Legislative Assembly of Alberta

Title: **Tuesday, June 11, 1991 8:00 p.m.**
Date: 91/06/11

[Mr. Deputy Speaker in the Chair]

MR. DEPUTY SPEAKER: Please be seated.

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

[Mr. Schumacher in the Chair]

MR. CHAIRMAN: Order in the committee, please.

Bill 11
Apprenticeship and Industry Training Act

MR. CHAIRMAN: Are there any amendments, comments, or other? The hon. Minister of Career Development and Employment. There are some government amendments.

MR. WEISS: Thank you, Mr. Chairman and members of the Assembly. I would request in dealing with Bill 11, the Apprenticeship and Industry Training Act, that we would do so first of all by dealing with amendments to Bill 11 as a whole. That includes dealing with A, section 1, through to S, section 52(1). I would then, therefore, reserve any further comments as it relates to the Bill and specific remarks that other hon. members may have to a later or subsequent time in the evening, Mr. Chairman.

MR. CHAIRMAN: Are there any comments or questions with regard these amendments?

The hon. Member for Edmonton-Belmont.

MR. SIGURDSON: Thank you, Mr. Chairman. It's not the intent of the New Democrat opposition to oppose the government amendments. We have a number of amendments that we have prepared, and they affect the Bill as amended, so at this point it would be in order for us to adopt the amendments as proposed by the minister.

MR. CHAIRMAN: The hon. Member for Calgary-North West.

MR. BRUSEKER: Thank you, Mr. Chairman. I, too, really have no major problems with the amendments to Bill 11 as proposed by the government. However, there is one particular amendment, and the section I'm looking at, hon. minister, is section 22(4). The amendment that is proposed is to strike out a section in that particular section. I believe we're looking at amendment G as proposed. The proposed amendment says to strike out the words, "subject to the regulations." Really my question in this particular section is: why is that being eliminated? We have no regulations yet before us, and that is a concern that I've mentioned in second reading, but if we eliminate a reference to "subject to the regulations," then I'm wondering how enforcement is going to take place under this section. This particular section that we're dealing with talks about exemptions, and the exemptions say, "Notwithstanding that a person does not meet the requirements," and lists a variety of requirements. Before that in section (3) it says, "subject to the regulations." I'm wondering if the minister could just clarify that a bit, because it is a question that I don't think is quite clear yet. I'll stop there.

MR. WEISS: Mr. Chairman, through to the hon. Member for Calgary-North West, I appreciate his interest, and I might just also refer through to the hon. Member for Edmonton-Belmont for his consideration as it relates to the specific amendments and his consent to proceed.

In specific as it is addressed by the Member for Calgary-North West in section 22(4), amendment G, the purpose is really to clarify. With the regulations in place it may be prohibitive or actually be unable to enforce or carry out the regulations. To be specific, putting it in the Act actually would compound the working of the Act itself, and we feel there should be the flexibility within the existing section to allow the regulations to be put in place.

I might indicate as well that if the hon. member would refer further on to 23, the executive director has the authority to carry out and delegate any of the changes that may be required specifically as it relates to the regulations. Particularly the supervision inspections referred to and so forth as it relates to 23 really allow anything then to come back to the executive director to correct any concerns, complaints, errors, or omissions that somebody raises at a given time. So it isn't any intent to take away anything.

I've also met with the various groups both in the labour and management sides and have pointed out the deletion of that specific "subject to the regulations" in section 22(4), and while some may not have as a high a comfort level as others, there is not a major concern in the deletion of that specific section.

MR. CHAIRMAN: Is the committee ready for the question on these amendments?

SOME HON. MEMBERS: Question.

[Motion on amendments carried]

MR. WEISS: As I've indicated earlier, I would like to make a few remarks as it relates to Bill 11. It's very interesting. If one were a person who played the cards or gambled or believed in the stars, today would be a very significant day for Bill 11, significant in the fact that 1983 was the first time Bill 11 was initiated, not being Bill 11 but the overall suggestion that there should be some changes to the then current Manpower Development Act. That was 1983. If one were to add eight and three, that comes to 11. If one were to take eight minus three, it comes to five; that's how many ministers have been involved in the building of this Bill. I call it building, Mr. Chairman and members of the Assembly, because that's exactly what this Bill has done: it has built to the stage it's at today. Also, then, if one looks at the date, it's June 11, so surely Bill 11 is in the stars or in the cards or in the numbers, whatever terminology one would use.

Mr. Chairman, there are many issues as it relates to Bill 11, but I'd like to focus on and briefly talk about two major issues. If one were to divide that by two – and I don't mean to take sides – one would recognize that within the province there are strong labour groups and strong management groups, construction industry associations and others. If we were to divide that by, say, labour and management, you'd have one issue for each side. That's exactly what this Bill boils down to. For example, if you take the side of labour, they'll always be opposed to, if I may, "exemptions." I want to indicate clearly to all hon.

members of the Assembly that the exemptions have always been in the current Manpower Development Act. We were able to work to clear up the misunderstanding that has always existed in the current Manpower Development Act because of ambiguity and the lack of clarity. So that would be one major issue that labour – if one were to identify, as I say, labour – would be strongly opposed to.

On the other side, if you were to refer to that group as management, the concern would relate to compulsory apprenticeship. That, too, Mr. Chairman, is in the current and existing Manpower Development Act but also is very ambiguous and unclear. It is for that reason that Bill 11 clearly spells out the relationship and role for future apprenticeships and maintains the compulsory apprenticeship system in the various trades.

Mr. Chairman, both remain, as I've said, but I think it would best be described as an agreement to disagree between the two groups. I would like to thank all of those groups for their understanding, including the hon. members of the opposition who provided me with input, ongoing dialogue and discussions, constructive criticism, but in particular the various groups that I met with on an ongoing basis that brought us to this date, June 11.

8:10

Mr. Chairman, it's not very often that I or a member of the government would quote the opposition, but I think it's due in this regard, not in the context as it related specifically to this Bill, but I happened to read *Hansard* the last day or so, and something struck me very closely. I'd like hon. members to refer to Alberta *Hansard*, June 6, 1991, page 1540. If I may read and quote specifically Mr. McInnis:

> Mr. Chairman, I've listened to the debate with some intensity this evening. I think Committee of the Whole is a place where regardless of party we have some obligation to listen to arguments and try to puzzle through what's the best thing to do for the province of Alberta.

MR. PAYNE: McInnis said that?

MR. WEISS: To the hon. member, credit has to be given when it's due, and yes, the hon. Member for Edmonton-Jasper Place did.

Mr. Chairman, I have to expound on that a little, not to take away any of the remarks and certainly not to discredit any of those remarks, but to the hon. members of the opposition in particular those remarks are so appropriate. There is no puzzle in Bill 11. Where he said "We have some obligation to listen to arguments," I would add and say: and try to do what's best for the province of Alberta along with the citizens and the changing work force of the province. That is what Bill 11 does, and I stand here firmly committed to that belief and that commitment to the citizens and to the workers of this province.

In saying that, Mr. Chairman, I remarked earlier about support. I specifically would like to refer to a group that was so committed to this Bill, and that's the Alberta and N.W.T. Building and Construction Trades Council, specifically Mr. Robert R. Blakely, president. On many occasions we've had an opportunity to exchange views, sometimes not in agreement or consensus but always in fairness, openness, and with integrity. I might add that this group represents a vast number of organizations throughout this province as it relates to the workers and to the trades council. They have willingly agreed to the compromise, as I've indicated, along with the other group, if they could be referred to as a group. They would be such groups that I personally have met with such as Dow Chemical, the apprentices at NAIT, the Alberta Building and Construction Trades Council, the Alberta Chamber of Resources, the Edmonton Chamber of Commerce, the Calgary Chamber of Commerce, the Merit shop Contractors Association, the Canadian Manufacturers' Association, Canadian Construction Association, Alberta Construction Association, Construction Owners Association of Alberta, the Federation of Independent Business, Alberta Forest Products, the Alberta Home Builders' Association, Alberta Council of Employers, Alberta Roadbuilders and Heavy Construction Association, the Apprenticeship and Trade Certification Board, Nova Corporation, and others. I only mention that to all hon. members because I want them to realize the input that was caringly and willingly given to develop this Bill to where we are tonight.

When I refer to the Building Trades Council, I should specifically talk about the organization and its membership. I'm sure you're all aware, members of the Assembly and to the Chair, that they represent some 47 various groups. Those groups, of course, range from the operating engineers, the United Association of Journeymen & Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, International Association of Heat and Frost Insulators and Asbestos Workers, iron workers, Alberta Provincial Pipe Trades Association, the International Brotherhood of Electrical Workers, International Brotherhood of Electrical Workers Local 348. The list goes on and on and on, Mr. Chairman. I have to emphasize to the members of the Assembly and to you, through the Chair, that these people have all committed their input to this Bill to bring it to where we are.

I want to close with one remark, Mr. Chairman. I felt it was appropriate. Having received letters of support and encouragement from various groups, the majority of whom I've named off, one group I think affects all of us Albertans. I quoted earlier a member of the opposition. I would like to quote and read a short paragraph from Mr. Doug Wright of the Canadian Federation of Independent Business. I believe Mr. Wright sums up in its entirety what Bill 11 stands for and what Bill 11 is being proposed for this evening in asking for approval in the Committee of the Whole stage. This goes on to say that the Canadian Federation of Independent Business's

> concern is that the system be developed in a way that accommodates the reality of smaller operations. Too often governments develop policies for big business and labour, then force them on small business with unfair or counter-productive results. Small business is a credible and important player in the trades, and the system must deal with them fairly and effectively. The amendments proposed and the administrative approach outlined will help make Bill 11 a catalyst to better employment and training opportunities while preserving the safety and quality standards for which Alberta is known.

That is part of a letter, the last paragraph, written by Mr. Doug Wright, director of provincial affairs for the Alberta and Northwest Territories Canadian Federation of Independent Business.

Mr. Chairman, with those remarks I look forward to the input and comments from all hon. members in regards to Bill 11 and their support.

Chairman's Ruling
Screening of Amendments

MR. CHAIRMAN: Order please, hon. member. The Chair has received amendments from the hon. Member for Edmonton-Belmont and the hon. Member for Calgary-North West, none of which have had the approval of Parliamentary Counsel. The Chair would urge members who prepare amendments to get

those amendments initialed. It's a little difficult when they come at the very last . . .

MR. BRUSEKER: Point of order, Mr. Chairman. Just on that point, these amendments were submitted to Parliamentary Counsel on May 10 on my behalf, and so far he has not managed to see fit to return them to me until today. When I tried to track him down earlier today, he was not available. So on behalf of this particular member, that has been attempted.

MR. CHAIRMAN: Well, I guess the Chair will take that as a comment; nevertheless the hon. member could have checked when everybody was aware that this was going to be on tonight or even last week.

Anyway, hon. member . . . [interjection] Order please. The amendments that we have will be accepted until better advice is given as to orderliness. Quite frankly, the Chair can't see any objection to them, but there may be something the Chair is not aware of about them.

Chairman's Ruling
Sequence of Amendments

MR. CHAIRMAN: In any event, these amendments start with section 2 and go through to section 29. It happens that the hon. Member for Calgary-North West's amendments start with section 2, and according to *Beauchesne* we should call the amendments that start earliest in the Bill before starting at the back of the Bill, so with the permission of Edmonton-Belmont the Chair will recognize Calgary-North West to deal with . . . The hon. Member for Edmonton-Belmont.

MR. SIGURDSON: Mr. Chairman, my understanding is that it's normally been the tradition of the House that we deal first with the package of amendments from the Official Opposition caucus going in order.

MR. CHAIRMAN: No.

MR. SIGURDSON: With due respect, sir, we did that with the education Bill, the School Act. We went through all of the amendments from the Official Opposition, and then we moved on to the Liberal caucus, and we dealt with all of their amendments as a package. We've been doing that for as long as I can remember, since 1986. Otherwise, what we're going to be doing is jumping up and down, speaking to any variety of amendments.

8:20

MR. CHAIRMAN: Hon. member, that may have happened when the School Act went through the House in 1987, I believe, or '88. It was before my time. But *Beauchesne* definitely says – and I'll refer the hon. member to citation 697. That's the parliamentary practice by which we deal with things. After all, in committee we are supposed to be clause by clause, and we should start at the beginning of the Bill.

The hon. Member for Edmonton-Highlands.

MS BARRETT: Thank you. Mr. Chairman, what you'll find in the consultation process is that we found it a lot more efficient, particularly toward the end of a sitting, to deal with one critic's series of amendments all at once and then another's, and we have done that on at least half of the Bills that we've sponsored amendments for. It promotes efficiency. If the House doesn't want to do it that way, we can sit till August. It's just something that we've offered before, and it's been accepted before, and it has worked.

MR. CHAIRMAN: The Chair only has *Beauchesne* to go by. As far as actual experience, I know that as long as I've been sitting here, we've been dealing with the Bills from beginning to end. Now, the Chair is not disputing what the hon. members have said about the School Act, but that was in the last Legislature. There's no reference to that in *Beauchesne*. *Beauchesne* says we should start at the beginning. Of course, the Chair is completely in the hands of the committee. It's the duty of the Chair to bring members of the committee the advice of *Beauchesne* when it's required.

The hon. Member for Calgary-North West.

Debate Continued

MR. BRUSEKER: Thank you, Mr. Chairman. To the minister, just a few comments about the Bill. I think one of the phrases the minister used was "compromise," and I think this Bill is a compromise Bill. I think that does give some credit to the government. It shows that there has been a substantial change from, I guess, the discussion paper that was initially tabled, and I think we do see some real move to improvements here. That fact is shown by the Bill as it was printed and by the amendments we passed earlier from the government side.

However, I do have a few amendments that I would like to present as well. If I could, Mr. Chairman, the amendments I have to propose here are really sort of in clusters. On my page of amendments, which has been distributed to all members, there are amendments listed A through H. The first three, A, B, and C, deal with one particular topic, and I wonder if it might be appropriate to deal with those three as they deal with the executive director of the council that is to be created.

In section 2 of the Bill there is a reference to an executive director who will be working with or alongside or as part of the Alberta apprenticeship and industry training board. Now, Mr. Chairman, I think it is a concern that the executive director as shown under the current Act as amended thus far really does not have a terrific amount of authority or role to play. In fact, if we look at the current section 2(5), it says simply, "The Executive Director shall be the Executive Secretary of the Board," and I do not believe that is a sufficient role for the executive director to play. Therefore, in the amendments I have proposed to Bill 11, section 2 would be amended by adding in subsection 2(2)(a) "who shall be the executive director" after "a presiding officer," so in effect the presiding officer, then, would be the chairperson of this particular board. The purpose for that, of course, is that by ensuring that the executive director is a member of the board, it does a couple of things: number one, it ensures that the executive director shall in fact be at all of the meetings and shall partake in all of the meetings but, more importantly, be a voting member of that board.

I think it is important that the executive director be able to cast a ballot. There a couple of reasons for that, Mr. Chairman. One reason is that the current system . . .

MR. CHAIRMAN: Order in the committee, please. The Chair is having difficulty hearing the hon. member. Try to keep your conversations down.

MR. BRUSEKER: Thank you, Mr. Chairman.

In the current structure of the board there are four members representing employers, four members representing employees, two members employers who are in trades other than designated

trades, and two members who are representing employees in trades other than designated trades. So we have a total of 12 persons. The presiding officer should be the executive director, therefore, to be in there and have a tie-breaking vote if that is necessary, someone who can be involved and partake fully in the process.

Amendment B, section 7(8), and the next one also, Mr. Chairman, amendment C, really are only consequential to amendment A. If the executive director becomes part of the board, we would have a problem as section 7(8), because as it's currently written, it says that "Employees of the Government are not eligible to be or to act in the place of a presiding officer." My proposed amendment would add at that point, "with the exception of the Executive Director or appointee." Similarly, in section 10(7) the same amendment simply allows the employee of the government – of course, I think the minister has already said that the executive director will in fact be an employee from his department. It would be futile to put that individual on the board and then not allow that individual to partake because the legislation doesn't allow it. What the crux of the amendment really is, Mr. Chairman, is to get the executive director on the board as a fully participating, active member. Amendment B and amendment C are really to ensure that that could proceed.

Thank you, Mr. Chairman.

MR. CHAIRMAN: The hon. minister.

MR. WEISS: Mr. Chairman, if I could just speak against the proposed amendment by the hon. Member for Calgary-North West, the hon. Mr. Bruseker.

MR. CHAIRMAN: No names, please. There are only members for constituencies.

MR. WEISS: Sorry, sir. I caught myself using the name and followed through with it.

Mr. Chairman, I find this very interesting. It's almost reading my mind, because initially that's what we had suggested or were proposing. After having had various meetings with the various groups, in particular the Building Trades Council – I thought the hon. member would be speaking in their favour and representing strong industry views.

I have to explain why we have excluded the executive director as a nonvoting person or participant. Because of the relationship and that person being an employee of the government, it was felt that that person should not be put in a biased position and certainly should be nonpolitical. There is always the assumption that a person working for or with or as part of government would be representing the views of government. I have bowed to the express desire and wishes of the Building Trades Council in changing this role of the executive director to a nonvoting position. As I've indicated, Mr. Chairman and hon. members of the Assembly, I have done it specifically to comply with their request.

It's for that reason that I would stand firm on the commitment to reject the proposed amendment as presented by the hon. member. I think the others are self-explanatory and follow or build upon that existing view as well, so I would encourage and ask all hon. members to defeat the proposed amendments.

MR. CHAIRMAN: Is the committee ready for the question on A, B, and C?

HON. MEMBERS: Question.

[Motion on amendments A, B, and C lost]

8:30

MR. CHAIRMAN: The Chair will now move according to sections, and the next section to be amended will be the amendment of the hon. Member for Edmonton-Belmont to section 5.

MR. SIGURDSON: Sorry, Mr. Chairman. I can appreciate the confusion there. The amendment you've got in front of you is to be added after section 55(5).

MR. CHAIRMAN: Oh, section 55. I'm sorry. That'll go at the bottom then.

The next one, then, will be D of the hon. Member for Calgary-North West.

MR. BRUSEKER: Thank you, Mr. Chairman. Really there are three amendments there that are very similar. If I might just draw your attention and the attention of the committee to amendments D, E, and H, they really are again identical amendments. If you look at the sections referred to – 21, 22, and 29 – all of them refer to "The Lieutenant Governor Council may by regulation," et cetera, et cetera.

One of the initial tenets of this Bill is to create a new board. That board is to be involved with apprenticeship training and training of our skilled work force. In fact, Mr. Chairman, that section is the first section following the definitions of the apprenticeship and industry training board, and yet in sections 21, 22, and 29 there is no reference to any kind of consultative process occurring. That perhaps is implicit. The purpose of my amendments in D, E, and H is really to ensure that that consultative process does in fact occur. So therefore the amendments proposed are simply to add after the introductory phrase "The Lieutenant Governor in Council" "on the advice of the board," simply to ensure that we get this consultative process.

I do not believe this would in any way inhibit the Lieutenant Governor in Council from making those regulations as are deemed fit, but it seems to me that the board is being created for the purpose of providing that advice. Clearly, they will be providing the advice, and it simply ensures that that consultative process does in fact occur.

MR. WEISS: Mr. Chairman, if I may, I appreciate the hon. member's intent. I don't think there's any ill will at all as he speaks to the amendments and certainly does indicate that it would perhaps strengthen or clarify any of the wording. I might indicate to all hon. members that the board, as it is referred to, is an advisory board through the Minister of Career Development and Employment and is based on the input received from the board through to the minister with that further being recommended through to the Lieutenant Governor in Council, as it indicates clearly in (a), (b), and throughout the Bill in particular. I'm referring to section D as it relates to 21(1),

> The Lieutenant Governor in Council
> (a) may by regulation designate an occupation as a compulsory certification trade . . .

and it goes on specifically. Those are all based on the recommendations of the minister and the government of the day. That may change at any given time, but I don't think there's any reason or any need to change the wording, because it's clearly

on the advice of the board that the minister is taking the direction to start with and in turn following with the recommendation through to government and in turn the Lieutenant Governor who through the authority of that office passes those recommendations as it states.

So in actual fact, Mr. Chairman, there is no need to include or make any of the suggested changes, but as I say, I've accepted and understand why. Maybe the hon. member isn't clear or familiar as to the procedure but must understand that the board is clearly an advisory board through the government. So I would encourage all hon. members to defeat those proposed amendments, Mr. Chairman.

HON. MEMBERS: Question.

MR. CHAIRMAN: Is the committee ready for the question on D of the amendments of the hon. Member for Calgary-North West?

[Motion on amendment D lost]

MR. BRUSEKER: The last two amendments I have to deal with are on the page under my name; there are amendments F and G. Mr. Chairman, we're looking at the section that really deals with amendments. This is in Part 2, trades and Occupations. Section 22(4), as amended by the government, deals with persons who may be exempted from having to fulfill requirements under an earlier section, that being 22(3). I think it is important that that be tightened up a little bit, and so the purpose of the amendment as proposed is really to tighten it up. Amendment F requests that the committee strike out 22(4); not to say that the content of that section is irrelevant, but the proposal then is to deal with that material in section 23(1).

Now, Mr. Chairman, the reason for putting that under 23(1) is that it changes the exempting status really from being in the hands of cabinet and Lieutenant Governor in Council to in fact the executive director. That is basically the intent behind it. The executive director is going to be involved with the board, is going to be more directly cognizant of the needs of education, of apprenticeship training. So the amendment proposes to take that control for exemptions from the hands of cabinet and place it in the hands of the executive director. The executive director, as we see earlier in the Bill, will in fact be working hand in hand with the apprenticeship board as the executive secretary of the board, and therefore I would urge all members to allow that shift of responsibility to be put in the hands of the people who are best able to handle that as opposed to a group that perhaps does not have as much skill as necessary in that particular area.

MR. WEISS: Mr. Chairman, if I may comment. The hon. Member for Calgary-North West referred to "irrelevant," and it is truly that. He's dealt with F and G. I would indicate that by F, we'd be taking out major content and a major portion of the Bill.

I'm sure all hon. members, in particular hon. members of the Official Opposition, would not support such a position because it's a very strong change and modification to the Bill in such a major way that I could not accept that. I understand in G the hon. member's attempt is to build on that and to strengthen and perhaps clarify, but without one or the other, I think it falls short.

The specific function or responsibilities and duties, if they were to be delegated to the executive director, I think would be a misconception. Not that I don't have faith. I have all the faith and all the confidence in the executive director in that position and in the current executive director in particular, but I would feel very uncomfortable if the executive director would retain that authority or power, partially due, Mr. Chairman, to the reasons I've outlined earlier, because of that government position. Please keep in mind that the board under section 3 can make recommendations. The hon. member referred earlier to some concern he had as to the input, and as an advisory board, that board would continue to make the recommendations: clearly, specific duties and responsibilities.

If the executive director were to maintain that degree to be the full authority, it could certainly take away from the board. The chairman himself or herself, whatever the case may be, I'm certain would feel a little discomfort in knowing that any decision the board may make or recommendations through the minister would be circumvented or overruled or could be quashed immediately by the executive director or may not even get by the executive director.

8:40

It's my intent and this government's intent always to maintain that that board be the sounding board and provide the input. I have to specifically go back because the hon. member earlier referred to the makeup of the board. Mr. Chairman, that's why we've put it in the Act, specifically at my insistence in working with industry and others, that the makeup of the board would be and consist of

(a) a presiding officer,
(b) 4 members representing the interest of employers . . .
(c) 4 members representing the interests of persons who are . . . employed in designated trades
(d) 2 members representing the interests of employers of persons who are employed in industry other than in designated trades, and
(e) 2 members representing the interests of persons who are employees employed in industry other than in designated trades.

The executive director may not be any one of those persons and may not be able to meet any of those standards or qualifications but actually works as a presiding secretariat to the board in that position.

Keeping that in mind, Mr. Chairman, I once again would encourage, in view of the position I believe the Official Opposition would be supportive of as well, and ask all hon. members to vote no as it relates to the proposed amendments F and G.

HON. MEMBERS: Question.

[Motion on amendments F and G lost]

MR. CHAIRMAN: This was on E. The next one will be Edmonton-Belmont on 22, striking out subsection 4 and substituting a new subsection 4 which takes precedence over just striking out.

MR. SIGURDSON: Yes. Thank you, Mr. Chairman. The Member for Calgary-North West wanted to strike out 22(4) in its entirety because he felt, if I was following his argument correctly, that his amendment would fit in better under section 23. It's not our proposal to strike out 22(4). In fact, sir, without reading my amendment and comparing my amendment to the current 22(4), you'll find that it's pretty much the same, except that in my amendment there's a clause (b) which holds that the executive director will approve or authorize a person under section 23 "to perform one or more tasks, activities or functions in a trade."

Now, I appreciated having heard the comments of the minister prior to my moving the amendment, because I saw he wanted to go back and point out, I think, section 14 about the responsibilities of the executive director. Well, I think somebody in here ultimately has to be responsible. I see that without the responsibility coming to a screeching halt at the foot of the desk of the executive director there could potentially be a lot of room for somebody saying: "Well, it wasn't my responsibility. No, that's the responsibility of the board," "That's the responsibility of the Lieutenant Governor in Council," "That's the responsibility of the minister." A different minister or perhaps a different government could say, "Well, that's the responsibility of the executive director." I don't see it clearly spelled out, and that's the problem, I suppose, that I've got with it in its current form.

So ultimately it is in my amendment in clause (b). What it does is empower, it forces upon the executive director the role, the responsibility, of approving, authorizing an employee to perform one or more tasks, activities, or functions in a particular trade.

With respect to the other paragraphs that are on that page, they are just sequential amendments. They correct some lettering problems that would fall from accepting this amendment and section 22(5). Again, the B amendment is sequential.

MR. CHAIRMAN: Could the hon. member leave that one until we finish with 4?

MR. SIGURDSON: They may as well go in tandem, Mr. Chairman. There's no point in dealing with them separately. If A fails, B follows. If A would pass, then B would have to follow to make sure that the following section is consistent with that which has just been passed. They're consequential.

MR. CHAIRMAN: Any further comments?

MR. WEISS: Well, Mr. Chairman, I might say to the hon. Member for Edmonton-Belmont that I appreciate his consideration in allowing them to flow the way they have and in particular to deal with them as he's indicated and would ask hon. members to support that view.

In speaking against the particular amendments, Mr. Chairman, I should clarify and point out, though, that in particular as the hon. member states in the proposed amendment in 55(5) as it relates to the designation and others, I want to clearly point out some of the views I've formulated – because while they may be not in the Bill or the Act itself and may be dealt with within regulations and as time goes on, too – that through this joint consultation period and with the hon. member sharing his views, I think it's only proper that it be recorded in *Hansard* so that there would be that commitment to be able to refer back to as it relates to such things as intent. In particular in 23(1)(c) the intent is to provide flexibility throughout the process for industry for the day-to-day operation requirements that may involve activities within the scope of a designated trade. I want to get that on record, hon. member, as our discussion took place earlier. It is not intended to include the ongoing maintenance or large-scale maintenance involved in the shutting down of the plant site.

MR. CHAIRMAN: Hon. minister, we're not at that section yet. We're dealing with 22. Just 22.

MR. WEISS: I recognize that, Mr. Chairman, but I thought . . . It was my misunderstanding. I thought we were dealing with all, and I was comprehensively going through that.

MR. CHAIRMAN: No. Just 22. One at a time.

MR. WEISS: My apologies in asking the indulgence of the House. I wasn't aware of that when I mentioned that in my remarks.

I don't see any need to support the amendment, and without further discussion – I believe the hon. member said that one would add to the other – I'm asking hon. members to defeat the amendment as proposed.

MR. CHAIRMAN: Hon. Member for Calgary-North West on the amendment before the committee.

MR. BRUSEKER: Yes, Mr. Chairman, I would like to just address this because I think it is along the same kind of intent as the amendment I tried to propose. I think the intent here is that the Lieutenant Governor in Council operating under section 22(4) really does not have its mandate clearly spelled out in terms of how this exemption process is going to happen, who ultimately is going to take responsibility for it. I think the amendment as we see proposed before us this evening from the Member for Edmonton-Belmont really puts that responsibility in the hands of an individual, and I think that by tying more firmly together 22(4) and 23 as referred to in here, receiving authorization from the executive director under section 23, really makes sure that the Lieutenant Governor in Council is operating hand in hand more with the advisory board and with the executive director. I think one of the problems as I see it with this particular Bill, as I mentioned earlier on, is it's very laissez-faire the way it's set up, and I think this amendment does help to sort of tighten up that relationship between the political body on one hand and the education regulatory body on the other hand, and I think it serves as a good marriage of those two.

MR. WEISS: Very briefly in building on words used by both hon. members in the presentation of their representation to the proposed amendments. My suggestion was that we would think back to what they said. They talked about "ultimate," "responsible," and "responsibility." Well, the ultimate responsibility lies with this government and in particular directly back to the minister. The board, as I've indicated, will make those recommendations. The executive director will perform those function to the best of his or her ability and as it says: to perform one or more tasks, as it relates to the employee, for the activities or functions in that trade. If there are going to be problems occurring, those would be monitored. More specifically, I might add, the monitoring would also take place within the industry itself. Those that are employed in working within those trade areas would be the first to lodge the complaint through and with the department to express their concerns. I would then welcome any hon. members to bring forth any improper acts or impropriety as it relates to the working effects as proposed in the existing Bill.

8:50

I don't see the need to it. As I've said, the ultimate responsibility lies with this government and in this case with the minister directly, and it's this minister's commitment to see a working arrangement in place. I believe the Bill addresses that and certainly will meet the needs.

I would encourage, once again, Mr. Chairman, that the Assembly vote down the proposed amendments.

MR. SIGURDSON: I want to point out to the minister perhaps a scenario that may cause him to reflect on that position. Again, it comes down, as the Member for Calgary-North West has stated and as I stated, that there are periods of time between elections when the Minister of Career Development and Employment may be out on the campaign trail. You could have a change in the head of the department, the minister, following, you know, the pleasure of the Premier or an election, a change in government. You could have a period of time where a minister is really not up to snuff on what's going on inside the department, inside the particular functions of the Act. Therefore, to have the executive director responsible, there would still be provision, I believe, sir, in section 14 for there to be that political responsibility. Ultimately, you're right. It does come back to the minister and to the government.

So the political responsibility would still rest in section 14, but what that section in 22 does is just put some functional responsibility in the hands of the executive director. I think of those periods of time when a minister may not be readily available – and I think those times may be more frequent then we would like to admit – to make certain decisions, it might be best that certain authority rests with the executive director.

MR. WEISS: I think the hon. member is right in his assumptions, and perhaps I could ask him to refer further into the Bill in 23(3)(b). What is being requested is not necessary, because all are under the supervision of the executive director. Specifically where it says under (3)(b):

> the Executive Director may . . .
>
> (b) impose, alter or rescind any terms or conditions to which an authorization granted under subsection (1) is subject.

So really the executive director at all times has that authority in the case the hon. member has referred to. What I'm saying is that it is there. Really if you were to refer to the existing Manpower Development Act, it is not there. What we have done is strengthen or build it by providing the executive director with that authority specifically as both hon. members have requested.

I'm sorry I wasn't fast enough on my feet to recognize that direct concern but now would like to indicate that I believe it is superficial to ask for it when it really is there.

MR. CHAIRMAN: Is the committee ready for the question on A and B as proposed by Edmonton-Belmont relating to section 22?

HON. MEMBERS: Question.

[Motion on amendments A and B lost]

MR. CHAIRMAN: Does the hon. Member for Calgary-North West wish to move his F?

MR. BRUSEKER: Mr. Chairman, those have already been dealt with, thank you.

MR. CHAIRMAN: Well, the committee never voted on F. It may have been debated in the course of debating Edmonton-Belmont's, but F was never moved.

SOME HON. MEMBERS: Question.

MR. BRUSEKER: Well, Mr. Chairman, I think we've had the debate, but if you like, I'll move it, and we can vote on it then.

[Motion on amendment F lost]

MR. CHAIRMAN: The next one will be G, because it deals with section 23 whereas Edmonton-Belmont's deals with 23.1, I believe. The hon. Member for Calgary-North West's amendment G.

SOME HON. MEMBERS: Question.

[Motion on amendment G lost]

MR. CHAIRMAN: The hon. Member for Edmonton-Belmont.

MR. SIGURDSON: Thank you, Mr. Chairman. The next amendment I propose to deal with is an amendment to Bill 11 as amended. If members who are following the debate want to turn to the package of amendments that the minister distributed yesterday, on page 2, at the top we have a brand new section, under heading H, 23.1. My amendment proposes to deal with two areas in 23.1(1). If that's as clear as mud, I guess we can continue.

The first area I would like to suggest we look at is in (c). Currently, it reads, "in-plant processing, or operations supporting in-plant processing, of natural resources." What I propose is an amendment that would allow the new amendment to read, "in-plant processing, or operations supporting in-plant processing, of natural resources but not including in-plant maintenance." The reason for that is that in the industry in-plant maintenance is something that's specific to a group of workers. What you've got here is that you could say that any person could essentially go out and tighten a nut or a bolt or change a light bulb and that might be construed as being in-plant maintenance, but that's not the case. So I think what this proposed amendment would do is just tighten up the language and make it understood that in-plant maintenance in the industry doesn't necessarily mean in-plant maintenance to the layperson. I hope that's clear. Perhaps the minister would want to comment on that particular section, and then I'd move into the second part of that amendment.

MR. WEISS: Mr. Chairman, first of all, when the hon. Member for Edmonton-Belmont refers to "if that's as clear as mud," it certainly was a lot clearer than my initial attempt at responding to him, because I thought we were dealing, as I said earlier, with all together, and that was one of the major items of importance that I've had an opportunity to discuss with the hon. member. I really want to deal with it because I feel I've got a good answer for him.

I have to go back and be a little repetitive, because I think in fairness to the hon. member, because of the importance of it, it should be recorded in *Hansard* so it's there in perpetuity for all hon. members, in particular the groups that the member represents. It is the intent to provide flexibility throughout the process for industry for the day-to-day operational requirements that may involve activities within the scope of a designated trade, as I've indicated, Mr. Chairman. It's certainly not intended to include ongoing maintenance or large-scale maintenance involving the shutdown of the plant site, and I think that has to be emphasized and recorded.

9:00

Mr. Chairman, to provide a bit of an example, if a worker is involved in carrying out process responsibilities, this person's

primary job responsibilities are monitoring and troubleshooting the plant process that produces liquid or solid products. This employee may be required to have a secondary skill in a trade to enable carrying out his or her primary responsibility, for example, removal and installation of a pump and the disconnection and connection of power to the pump. This work is normally carried out by millwrights and electricians but is done on an emergency basis – I emphasize and underline: an emergency basis – outside of normal daytime maintenance hours and not involving the shutdown of the plant site or large-scale maintenance. Mr. Chairman, and to all hon. members, that is a very important point, important to the industry, important to the hon. member, and important that it be clearly understood.

Let me just give you one small example and close in that regard. An example of operations supporting in-plant processing would be the removal of overburden by use of a dragline, so it is not relative to the concern that the hon. member has raised and in particular as he goes on then to clarify it in the other portion, where he talks about the supervision.

Perhaps, Mr. Chairman, I should close at that point, asking once again to move a no position in regards to it because I think I've clearly indicated the overall intent. The hon. member may have a question as it relates to that, and I would welcome that opportunity before closing.

MR. CHAIRMAN: The hon. Member for Edmonton-Belmont.

MR. SIGURDSON: Thank you, Mr. Chairman. I appreciate the minister's comments, and I take some comfort in the fact that he knows what's going on currently while he's the minister. But I see a number of other people that would probably like to jump into a cabinet position, and they may not have an appreciation or an understanding of what's going on. Therefore, given that you've got an executive director without, I believe still, sufficient authority and sufficient power, you could have a new minister say, "Well, that looks fine to me," and then have some changes going on where you've got shutdown and it's being regarded as plant maintenance. So I still have some concern about perhaps a new body filling an empty desk. I do have some concerns. I was hoping that this amendment would have been taken as an attempt to tighten up what I think is just a little loose at the moment, although I am glad that the current minister's the person that's warming his office and holding that office.

MR. CHAIRMAN: The hon. Member for Calgary-North West.

MR. BRUSEKER: Thank you, Mr. Chairman. I, too, would just like to make a few comments on this because I think it's important here. I'm not quite sure if I understood the explanation as given by the Member for Edmonton-Belmont, but I think I understand the intent.

The concern here, I think, is that if you have individuals who are performing major maintenance that perhaps they haven't got the skill or the expertise to do, the end result could well be disastrous. One of the concerns we have is that many of our petrochemicals are in fact toxic. If we have a valve being replaced by somebody who doesn't know how to replace the valve properly, either doesn't thread it properly or doesn't put a sealant on or doesn't think to close the valve first or any number of things, which I quite frankly don't fully understand myself because I'm not trained in that area, the unfortunate result is that you could have a serious industrial accident. The end result could be something like what happened in Bhopal, India, not too many years ago, wherein poor plant maintenance or inappropriate maintenance led to a disaster that unfortunately cost the lives of many individuals; cattle as well, which compared to the individuals are of course secondary.

The concern here is that if you get people doing things for which they are not appropriately trained, the results could be disastrous. As I understand the intent of the amendment from the Member for Edmonton-Belmont, it is really to tighten up that process a little bit so that you get people operating in areas for which they are trained but that we restrict them from operating in those areas that could be a hazard and in which they're not trained. I think that is a major concern, and we're trying to tighten that up by this amendment. From that point of view, Mr. Chairman, I would support the amendment from the Member for Edmonton-Belmont and urge all members to support it.

Is that sort of the nuts and bolts, Tom?

MR. WEISS: Thank you, Mr. Chairman, for recognizing me. First, to the Member for Edmonton-Belmont: thanks for his confidence in my role as a minister. Clearly, I want to indicate that that is on the record. Certainly it's an area that can be looked at if it were to be necessary to write in in future reviews or amendments. It wasn't this minister's intent at this time because it wasn't felt that it was necessary. In reviewing it once again with proponents from both sides and particularly Leg. Counsel, it's felt that the flexibility that is required to allow the process to function will only be permitted as it is written. If it is to be abused, I can assure the hon. member that that would be a major consideration.

To both hon. members, in particular the hon. Member for Calgary-North West, who's brought out the safety concern, that is a major concern and always will be. Safety is a prime concern of industry. I can assure the hon. member that the training and processes that relate to safety are ongoing, in particular within large industry, sometimes more difficult on small sites because of both time restraints, dollars, investment, and the specific job locations. The million-dollar investment by most of the proponents who this would be applicable to would be of such magnitude that it amounts to many millions of dollars that they're investing. I can assure both hon. members and members of this Assembly, through you, Mr. Chairman, that this is a prime consideration, and there is no way that any firm would be allowing anybody without the expertise, the knowledge, the skills, and the safety component to go out and monkey-wrench where it involves many dollars or could involve a major shutdown of a plant that would cost them dollars in production, time loss, and safety loss. I think if one were to look at the safety record of most of the major companies, you'd find that that is their prime concern.

So it isn't any intent at all to circumvent any situation or to allow anybody to do something illegally. What it does do is provide the flexibility that's necessary to allow the Bill to work, but with the full commitment that I've given to the hon. member that it is there and it is going to be seriously reviewed and considered if there is to be abuse, because that is a very important part of it as it relates to the safety aspect and to the intent.

With that commitment and having recorded it officially in *Hansard*, Mr. Chairman, I once again rise and ask for the amendments as proposed to be defeated by all hon. members.

MR. CHAIRMAN: The hon. Member for Edmonton-Belmont.

MR. SIGURDSON: Mr. Chairman, I look to you for guidance. Do you want me to move on to the second part of that? I think that's probably appropriate, that we move on to the second part of the same amendment.

MR. CHAIRMAN: We're on 23.1. Had the hon. member just been speaking on subsection (1) as to clause (c)?

MR. SIGURDSON: No. We now move on to (2).

MR. CHAIRMAN: "By striking out 'the operations'"?

MR. SIGURDSON: Do you want to vote on the first part, or do you want to move on?

MR. CHAIRMAN: Oh, no. We'll deal with the whole section.

9:10

MR. SIGURDSON: Okay; thank you. To the minister: I appreciate the remarks that he gave with respect to safety, and I'm sure that there'll be a number of Members of the Legislative Assembly that will receive comments from people that are involved in the industry about safety, and it will be brought to the minister's attention. I hope that should it be brought to the minister's attention, the minister will act accordingly and bring forward something that will strengthen it.

With respect to safety, it falls right into the next amendment, which is number (2). What the second part of this amendment proposes to do is strengthen that area that would ensure that there would be a safe worksite and a safe work environment, because let's not forget what 23.1 deals with. It allows for a person who hasn't got the requirements of the trade that are outlined in sections 21(3) and 22(3) to work in an area, according to the amendment, "under the supervision and inspections that are appropriate to the operations or processes being used." Well, what this amendment proposes to do is strike out the words "the operations or processes being used" and substitute:

> ensure that the tasks, activities or functions are being performed with the standard of proficiency with which a person holding a trade certificate in that trade would perform those tasks, activities or functions.

What this proposes is a greater degree of safety. You still would have an individual that may not possess the requirements to work in the trade and be then certified. However, when they perform a certain task, it would be incumbent upon that individual performing the task and those that are in the supervisory role of that individual to ensure that those tasks are being performed by an individual who has the degree of proficiency even though they may not have the certification. So what this is is just an attempt to ensure that there is greater safety at the worksite and hopefully ensure that those people who are involved in certain activities or functions are working at a skill level that will ensure that all of their coworkers, the people who are in the surrounding vicinity, are safe from any accident that may take place because of an unskilled worker going in and doing something that they ought not to be doing.

MR. CHAIRMAN: The hon. minister.

MR. WEISS: Thank you, Mr. Chairman. I believe this is a bit redundant. I've referred to it specifically before to both the hon. members who have been considerate with regards to their input this evening. I must recall that I pointed out that under section 23.1(2), in particular (b), the executive director, under his supervision, really provides the checks and balances required. As I also pointed out earlier, it's not in the current Manpower Development Act, and that's why we put it in there. So, specifically, the executive director is there for the protection of the labour in the Act, and it is for that purpose that the executive director has that ability and that authority to "impose, alter or rescind any terms or conditions." That is a key proponent, whether it relates to safety or, for lack of words, to a mishandling or abuse of the system. The executive director has that full authority to be able to act.

I almost ask it back in the question to the hon. member: what would it do by putting in what he says when we're actually doing it later? To go back at this point to make that change I would suggest would be very difficult. I think we've covered it off very clearly and it's not necessary. It appears to be a bit redundant. I would then have had to seek the consensus of the many support groups to have said, "Well look, would you concur with this further amendment?" I would ask the hon. member's indulgence to say that I'm speaking against the motion for approval of the amendments as proposed because I don't feel it would be proper. At this time I think it would belabour the Bill and delay it to go back to research whether one is better than the other. I won't argue that point, Mr. Chairman, with the hon. member who presents it. I don't know that. I would perhaps have to look through to the Chair, to your legal opinion, and I'm not here seeking a legal opinion. I just feel that it would be improper to try and make that change at this time, although I can recall at one time I did leave the room and sought your legal opinion and found it to be good advice, but that was many years ago, before we were both members of this Assembly and knew each other as persons.

With that, I would ask that the hon. members defeat the proposed amendment, Mr. Chairman.

MR. CHAIRMAN: Thank you.

The hon. Member for Edmonton-Belmont.

MR. SIGURDSON: Well . . . [interjection] Are you suffering?

Sorry, Mr. Chairman; I didn't mean to get off course here. I guess to the hon. minister: I'm not, sir, convinced that what's contained in 23(2) is completely adequate. Again, with respect to what we were trying to do by the second part of this amendment, it's just to strengthen the area of concern that we've been discussing, because I think that by requiring that a person have that standard of proficiency – without necessarily having the certification, but if they've got that standard of proficiency – we could all breathe a little easier. I just again point that out because I'm not sure that 23(2) will deal with the matter that's raised in a subsequent section.

HON. MEMBERS: Question.

[Motion on amendment lost]

MR. CHAIRMAN: The next one will be H of Calgary-North West, to section 29.

MR. BRUSEKER: That one's been done, Mr. Chairman; we dealt with those three at the same time.

MR. CHAIRMAN: Well, we may have talked about it, but the committee did not decide on it.

[Motion on amendment H lost]

MR. CHAIRMAN: Edmonton-Belmont, on the amendment to section 55.

MR. SIGURDSON: Well, let's move to this last amendment of mine. This is just a concern that those people who are currently under the Manpower Development Act in designated occupations and hope to move to designated trades – this is just an amendment that would give them the assurance that when we transfer from the MDA to the Apprenticeship and Industry Training Act, certain groups are not going to be excluded. I understand there are a number of people in three or four or perhaps five trades that have made an application to move from designated occupation to designated trade, but with the period that we're going through right now under the Apprenticeship and Industry Training Act, where we're changing the language from "certified occupations" to "certified trades," they may be left out in a no-man's-land or a DMZ and have nowhere to go and may be stuck in some vacuum for a period of time. So this is just to try and accommodate those groups that have applied for designation or redesignation prior to June 15, 1991, so that they would continue on as though the Act still existed.

9:20

MR. WEISS: Mr. Chairman, through the hon. member for Edmonton-Belmont to the members of the Assembly, this being the last amendment, I feel very pleased with the discussions that have taken place to this date and would like to say to the hon. members that I appreciate their input.

On this particular one I feel I can answer more positively and more informatively and more specifically because the protection is there. The hon. members in specific areas have said that they're unclear as to the uncertainty or to the commitment or to the legal support. As I've clearly said, Mr. Chairman, in some areas I, too, am not sure which one would be right or wrong. But I'd ask the hon. member to refer to page 33 of the proposed Bill, and specifically I would indicate that all trades that are designated or redesignated prior to January 1, 1992, will be carried forward by virtue of section 55(1), (2), (4), and (5). Therefore, this amendment is not necessary, is redundant. I would suggest that it should be defeated, and in saying so, in conclusion to that, sections 55(1), (2), (4), and (5): if the hon. member further wishes to question that, Mr. Chairman, I would certainly permit him to do so.

I would indicate as well, so that it's recorded, that there are specific groups that had written me and, through recommendations to the apprenticeship board in the due process, had requested certain changes or application for trade status. I had said emphatically that I would not proceed due to the stage and the process that was taking place with the Bill as we're proposing and until such time as the Bill were to be in place. But I've also assured in writing to those groups, Mr. Chairman, and through to the hon. member and members of the Assembly, that it will not be necessary for any of those groups to make reapplication, to further make their concerns known either through the board or through petitions or at great expense or time to them as well. They will be treated as the current status would be and would allow me, and I've made that commitment to proceed with it on that basis. I really believe that answers the specific question as it relates to that for the hon. member.

I wanted to show to all hon. members this button. This button says: Apprenticeship Is Working. With Bill 11, Mr. Chairman, and the proposed amendments as were accepted, it will continue to work and be strong for the province of Alberta.

[Motion on amendment lost]

MR. BRUSEKER: Mr. Chairman, just a brief comment. I'd like to just turn to the very last page of the Bill. There is one last point that I think does need to be brought out. I note that section 58 says that the "Act comes into force on January 1, 1992." I have no problem with that particular date, and before we get to the point on actually voting on the Bill, throughout the entire Bill there is considerable reference to regulations that must come forward. I'm hoping, this evening in fact, to receive a commitment from the minister that those regulations will be in place by this date. The date of January 1, 1992, suggests that the Bill will come into force at that time, but without the regulations, this Bill is half a sandwich which wouldn't be complete without those regulations. I sure hope they're in place by that date.

MR. WEISS: If I may be recognized, Mr. Chairman.

MR. CHAIRMAN: The hon. minister.

MR. WEISS: Thank you, sir. A very valid point raised by the hon. member. I am sorry; I didn't intend to bypass a comment on that. I appreciate him raising it. Specifically yes, the very last sentence says, "This Act comes into force on January 1, 1992." That is the intent and the purpose. One of the purposes of that time frame was to allow the regulations to be fully developed with all consultive groups: the advisory board, trade councils, representative groups from industry and management as well.

In particular, I might add that the half a loaf of bread, as the hon. member indicates, is partially true, because the regulations make up a major portion of it. It is proposed that they would be completed for first or preliminary view within the next 30 days and throughout the ongoing period be rehashed, revisited, and in a completed form prior to – and that is a commitment. It will not go without the regulations. The regulations are part and parcel of the Act. But we felt it would be unfair to put a deadline that could not be met. In fairness to all the groups who worked so hard and diligently to bring it to this stage, to put an unreachable or unattainable date of July 31 or August 15 and then to have to say no, we can't do it because of the inability to have the working groups agree – it was felt that we would allow everybody, the workers and all, to have significant time to review, to know what the changes are, so they can reflect those within their industry and their management and within their place of business. So yes, this Act would come into force on January 1, 1992, with all proposed regulations and amendments in place.

Thank you, Mr. Chairman.

MR. CHAIRMAN: Is the committee ready for the question?

[Title and preamble agreed to]

[The sections of Bill 11 as amended agreed to]

MR. WEISS: Mr. Chairman, I would move that Bill 11, the Apprenticeship and Industry Training Act, as amended be so reported.

[Motion carried]

Bill 23
Environment Council Amendment Act, 1991

MR. McINNIS: Mr. Chairman, when we left this matter last evening, the Member for Banff-Cochrane had just finished a spirited defence of the legislation, basically around the theme that it really doesn't change very much, that it's going to make the council more effective and not less effective, and that everything that the opposition is concerned about is of no importance whatsoever. Then he went on to put some words in certain people's mouths, mine included, stating that the advisory councils were stagnant and constant in terms of membership. Now, I would like to clear that first point up right away. I've said that the public advisory committee maybe needs some reform and can use some revitalization and rejuvenation, but at no time did I say that some petty dictator should come in and fire the whole bunch of them and start all over again.

Now, I recognize that in a democratic society government will have its way. In fact, much of the provisions of Bill 23 have already been implemented by the government, so it's sort of coming to the Legislature ex post facto, if I can speak that way. My quarrel is that you shouldn't give me a nickel and call it a dime. I mean, what's happening here is clearly a move for the government to take further control over the Environment Council. It's not a means to engender greater public input. If the government were serious about that, they would have approved the Environment Council request of long standing to hold public hearings on the important matter of a conservation strategy for the province of Alberta.

The Environment Council of Alberta practically begged the government to allow it to go to the broader public to hold hearings on the process, but they did a lot more than that. They did their homework. They published all of the background studies sector by sector. They even went so far as to prepare a draft strategy paper. They put all of the means and mechanisms in place in order to achieve that broader approach with the public. In fact, the Environment Council has earned its spurs over the years in that precise regard. I'd say an area of their greatest expertise was in their ability to involve the public but only on the approval of the government, and that's the amendment that came in in 1977-78 during that period when the government changed the name of the organization from the Environment Conservation Authority to the Environment Council of Alberta. It took unto itself the hammer over whether and when the council would be able to go to the public. Now they come along, fire all of the volunteers, and say, "We're going to take this over and make it an effective vehicle to consult with all of the public." Well, where do they get the cheek? First they take away the ability to hold public hearings – they take that into cabinet – then they refuse to accept serious requests from the council to hold such hearings. Now they come along and fire the works and say, "We're doing this to expand opportunities for public input." Well, give me a break. I mean, it doesn't add up that way.

9:30

I repeat the single question that I've asked the member, and he hasn't answered it yet: if it's necessary for the minister to have an advisory body such as is being created in this new legislation, why does he have to take a functioning agency with a fine tradition of public service to the province of Alberta and transform it? Why doesn't he create his own advisory agency which will advise him on long-term strategy, advise him on the price of cheese, advise him on whatever else he wants to be advised on? Why does he have to wreck the public advisory committees and the scientific advisory committees of the council in order to have his policy advisory committee? Why have you got to do that?

MR. CHAIRMAN: The Member for Banff-Cochrane.

MR. EVANS: Thank you, Mr. Chairman. In response to Edmonton-Jasper Place's comments about my use of certain terms last night to describe the existing public advisory committees, I did say, as was reported in *Hansard*, that the public advisory committees are "rather stagnant and constant in terms of membership." A better use of words may have been "static and constant in terms of membership," but I was referring to the comment that the hon. member made, and it's clear on page 1606, right-hand column, about two-thirds of the way down, "The government prefers, rather than dealing with a more or less stable membership . . ." That's what I was referring to, hon. member. You have stated in your comments that it is a stable, constant, rather static membership, and that was my point, that the amendments that are suggested will give not only an opportunity for longer standing committees to be appointed but also task forces and other bodies that it would be considered could assist the council.

So again, in summary, I believe that the amendments contained in this Act do not take away from that opportunity to have longer standing committees but rather give the Environment Council of Alberta the opportunity to look carefully at what is being accomplished through the public advisory committees, to restructure those to be more receptive to the realities of the 1990s, and to also give the greater, larger publics that we have today, who are very interested and involved in the environment, a vehicle to participate in environmental planning and strategies in the Environment Council of Alberta. That greater public didn't have that same opportunity under the existing Act, because if that public was not represented on the public advisory committee, there was virtually no other opportunity other than public hearings to have input. There is a greater opportunity for input now with these proposed amendments. Because of that I firmly believe that this is an improvement over the existing Act.

Thank you.

MR. CHAIRMAN: Are there anymore questions or comments? Is the committee ready for the question?

HON. MEMBERS: Question.

[Title and preamble agreed to]

[The sections of Bill 23 agreed to]

MR. CHAIRMAN: The hon. Member for Banff-Cochrane.

MR. EVANS: Thank you, Mr. Chairman. I move that the Bill be reported.

[Motion carried]

Bill 27
Rural Districts Act

MR. CHAIRMAN: There is a government amendment.

The hon. Member for Dunvegan.

MR. CLEGG: Well, thank you, Mr. Chairman. There's one very minor amendment, and it was distributed yesterday afternoon in the House. It's just to change one word, substitut-

ing "council" for "committee." Everybody in the House knows that a committee is not a council; it was an error when the Bill was drafted. That, in fact, is all that the amendment does in this Bill.

Is there any comment?

MR. CHAIRMAN: Is the committee ready for the question on?

The hon. Member for Edmonton-Jasper Place.

MR. McINNIS: I do have one question. I mean, if you talk to an Albertan and ask them where they come from and they give you a name of a place, if you haven't heard of it before, you might ask them, "Well, is it a hamlet, a village, a town, a city, or a summer village?" and they could explain that. But then you have to find out, "Well, is that part of a county or a municipal district or an improvement district?" and now I guess there's a possibility it could be a rural district as well. The question that I have – and I guess the taxpayers have to support all of this local government in the public interest – is whether it's possible to create a rural district out of a part of an improvement district so that you might end up in the same area with both a rural district and an improvement district. Am I understanding that this is a step for the entire improvement district to move toward the status of an MD or a county, or is it possible that one corner, one portion of an improvement district might be made into a rural district and then later evolve separately? Can you just clarify whether this could be used to subdivide an improvement district?

MR. CHAIRMAN: Is the committee ready for the question on the amendment?

HON. MEMBERS: Question.

[Motion on amendment carried]

MR. CHAIRMAN: The hon. Member for Dunvegan.

MR. CLEGG: Well, thank you. I didn't answer the question because it certainly wasn't on the amendment. But the answer is yes, it would create another form of local government if in fact rural districts were formed, and it's certainly our hope and belief that they should be formed.

As far as the question about a part of an improvement district becoming a rural district and leaving some section out, it would then involve borders. In some cases that could happen if an area of an improvement district decided, but there would have to be talks with an adjoining municipality and maybe there could be an annex into a municipal district or into another improvement district. That is a possibility under this Act.

MR. TAYLOR: Possibly the hon. member will allow me a question also. In general I support the idea, but my impression – and the hon. member may correct me on this – is that although ID councillors are elected democratically, they are only advisory to the government and minister. Now, am I correct in my understanding that the Minister of Municipal Affairs can dismiss any of those that have been elected to an advisory council, override the wishes of the voters in an area that elected a member of the advisory council, and will the minister be able to do the same thing under this system also?

MR. CLEGG: Under the improvement district, as I'm sure all of you know, the Minister of Municipal Affairs is what they call the reeve of improvement districts. Even under the Improvement Districts Act I don't know of any time that the minister has, in fact, dismissed an advisory councillor. At one time they were called advisory members. That was changed several years ago, and they call them councils of improvement districts now. Certainly it's never an intent. I've never known it to happen, unless there were some very extreme cases where that would ever happen. Under the rural Act that would be a step up the ladder. If the rural Act district was formed, then he would not have the authority to do that.

9:40

MR. TAYLOR: Just one more very quick question. Under the rural Act, then, would they have their own reeve? Would the councillors elect their own reeve as they do now, or would a reeve be appointed? Would the minister be the acting reeve?

MR. CLEGG: I could be corrected, but under the rural Act the reeve, or what under the improvement district, which is the same thing, they now call the chairman, is elected within a council that was duly elected within an improvement district. Under the rural Act it would stay the same unless – if you read the municipal Act, they in fact have the authority to elect if they so desire, but in all cases in municipal districts they are elected within the council that selected the different members.

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

MR. EWASIUK: Thank you, Mr. Chairman. I wish to make a few comments to this particular Bill, Bill 27, the Rural Districts Act. As I interpret the proposed Bill, I see where it sort of provides an interim period for improvement districts that may desire to eventually become a municipal district: first they must become a rural district. I kind of see this as perhaps a type of an apprenticeship where you give the rural district councillors an administration opportunity to get tuned up and get ready for the possible formation of a municipal district. The Bill seems to outline step-by-step methods of how this is going to work, and also it outlines the kind of authority that might be granted to the rural district council.

Really, the Bill on the surface appears to be one that's acceptable. However, Mr. Chairman, I have had contact with a number of residents from a variety of improvement districts who have some skepticism about this particular Bill. The fear they seem to express to me is that power groups within an improvement district – and again I use the words that they are somewhat friendly to the government – would be encouraged to form a rural district as they are, in fact, seeking power at the local levels. That is a perception that seems to be in the improvement districts, and I would think that if the government is serious about this Bill and is going to proceed with it, there needs to be a fair amount of education and information made more available to the residents in improvement districts to allay any of those fears, if in fact there is reason for them to have these fears.

I also have a communication from the minister relative to this particular Bill. I had a concern, and I perhaps still do: the amount of public input that would be available for the residents to have in the decision-making process in the eventuality that there is the intent to move from an ID to a rural district. The Bill does suggest that the minister may call for a plebiscite, but nowhere in the Bill does it suggest that the citizens themselves could ask or call for a plebiscite. I note that the regulations suggest that might be a possibility, but it's not in the legislation.

I think the Bill only makes reference that there will be "public comment," and I'm not really sure what that means.

It seems to me – and again I'm attempting to express the wishes of those who have called me – that if there is in fact going to be a move from an improvement district to a rural district, there needs to be a lot of input from the citizens within the ID, ensuring that all arguments are heard and all points are advanced to ensure that if indeed a plebiscite is called for and one is held, the pros and cons of the issue are well aired.

Mr. Chairman, as I see it, on the surface this appears to be a good Bill, perhaps a good process to bring along improvement districts to eventually become municipal districts, but again I just want to raise the fact with the hon. member that there is a concern, a concern perhaps because of lack of information. So I would think that the onus is on the government to ensure that all citizens are fully informed as to the intent of this Bill and how it's going to be processed.

MR. CLEGG: Thank you, hon. member, for those comments. I don't know where to start. How this Act is drawn up is: first, the improvement district council as of today makes a decision within council to go to a rural district. For many years improvement district councillors have said that they have not got the authority – and I'm going to take transportation, for example, because really the first phase of it is transportation. You know, their taxpayers phone them up and say, "Well, we need this road and that road," and then their complaint is that the government comes along and builds a road that they don't even think should be built. So under this Act, firstly, when they start to form a rural district – and if you read the Bill right through, I hope we've covered it all, and I know we have – if the council decides they want to go into a rural district, then they'll advertise it. If there's a lot of people – in an improvement district it doesn't take long for that word to get – then there will be public hearings throughout that improvement district to hear the cons and the pros. Even then, even if the council doesn't think that there's enough people against it, then the minister can say, "Well, I insist that you have a public hearing."

So it's certainly our hope that we've satisfied what the improvement district council wants – more decision-making – and at the same time the taxpayers in that area will have the input on the public hearing to make sure that they are happy.

I've heard complaints, "Well, our taxes are going to go up." It's just like any municipality. If the council that is duly elected decides to pave every road in the improvement district, then of course your taxes are going to go up, but if they decide that they are going to basically do the same kind of work as they've always done, then it shouldn't. So it would be fully up to that council to decide what should be done when they have the authority on the transportation end of it. Hopefully many improvement districts are not able to go even to a rural district at this time, but over a period of years – and maybe it'll take a transition period to a rural Act, and then down the line maybe four or five years they'll go to a municipal district where they'll have every authority. Government will just give them their municipal grant, their transportation grant and just say, "Go at it." That's what they've been asking, and that's what we're doing in this Bill.

Thank you.

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

MR. EWASIUK: Thank you, Mr. Chairman. I thank the member for that response. Just one additional question. As I understand it, the only time a rural district in fact would be implemented is at the request of that particular improvement district. In other words, the question really is that this is not a blanket application to all improvement districts; it's only on the desire of an improvement district. Is that correct?

MR. CLEGG: Hon. member, that's exactly correct. We have no intention at this time under this Bill to say to an improvement district, "You must become a rural district." That is not the intent in this Bill. Like I said earlier, the councils wanted this Bill. They said: "We're not capable at the present time of going the whole route between an improvement district and a municipal district. We just need this transition period, and we can take over the transportation costs and just gradually . . ." Hopefully sometime down the line we won't need four or five forms of rural government; someday they'll all be either municipal districts or the county system.

MR. CHAIRMAN: Is the committee ready for the question?

HON. MEMBERS: Question.

[Title and preamble agreed to]

[The sections of Bill 27 as amended agreed to]

MR. CLEGG: I move that Bill 27 as amended be reported.

[Motion carried]

Bill 28
Hail and Crop Insurance Amendment Act, 1991

MR. CHAIRMAN: The hon. Associate Minister of Agriculture.

9:50

MRS. McCLELLAN: Thank you, Mr. Chairman. This Bill is enabling legislation to provide for the provisions of delivering a revenue insurance program. I made some extensive comments on this Bill in second reading, and I would just look forward to members' questions and comments in committee tonight.

Thank you.

MR. CHAIRMAN: The Member for Vegreville has an amendment to section 11.

MR. FOX: Thank you, Mr. Chairman. I have an amendment that I propose to section 11. I gave it to the minister some time ago so that she would have a chance to consider it in advance, and I do appreciate her taking time to look at it.

The basic intent of this is to ensure that any interest that is charged on outstanding accounts owed by farmers to the Hail and Crop Insurance Corporation with respect to their gross revenue insurance plan premiums after November 1 would be subjected to an interest rate established by the Bill, not something that can be established from time to time by the commission and subject to some variance. It seemed to me that in setting an interest rate, if we wanted to set an interest rate in legislation that would be in place for this particular provision of the Act, it would make sense to establish that rate at 9 percent.

Now, you might wonder, Mr. Chairman, how I chose 9 percent as an interest rate. Did I just pick it out of the air? Did I roll the dice and come up with the number 9? No. I used a number that has been used in more than one piece of legislation by this government; 9 percent is the rate established on loans advanced to farmers through the farm credit stability plan program and as

well through the small business term assistance program. Nine percent: it's something that's been used before. It is as well, if I might remind members, the interest rate that's established for most of the lending programs through the ADC with the exception, of course, of the 3 percent rebate currently available through the beginning farmer loan program for a period of five years.

So 9 percent is a consistent interest rate, and if my amendment in section 46(f) were adopted, it would merely change that particular clause to read that the Alberta Hail and Crop Insurance Corporation could "charge interest on unpaid premiums at a rate not to exceed nine per cent and from a date fixed by the corporation." Now, that leaves room for the corporation to establish a rate less than 9 percent should governments change in Ottawa and we have an interest rate policy that is designed to reflect the needs of the people in Canada rather than the needs of the American business communities. So it could go lower than 9 percent if that was deemed advisable.

I invite the minister's comments.

MR. CHAIRMAN: The minister.

MRS. McCLELLAN: Thank you, Mr. Chairman. I'd like to thank the hon. member for bringing that amendment to me, and we have discussed it. There are a couple of points I would like to make in reference to the amendment, and one is that I would remind all members that this is an insurance program. It is an extension really, a component of the crop insurance program. So it is an insurance program; it is not intended to be in any way like a lending program.

The other part of the, I guess, problem that this might raise is that it would not encourage producers to pay their premium. I'm sure the hon. member and all hon. members would agree that we are very fair with our producers in not charging any interest on their premium until after November 1, when in fact the premiums are due on the day their contract is signed. So we feel that we have offered quite a bit of latitude to the producers.

[Mr. Jonson in the Chair]

The other thing is that the premiums are used to pay indemnities. The producer pays a portion of the premium, the federal government pays a portion of the premium, and the province pays a portion of the premium. Until we receive the producer's share of the premium, we do not receive the federal share of the premium, so we do have to build a pool, or it would be hoped that we could do that. So we encourage producers to pay their premium, but recognizing the difficulties that they have with cash flow, we have said that they do not have an interest charge until after November 1. For that reason I would recommend not accepting the amendment.

MR. TAYLOR: Mr. Chairman, I just want to take a short moment to support the hon. Member for Vegreville's amendment. I think it's quite reasonable to put a cap of 9 percent on the interest charged. The minister is quite right to not charge interest until November anyhow.

As the Chairman will probably get around to it, I have an amendment on the same section, and it gives a little more detail. But rather than take much time talking, I'll wait until my amendment comes up.

I would like to support the Member for Vegreville because all it is asking is a cap of 9 percent, and although that is about what interest rates are today, who knows? A year or two from now it could be 22 percent, and I think the farmers deserve to have that cap of 9 percent put in.

MR. DEPUTY CHAIRMAN: Ready for the question?

HON. MEMBERS: Question.

MR. DEPUTY CHAIRMAN: All those in favour of the amendment to section 11, Bill 28, as proposed by the Member for Vegreville, please say aye.

[Motion on amendment lost]

MR. DEPUTY CHAIRMAN: We have another amendment from the hon. Member for Westlock-Sturgeon.

MR. TAYLOR: I believe you used the principle – I think you've handled all the Official Opposition's amendments. My amendments were circulated, too, a day or so ago. Does the Chairman have a copy in front of him?

MR. DEPUTY CHAIRMAN: Yes, we do.

MR. TAYLOR: I think possibly, if the Chairman doesn't mind, I'll move them one by one. There are really only four.

AN HON. MEMBER: I thought there were 15, Nick.

MR. TAYLOR: Yeah.

The others. The same section 46(f) I would like amended. Just as the minister said, no interest is charged till November 1 now. All I tried to do is make it a little clearer, to say that if there's going to be a crop claim by November 1, there will still be no premium payable. It seems to me rather unjust. Comes November and there's no crop there, yet the payout may not be till January or February, as the minister knows. In other years you would go to somebody whose crop has been annihilated, gone, and demand the premium, and if the premium isn't paid – all right, all right; don't get excited – if the premium is not demanded, interest then starts to collect on a premium that can't be paid because the person hasn't got the money; the crop is destroyed. So to me it is eminently unjust to ask a farmer whose crop has been destroyed to have interest accumulating on their premium until the payout comes out another three or four months later. This is the main reason for this amendment.

MR. DEPUTY CHAIRMAN: Just for clarification, hon. member, it's your intention to go one item at a time in your amendments?

MR. TAYLOR: Well, the way I'd like to go, Mr. Chairman, if you have it in front of you, is 46, then 46.1, and then 55 and 56. So really I'm doing about half a page at a time.

MR. DEPUTY CHAIRMAN: So right now we're considering amendments 1 and 2? That's your wish? Or just section 1? That's fine; as long as I know. Thank you.

Hon. minister.

MRS. McCLELLAN: On that I would just remind the hon. member that this is the revenue insurance portion of the Bill. If a producer has crop insurance, which is yield insurance, and revenue insurance, which is income insurance, and the producer suffers a crop failure through yield because of it being annihi-

lated in some way, his crop insurance would be paid on that when it is done. The revenue insurance is paid in quite a different way, and it is paid on the crop year. It would be, I think, a bit irresponsible for us to put a date in because the crop year begins on August 1 and ends on July 31 of the following year. There may be years that it would not be evident in November or indeed December or whatever as to whether there's a payment. The way it is now we have the flexibility to make that decision as markets indicate. But to allay his fears on the producer not receiving his payment if his crop yield is lost, that is not a concern in this section of the Bill. The revenue insurance is calculated either on his average or his individual coverage times the support price or 70 percent of the 15-year index moving average price. So the yield or loss of yield does not affect his payment in this.

10:00

For the same reasons I sincerely believe the rates should be fixed year by year and that we should encourage our producers to pay their premiums. We're not in the lending business in this program; it is an insurance program. I would not want to see us have to top-load premiums to cover the cost of extra costs of premiums for producers who don't pay on the backs of producers who do. That is a concern. If a producer pays his premium on time, why should he be surcharged for the person who doesn't? I think we're more than fair in allowing the time to November 1 at no interest charge.

MR. TAYLOR: Mr. Chairman, the minister brings up an interesting point. Could she tell me what percentage of farmers pay the premium in advance, that don't let it run through till November 1? I didn't know any significant group was paying ahead, so I question her statement that they are subsidizing the rest. It's not uncommon in business, where you have a lock like the government has now with the permit book and everything else, that the farmer can't get away with not paying insurance, because the crop is delivered and they can take it off as it comes into the elevator.

In the oil and gas business and in other areas I've operated around the world where you're selling through, in effect, a marketer that a government had control of, it wasn't unusual at all to deduct the premium as it came through with interest. If you wanted to save interest, you could pay early.

But the early is before November 1. I don't think many farmers pay their crop premiums in June and July. I think they all wait till Halloween day. Am I wrong?

MRS. McCLELLAN: Well, there are producers that pay their premium in advance of the deadline or the interest charge time, and I would not have the figures on the frequency of that incidence.

MR. DEPUTY CHAIRMAN: Ready for the question on the amendment to section 46?

[Motion on amendment lost]

MR. TAYLOR: The natives are in fine voice tonight there.

The next one, Mr. Chairman, is 46.1. This particular item – I've also talked to the minister, and as usual the minister and I could reach no agreement. I believe her argument will be – I hate to prejudge or presage the argument – that an appeal can be in the regulations.

But one of the problems with the GRIP program or this new program is that we are going to see adjustments over the next few years, and that's unilateral adjustments. The farmer is supposed to sign up for three years. However, the government doesn't commit for three years. The government can change policies. My intention, Mr. Chairman, in putting forward this amendment to 46.1 was simply to set up a committee so that if there was enough of a change in a farmer's mind that he now wanted to get out of the policy – not because he'd changed his mind about whether it was a good insurance scheme or not, not because he suddenly went broke or anything like that, but because the government had changed the GRIP formula to a substantial amount – then I think that farmer should have a committee that he or she can appeal to to allow them to get out also. In other words, it seems to me eminently unfair to ask the farm population to commit themselves for a few years, yet the government doesn't commit itself at all and in fact can change the plan.

All this is is a simple bit of justice to allow the farmer to get out of the plan if the government changes it substantially, and even that, the judgment of "substantially," would be done by this committee.

MRS. McCLELLAN: Well, section 46(i) I believe is the one that the member wishes deleted and this new section added in. The intent in 46(i) is to

> establish a review committee to which persons may make representations regarding forfeiture of rights, denial of eligibility and contractual obligations under a contract of revenue insurance.

So the opportunity to establish such a review committee is clearly in the legislation. However, I still feel that it is appropriate to set out the members of that committee under regulation rather than having to go back and open a statute if you wanted to change the membership.

The member makes the point of a person signing up for a program for three years; however, the program may change. I believe we've made it clear, and I discussed this in second reading, that if there were a significant change to the program – the year we're entering into now is an interim year – then the producer would not have a legal obligation, in the opinion of our legal experts, to that contract. So I think the producer is protected. This is a Canada/provincial program, and there is a national committee that has been set up to monitor the program and to look at any enhancements or refinements that should be made to make it work better. This program is put in for the benefit of the producers and to offer them security on the income side. I would also remind members that these producer associations, producer members had quite a bit of input into the development of this program and will continue to have that opportunity to discuss it.

The other section that I had great difficulty with, I guess, was section (c): "The decision of the review committee is final." I don't agree with that; I guess that's my disagreement. The hon. member obviously does. Right now a producer has the opportunity to have an appeal heard before the full board. The board in fact is made up of producers from across the province, from every region, and I would not want to deny the producers the opportunity to appear before the hail and crop insurance board to make their case.

I would recommend we do not pass this amendment.

SOME HON. MEMBERS: Question.

MR. DEPUTY CHAIRMAN: Question?

The Member for Westlock-Sturgeon.

MR. TAYLOR: We've got some of the city slickers in a hurry there to get home, Mr. Chairman. They don't think this is important. [interjections] Yeah, I know. The rural vote.

The minister mentions that section 46(i) establishes a review committee. Well, I think that by a broad stretching of the English language she may be correct, but the way that this was written, and I referred this to a lawyer, a city slicker lawyer as a matter of fact . . . [interjections] Let's have a little more decorum here.

Their impression was that the review committee was to act for any appeal where it looked as if the farmer wasn't performing under contract; in other words, the government said that the farmer wasn't performing. What we want is a review committee where the farmer says the government isn't performing.

Now the minister is on record anyhow as saying that's not so, and she's covered anywhere else. I will take her word for it. She has never misled me yet, Mr. Chairman. In that way, then, I guess we might say that it's in. I don't know whether to withdraw it or not. I think we'll still let it go ahead to a vote, because I'd feel better, the way it is, if it went ahead.

HON. MEMBERS: Question.

MR. DEPUTY CHAIRMAN: Having heard the call for the question, all those in favour of the amendment to 46.1 proposed by the Member for Westlock-Sturgeon, please say aye.

[Motion on amendment lost]

10:10

MR. TAYLOR: The next one is very straightforward. This one I'm going to have a little fun with. I notice there are a number of Tory MLAs here. This is just an amendment that adds part 5, a whole new part. It's about the simplest amendment. Again, we can group them together: 55 and 56. In effect it says that the provincial government join NISA, join the net income stabilization account. It's very simple, no hanky-panky or anything else. It says that the corporation may operate a net income stabilization account program in accordance with federal/provincial agreement. I didn't spell a date; I didn't say how many people are there. It's just about as straightforward as we can, Mr. Chairman. We are the only province in Canada that does not have a NISA program operating with the federal government. It's something that the farmers want. I have a petition in my office now with about 300 Peace River farmers. There's going to be more that want it.

I wonder if you could shut up the city slickers there and let this farm thing get going here. The minister of culture is dabbling his toes in agriculture today. It may feel cool as it trickles through his toes, but if he'd listen a little bit, he might learn something.

MR. DEPUTY CHAIRMAN: Order. Order please, everyone, including the Member for Westlock-Sturgeon and whoever else. Order please. Let's proceed.

The Member for Westlock-Sturgeon.

MR. TAYLOR: I was just asking if the minister of culture with his chattering was enjoying barefooting it through the agricultural things here.

MR. DEPUTY CHAIRMAN: Please don't. Please proceed with the debate.

MR. TAYLOR: All right.

This is a NISA program. I know he thinks it's something that you smoke in the morning before breakfast. Nevertheless, this is a program of insurance that many, many farmers are interested in working in, and I would like to ask the House: this is the time, if you ever told your Whip where he could shove the whip and get out there and vote your own way, this is a chance to support me to make sure that this province, along with all the rest of the provinces, joins the NISA program.

MR. MAIN: Mr. Chairman, one item for the record: I was born on a farm.

MR. TAYLOR: Obviously you had a veterinarian taking three hours pulling you too.

MR. DEPUTY CHAIRMAN: Order please. Order please. Order.

The hon. minister.

MRS. McCLELLAN: Mr. Chairman, I really do have to have this on the record. There is absolutely no place for this amendment in this Bill. The Alberta Hail and Crop Insurance Corporation in Alberta or in any other province will not be administering NISA. NISA is individual accounts which are going to be administered by a federal body, and it would not be appropriate to have that included in the Alberta Hail and Crop Insurance amendment.

MR. DEPUTY CHAIRMAN: The Member for Vegreville.

MR. FOX: Thank you, Mr. Chairman. Just to be on the record, I will be voting against this amendment because I think it's inappropriate. The net income stabilization account is not an insurance program, would not be administered by the Hail and Crop Insurance Corporation, and this is, I guess, a somewhat feeble and inappropriate attempt to bring forward the issue of NISA into the Assembly.

That being said, I do want to join with the Member for Westlock-Sturgeon in making it crystal clear to the government that I think they're missing the boat. They're playing politics with their cousins in Ottawa. They're refusing to make a firm commitment to the NISA program. The reason they need to do that right now, Mr. Chairman, is so that farmers can get the money that is being made available by Ottawa to help them cover the costs they incurred in putting in their crops this spring. There's a desperate need for the money out there. This government has never acknowledged it, and now that there's the opportunity to get that money for farmers, they're ignoring the opportunity. It's irresponsible. I don't travel anywhere in the province where farmers don't bring this to my attention and express their extreme disappointment, generally with the Minister of Agriculture but by implication with the Associate Minister of Agriculture, for their unacceptable inaction on this important issue.

MR. TAYLOR: I can say amen to the Member for Vegreville, although I don't know where he acquired the legal expertise to say that it is not within the bounds of this Act to put it in. I checked part 5 both with Legislative Counsel and also with another legal firm, and I was assured by both the Legislative Counsel and by our own counsel that it's quite . . . It's got to be somewhere. It could be introduced as a new Bill, as the Member for Vegreville would like. I could do that and have a

debate on it, but this is the easy way to put the heat on the government, to vote that it be put in as an entirely new part. Just as the Member for Vegreville said, it doesn't need to be administered by the federal; it can be done here.

The hon. member, I think, is hiding under a bed so far I can barely reach her with a broomstick when she says, "No, no; it's illegal and fattening and whatever else it is, and therefore we can't put it in the Act as it presently stands or in Bill 28." I submit that you can, and I would challenge all my friends and people that are interested in seeing the farmers get the NISA program to vote for it just to surprise her.

Thanks.

MR. DEPUTY CHAIRMAN: Ready for the question? All those in favour of the . . . [interjections] Order please. All those in favour of the amendment, part 5, please say aye.

Point of Order
Recognizing a Member

MR. TAYLOR: Point of order. Someone tried to get the floor.

AN HON. MEMBER: I can't see him.

MR. TAYLOR: Well, he was there, the Member for Rocky Mountain House. [interjections]

MR. DEPUTY CHAIRMAN: Order please. Order please. If any member of the House feels they are not being given their opportunity to speak, it's up to them to raise their point of order.

Debate Continued

[Motion on amendment lost]

MR. TAYLOR: Mr. Chairman, did you rule unanimous?

MR. DEPUTY CHAIRMAN: No. It's defeated.

[Title and preamble agreed to]

[The sections of Bill 28 agreed to]

MRS. McCLELLAN: Mr. Chairman, I move that Bill 28 be reported.

[Motion carried]

Bill 32
Special Waste Management Corporation Amendment Act, 1991

MR. KLEIN: Mr. Chairman, I'm pleased to introduce this Bill to committee. I think that everything about this Bill was said during second reading. I'd be glad to respond to questions.

MR. McINNIS: Mr. Chairman, there is more to be said about the Bill, but I'm going to reserve my comments for third reading.

I have just a couple of questions that I would like to ask of the minister at this stage. One is the reason for provision in the Bill of section 7, which is an amendment to section 11. As I read it, it adds to the ability of the corporation, by bylaw, to "guarantee the indebtedness of any person acting as agent of the Corporation for the purposes of carrying out the Corporation's objects." That's a new provision. The Special Waste Management Corporation can guarantee somebody else's borrowings, subject, of course, to the approval of the Lieutenant Governor in Council. I would like to know why that provision is in there and who it is that could be considered to be a "person acting as agent of the Corporation." Does this extend to the private-sector operators who are part of the special waste management system, as that term is used in the province of Alberta, bearing in mind that the Bill states that the government should use private-sector operators wherever possible? Is this in fact the means whereby the government will, through a Crown corporation, be issuing more loan guarantees in the private sector, bearing in mind all of the problems that the government's got into in respect of loan guarantees?

10:20

The second question, and closely related, is: what are this minister's plans under this Bill for the processing and treatment of medical waste in the province of Alberta? It's my understanding that there's more than one private operator in the weeds planning incinerators in various localities around the province. So we would trade the hospital-based incinerators for private-sector incinerators in various towns and localities throughout the province. Is that the type of system that the minister plans to set up under this legislation? If so, will he explain what process he will use to license those and to secure the interests of the public in making sure that incineration is done, if it has to be done, in a safe fashion?

Anyway, those are my two questions that I'd like answers on.

MR. KLEIN: Thank you very much, Mr. Chairman. To the hon. member: no, it is not the intent of this legislation to extend to private-sector operators loan guarantees or indeed any other form of financial assistance.

Basically, there was an example in the community of Swan Hills relative to the special waste management facility there where the corporation was responsible for building the housing, for instance, for the employees of that facility. There is the necessity of buying, well, trucks and other equipment for the facility. Basically, this allows them to borrow the money to make those capital expenditures.

I think there's a safeguard here, and the hon. member pointed it out, and that safeguard is that it has to be with the approval of the Lieutenant Governor in Council. In other words, this corporation does not have unto itself borrowing power. It is subjected to the Lieutenant Governor in Council. The opposition being as diligent as it is . . . [interjections]

MR. DEPUTY CHAIRMAN: Order in the committee, please. Order.

MR. KLEIN: . . . if they were to see that indeed we were perhaps bending the rules as spelled out in the legislation, I'm sure they would bring it to our attention in very quick order.

I can assure the hon. member that indeed it is not the intention of this government to give the Special Waste Management Corporation the powers to borrow money to subsidize other businesses that might want to get into hazardous wastes. As a matter of fact, the whole legislation is geared to accommodate not businesses that want to get into hazardous waste, because that is going to be the exclusive domain, at least as the legislation now stands, of the Alberta Special Waste Management Corporation, but to accommodate firms that want to get into special waste management and to better reflect the ongoing operation of the corporation today.

If the hon. member wants me to answer his question relative to biomedical waste, I will. This then leads us into this area of special waste, and really it has nothing to do with Swan Hills. We have made a very deliberate decision – and he can hold me to this – that Swan Hills at this point in time will not become involved in biomedical waste unless there are no other facilities to handle it. Right now we have identified about eight regional hospital sites that have the capability, and the environmental capability, of handling special waste. The resolve of the government is to let those facilities handle as much of the waste as they possibly can and put out to the private sector the biomedical waste that can't be accommodated at those hospital sites.

MR. McINNIS: I appreciate the answers, and I thank the minister. I understood him to say that section 11(1)(c) will not be used to guarantee the indebtedness of the private-sector companies getting into the biomedical waste management field, will not be used for that purpose. Will he just clarify what means he will use to license these new facilities that will process biomedical waste? Is this a Natural Resources Conservation Board process? Is it a process that would take place under this legislation or some other mechanism?

MR. KLEIN: Mr. Chairman, it's a process that won't take place under this legislation, but certainly the hon. member brings up a valid point, and that is that there has to be some process through which the environmental worthiness of these projects can be adjudicated. In other words, a biomedical waste facility is designed to address one environmental problem and could in itself create another environmental problem through emissions into the air and improper storage and so on. So conceivably these kinds of facilities, if a full-blown environmental impact assessment is required, could be subjected to a Natural Resources Conservation Board review. They aren't on the mandatory list right now, but certainly these are the kinds of projects that could be sent to the NRCB under the legislation that is proposed.

MR. McINNIS: I would simply like to encourage him to make the commitment that they would, because biomedical waste has many, many hazards associated with it, and I think a lot of communities that are hosting these facilities would like to have some assurance that they will have their questions about them answered before they are sited within those communities.

Anyway, those conclude my comments.

MR. TAYLOR: I ask the minister a question with respect to section 15.1. It says:

> No person other than the Corporation or a person with whom the Corporation has entered into an agreement under section 15 shall
> (a) store hazardous waste,
> (b) operate a facility . . .
> (c) treat hazardous waste, or
> (d) dispose of hazardous waste.

That to me clearly looks as if the intention is to establish a monopoly and the government will not be licensing anyone in the free enterprise or competitive sector to go ahead and store or collect or treat hazardous wastes. In other words, isn't it possible, if this is so, that our very inefficient Special Waste Management Corporation could put some awfully high costs on industry and business in general that would be better handled by a little bit of competition? It looks here as if this company is going to be allowed to say whether or not there's any competition for itself. Is that a good idea?

MR. KLEIN: I think it's the best idea that we have, Mr. Chairman, because we're virtually the only jurisdiction in this country with the capability and the legislation in place to handle hazardous waste. There has to be a clear separation between hazardous waste – and there is a definition of hazardous waste; there are about 60 or 70 various substances that have been identified as hazardous. Deliberately and with the concurrence of the public we have put in place a facility to handle these very toxic, dangerous wastes.

We have also recognized that in this evolving world of the environment and new waste streams and new substances being identified, there are many substances that could be classified as nuisance, as special waste. In other words, they're not nice things to have around; they should be handled in a special way. Nonetheless, the legislation very deliberately and very firmly was established to allow this corporation and this corporation only, under the circumstances of today, and those circumstances might change, to handle hazardous waste. It's the safest way that we know how, as a province, as a government, to handle those wastes that are deemed to be dangerous to the public.

MR. TAYLOR: Just a final word. That's what I was afraid of. It's kind of surprising to me that a government that pays as much lip service as it does to free enterprise would, in effect, set up a corporation that could judge whether or not anyone trying to compete with it would be allowed to compete. I can see having this corporation, because as the minister says, there are not that many in Canada and you've got to start somewhere. But it seems to me that the conservation board or some third party that's already in the field should be the one to decide whether another corporation coming in can be allowed to store, collect, or treat hazardous wastes. It seems to me to not only set up a quasi Crown corporation but tells that Crown corporation that they can license or stop anybody else that may want to do it cheaper with new technology. That is something I wouldn't expect the Conservative government to support. I find it hard to support here too.

10:30

MR. KLEIN: Just to respond very, very briefly, Mr. Chairman, we're dealing with something that is very hazardous. We're dealing with something that very little is known about in terms of its storage and its treatment. We're developing probably the best technology available. I would suspect that down the road there will be an application, perhaps from another operator, to handle hazardous waste, and I think we will have to debate that issue at that time, hon. member, in the context of whether we want to make a very fundamental change in the policy.

MR. DEPUTY CHAIRMAN: Ready for the question?

HON. MEMBERS: Question.

[Title and preamble agreed to]

[The sections of Bill 32 agreed to]

MR. KLEIN: I move that Bill 32 be reported, Mr. Chairman.

[Motion carried]

MR. STEWART: Mr. Chairman, I move that the committee now rise and report.

[Motion carried]

[Mr. Jonson in the Chair]

MR. ZARUSKY: Mr. Speaker, the Committee of the Whole has had under consideration certain Bills and reports the following: Bills 23, 28, and 32; Bills 11 and 27 with some amendments. 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. ACTING DEPUTY SPEAKER: All those in favour of the report from the Member for Redwater-Andrew, please say aye.

SOME HON. MEMBERS: Aye.

MR. ACTING DEPUTY SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

MR. ACTING DEPUTY SPEAKER: Carried.

[At 10:34 p.m. the Assembly adjourned to Wednesday at 2:30 p.m.]