between these particular issues.

I should point out to the hon. members that the Minister of the Environment is a member of the economic planning cabinet committee. He did not just show up when legislation was being developed; he had a very strong role in the development of this, and I think that's where we want him. We want him on economic planning. There's no more appropriate place for the Minister of the Environment to be than on the economic planning cabinet committee.

So those are basically my comments, and I look forward to the support of all members of the Assembly for these amendments.

MR. GOGO: Mr. Chairman, I move the committee rise and report.

[Motion carried]

[Mr. Speaker in the Chair]

MR. SPEAKER: Order please.

MR. JONSON: Mr. Speaker, the Committee of the Whole has had under consideration certain Bills; the committee reports progress on Bill 52. 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: Does the Assembly concur on the report?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed? Carried. Thank you.
Deputy Government House Leader.

MR. GOGO: Mr. Speaker, it would be the intent of the government tomorrow evening to deal with the notice of motion given today, that we deal with the select committee's report on the boundaries commission.

[At 9:57 p.m. the Assembly adjourned to Tuesday at 2:30 p.m.]

