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The 28th Legislature
First Session

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The Honourable Gene Zwozdesky, Speaker

Legislative Assembly of Alberta The 28th Legislature

First Session

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Woo-Paw, Hon. Teresa, Calgary-Northern Hills (PC)
Xiao, David H., Edmonton-McClung (PC)
Young, Steve, Edmonton-Riverview (PC),
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Standing Committee on the Alberta Heritage Savings Trust Fund

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Select Special Chief Electoral Officer Search Committee

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Standing Committee on Resource Stewardship

Chair: Ms Kennedy-Glans
Deputy Chair: Mr. Anglin

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Barnes	Johnson, L.
Bikman	Khan
Bilous	Kubinec
Blakeman	Lemke
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Legislative Assembly of Alberta

7:30 p.m.

Tuesday, November 5, 2013

Government Bills and Orders Committee of the Whole

[Mrs. Jablonski in the chair]

The Deputy Chair: I'd like to call the committee to order.

Bill 31 Protecting Alberta's Environment Act

The Deputy Chair: We have under consideration Bill 31, amendment A2.

The hon. Member for Rimbey-Rocky Mountain House-Sundre, please.

Mr. Anglin: Thank you, Madam Chair. This amendment to section 4: the whole purpose of the amendment is to remove the illusion of independence and create the substantive existence of independence, which is that the agency on its own merits will decide the frequency and shall report to the public on the condition of the environment. That's important. We're at a juncture right now. Does the ministry really want to project and make real that this agency is independent and not just an arm of the minister or under the jurisdiction in the sense that it takes direction from the ministry?

The purpose of the bill is to provide an independent agency that has some credibility in monitoring the environment. To make that happen, then, the actual ministry cannot have even a perceived control over the agency. They must be able to act independently. Throughout the bill in various parts we're going to make amendments to make sure that we create the actual existence of independence and not just have the illusion or the hollow words that the agency will be independent.

This amendment is designed, first, to address the issue of reporting and make the issue of reporting a function of the new agency that's created, and they will make their determination. Now, the most important part about removing "in consultation with the Minister": that does not say that they cannot consult with the minister. That would not be true. That's not a good interpretation. It does not prevent consulting with the minister; it just removes the legislative mandate. The minister still will be able to consult. The ministry will still be able to engage in conversation, but it just will not have a legislative mandate on the agency to consult with the minister before it actually issues a report on the environment to the public. That's significant.

Again, what this amendment does is that it creates the actual independence of the agency to act on its own accord and to do so in good faith. That is actually listed in the behaviour of the board as they're appointed, so that's not going to be the issue. I just want to make that clear because I get a concern sometimes that people read into something more than what's there. In this case, just removing the mandate that the agency must consult with the minister first before it issues a scientific report is not necessary. They're welcome to consult, but it should not be a legislative mandate.

I ask and I encourage all members to support this amendment. Thank you very much.

The Deputy Chair: Thank you, hon. member.

Are there any other members who wish to speak on amendment A2 to Bill 31, Protecting Alberta's Environment Act? The hon. Member for Edmonton-Centre.

Ms Blakeman: I'm sorry. Are we voting on this amendment?

The Deputy Chair: No. This is on amendment A2 to Bill 31.

Ms Blakeman: Thank you. I'll wait.

The Deputy Chair: The hon. Member for Cardston-Taber-Warner.

Mr. Bikman: The deep south, y'all.

The Deputy Chair: The deep south.

Mr. Bikman: Thank you. I appreciate the opportunity to speak in support of this little amendment.

Mr. Anglin: Little? It's a big amendment.

Mr. Bikman: Well, a very important amendment, small in size but huge in importance. Thank you for that clarification, hon. member, hon. heckler.

Perception is reality, like it or not. The hon. Member for Edmonton-Gold Bar isn't a pirate but looks like a pirate, so some people might think he's a pirate. He's got a surplus of hair, but he won't sell me any. Anyway, it's important that we perceive things as they really are.

An Hon. Member: Argh.

Mr. Bikman: Argh. Yeah. There you go.

I think it's all right to set a frame of reference that might require the agency, AEMERA, to report but not to consult in the sense that they're getting direction. I'm not sure if that's what was intended, but I think there's a danger that it could be perceived that way. I know – I assume I know – I believe that part of the reason for this is that we will be perceived globally, internationally, and even domestically as doing all that we can to protect our environment.

It's important that things be measured. A wise man, Tom Monson, once said: "When performance is measured, performance improves. When performance is measured and reported, the rate of [improvement] accelerates." So it's important that this information will be reported in a timely manner because, again, this is, in essence, feedback to those who perhaps are emitting greenhouse gases or other pollutants that we're concerned about in protecting our environment.

The goal, I think, would be for this agency to report things in a timely manner so that the information could be used to course-correct, to change behaviour. For feedback to be useful, it needs to be focused – in other words, as specific as possible – and timely. I think that it's important that we monitor if the purpose is to convince our trading partners or those we want to trade with that we are in fact doing all that we can or all that we should be doing to protect our environment, to reduce our carbon footprint. We want to make sure that the impression is accurate. By cleaning up some of the language such as this, that same purpose, to get the information to the minister and her department in a timely manner, could be done without requiring them to consult in the sense that it means that there is maybe the perception that they're being directed, that they can't proceed until they've consulted.

I think that's the intent of our amendment. I believe it's a worthwhile amendment because we're talking, again, about how we're going to be perceived by our global trading partners. That's critical. We need access to those markets. We have had good news today about the possibility of being able to create another outlet for our landlocked resources to the west coast. It's critical to get into that market as soon as we can.

At one of the committees that I sit on, the Standing Committee on Resource Stewardship, we've been receiving a lot of information from knowledgeable players in this field about the importance of being able to get to market soon. Of course, we want to get to as many markets as we can. That's why we're looking to all the coasts and with Keystone or something like that to the U.S. We need access to the markets. The benefit to us is huge. The more resources we can get to market, the more revenue the providers make, the more royalties that we get, the more taxes that are paid by the companies generating and the people that are working for those companies. So this exercise is an important exercise.

I think it's equally important that we do all we can to make sure that the perception is accurate, that it, in fact, is an arm's-length agency. Calling something an arm's-length agency doesn't make it so. It isn't just the name or just the statement as made in 2(2): "the Agency is not an agent of the Crown." But the Crown appoints everybody that's on it, and the Crown requires that the agency consult with the minister.

There's a mixed message there. I think we want to be very clear with our trading partners and potential partners that we are, in fact, serious about measuring and monitoring the impact that our industries, our energy providers have on the environment and that we are going to provide that information free of meddling and intervention. We don't want that report to be interfered with in any way. We want it to come the way that it should be, exactly stating the facts, so that our customers can say that Alberta is in fact leading the pack, like we all like to claim, in terms of controlling greenhouse gases and controlling other pollutants.

I'm certainly in favour of the bill in general but with the friendly amendments that we're offering, not to make your life more difficult and not to delay the process but to help ensure that it accomplishes what we all agree we need to, which is the most unfettered access we can possibly have to the global markets.

Thank you.

7:40

The Deputy Chair: The hon. Minister of Justice and Solicitor General.

Mr. Denis: Thank you very much, Madam Chair. You know, I'm feeling lucky. I've got a buck five in my pocket, and I'd like to move for unanimous consent for one-minute bells the rest of the evening.

The Deputy Chair: The Minister of Justice and Solicitor General has moved for one-minute bells. Unanimous consent is required.

[Unanimous consent granted]

The Deputy Chair: We will have one minute in between the bells. Thank you.

Anyone else who would like to speak to amendment A2 to Bill 31, Protecting Alberta's Environment Act? The hon. Member for Edmonton-Calder.

Mr. Eggen: Well, thank you, Madam Chair. I appreciate the opportunity to speak to this amendment to Bill 31, and I'm pleased that we have so many amendments to Bill 31. I find it to be so incredibly, deeply flawed that it's a litmus test, I think, of the strength or weakness of the legislation. I've seen lots come through here over the years, and when you see probably 16 amendments, that is a clear indication that there are some serious problems with Bill 31. You know, I spoke about this before in second reading, and the biggest global problem with this bill is the

fact that it's running everything through the ministry and making choices about the committees and the scientists and the stakeholders through the ministry.

I guess that's the way things are and the way things will be, but I think that we can mitigate the problems associated with that by some of these amendments, putting specific provisions in to include certain groups and to include the integrity and the independence of scientists that might participate in this whole thing.

This is the first amendment I'm looking at here. By striking out "in consultation with the Minister," I guess this is a shot, I see, at this idea of reducing the power of the ministry to be able to modify and to sort of make constructions on these committees and to have a greater degree of independence. Certainly, I am happy to support this amendment.

Thank you.

The Deputy Chair: Thank you, hon. member.

Is there anyone else who would like to speak on amendment A2?

Seeing none, I'll call the question.

[Motion on amendment A2 lost]

The Deputy Chair: The hon. Member for Edmonton-Centre.

Ms Blakeman: Thank you very much. I'm going to send this amendment to the table.

The Deputy Chair: Hon. members, we'll pause for a moment while we distribute the copies of the amendment. This amendment will be known as A3.

Hon. Member for Edmonton-Centre, we can get started now. Thank you. This is A3.

Ms Blakeman: Thank you very much, Madam Chair. I'm really quite thrilled to be able to move this amendment because I didn't think I was going to get here. I was trying to do something that's hard to do right now just given the various laws that we have. Part of what was concerning me in this act, aside from there being no designation about who was appointed to the board, is the fact that there are no scientists appointed to the scientific advisory panel, and to my great and everlasting disappointment my hon. colleagues opposite voted that down. Boo, hiss. [interjections] It's true. It's true.

In section 21 it talks about the board. They always have funny names, and they all start with A; AEMERA, they're calling it. It can make bylaws respecting, of course, the business and affairs of the agency, calling board meetings and things. They can make a bylaw, but they have to provide it to the minister. Then the one I truly love, section 21(3), appearing on page 9 of the act: "The board shall, by bylaw, establish a code of conduct, including conflict of interest guidelines, to apply to directors, officers and employees of the Agency." You gotta love that. No conflict of interest there. They're going to write their own conflict-of-interest bylaws. Hmm. No.

I guess I'm still sitting on the Conflicts of Interest Act review committee. I've learned a lot about senior officials. It's one thing for MLAs to be covered under conflict-of-interest legislation, but senior officials are the group that we try and capture under that because they're the other group that is in a position of great influence. They can use that expertise and move on and parlay that into another job, which would be speaking to the need for a cooling-off period. One could argue that they're also in a position

where they could be influencing changes that would benefit themselves. Let me be clear here, Madam Chair. I'm not talking about anybody in particular here. I'm just saying that this is the way it's laid out right now.

We're very uneven in the application of the current Conflicts of Interest Act. If you work for the government in certain areas and you're covered under the Public Service Act, then you are covered by what's called APAGA, which is the new legislation for agencies, boards, and commissions, but if you work for one of the 300 and some-odd agencies, boards, and commissions, you're not covered if you are unpaid or a director or even the paid CEO, with a few exceptions.

There is an order in council – cue the music; dun dun dun – which applies to nine agencies and follows from what is commonly called the Fowler memo. Hang in there, everybody. I will get there. This will all make sense to you. The Fowler memo was written by a former member of this Chamber, who essentially said, “You know, there are some senior officials who should be covered under the legislation” and made some suggestions about what they should be covered for. That Fowler memo has been used and applied to certain groups but not to other groups, so we have great inconsistency between the public servants, agencies, boards, and commissions which are directly enabled or created or report back to or are funded by the government and then these special ones under the OC.

I think there are some recommendations coming from the committee that is trying to smooth out, sand out some of the bumps in that particular road, but when I looked at this legislation for Bill 31, the Protecting Alberta's Environment Act, and saw that there was an expectation that this agency was going to create its own conflict-of-interest legislation, I thought perhaps I could be helpful.

7:50

Here's what I'm proposing, Madam Chair. There are three parts, really, to good conflict-of-interest legislation. You have someone, the way I define it, that is in a position where they do have influence to change public policy. Their control or their area of influence is quite wide, and they're dealing with a whack of money. This particular agency has got \$50 million that it's dealing with right now and might, depending on how this actually works out, have more than that, which would cover the monitoring for the rest of Alberta, so they qualify under my criteria.

What you really need to have are conflict-of-interest guidelines that cover mandatory disclosure – what they have shares in, that sort of thing – and a cooling-off period so that, especially, they can't go back and forth, they can't take that insider knowledge gained from being a senior official and go and sell it on the open marketplace. That's a betrayal of some of the things that we're all trying to work on here.

The last thing is difficult to capture because it's about not influencing changes in legislation that are going to benefit your private interests or those of the people immediately about you. That's what I've included in this clause. What I'm saying is to strike out the entire clause that exists now under the subheading Bylaws and Code of Conduct. We've got 21(1): “The board may make bylaws respecting” blah, blah, blah. Then when we get down to (3), I'm suggesting that we strike what's there and instead implement this:

(3) The board shall, by bylaw, establish a code of conduct, including conflict of interest guidelines, which must contain provisions concerning disclosure requirements, cooling-off periods and improper influence, to apply to directors, officers and employees of the Agency.

That covers everybody that's going to be associated with the agency. I'm letting it slide that they're writing their own conflict-of-interest legislation because I sense that I'm not going to win that one. But it does say that you need to have these three parts included in it.

I'm not getting down to too much nitty-gritty detail here because I know that makes my hon. colleagues opposite just grind their teeth, and that's not good for you. I'm always worried about their health.

I'm giving them enough that they know they need to do something. They could surprise me and make me proud by really getting some very strong conflict-of-interest legislation in those three areas. That would be delightful. But overall I think this is a necessary piece of credibility for this agency so that it's very clear to the people that are appointed – they haven't been yet, I hope – that this is what's expected out of them, and it lays that out very clearly.

I've done an enormous amount of work on this, as has, I think, every member of Parliamentary Counsel and then some who has been helping me to try and find a way through this. Of course, the difficulty was that I couldn't reference that order in council that does include those special nine agencies that are set aside. I've come at this a couple of different ways. I think this is the one that's going to work, and it's going to make everybody over there happy. It's going to make me happy. It would be a great night.

I am asking for the support of the members. This was one of the amendments that I did pass on to the Government House Leader and the minister. Although it looks a lot different now than when you last saw it, the conflict of interest is still in there. I do ask support from my hon. colleagues opposite and, of course, the ones that are surrounding me.

Thank you very much, Madam Chair.

The Deputy Chair: Thank you, hon. member.

Is there anyone else who would like to speak to amendment A3? The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you, Madam Chair. I'll be brief. This is the gold standard of amendments. Unfortunately, if it doesn't get passed, gold will drop about 3 or 4 per cent, so it's important that it does pass. This government talks quite a bit about integrity and about issues of credibility. When you read this amendment at face value, what it says is that “the board shall, by bylaw, establish a code of conduct,” and then it goes on to give what I think is a lot of credibility to the code of conduct of this proposed agency. Common sense says that this or something equivalent to this should appear in the legislation, and I would hope that the members would support it.

Thank you very much.

The Deputy Chair: Thank you, hon. member.

The Member for Calgary-Mountain View.

Dr. Swann: Well, thank you, Madam Chair. It's no surprise that I support this. This House leader has been an example of parliamentary procedure. I hope her recent study on conflict of interest, especially, will be taken seriously by all sides of the House. The face validity, I guess we'd call it, of an agency establishing its own rules of conflict of interest flies in the face of what this Legislature is about. If we're serious about credibility and public accountability, I think it behooves us to go the extra mile and ensure that this body follows the same standards of conflict of interest that every other part of the Legislature follows. This is the gold standard, right? What we follow in this Legislature . . .

The Deputy Chair: Hon. member, I hate to interrupt you, but could you stand in front of your desk, please? The reason is because of the camera lenses.

Dr. Swann: I see. Sorry.

The Deputy Chair: Thank you. We want to get a good shot of you.

Dr. Swann: Thank you. As I was saying, one of the big challenges I think this government has is public credibility on the environment. This would be another step towards really ensuring that you're going the extra mile in terms of conflict of interest and ensuring that they follow the same standards in this agency as the rest of government.

So in the interests of both the credibility of the bill, the credibility of the agency, and the credibility of this august Legislature it behooves us to recognize the need for the standard and not to leave this kind of important policy-making or bylaw to the agency itself. I think we want to follow the existing criteria. It makes sense for all of us to take the highest, the best, the most objectively valid approach to conflicts of interest, so I fully support this.

The Deputy Chair: Thank you, hon. member

Is there anyone else who wishes to speak to amendment A3? The hon. Member for Edmonton-Calder.

Mr. Eggen: Thanks, Madam Chair. I, too, am speaking in support of this amendment. Quite frankly, I'm surprised that these provisions, as very eloquently expressed in this amendment, are not there in their entirety in this bill because these are standard practices that we put into lots of other positions and jobs. You know, I'm on the officer's committee for hiring, and they're standard things that we would include and expect to be included for any important boards or committees or individual positions that are surrounding this Legislature. Quite frankly, this seems like it's just a matter of due course, and I'm glad that the Member for Edmonton-Centre actually noticed the absence of this and has included this amendment for all of us to enrich Bill 31.

Thank you.

8:00

The Deputy Chair: Thank you, hon. member.

Is there anyone else who wishes to speak? The hon. Member for Edmonton-Beverly-Clareview.

Mr. Bilous: Thank you, Madam Chair. I rise in support of this amendment to Bill 31. It should be quite evident and quite clear at the onset the value that this amendment adds to Bill 31, but on behalf of some of the members of the House I'll just go into a little bit of detail as to why this amendment does in fact strengthen the bill as it's currently written. First and foremost, there need to be conflicts of interest guidelines which will help this board to govern and provide them with a frame and terms. The concern with the way the bill is currently written is that the board themselves will determine their own conflicts of interest guidelines, which is extremely problematic in that it would be like allowing one team to make up the rules for themselves. That clearly has some problems.

As well, this amendment lays out disclosure requirements, which are extremely important, again. Too often, Madam Chair, we hear from the other side of the House about how they are accountable and transparent, and really their actions do not follow their words.

Mr. Eggen: Not even a little bit.

Mr. Bilous: Thank you. Yeah. Not even a little bit, not even an ounce. This amendment will lay out some of the parameters so that at least we will have some accountability. The public will be able to have a little more faith in this board.

I think it's extremely important that we do have cooling-off periods, as this amendment calls for. Too often we see around the world improper influence being exerted. I shouldn't even say "around the world." We have many examples even within our home province of people who were in positions of power moving into positions of lobbying or positions of being able to directly influence. There needs to be a cooling-off period to ensure that that type of influence is at least mitigated somewhat.

I think that this is a very reasonable amendment. I thank the Member for Edmonton-Centre for bringing this forward, and I strongly urge the members of the Assembly to vote in favour of this amendment.

Thank you.

The Deputy Chair: Thank you, hon. member.

Is there anyone else who wishes to speak to amendment A3, Bill 31?

Seeing none, I'll call the question.

[The voice vote indicated that the motion on amendment A3 lost]

[Several members rose calling for a division. The division bell was rung at 8:03 p.m.]

[One minute having elapsed, the committee divided]

[Mrs. Jablonski in the chair]

For the motion:

Anderson	Blakeman	Rowe
Anglin	Brown	Stier
Bikman	Eggen	Swann
Bilous	Hale	

Against the motion:

Amery	Horner	Olson
Bhardwaj	Jansen	Pastoor
Campbell	Kennedy-Glans	Quadri
Cao	Klimchuk	Quest
Casey	Kubinec	Rodney
Cusanelli	Lemke	Sarich
DeLong	Leskiw	Scott
Denis	McIver	Weadick
Dorward	McQueen	Woo-Paw
Drysdale	Oberle	Xiao
Fawcett	Olesen	Young
Horne		

Totals: For – 11 Against – 34

[Motion on amendment A3 lost]

The Deputy Chair: We are back to Bill 31. The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you, Madam Chair. I would like to offer an amendment at this point on section 4.

The Deputy Chair: This will be known as amendment A4. We'll pause while we distribute copies to the members.

Hon. member, you can proceed.

Mr. Anglin: Thank you, Madam Chair. I'm moving that Bill 31, Protecting Alberta's Environment Act, be amended by

renumbering section 4 as 4(1) and adding the following after subsection (1): “(2) The supporting data for an Agency report under subsection (1) shall be made available to the public.”

8:10

According to the minister's eloquent words earlier this afternoon, the whole idea of a scientific board issuing a report will not have validity without the raw data being available to actually have other scientists look at the report and verify that the data supports the final report. That's critical in any scientific study, and nowhere in the act does it lay out that that is a mandate for this agency. I don't know any other way that scientists or doctors even in the medical field but particularly scientists get validity other than by making sure that the raw data that they collect, that they use to formulate their report, that they use for their findings is available to any other scientist so they can verify that what the report actually says is true.

From where I sit over here, looking at this bill, we want to give this bill credibility. We want to give the agency credibility. Just issuing a report, any report, without the supporting data: there's no credibility there. So this is absolutely essential to the functioning of this board. The minister has said that this agency is going to be at arm's length, and it's going to be comprised of scientists. This is going to be based on science. There needs to be a mandate to make sure that the raw data is available to verify the science. Without that that undermines the credibility of the board.

I would ask the members on the other side to support this or at least show where there's a mandate here to make that data available. It has to be available. It can never be withheld. That was, I think, just a missed opportunity when the bill was first drafted. This is now the opportunity to put it into the bill to make sure the agency knows that whenever it does issue a report, supporting data has to be available publicly.

Thank you very much.

The Deputy Chair: Thank you, hon. member.

The hon. Member for Strathmore-Brooks.

Mr. Hale: Thank you, Madam Chair. I'd like to stand and speak in support of this amendment. I think it's very important, as the Member for Rimbey-Rocky Mountain House-Sundre said, to have the data along with the report. If we get the reporting, which it says it will do, make the report public, that's great. They can get the final results, but they should also have the opportunity to see how those final results are obtained. That way that leaves out any discretion of how they came up with those results. If it's, you know, open and transparent, if people want to look at all the information to come up with conclusions, they can.

It's the same as us when we submit our expenses, when we submit our hosting receipts and meal receipts. You have to have those receipts. That's the data. We can't just send in our final result of what the bill is; we have to show the data. This goes along the same lines. You need to show the data, how you came up with the final numbers. I think this just will enhance the public's reception of this bill, and I urge you to support it.

The Deputy Chair: Thank you, hon. member.

The Member for Cardston-Taber-Warner.

Mr. Bikman: Thank you, Madam Chair. I think it's an important amendment. It may seem like a fairly simple point; nevertheless, a report is processed data, interpreted and, quite frankly, able to be based on assumptions that may not be obvious to the readers. I think it's critical that the raw data be available so that other scientists can verify the conclusions that have been reached

through AEMERA's analysis of the data because there's more than one way to look at things. As we all know, many a statistician has drowned in a river with a mean depth of three feet.

An Hon. Member: Say that again?

Mr. Bikman: Again? Many a statistician has drowned in a river with a mean depth of three feet. Likewise, when three statisticians went deer hunting, one shot and missed the buck 10 centimetres to the left, the second statistician shot and missed the buck 10 centimetres to the right, and the third statistician exclaimed: we got him. The average, right? You don't get that one?

Nevertheless, the point I'm trying to make is obvious to all of you, I know. It's how you interpret the data. If your assumptions are inaccurate or incomplete, then you're not able to interpret it correctly.

Mr. Anglin: We're eating venison tonight.

Mr. Bikman: Yeah. That the statisticians shot. Don't eat at our house.

We do need to make this raw data available. It truly will make this agency, AEMERA, more likely to be perceived as arm's length so that customers and other people who want to analyze how well we're doing can in fact look at the raw data and draw their own conclusions based upon their own template, not the template that we have designed or that the agency has designed to show us in the most favourable light.

We want to be shown in a favourable light, but we want that light to be able to stand up under scrutiny, and the data needs to be available so that that scrutiny can take place, I submit to you.

The Deputy Chair: Thank you, hon. member.

The hon. Member for Edmonton-Calder.

Mr. Eggen: Thank you, Madam Chair. I just wanted to briefly also throw my support behind this amendment. It's, again, quite a surprise to us. I think we were deliberating as to whether we would have a similar amendment to this, and we deferred to the Official Opposition on this particular point.

It's part of this whole giving some appearance that we are using some independent scientific process here to build these committees when, in fact, there are lots of ways and means by which the data and the information can be massaged and obfuscated so that the desired result might come through. We don't want this environment act to be viewed as to be skewed somehow or to be a charade or to not be producing accurate information. The basic thing that scientists have done is present and share data and have papers that allow for a second or third opinion on issues. So if you're not including the full data, then immediately alarm bells go off in the scientific community, and you are somehow diminishing the validity of not just the individual report but the committee as a whole.

With this whole attack on science that we've seen from the federal Harper government, I just, again, see so many parallels between the process that goes on in Ottawa with that federal Conservative government. If we can just learn from their mistakes and do the opposite, we would probably be so much better off. Instead, this PC government is moving towards more of that centralized, secretive control that will only serve to diminish our capacity to sell our product and to have a reasonable environmental board here in the province of Alberta.

The Deputy Chair: Thank you, hon. member.

The hon. Member for Cardston-Taber-Warner.

Mr. Bikman: Thank you, Madam Chair, I just wanted to add one additional thought, actually a question that I hope the minister or perhaps someone else can answer because I think it's relevant: why wouldn't we make the raw data available? I think that serious scientists and people who are legitimately concerned with the results of how well we're doing will ask themselves: why isn't the raw data available?

They'll likely conclude – or we'll remove the possibility of them concluding this if we provide it – that the only reason may be that the data has been manipulated or the data has been interpreted with a template that isn't universally accepted. Maybe it's going to show an unfavourable result. Somebody might interpret it in a way that doesn't favour us, that makes us look like we're not doing our job properly. It may not be the slant that we want, so we're afraid to let the data out there. And if it's ever discovered that, in fact, we have done something like that with the data, then we'll lose our credibility that we've worked so hard through this act and through the creation of AEMERA to establish.

8:20

I think that agreeing with this amendment – and it's a fairly simple change to make; I don't think it'll require a whole lot of rewriting – would establish how serious we are. It would give an even stronger appearance of this actually not just appearing to be but really being an arm's-length agency. Minister, I hope you will consider that.

Thank you.

The Deputy Chair: Thank you.

The hon. Minister of Environment and Sustainable Resource Development.

Mrs. McQueen: Thank you, Madam Chair. If I could direct people to page 2 of the act, agency purposes, section 3(1)(a) and (b) for sure.

3(1) The purposes of the Agency are

- (a) to obtain credible and relevant scientific data and other information regarding the condition of the environment in Alberta,
- (b) to ensure the data and other information are available and reported to the public in an open and transparent manner.

It's already here under the purposes of the agency.

The Deputy Chair: Thank you very much, hon. minister.

The Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you, Madam Chair. Unfortunately, I can't agree with the minister. It says to ensure that the data... [interjections] I do apologize for my disagreement. I usually do apologize before I insult. Forgive me for forgetting to apologize first.

Anyways, I do disagree with the idea: to ensure that the data. If you look at the amendment, it specifically says, "the supporting data." That's really important scientifically, that the supporting data be there. I did look at that. I want you to know that. Data is data, and you can obscure it by giving any data or not giving the proper data, but supporting data then supports the report, and that's why the amendment.

Thank you very much.

The Deputy Chair: Thank you, hon. member.

Is there any other member who wishes to speak to amendment A4 on Bill 31? The hon. Member for Edmonton-Calder.

Mr. Eggen: Yeah. Further to that, there's a distinction between the place that the minister pointed out and this amendment. This amendment allows us to see a much wider picture of what the data is. You can still process the data within the terms of this bill on page 2 and exclude certain things, right? You know, all we want to do is make sure that there's a way by which it looks like this is fail-safe and that nothing is being hidden away somehow. I mean, this afternoon this same minister goes on about reducing greenhouse gases when we know that we don't reduce greenhouse gases, Madam Chair, in this province. It's all about intensity targets, and it's just pure obfuscation. It's not entirely true the way that she puts these things.

If you put the full data out there for everybody to see, then people can come to their own conclusions, and that's fine. But if you choose to narrow that scope, then it only serves the opposite effect of what this bill is intended to do.

The Deputy Chair: Thank you, hon. member.

Mr. Dorward: Madam Chair, I can't support this amendment because this would mean that only supporting data for a decision would be in the report whereas the word "data" would include all data.

The Deputy Chair: Thank you, hon. member.

Is there anyone else who would wish to speak to amendment A4 on Bill 31?

Mr. Anglin: Madam Chair, I'm going to have to disagree with the member. For one, you can go back to section 3(1)(b) and ensure that data is released, and there's nothing in the amendment that prohibits releasing more data or anything else. What it says is, "the supporting data" relevant to the report. You still have the section that says data and allows for all data to be released, but what's important is that it gives credibility to whatever report is issued, that scientists who want to verify what the agency is stating have access to the supporting data that is relevant to the report.

Thank you very much.

The Deputy Chair: The hon. Member for Edmonton-Beverly-Clareview.

Mr. Bilous: Thank you, Madam Chair. I rise to speak in support of this amendment. I think it's a reasonable amendment. It's ensuring that that raw data is being made available. I think that there's a significant amount of concern on this side of the House that the data and the information that is going to be made public through the board is not the original data or data that can be verified, and therefore it can be skewed, it can be tampered with. In order to prevent that, I believe that's one of the reasons the hon. Member for Rimbey-Rocky Mountain House-Sundre brought forward this amendment. Through this amendment it provides more credibility to the data that's going to be released.

I think the Member for Edmonton-Gold Bar has a very narrow interpretation of this amendment. Again, there's never a limit on the amount of information. You know, my frustration with the government, Madam Chair, is that they talk about transparency and are the most opaque government, I think, in the country.

An Hon. Member: The gold standard.

Mr. Bilous: Yeah. The gold standard of double – yeah.

My question is for the minister. By not including supporting data, it begs the questions: what are you trying to hide? What are

you afraid of? Or why do you want a mechanism to be able to skew or interpret or alter information? I think accepting this amendment will just lend more credibility to the bill and show that this government is not just providing lip service to working with other members within this House but actual action to back up their words.

I encourage all members of the House to support this amendment.

The Deputy Chair: Thank you, hon. member.

The hon. Member for Calgary-Mackay-Nose Hill.

Dr. Brown: Thank you, Madam Chair. I would like to ask the Minister of ESRD a couple of questions regarding this. If I read this section 3(1) and if I understand her argument correctly, she's arguing that the purposes of the agency are to obtain credible and relevant scientific data relating to the condition of the environment and "to ensure the data and other information are available and reported to the public in an open and transparent manner." If I understand the minister correctly, she's saying that the amendment is essentially redundant. If I'm correct in that assumption, I'd like to get a clarification on that.

We're talking in one instance about the purposes of the agency. In the other one, we're talking about the report that's given to the public on the condition of the environment. Even if it is redundant, I mean, I fail to see what the difficulty is. If we're talking about openness and transparency of the scientific data that are backing up the report to the public, I guess I'd like a little bit of an explanation as to why we don't accept this if it's redundant in any event. If we're going to give the background to the report to the public on the condition of the environment and allow the scientific data to be open and transparent to the public and to other scientists who wish to analyze it and maybe second-guess whether or not the condition of good, excellent, fair, poor, or whatever the report says is accurate, then, you know, I'd like to hear why we wouldn't accept this amendment.

The Deputy Chair: Thank you, hon. member.

Are there any others who wish to speak to amendment A4?

Mr. Bikman: If I may, just one other point. It somewhat addresses the issue just raised by the hon. member from Calgary. I can't remember where but Calgary, anyway. You can hide a polar bear in a blizzard. It's an old trick, and I'm not suggesting that anybody is trying to be tricky. But, again, to reduce the perception of the potential for something to be hidden in a blizzard of data when only certain aspects of that data were relevant to the report – the Member for Edmonton-Gold Bar, who is an accountant, knows that pro forma statements are only as good as the assumptions that they're based on, used to prepare them, and everybody wants to see what those assumptions are. So I think it's helpful to be able to say: this is the specific data that was used to produce this report revealing this information. I think that's a reasonable request. It isn't necessarily redundant, because all of the data will not necessarily be used or given the same weight in the preparation of the report, and those who are scientists can verify or challenge that, but that's my humble opinion.

Thanks.

8:30

The Deputy Chair: Thank you, hon. member.

Is there anyone else? You must be in your seat before I can recognize you, hon. member.

Dr. Swann: My wife tells me that I'm still teachable, so on my third time I'll be back here.

I wanted to add my support to this, too. I don't think the government could lose anything on this. Any scientific reports worth their salt have the conclusions, and then you go back into the report and you can see what the conclusions are based on. It's just standard practice in scientific reporting, and it's adds to the credibility and the ease with which people can draw conclusions or question conclusions if they can connect the conclusions directly with the data.

Thank you.

The Deputy Chair: Thank you, hon. member.

Is there anyone else who wishes to speak on amendment A4, Bill 31?

Seeing none, I'll call the question.

[The voice vote indicated that the motion on amendment A4 lost]

[Several members rose calling for a division. The division bell was rung at 8:31 p.m.]

[One minute having elapsed, the committee divided]

[Mrs. Jablonski in the chair]

For the motion:

Anglin	Brown	Rowe
Bikman	Eggen	Stier
Bilous	Hale	Swann
Blakeman		

Against the motion:

Amery	Horner	Olson
Bhardwaj	Jansen	Pastoor
Cao	Kennedy-Glans	Quadri
Casey	Klimchuk	Quest
Cusanelli	Kubinec	Rodney
DeLong	Lemke	Sarich
Denis	Leskiw	Scott
Dorward	McIver	Weadick
Drysdale	McQueen	Woo-Paw
Fawcett	Oberle	Xiao
Horne	Olesen	Young

Totals:	For – 10	Against – 33
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[Motion on amendment A4 lost]

The Deputy Chair: We are back in Committee of the Whole on Bill 31. The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you, Madam Chair. I'd like to make another amendment, and I have the requisite copies right here.

The Deputy Chair: We will call this A5, and we'll pause for a moment while we distribute copies to members in the House.

Hon. member, you may proceed.

Mr. Anglin: Thank you, Madam Chair. I'm moving that Bill 31, Protecting Alberta's Environment Act, be amended by striking out section 4 and substituting the following: "The Agency shall report to the public on the condition of the environment in Alberta a minimum of 4 times per fiscal year." What I'm trying to do here is to have some sort of flow of information that is fairly reliable. It doesn't make any other imposition upon this scientific agency, but what we need to do is get at least a quarterly report from the

agency on the condition of the environment. This is a monitoring agency. I realize the act said, “at a frequency determined by the Agency,” but that’s not necessarily sufficient if we’re trying to give some sort of consistency and credibility, particularly to the international markets.

The biggest thing that our international markets want to see from us: are we making progress? That’s important. So dealing with the environment is no different than – I’m going to make the correlation to a company reporting its quarterly reports or its annual report. The fact of the matter is that you have to have consistent flow of information to give some sort of credibility to what this agency is all about. Without that, what we could end up doing – and I’m not going to suggest that they will do it, but what I’m saying is that it is a possibility that if the data that the agency was collecting was somehow not complimentary to what’s happening in our environment, it may not release a report. It may withhold that information until some later date, and we’ve seen that from this government, where reports were held back. We don’t want the agency to fall into that trap.

This is fairly subjective in terms of: we pick quarterly, four times a year. I would easily take a friendly amendment that said two times a year as long as the other side was willing to pass it, but what we want to do is make sure there is consistent flow of information. Without that, it does basically weigh heavily on the integrity and the credibility of this board.

Thank you, Madam Chair.

8:40

The Deputy Chair: Thank you.

Is there anyone else who would like to speak on amendment A5, Bill 31? The hon. Member for Olds-Didsbury-Three Hills.

Mr. Rowe: Thank you, Madam Chair. As my colleague from Rimbey-Rocky Mountain House-Sundre has stated, the importance of being transparent in the eyes of our trading partners cannot be overstated. Like it or not, we have a bit of a black eye in the whole area of the environment and the attacks on our oil sands and so on. This is a golden opportunity that I see where we can be transparent and open and show the world that indeed we care about the environment and we’re doing our best to protect it.

Although I have some concerns about the whole agency and creating another bureaucracy, I think that in this case it’s probably a good idea as long as we do it right. Let’s be open about it. Let’s be transparent and accountable, as our AT and T minister purports to be. Let’s show the world we can do this by passing this amendment.

Thank you, Madam Chair.

The Deputy Chair: Thank you, hon. member.

The hon. Member for Strathmore-Brooks.

Mr. Hale: Thank you, Madam Chair. Yes, I’d like to rise and speak in favour of this amendment. As the member who presented it stated, it does say “a frequency determined by the Agency.” This just gives it more of a guideline. If they wish to do it sooner, that’s great, but at least if we have a determined time for when they need to present their reports, then it gives substantial backing to our industry, to the people who are concerned with the environment. It just adds some substance to this agency.

If we look at how some of the reports are presented, a lot of them say they’ll have them out by the first of this month, and, you know, it takes months and months, and then we have to ask questions and write letters. If it’s legislated that they have to have it out by this certain time, then they have to have it out. It’s going to give a little bit more depth to this bill and show to our

neighbours and our customers and the people of Alberta that the environment is in good shape and that we’re doing everything possible and that the agency is doing everything possible to show that. We’re not hiding anything. If we have nothing to hide, then let’s produce these reports and show how good we’re doing.

Thank you.

The Deputy Chair: Thank you, hon. member.

The hon. Member for Cardston-Taber-Warner.

Mr. Bikman: Thank you, Madam Chair. We know that global customers, prospective customers, governments will look at these reports as an indication of how well Alberta is actually doing, as a way of justifying their confidence in us as an environmentally friendly source of energy. I’m sure that if they receive those reports on a regular basis, every three to six months, they’ll be able to feel like they are being kept in the loop, and it’ll make it easier for them to monitor what we’re monitoring and see just how good a job we’re doing. They’ll see the effort that we’re putting forth. They’ll also be able to see the results on a regular basis.

The information in the reports, of course, needs to be specific and not general. That same Tom Monson that I quoted earlier also said, “When we deal in generalities, we [rarely] succeed. When we deal in specifics, we . . . rarely have a failure.” So I think it’s important that we be as specific as we can, reporting on those impacts that are important to our customers, the jurisdictions that our customers might be in, or the customers and governments themselves.

It needs to be consistent. Methodology needs to be transparent and obvious and universally acceptable and recognized as relevant, as an accurate indication of how we’re doing, and not just sort of percentages against whatever but actual information that will allow them to justify to their own environmental advocacy groups that, in fact, they are buying oil or energy from a very, very forward-thinking, innovative, and perhaps even world-class leader in controlling or eliminating or reducing those things that are harmful to our environment and to the atmosphere.

Thank you.

The Deputy Chair: Thank you, hon. member.

The hon. Member for Edmonton-Calder.

Mr. Eggen: Thanks, Madam Chair, and thank you to the Member for Rimbey-Rocky Mountain House-Sundre for putting this amendment forward. What I see this amendment doing is creating a pattern, a schedule by which people can expect information to be coming out. Just like when we get a report from the Auditor General or other agencies, we’d know that it’s expected, and we could see the incidents that might be taking place in the province in regard to environmental concerns fitting into that schedule. So that we don’t lose track of the progress, let’s say, that a more sophisticated or a more complicated study or probe might entail, we can get updates and additions to the file that everybody can follow, and we can be suitably exposed to that information.

So this is a great idea. I think, again, it’s almost like a matter of course. I think that other businesses certainly do quarterly reports: banks and governments and every other thing. That natural pattern that we’re used to seeing for reporting, then, would fit in perfectly with this environment committee reporting on a quarterly basis. What a great idea, hon. Member for Rimbey-Rocky Mountain House-Sundre. It’s awesome.

Thank you.

The Deputy Chair: Thank you.

The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you, Madam Chair. One thing I want to point out that I missed earlier is that we know that to support our industry, which is to support our economy, one of the caveats that President Obama has put on for approval of the Keystone pipeline is the reduction of greenhouse gases. That's no secret to anyone in this room. What else is probably not a secret to anyone in this room is that the United States and China now have a memorandum of understanding. They're going to set protocols for the reduction of greenhouse gases. By hook or by crook our industries know that they have to meet those standards if they want to access those markets. And they will. That's what I meant by "by hook or by crook." They've got to meet the demands of their own customers.

Having a scheduled, set reporting period, you know, dealing with our air quality monitoring in particular, is a real aid to that whole process. Our industry can say, aside from what they're saying, that we have an independent agency created by the government, and you can follow these quarterly reports and see the data and see how we are making improvements not just on our environmental monitoring but on actual physical improvements to our environment. That's the key. The key is to show credible data in support of our industry. When we do it in support of our industry, it also meets what the public wants to do in the first place. It's good for the environment.

What we really need here is some sort of consistency in reporting, and that's what this amendment does. Thank you very much.

The Deputy Chair: Thank you, hon. member.

The hon. Member for Edmonton-Beverly-Clareview.

8:50

Mr. Bilous: Thank you, Madam Chair. I rise to speak in favour of this amendment. Again, it's not making any broad, sweeping changes to the bill. It's just putting in some predictability as far as information sharing. I think that outlining exactly when this agency will be disclosing information means that concerned Albertans, our business community, our local community, our environmental community, and the international community will know exactly what's going on within this department and what's going on within the province.

It also provides a record or the ability to have benchmarks. You know, I believe that, with the pressure of the Alberta NDP as we continue to push for tougher environmental standards and ensuring that those are not only imposed but that they are actually enforced, this will improve and increase Alberta's access to our international markets. I mean, the reality is that the world wants to improve. It's not just our record, but we're talking about being more sustainable, being global stewards. Also, the world wants to see that we're doing everything within our power, when we are talking about developing our natural resources, to do that in a way where we're leaving the least amount of impact on the environment.

I do honestly believe that reporting regularly demonstrates true transparency and, again, allows the world, that is watching, to take a look at what we're doing here. It shows that we have nothing to hide and will encourage, I believe, investment and smart, sustainable practices.

I will encourage the members on the other side of the House to support this amendment. Thank you, Madam Chair.

The Deputy Chair: Thank you, hon. member.

Are there any more who wish to speak on amendment A5, Bill 31? Seeing none, I'll call the question.

[Motion on amendment A5 lost]

The Deputy Chair: We'll move back to the bill in Committee of the Whole. The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you, Madam Chair. I have another amendment that I would like to introduce.

The Deputy Chair: Thank you.

We'll call this A6 and pause for a moment while we distribute it to other members in the Legislature.

The hon. member.

Mr. Anglin: Thank you, Madam Chair. I'm not going to speak very long on this amendment. This is a very simple amendment. When the Wildrose becomes government, we don't want any candidate or any former MLA from the Wildrose to think that they can be on this agency within three years of having been elected. It's just that simple. It's sort of a catch-all to keep politics out of this agency and to keep it arm's length.

Thank you very much.

The Deputy Chair: Thank you, hon. member.

The hon. Member for Cardston-Taber-Warner on amendment A6, Bill 31, Protecting Alberta's Environment Act.

Mr. Bikman: Vote no for legislative nepotism.

The Deputy Chair: Is there anyone else wishing to speak on amendment A6? The hon. Member for Edmonton-Beverly-Clareview.

Mr. Bilous: Thank you, Madam Chair. I'll be brief as well. I rise to speak in favour of this amendment. There's legislation like this in other jurisdictions, and it's a way to keep boards or agencies like this arm's length from direct government influence. It's a very small tweak to the current legislation, but I think it lends credibility to this bill.

I encourage all members to support this amendment.

The Deputy Chair: Thank you, hon. member.

Is there anyone else wishing to speak on amendment A6?

Mr. Oberle: Madam Chair, I just have to say that if it's the intention of the Wildrose to attract lesser qualified candidates to be MLAs to sit in this Legislature, they're well on track. The fact of the matter is that we're trying to attract talent to our boards and commissions and our Legislative Assembly.

Now, in the case where a member previously sat in this Assembly, if they were a member of the government, there's already a Conflicts of Interest Act which prevents their involvement for some period of time afterwards. But you can't restrict people's employment following that period unless you're willing to compensate them for the fact that they no longer can be employed.

What is wrong with having a member of this Legislature, who understands the intent of the legislation and who is qualified to sit on a board, sit on a board, providing that there is no conflict of interest? How could there be a conflict of interest when they're already past the cooling-off period in the Conflicts of Interest Act? It's a ridiculous amendment, Madam Chair.

The Deputy Chair: Thank you, hon. minister.

Mr. Anglin: No, the prevention of nepotism is not ridiculous. It's not ridiculous at all. And it's not denying anyone any employment. Yes, there is a cooling-off period, but we have an

agency being proposed that the minister has said is going to be arm's length and is going to be independent. Now, it doesn't prevent any former MLA from actually being appointed to the board, but it does set out a little wider cooling-off period for that as far as the three years. That's all it was intended to do. It was to keep the political interference out of it.

You know, to be quite honest, this is more about the perception of the credibility of the agency. It's all well and good, but when you look at the makeup, what can comprise the board, what can comprise the scientific panels, I have to tell you that if you start stacking that with former MLAs – you can do that because I know you're going to vote this amendment down – you may call it credible, but you will lose that credibility out there in the scientific world, you will lose that credibility in the commercial world, and you will have political interference that you will have to deal with. The whole idea is to keep that independence.

It's not about denying anyone a job. Lord knows that the government has been able to provide a lot of jobs, and this agency hasn't even been created yet. The idea that there are no jobs in Alberta for former MLAs, that just doesn't exist. There's a lot going on. The fact is that in some cases, I believe, the cooling-off period for the MLAs wasn't even observed.

So this is just to make sure that for this independent agency it is there in legislation.

The Deputy Chair: Thank you, hon. member.

The Member for Cardston-Taber-Warner.

9:00

Mr. Bikman: Thank you, Madam Chair. I really admire and respect a great deal the associate minister who just addressed this point about legislative nepotism. I think, though, that it's arrogance to think that only MLAs on either side of the floor, quite frankly, are not bright enough or capable enough to find gainful employment in the private sector or in some other area. We're talking about one agency. I think that the rule would be a good rule if it were implemented for all departments and agencies within the government, but I don't have great hopes of that. I don't have a lot of hope, you know, of you Kool-Aid drinkers seeing this clearly anyway.

The fact is that there are a lot of bright people out there. We don't have a corner on intelligence or capability amongst the 87 of us by any stretch of the imagination. No matter how highly you think of yourself, there are people who are much brighter than most of us on either side of the House. Certainly, I don't have any doubt that any of us in here who have earned the right to be here would have any problem making a decent living out in the real world.

The Deputy Chair: Thank you, hon. member.

The Member for Edmonton-Beverly-Clareview.

Mr. Bilous: Thank you, Madam Chair. The hon. member on the other side has left me no choice but to get up and challenge his thinking. His point as far as stopping or prohibiting members from going to boards and that we're not going to attract the highest quality of people to sit on boards is an insult to Albertans. I believe I am the 337th Albertan to get elected to this Legislature in a province with a population of 4 million. We're talking about a cooling-off period of three years. It's absolutely absurd.

At the moment – I could be wrong – I believe the Conflicts of Interest Act deems one year as a cooling-off period for MLAs transitioning into positions that can directly influence and lobby the government. This amendment is only talking about a three-year cooling-off period. I think it not only lends credibility to this

bill, but it's laughable to think that there aren't other brilliant minds who can't be appointed or elected to these agencies and that somehow we're losing out by delaying members who leave this career and transition back to the private sector, having them hold off for a couple of years.

This amendment is reasonable. Again, I find it quite far reaching that the member from the other side of the House is blowing this out of proportion, saying that these agencies are going to be limited and that we aren't going to find the highest quality of people if we force past MLAs or MLAs who have left this position of public office for three years.

I encourage members from this side to rethink their position. Thank you, Madam Chair.

The Deputy Chair: Thank you, hon. member.

Mr. Oberle: I just wanted to thank the last speaker, Madam Chair, for attempting inadequately and incorrectly to make my point for me. My point was that there have been many, many great minds over the years that have sat in this Chamber and it's a loss to Albertans to let them go out the door and not utilize them in other ways. Second of all, of the many great minds that are out there, why would we discourage them from wanting to seek a chair in this Chamber? In so doing, they know that they're going to be excluded from other considerations after the fact. It's silliness. It's absolute silliness. A race to the bottom is what it is.

The Deputy Chair: Thank you, hon. member.

Hon. members, the noise level has risen once again, and it's difficult to hear the members who have the floor speak. Please be careful with your level of noise.

The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you, Madam Chair. To call the amendment ridiculous or silly and then clap and say that somehow you are guaranteed a job upon leaving this Assembly, I just can't agree with that.

The fact is that there is supposed to be a cooling-off period, regardless. It is already in other legislation. Unfortunately, there are exemptions that are given, and if I remember correctly, the former agriculture minister got one of those exemptions. So we're not trying to deny anybody anything. What we're trying to do is maintain the independence. And if you tell me that the 87 members of this Assembly are actually crucial to the functioning of this brand new agency that's going to be created when this passes, I just don't buy that. [interjection] Have you got a point of order?

Mr. Oberle: No. Attracting your attention.

Mr. Anglin: Oh, okay.

We are important in making policy, but this agency will run whether anyone in this Assembly gets a job on day 1 or the third year. So having a cooling-off period creates that window where we try to eliminate the perception of any political connection. That's all it does. That's why we have the cooling-off period. What this does is remove the possibility of the exemption.

The hon. member said earlier: we want good science. There's no question about it. Now, if somebody is so qualified they have to make the decision between being an MLA or a scientist working for this agency, so be it. Good on them. Let them decide. There's opportunity there for them, and maybe somebody will someday. The fact of the matter is that we've got to keep the political influence at arm's length, and that's what this is about. It's not about putting any penalty on any individual. It's not to

penalize an MLA by saying: you cannot work here. What it's saying is that we're going to keep that arm's length from politics. That little three-year window is arbitrary in a way, but it's not overpunitive at all.

The fact of the matter is that somebody that qualified and that much in demand is not going to have a difficult time working in that scientific community. There are lots of opportunities. This is a great province.

Thank you very much.

The Deputy Chair: Thank you, hon. member.

The hon. Associate Minister of Services for Persons with Disabilities.

Mr. Oberle: Madam Chair, I never said anything about the current 87 members in this Chamber, nor did I say anything about anybody wanting to be guaranteed a job. What I'm saying is that it is in our interests, in the interests of Albertans that we find a way to make sure that the best people get appointed to this and that in so doing, we protect Albertans from a potential conflict of interest. Now in the case of a government member, that's already written into the Conflicts of Interest Act. There are other conflicts of interest to consider, and that will be taken care of in the conflict-of-interest guidelines that this commission is going to be required to write as soon as they get started.

Now, all of these things are captured in legislation and policy. I don't see what the issue is. Again, the fact of the matter is that, never mind the 87 members in this Chamber today, there have been many, many, many great minds that have gone through this Chamber, and it would not be in the best interests of Albertans to subsequently lose them. Furthermore, Madam Chair, it's kind of laughable to think that anybody would leave this Chamber and three years from now magically be nonpolitical. That's absolutely ridiculous.

It's a poorly worded amendment, silly, and it is not in the best interests of Albertans.

The Deputy Chair: Thank you, hon. minister.

Mr. Anglin: We have gone through a number of insults to the amendment, Madam Chair, but let's be honest. We're not disparaging anybody's qualifications, and it's not ridiculous in the sense that we do have a conflict-of-interest provision that we already deal with. We know that. We also know that certain ministers have gotten exemptions to that. We know that. Now, what we're trying to do here is make that agency what this minister says it's going to be, which is separate and independent and not influenced by the politics. It's going to be influenced by the credibility of the science. It doesn't disparage or prevent any person who is qualified from working.

9:10

Now, if they are that qualified and they work in the industry, it's tough to say that they may go teach for a few years or work in the private sector for a few years. People with this type of qualification do move from scientific community to scientific community within their field of study. To say that it's going to prevent any single mind – there are certain privileges that are lost when you become an MLA, and those privileges are all of those conflicts-of-interest provisions that we adhere to. The cabinet ministers themselves are held to a higher level than your ordinary MLAs because they're actually running the government. So we know these things as MLAs. We accept those when we run for office, and when we get elected we accept that. By putting this there on the creation of the agency, then it's visible to everybody

that ever runs for office. If they have a desire to be in the agency, they have to know that that cooling-off period is not going to be exempted, that they have a three-year period there that requires cooling off.

You're absolutely right. It doesn't mean that they won't be political, and that's not what anyone is saying. That's not what the existing law does. The existing law that requires the cooling-off period doesn't say that it's going to be absolutely nonpolitical, but you create the separation so that there's not that perception and there's not that influence. Everyone here knows that as we go through election after election, people who were here years before may remain friends, but they may also lose that political connection that they once had because people do retire and people do move on. That's part of the process.

I want to quite honestly tell the member that it's not ridiculous; it's not silly. It's something the government has tried to do already in its conflicts-of-interest laws, and without the exemption – it is right here in this amendment, and it's consistent.

The Deputy Chair: Thank you, hon. member.

Is there any other member who would like to speak to amendment A6 to Bill 31?

Seeing none, I'll call the question.

[Motion on amendment A6 lost]

The Deputy Chair: Moving on in Committee of the Whole, the hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you, Madam Chair. I have another amendment that I would like to submit.

The Deputy Chair: Thank you. This amendment will be known as A7. We'll pause until the members have a copy of the amendment.

Hon. member, you may continue.

Mr. Anglin: Thank you, Madam Chair. I'm bringing forth an amendment that states that Bill 31, Protecting Alberta's Environment Act, be amended in section 14 by striking out "If the Minister considers it necessary" and substituting "Upon the Agency's request." Again, we are back to the perception and the credibility of an independent agency. Now, this doesn't stop the ministry from providing necessary resources at no cost to the agency. It doesn't do that at all. What it does is make that decision strictly the agency's decision and not the minister's decision. That's the independence. We think this has credit. Oh, I see the member's going to get up again. I'll get the last word in, or we'll be here all night.

The fact is that this is about the independence of the agency. If you want to give that perception that the agency is independent, then you cannot have the minister impose something on the agency, particularly if the agency doesn't want it. Clearly, what we're trying to do here with the government employees is that should the agency request, the minister can honour that request. I have to tell you quite honestly that nobody's going to get appointed to this board that's not going to be working with the minister. You know that. That's just not going to happen. [interjection] Do you want a guarantee on that? I'll write another amendment. We'll put it in legislation.

The fact is that that's how it works. The ministry will be appointing the boards. We're going to have these committees, and we're going to have qualified people. It only makes sense. But the fact is that we have to make sure that there's no infringement upon the agency's independence. I'm sure that whoever is the CEO or

whoever is the board chair, whatever the title is of the director, if they need these resources from the ministry, they would probably be more than happy to make the request, but it will be their decision. It will never be the perception that the minister ever imposed at all anything on the agency as far as employees or resources, and that would give it a little bit more credibility and the perception of a whole lot more independence in the perception of the public.

Thank you very much.

The Deputy Chair: Thank you, hon. member.

Is there any other member who would like to speak on amendment A7?

Mr. Oberle: I get, Madam Chair, that the hon. member is trying to clearly define the independence of this particular agency, and I actually agree with him on the importance of that. However, it is not the habit of governments anywhere to empower outside agencies with spending authority on the budget. This is a budget that the minister would have to approve, so their work plan and their staff would have to be approved by the minister. Short of that, you're going to have to go to outside elected boards like a school board or something like that and give them independent authority to spend money. But even at that, the government still establishes the budget for that agency. It's just a simple fact of the matter of how governments work. We're not going to assign our spending authority, that we vote every year, to outside agencies. That's just simply not how governments run.

The Deputy Chair: Thank you, hon. minister.

The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you, Madam Chair. That's not what this amendment is about. What this amendment is about in section 14 is government employees, and what it states quite specifically is "if the Minister considers it necessary." Those are the key words right there. It gives the power directly to the minister: "If the Minister considers it necessary, the Minister may provide to the agency at no cost." What it gives is the perception that the minister could impose this upon the agency. It opens up the allegation that the minister is doing something. All we're doing is changing that to "upon the Agency's request."

Now, I'm sure that if the minister is talking to whomever is in charge and resources are required, they would probably make the request. I don't see them allowing the agency to fail in any degree. It's contrary to logic. What we want to give here is the perception of independence. We don't want the minister to ever be accused of imposing something on the agency, and that's what it says: "If the minister considers it necessary." It could be viewed in the public that the minister is pulling the strings, but if the agency makes the request, it's independent.

Perception of independence is just as important as the physical independence, and the big criteria of this – and the minister has said this – is that this is going to be an independent agency. That's the key word, "independent." Not only does it have to be independent; it has to have the perception of being independent. I'm not sure how changing this word would affect the operation. If the hon. member can say that this would negatively affect the operation in dealing with government employees, I would concede, but I just don't see where that is there. I will tell you quite honestly that it doesn't change. It's at no cost. We're not talking about a budgetary thing here at all for the agency. It is something that the minister will consider themselves, and regardless of whether the minister considered it necessary or the

agency requested it, it probably wouldn't change a thing on how they operate together.

Thank you very much.

The Deputy Chair: Thank you, hon. member.

Mr. Oberle: The question is about the spending authority of this Legislature and of the minister. Now, I'm pretty sure that the minister doesn't have a fleet of employees sitting around doing nothing, waiting for a request from an independent agency that she or any other minister can supply to them at no cost. In fact, if that hon. member can tell me where to get some of these no-cost employees, I'd like to get me some because I could use a few in my own department. The fact of the matter is that employees cost money, and you're asking this Legislature to give authority to an external body to spend public money without approval of this Legislature. That's illegal, Madam Chair.

9:20

The Deputy Chair: Thank you, hon. minister.

The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Okay. Madam Chair, I didn't write the legislation. The legislation says: "at no cost." I'm just reading it. It says: "If the Minister considers it necessary, the Minister may provide to the Agency at no cost." I'm not changing that. Now, I'm not even insinuating that it doesn't cost to run that ministry. That ministry has a budget, and all ministries have a budget. The employees of the ministries get paid, and they have severance packages, depending on who they are, and they get retirement benefits and medical and all that stuff. It all costs, and to operate this agency is going to cost money. That's not the point.

I can't conceive that the agency would refuse to request from the minister, should they need to make that request, to get employees. I just don't see that happening. It's an option available to the agency. Why wouldn't they do what they needed to do? That only makes sense to me.

What we're trying to do here is take exactly what is written there and make sure that there is independence for the agency and that it's the perception of independence. Either way this is worded, one way or the other, I doubt that if the minister needed to provide employees to this agency and the agency requested, unless the hon. member gets up and says, "I will refuse to," – but, then, that's her option anyway. I mean, she could refuse to anyway. It just says: if she considers it necessary. There's no mandate that she has to do it. I mean, clearly, that would go right on her shoulders and not on the legislation. It is wide open.

But what it does do is that it keeps the independence of the agency so that the minister or the ministry cannot impose upon this agency. They would have to request it, and I don't see where that upsets the function or the budget or how things operate. It's just the way the protocol would be on who would request it versus who would demand that it be necessary.

The Deputy Chair: Thank you, hon. member.

Is there anyone else who would like to speak on amendment A7?

Seeing none, I'll call the question.

[Motion on amendment A7 lost]

The Deputy Chair: We'll move on in Committee of the Whole on Bill 31. The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you, Madam Chair. I have an amendment I would like to introduce to the Assembly.

The Deputy Chair: This amendment will be known as A8, and we'll pause while we distribute copies to the rest of the members. Proceed, hon. member.

Mr. Anglin: Thank you, Madam Chair. I'm proposing this amendment and move that Bill 31, Protecting Alberta's Environment Act, be amended by striking out section 14. What I want to do is save this ministry money. To force this ministry to give something at no cost, in my view, would be absolutely ridiculous. Now, this isn't going to help the budget, Minister – I'm sorry – because it's going to be funded somewhere. Oh, maybe not. We don't know how it's going to be funded after 2015.

Mrs. McQueen: We do.

Mr. Anglin: We do? Okay. It's not in the legislation, though.

If it's not funded through the government, it will even save possibly the minister of Treasury some funds, too. We're not going to give this stuff away for free. Let the agency go out and get their employees. They're out there, and they're qualified.

Let's strike this section down and have some accountability. Thank you very much.

The Deputy Chair: Thank you, hon. member.

Is there anyone else who would like to speak on amendment A8?

Seeing none, I'll call the question.

[Motion on amendment A8 lost]

The Deputy Chair: We move back into Committee of the Whole on Bill 31. The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you, Madam Chair. I have an amendment I'd like to introduce to the Assembly.

The Deputy Chair: This will be known as amendment A9. We will pause for a moment while we distribute copies.

Hon. member, you may proceed.

Mr. Anglin: Thank you, Madam Chair. I'm going to move that Bill 31, Protecting Alberta's Environment Act, be amended by striking out section 15 and substituting the following:

Public Service Act

15 The Public Service Act applies to the Agency, its Chief Executive Officer and employees.

The Public Service Act actually does quite a bit in the sense of the code of conduct, postemployment limitations, restrictions. One of the things that came up is that in the previous section, which we weren't able to amend or strike out, clearly if the minister considers it necessary, employees could quickly shift over from the Department of ESRD to this new agency. What we have here is that the Public Service Act is not going to apply. What we're asking is that there be some consistency and that the Public Service Act apply with regard to all its provisions to the employees that will be employed by the agency.

Thank you very much.

The Deputy Chair: Thank you, hon. member.

Is there anyone else wishing to speak to amendment A9?

Seeing none, I'll call the question.

[Motion on amendment A9 lost]

The Deputy Chair: The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you, Madam Chair. I have an amendment I'd like to introduce to the Assembly.

The Deputy Chair: This amendment will be known as A10. We'll stop for a minute or so while we distribute copies to the other members.

Hon. member, you may proceed on amendment A10.

9:30

Mr. Anglin: Thank you, Madam Chair. I'm going to move that Bill 31, Protecting Alberta's Environment Act, be amended in section 15 as follows: (a) by adding "Subject to subsection (2)" before "The Public Service Act"; (b) by renumbering it as section 15(1) and adding after subsection (1), "(2) A code of conduct and ethics pursuant to section 23(1) of the Public Service Act shall apply to the directors, Chief Executive Officer and employees of the Agency." The Public Service Act is not going to apply. It's clear; that just got voted down. But if you look at section 23(1), it is talking about respecting postemployment, respecting ethics and code of conduct. Quite honestly, we need some consistency. There's nothing in this legislation that gives guidance. It just says that they're going to make it up as they go.

What I don't understand is that within the Public Service Act having a code of conduct and ethics is extremely important to the credibility of the board, and to just leave it wide open to me is not consistent with what we want this board to be. It has to be defined in legislation, and the Public Service Act's section 23(1) is a great starting point to have that and to do that.

With that, I would hope that the members would support at least a code of conduct and ethics portion of the bill to be inserted in this bill so there's some consistency, particularly when the employees who are already under the guidance of the Public Service Act might possibly be moved over and be working for this new agency. So I would ask the other members on the other side to consider this and to approve this amendment.

Thank you very much.

The Deputy Chair: Thank you, hon. member.

Any other members who wish to speak on amendment A10?

Seeing none – the hon. Member for Cardston-Taber-Warner.

Mr. Bikman: Seeing one. Thank you, Madam Chair.

I wish to speak to my hon. colleague's amendment to the Protecting Alberta's Environment Act. He mentioned consistency. I think consistency is important: consistency of work experience, consistency of expectations on the part of those employees who may come, who may in fact be transferring. If they have in fact – although we don't know how this is actually going to happen – been terminated and offered an opportunity to work in the new agency, they will already know what the expectations are with regard to ethics and the code of conduct and so on. So I think it makes some sense.

Having spoken recently with a member, an employee, of ESRD, I know that this is of some concern to them. There is some uncertainty about current vacancies that are being temporarily filled within the agency and some uncertainty about what that implies and some nervousness, I think, about that. Of course, that affects morale. As we know, nature abhors a vacuum. That's not just a physics law, but it's also an information law. In the absence of information to the contrary human nature generally leads us to believe the worst. That's why the lack of accurate information

delivered in a timely manner demoralizes and undermines esprit de corps.

I think that the hon. Member for Rimbey-Rocky Mountain House-Sundre is doing a service to the minister and to the agency that will be created. I think it will help the agency function at a higher level. This is a wheel that's already been invented, this code of conduct and so on. We can adapt that over and use it as an established tool with a proven track record of success, so I encourage support of this little amendment.

Thanks.

The Deputy Chair: Thank you, hon. member.

Are there any other members who wish to speak to amendment A10, Bill 31? The hon. Member for Edmonton-Calder.

Mr. Eggen: Thank you, Madam Chair. I try to learn something new every day, so I'm curious to know. This amendment talks about how the "code of conduct and ethics pursuant to section 23(1) of the Public Service Act shall apply to the directors, Chief Executive Officer and employees of the Agency." Does that code of conduct and ethics apply generally anyway, or is this something that we need to add on? This is new to me, right? Doesn't that code of conduct usually follow people in the public service anyway even if it's an agency or a board? I don't know.

The Deputy Chair: Thank you, hon. member.

Are there any other members who wish to speak on amendment A10? The hon. Member for Cardston-Taber-Warner.

Mr. Bikman: Yeah. I have a few more thoughts on the relevance of this amendment. I think that it will allow the agency to function right out of the blocks. It will save and spare some additional effort on a part of the ministry currently in terms of establishing and writing the guidelines, the handbook if you will, because they can pluck this section out and perhaps some others as well to supplement what has to be unique about this agency to make it truly arm's length. But it'll make it, I think, function at a higher level sooner. So I think there is some benefit from having an amendment like this that will help facilitate that.

We know that the agency will be seeking people that are ethical. In fact, I would hope that the agency uses as a standard in terms of seeking employees these six characteristics, which have proven highly effective in a number of areas over the years.

The number one thing that we look for in an employee should be integrity. We need honourable, reliable, dependable people to work for us in any business or agency and certainly within an agency like this. Integrity would be critical because integrity will lead to the credibility that we're seeking. This code will help that happen.

The second thing to look for after integrity will be motivation. We want people working in this agency who are self-starters, who have initiative, who won't wait to be told specific things to do but will look for things to do once their specific assignment is done. They'll stay actively engaged and involved, and that will build morale within this new agency because they will be perceived as colleagues looking out for one another and having each other's backs.

The third thing that I would hope that this agency would look for in prospective employees is capacity: the capacity to learn, the capacity to work well with one another, the capacity to engage in effective teamwork.

The fourth thing would be understanding: understanding the role of this agency, the role that the agency plays within the global environment, the purpose of the agency in helping to promote the credibility of the province as environmentally friendly.

The fifth thing, then, would be knowledge, the formal education, perhaps, that has been gained or the informal education that has been gained.

The final thing, then, would be experience. Often employers look for experience first and motivation next, but the last thing I'd want in an employee or to have employed in an agency that I had some role in helping create would be somebody that was experienced but dishonest and highly motivated. That's the last thing we want.

So integrity is number one, and that order of those six things, Minister, is very important to look for and consider. I submit that to some degree at least the amendment will help that happen or supplement it happening, I would hope.

The Deputy Chair: Thank you, hon. member.

Are there any other members who wish to speak on amendment A10, Bill 31? The hon. Member for Edmonton-Calder.

Mr. Eggen: Okay. I've got my question clarified a little bit more. So if we don't include the Public Service Act explicitly in Bill 31 in the creation of these new agencies, then does the Public Service Act not apply to them? That's what I want to know. I'm not sure.

Thank you.

9:40

The Deputy Chair: Thank you, hon. member.

Mrs. McQueen: Correct. The Public Service Act does not apply. Section 15 says that. But what does apply for this is the Public Agencies Governance Act, which also requires that they develop a code of conduct.

The Deputy Chair: Thank you, hon. minister.

Are there any other members who wish to speak on amendment A10, Bill 31?

Seeing none, I'll call the question.

[Motion on amendment A10 lost]

The Deputy Chair: We're moving back into Committee of the Whole. The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you, Madam Chair. I have an amendment I would like to introduce to the Assembly.

The Deputy Chair: Once again we'll pause for a few moments while we distribute that, and it will be known as amendment A11.

Hon. member, please continue.

Mr. Anglin: Thank you, Madam Chair. I move that Bill 31, Protecting Alberta's Environment Act, be amended as follows: (a) section 12 is amended by adding after clause (b), "(c) prescribing the professional qualifications required for members of the Science Advisory Panel." Then (b) section 18 is amended by adding the following after subsection (1): "(1.1) members of the Science Advisory Panel must meet the professional qualifications prescribed in the regulations."

What this does is just give some direction in legislation as to the qualifications of who's going to be put on there, that this should be stipulated for the candidates to apply for the agency, and it directs the agency to prescribe in regulation these qualifications. It's pretty self-explanatory, and the whole purpose is that it gives guidance via the legislation so that the panel – I keep calling it the agency – makes the regulations so that we get the type of people that we want on this agency.

There is nothing in the legislation that stipulates anything about qualifications and gives direction on setting any standards for qualifications. This amendment doesn't set the standard. It just says that they must do it, and that's logical. They should set some sort of standard for who's going to be sitting on these panels.

Thank you very much, Madam Chair.

The Deputy Chair: Thank you, hon. member.

Are there any other members who wish to speak on amendment A11? Cardston-Taber-Warner.

Mr. Bikman: Thank you, Madam Chair. I rise at the command of my whip – and I'm happy to do so – to speak to Bill 31, Protecting Alberta's Environment Act, and the amendments. I think it's critical that we identify ahead of time what the requirements and qualifications will be for people who might apply or that we might even consider inviting to apply or consider appointing, whatever the process actually ends up being, so that the public knows, again, our customers, the customers' governments know that these are the qualifications of these scientists or these advisers on the science panel. I think it's important. This would be part of a job description, I suspect, and I hope also that the minister will include at some point in those job descriptions very clear expectations that are mutually agreed upon, what Dr. Covey called mutually agreed upon desired results, those clear expectations in that performance agreement. Spell it out that the candidate would agree that it's reasonable to expect these kinds of results, not just effort but results, and the agency itself could then say: these are the things that we expect.

Once that agreement takes place, then you identify the guidelines; for example, the work needs to be done in a legal, moral, and ethical way. You could define those terms. The third thing would be what the resources are that would be available to you, whether it's the expense account or the budget that you'll have to perform the desired results, to achieve those. I think that's critical that that be agreed upon and prepared in advance so that candidates know exactly what they're getting into and how they're going to be able to do it. The idea that the agency may be able to call upon the minister, which was defeated a little bit earlier, to request certain additional support from the ministry would be in the form of identifying resources that would be available, perhaps even the minister herself if time allowed, for example.

The fourth thing, then, would be – don't smile, Minister. You throw me off my game here. The wink really did it. Explain that to your husband and my wife. Now I'm getting red. Sorry. The fourth thing would be, then, the accountability. That's what I was going for. How will you account for the job that you're doing, and then, ultimately, what are the consequences? If you reach 40 per cent of your targets, what will your bonus be for the year? Things like that. It's good to have those things out front.

Thank you.

The Deputy Chair: Thank you, hon. member.

Are there any other members who wish to comment on amendment A11, Bill 31?

Seeing none, I'll call the question.

[Motion on amendment A11 lost]

The Deputy Chair: Moving back to the bill.

Mr. Anglin: Madam Chair, I rise for my last amendment. [interjections] I knew that would get applause.

The Deputy Chair: We'll pause one more time, hon. member, while we distribute the amendment. It will be known as A12.

Hon. member, you may continue on amendment A12.

9:50

Mr. Anglin: Thank you, Madam Chair. I am moving that Bill 31, Protecting Alberta's Environment Act, be amended in section 20(1) as follows: (a) by striking out “, criminal” and (b) by striking out “a criminal or” and substituting “an.”

Now, I've seen a number of different indemnification clauses, as probably many in here have. There is nothing wrong and there's everything right about an indemnification clause. They are part of nonprofit organizations, corporate boards, you name it. It's all there. I'm sure members can probably show me one somewhere – but I'm really not interested – but I have never seen one where we have indemnified criminal activity, and I don't understand where criminal activity can happen in good faith. I've just never seen an example.

I suppose that if somebody is very poor and hungry and they steal, they steal in good faith, but that's still a crime under the Criminal Code. It makes sense that we indemnify these employees, the board members, the agency from civil and administrative action. That's what we do, but we never condone criminal activity. Criminal activity is criminal activity, and it should never happen. I just don't understand how we can condone this by saying that criminal action or criminal activity would somehow be compensated for under this indemnification clause. That, to me, is not logical.

Now, that's not to say that some private company shouldn't indemnify criminal activity for their corporate board. That's their business. Let them do that, but this is not good for this government. It's not good for Albertans. The fact that somebody could be found guilty or be involved in a criminal activity and have an indemnification clause that protects them and compensates them doesn't make sense. That doesn't make sense to me.

An Hon. Member: What makes sense?

Mr. Anglin: Well, what makes sense is civil and administrative. That's logical. Criminal activity is not logical – it's not – under any circumstances. I don't even know how this is going to co-ordinate with the Criminal Code, to tell you the truth. I'll let the Minister of Justice figure that one out for me, and I'm happy to hear from him. The fact is that if someone is found guilty of criminal activity, they should suffer the consequences under the Criminal Code as it applies. End of story.

Nothing should discredit this board. Nothing should discredit this agency. Criminal activity is unacceptable under any category. This goes to credibility, this goes to reputation, and this should not be allowed. I will tell you that we are going to do a standing vote on this one because I want to see who on the other side supports criminal activity being indemnified. That's what it is. If you vote against this amendment, what you're voting for is to indemnify criminal activity, and that's not logical. That makes no sense.

You can wave your hand at me, hon. member, but the fact is that I only want to remove the criminal indemnification. I'm not asking to remove anything else. If you read the section, it is quite specific. It is just common sense, and it's respectful of all Albertans that we do not indemnify criminal activity. It's just something that we don't want to do as a government. It's something we don't want to do as a Legislature, that holds ourselves up to a higher standard. We don't do that, and we shouldn't do it for the agency. It's just that simple.

Thank you very much, Madam Chair.

The Deputy Chair: Thank you, hon. member.

The hon. Member for Cardston-Taber-Warner on amendment A12.

Mr. Bikman: Thank you, Madam Chair. I wish to speak to this amendment to Bill 31, Protecting Alberta's Environment Act. I certainly agree with it and support it. I suspect that almost anyone who would read this section would be shocked, stunned, perhaps surprised.

Now, I'm not a lawyer, but I stayed in a Holiday Inn Express last night. I don't think – and some here are lawyers – that ignorance of the law is an acceptable excuse. I think that this is sort of implying that if you did something that turned out to be criminal but you didn't know it was illegal, then somehow you're off the hook. Well, I think you have an obligation, especially given the high-quality employees and appointees that we expect to attract, particularly if they're former MLAs, that they would certainly know that, right?

If there were mitigating circumstances, those would be argued in a court of law, but I think that the courts need to be able to have jurisdiction here, and no one should ever be excluded from due process for criminal actions knowledgeably committed or ignorantly committed. By "ignorantly" I don't mean the rude sense but just the lack of knowledge sense.

So I would hope that we would all agree that this, however well intentioned and paternalistically protective we wanted it to be, is nevertheless inappropriate and has no place in an act of this government or this Legislature. So I implore you to support the removal of these words.

Thank you.

The Deputy Chair: Thank you, hon. member.

The hon. Member for Calgary-Mackay-Nose Hill on amendment A12.

Dr. Brown: Thank you, Madam Chair. I would argue against this amendment. The amendment is not required. It's not necessary. If you look at the wording of it – I mean, a criminal act requires not only an actus reus, a guilty act, but it also requires a guilty mind. If you look at the qualifications within that subsection, it says that you're defending that individual

if that person acted honestly, in good faith and with a view to the best interests of the Agency and, in the case of a criminal or administrative action or proceeding that is enforced by monetary penalty, if the person had reasonable grounds for believing that the conduct that is the subject of the action or proceeding was lawful.

Well, all of those things would necessarily exempt one from being convicted of a criminal offence anyway because there is no mens rea.

There is no problem with the act as it's written. There's enough exemption in there, and there's specificity in there providing the qualifications that you have to be acting honestly and in good faith and with a view to the best interests of the agency, so why wouldn't you want to have somebody defended and have them indemnified in those instances?

The Deputy Chair: Thank you, hon. member.

Mr. Anglin: It's an interesting interpretation – and I will always defer to the better legal minds in here – but I will tell you that there have been a number of indemnification clauses that are out there. There is the perception, there is the reality, and I can't for the life of me figure out how you have a criminal action or a criminal proceeding when a person – I don't understand the whole criminal

aspect that is in good faith. I've never understood that. I can understand the civil, and I can understand the administrative, but I cannot understand how you get involved in a criminal action or a criminal activity in good faith because that is not logical to me.

I know lawyers can spin a lot, and that's good – there are lawyers on the other side – but the fact is that we don't want to be involved in criminal activity or have the allegations of criminal activity.

An Hon. Member: Go to law school.

Mr. Anglin: Go to law school? I know, I know. I just enjoy this one so much.

The fact is that if it didn't matter, why is it there? The fact is that we don't want to condone any type of criminal activity. I'm not saying anyone is condoning it. But we want to make this perception that if there is a crime or there's a criminal action, it is not covered by the board.

By the way, there are many boards and many commissions out there where all of these other actions are covered, but criminal actions are not. It's clear when you read how they're protected. So what we're doing here is we are covering both civil and administrative, and we are covering criminal. The indemnification for criminal, in my view, is something that just won't sell to the public.

10:00

The Deputy Chair: Thank you, hon. member.

Are there any other members who would like to speak to amendment A12, Bill 31? The hon. Member for Olds-Didsbury-Three Hills.

Mr. Rowe: Thank you, Madam Chair. I have to stand in support of this amendment. I can't think of anything that would discredit this agency more than to have an action like this take place. I can't get my head around the thought process that would even allow this to be in the bill. As has been stated – and I'm not a lawyer either – a criminal action is a criminal action. If we're going to put credible people into these positions, I can't imagine that any of them would do this. The fact that it's in here, to me, means that they're going to be protected if they do. As I said, I can't imagine anything that would discredit this agency more than to actually stand behind criminal activity and excuse someone for doing it. It goes back to accountability and transparency and all the rest of it and the perception that we're trying to do the right thing in this province.

I urge you to support this. It's just not right, in my mind. Thank you.

The Deputy Chair: Thank you, hon. member.

Are there any other members who wish to speak on amendment A12?

Dr. Brown: Very briefly, Madam Chair, just in response to the hon. member. What I'm saying is that there are enough restrictions and fences put around it that the circumstances under which you would be indemnified for your costs or your defence in a criminal proceeding are such that you would have to be acting within those parameters that are laid out there; that is, honestly and in good faith and with the best interests of the agency in mind. You would have to believe that the conduct that was the subject of the action was lawful. I mean, in those circumstances, you're not going to get convicted of any criminal offence. So you're not indemnifying somebody who's going to be blatantly committing a criminal offence. It's quite the opposite. If you fall within those parameters, by definition you're not a criminal.

The Deputy Chair: Thank you, hon. member.

Mr. Anglin: I have the greatest respect for the hon. member except that one issue I have with this is that a very, very strong case is not a guarantee that it's going to be successful, and very weak legal cases have won. If you're dealing with a jury, it might even get more suspect than dealing with just a judge. Maybe not, but the fact is that you don't know the outcome. To say that it wouldn't happen – I won't surmise or project what type of criminal activities could take place that would be subject to a criminal charge and a possible court date for any agency member or board member, but the fact is that crazier things have happened.

If the protection is there that it would never be a criminal activity, then we don't need the word "criminal" in there in the first place. To prevent any kind of aberration, to cover any kind of charges, legal costs, or costs dealing with criminal proceedings: if we don't have the indemnification for the criminal activity or proceedings, then we will not be compensating for that. It's just that simple.

Now, I understand exactly where you're coming from. You're going through all the language, saying that it could never happen given all the other provisions in the act. What I'm saying is that there isn't any real guarantee. I may not have been through law school, but I've seen some crazy things come out of the court system. It's just the way it works. If it's not in this legislation, then they cannot be indemnified for criminal activity.

Thank you very much.

The Deputy Chair: Thank you, hon. member.

Are there any other members who wish to speak to amendment A12, Bill 31? The hon. Member for Cardston-Taber-Warner.

Mr. Bikman: Thank you. Just briefly, Madam Chair, not that I suspect that anything I'm likely to say is going to persuade anyone who has made up their mind on this already to change their mind, but for my own benefit: isn't it the job of the court to determine mens rea? Isn't that why you appeal to the court? Isn't that part of their job? What's to stop somebody from claiming, "Well, I thought this was legal"? Again, ignorance is no excuse, but the court then would decide that. If this provision is to save the agency money, I think it's penny-wise and pound-foolish because it may undermine credibility.

Thank you.

The Deputy Chair: Thank you, hon. member.

Are there any other members?

Dr. Brown: Well, just very briefly in response to the hon. Member for Cardston-Taber-Warner, that is exactly what the provision says. You can only be indemnified for those particular instances of prosecution if you fall within those parameters: if you acted honestly, if you acted in good faith with a view to the best interests, and if your conduct, the subject of the action, you believed was lawful, you had reasonable grounds for believing it was lawful. Those are the only circumstances where you could be indemnified. Quite frankly, you should be indemnified if you're on a public body and somebody makes a malicious prosecution against you and you fall within those parameters. You should be indemnified.

The Deputy Chair: Thank you, hon. member.

Are there any other members who wish to speak on amendment A12, Bill 31?

Seeing none, I'll call the question.

[The voice vote indicated that the motion on amendment A12 lost]

[Several members rose calling for a division. The division bell was rung at 10:06 p.m.]

[One minute having elapsed, the committee divided]

[Mrs. Jablonski in the chair]

For the motion:

Anglin	Bilous	Rowe
Bikman	Eggen	Stier

10:10

Against the motion:

Amery	Horne	Olesen
Anderson	Horner	Olson
Bhardwaj	Jansen	Quadri
Brown	Kennedy-Glans	Quest
Cao	Klimchuk	Sarich
Casey	Kubinec	Scott
Cusanelli	Lemke	Swann
DeLong	Leskiw	Weadick
Denis	McIver	Woo-Paw
Dorward	McQueen	Xiao
Drysdale	Oberle	

Totals: For – 6 Against – 32

[Motion on amendment A12 lost]

The Deputy Chair: We'll go back to the bill. Are there any members who wish to speak to Bill 31 in Committee of the Whole? The hon. Member for Calgary-Mountain View.

Dr. Swann: Thank you, Madam Chair. On behalf of Edmonton-Centre I have an amendment to Bill 31. I can circulate it before I discuss it.

The Deputy Chair: Thank you.

We'll pause a moment once again so that we can pass out copies of the amendment. This amendment will be known as A13.

Hon. member, you may proceed with amendment A13 on behalf of the hon. Member for Edmonton-Centre.

Dr. Swann: That's correct. Thank you, Madam Chair. This amendment would amend section 3(2) by striking out clause (d) and substituting the following:

- (d) make environmental monitoring data and related evaluations and assessments publicly available as soon as possible.

Again, I think the intent here is clear. It's a desire to ensure that the public gets access to information as quickly as it's available, that there's no sense of withholding or trying to influence reports, and there's a clear commitment to transparency and accountability. As others have said before, I think there's been a history here of withholding reports that are not flattering, and it has undermined to some extent the credibility and the trust in the department and in the ministry.

This is an opportunity to simply be much more forthright and clear and to commit to the public of Alberta and all interest groups ready transparency, openness, accountability, and a willingness to go the extra mile in terms of assuring all stakeholders of the reputation of Alberta's industry, the reputation of our stewardship, and our international credibility, that we have to regain and sustain. This is just one more measure, I guess, to go the extra

mile and build that reputation and that clarity around integrity that can be without question.

I don't think it's much. It's just a few words, but it adds that sense of accountability and transparency.

Thank you, Madam Chair.

The Deputy Chair: Thank you, hon. member.

Are there any other members who wish to speak to amendment A13? The hon. Member for Edmonton-Calder.

Mr. Eggen: Thanks, Madam Chair. Certainly, I concur that this is an amendment that, I guess, reinforces what we were talking about earlier this evening. Maybe it's approaching it in a slightly different way to ensure that the monitoring data and related evaluations and assessments are made publicly available. We've tried the four-times-a-year route, we've tried the full-data route, publications, and if anything, this is even a more modest proposal that could seek to give us the information that we need to ensure independence and transparency.

Thank you.

The Deputy Chair: Thank you, hon. member.

Are there any other members who wish to speak to amendment A13? The Member for Edmonton-Beverly-Clareview.

Mr. Bilous: Thank you, Madam Chair. I rise in support of this motion. This seems like a very reasonable amendment to the current bill, again, you know, ensuring that reports, information and monitoring data, aren't sat on for periods of weeks, months, or years. Unfortunately, due to this government's actions they have a habit of sitting on reports for sometimes years. I mean, there are numerous examples. The first that comes to mind is the flood report from 2006, which was released last year, in 2012.

I think it's critical, again, not just from the environmental side and point of view but as well from the side of industry and investment or attracting investment, that this data is made public as soon as it's received and not for whatever reason, whether political or not political, kept from the public's attention. The bill as it currently reads gives the government that leeway, which, in my view, is too much authority or power to decide that they're not going to release data or information for an extended period of time. This amendment has the public's interest in mind, their best interest in mind, and really does fit with the spirit of transparency and openness.

I strongly urge the minister and the members on the other side to support this amendment. Thank you.

The Deputy Chair: Thank you, hon. member.

Are there any other members who wish to speak to amendment A13 to Bill 31?

Seeing none, I'll call the question.

[Motion on amendment A13 lost]

The Deputy Chair: We will move back to the bill, Bill 31, in Committee of the Whole. Are there any other members who wish to speak to Bill 31 in Committee of the Whole? The hon. Member for Edmonton-Calder.

Mr. Eggen: Thank you, Madam Chair. I rise with great interest to propose an amendment, that I will distribute forthwith, and then we'll have a chat about it.

The Deputy Chair: Thank you, hon. member.

This amendment will be known as A14, and we'll be pausing till we distribute it to the other members.

Hon. member, you are moving amendment A14 on behalf of the Member for Edmonton-Strathcona. You may proceed.

Mr. Eggen: Well, thank you very much, Madam Chair. I'm very pleased to contribute to this amendment. Like I said earlier this evening, you can judge the soundness of a bill based on the number of amendments that you see coming forward. We certainly don't put these forward in any way besides in the spirit of co-operation to make a bill function to the best of its capacity. In this case, since we're dealing with such an urgent issue, creating a regulatory board on the environment here in the province of Alberta, I can't think of anything more important and more relevant. Certainly, one of these amendments is bound to strike a chord in the hearts of the members across the way. I know, certainly, that this could be the one.

10:20

The legitimacy, Madam Chair, and the authority of the Alberta environmental monitoring, evaluation, and reporting agency is completely dependent on it being a scientific agency at arm's length and independent from the government. Unfortunately, section 12, regulations, as currently worded here significantly undermines the independence of this agency. Clause (b) allows the cabinet to impose "limits on the powers, duties and functions of the Agency."

This amendment, a most reasonable amendment, will strike out clause (b). Cabinet will still be able to clarify and expand the powers, duties, and functions of the agency, so certainly separation of the responsibility of cabinet is not being undermined here. However, to ensure independence, this act must not have a provision that would allow cabinet to limit the power of the agency in any way. These are the two things that we're dealing with here.

If this bill was to pass without accepting this amendment, we as Alberta New Democrats think this clause – and we ran this through lots of different people around the province: eminent scientists, legislators – would severely limit the agency and the employees from fulfilling the duties of a truly independent environmental monitoring agency. Proper environmental monitoring has to tell the true story. It must provide the real facts to Albertans about what's happening in the environment. Under no circumstances should those powers and those duties be limited, nor should the government be able to threaten to limit that scope of authority.

Furthermore, Alberta's international credibility requires that our environmental monitoring agencies are perceived to be fully independent. This provision undermines the agency before it's even getting started, and if at some point for some reason this agency's powers, duties, and functions need to be limited, the government should be required to come back to this very Legislature to present the case and receive approval from this Assembly.

Madam Chair, as you can see, this particular amendment is simple, elegant in its construction, and really gets to the heart of the problem with Bill 31 that we humbly seek to rectify here through this amendment. We urge everybody to support it.

The Deputy Chair: Thank you, hon. member.

Are there any other members that wish to speak to amendment A14 to Bill 31? The hon. Member for Edmonton-Beverly-Clareview.

Mr. Bilous: Thank you, Madam Chair. It's my honour to rise this evening and speak in favour of this amendment, that my colleague the Member for Edmonton-Strathcona has put forward. You

know, as we've seen in numerous other pieces or bills that are tabled in this House of late, this government is intent on expanding the powers of the minister and the cabinet as opposed to limiting them within a specific capacity or putting parameters around them. I know for a fact that the current minister of SRD is very reasonable and wouldn't abuse her powers. However, the concern is that future ministers may not be as reasonable or as practical and may abuse their positions of authority.

This amendment speaks directly to that. It's first of all striking out the clause where cabinet will be able to clarify. But more concerned am I with the fact that cabinet, as it stands, can expand the powers, duties, and functions of the agency. That authority or ability should be debated in this House, with all parties present, as opposed to only the minister enacting that or providing that kind of sweeping power.

Madam Chair, we need to ensure that there are limitations on what the agency can do and not just from the point of view of, again, the minister being able to run roughshod over, potentially, what the public or Albertans want. We're talking about ensuring that Alberta Environment has legitimacy in its monitoring and evaluation and that this agency is a scientific agency that is, in fact, arm's length from the government.

Madam Chair, if this bill were to pass through the House without this amendment, you know, the clause that I was talking about there would in fact limit the ability of agency employees in fulfilling the duties of a truly independent environmental monitoring agency, which is of significant concern for the Alberta NDP. Proper environmental monitoring has to be able to tell its story, true facts, and be uninhibited in any way, shape, or form. Again, if we want this board to be independent and effective, then the government should not be in a position where it can step in and at times make potentially arbitrary decisions or threaten the scope of this board.

You know, for those reasons, Madam Chair, I will encourage members of this Assembly to vote in favour of this amendment. Thank you.

The Deputy Chair: Thank you, hon. member.

Any other members wish to speak to amendment A14?

Seeing none, I'll call the question.

[Motion on amendment A14 lost]

The Deputy Chair: We will go back to the bill in Committee of the Whole. Are there any other members who would like to comment on Bill 31 in Committee of the Whole? The hon. Member for Edmonton-Calder.

Mr. Eggen: Thanks, Madam Chair. In the spirit of not giving up, I have another amendment that I would like to put forward for consideration by all members of the Assembly.

The Deputy Chair: This amendment will be known as A15. We will pause for a minute or so while we distribute copies to all members in the Legislature.

Hon. Member for Edmonton-Calder, I understand that you are moving amendment A15 to Bill 31 on behalf of the Member for Edmonton-Strathcona.

10:30

Mr. Eggen: Yes, indeed, I am. I'm very proud to do so. This particular amendment that I have here is for section 4, striking out "At a frequency determined by the Agency in consultation with the Minister," and substituting "At a minimum of 6 month intervals, with consideration made to advancing public access,".

Okay. Again, this is the transparency strand that we've been following here this whole evening. Currently, section 4, on reporting, states, "At a frequency determined by the Agency." The problem with the current wording, in my view, Madam Chair, is that the minister and the agency have no guidelines as to when they should report to the public. It is entirely at their discretion. The minister should not be responsible for deciding when an arm's-length, independent agency issues its reports. Simple as that. It's the first principle of creating an agency that is perceived to be functioning with independence and with integrity. Albertans need to receive these reports at the same time as the minister receives them.

This amendment that I have here is very simple as well. It changes section 4 to read as follows: "6 month intervals, with consideration made to advancing public access, the Agency shall report to the public on the condition of the environment in Alberta." Simple and, I think, what is expected by the public anyway. We're finally getting a place where we can actually enshrine it into law. Albertans deserve to know that at a minimum of twice per year the Alberta environmental monitoring, evaluation, and reporting agency will in fact report to Albertans on the condition of the environment here in this province. It establishes clear timelines. Just as government departments like Alberta Health Services and the Auditor General report on scheduled bases, so must the Alberta environmental monitoring, evaluation, and reporting agency. Simple as that.

By accepting this amendment, the Assembly would be strengthening the independence of this public body and would be giving us something that we can expect, put into our calendars, to get the information that we need on a timely, regular basis.

Thank you.

The Deputy Chair: Are there any other members who wish to speak on amendment A15? The hon. Member for Edmonton-Beverly-Clareview.

Mr. Bilous: Thank you, Madam Chair. This amendment quite simply just ensures that we're including the public and informing them at the same time as the minister is being informed. This fits in very nicely with strengthening and protecting the public interest. You know, it seems a little over the top that it is, in fact, the minister that gets to decide what is an arm's-length, independent agency as far as when it reports to the public. You know, I can appreciate that the agency will report to the minister, but there should be within this legislation defined timelines and parameters on when this agency reports to the public.

Again, Albertans deserve to know the state of the environment within our province and should be informed at the same time as the minister. I mean, again, this not only fits with transparency and accountability, but it always makes me beg the question: if the minister is receiving information before the public, why is that? What information possibly could be withheld or construed or changed or interpreted? Whereas, information being given simultaneously to the minister and to the public shows a true spirit and, one might say, a gold standard of transparency. [interjection] I appreciate the fact that there are a couple of members on the other side that agree. Therefore, I look forward to seeing them vote in favour of this amendment to live up to a standard.

Really, Madam Chair, what this amendment is doing is just ensuring that at a minimum of twice a year the Alberta environmental monitoring, evaluation, and reporting agency will report to Albertans. It gives a clear, public, defined timeline similar to other government departments which have that timeline. AHS, for example, the Auditor General: all report and must report at specific, defined intervals, so that's what we're asking for here,

again, a very reasonable amendment. We feel that this will strengthen the independence of this new body.

Thank you, Madam Chair.

The Deputy Chair: Thank you, hon. member.

Are there any other members who wish to speak to amendment A15, Bill 31, Protecting Alberta's Environment Act?

Seeing none, I'll call the question.

[The voice vote indicated that the motion on amendment A15 lost]

[Several members rose calling for a division. The division bell was rung at 10:36 p.m.]

[One minute having elapsed, the committee divided]

[Mrs. Jablonski in the chair]

For the motion:

Anderson	Bilous	Stier
Anglin	Eggen	Swann
Bikman	Hale	

Against the motion:

Amery	Fawcett	Olesen
Bhardwaj	Horne	Olson
Bhullar	Horner	Pastoor
Brown	Jansen	Quadri
Calahasen	Kennedy-Glans	Quest
Cao	Klimchuk	Rodney
Casey	Kubinec	Sarich
Cusanelli	Lemke	Scott
DeLong	Leskiw	Weadick
Denis	McIver	Woo-Paw
Dorward	McQueen	Xiao
Drysdale	Oberle	

Totals:	For – 8	Against – 35
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[Motion on amendment A15 lost]

10:40

The Deputy Chair: We're back to the bill, Bill 31.

The hon. Member for Edmonton-Beverly-Clareview.

Mr. Bilous: Thank you, Madam Chair. On behalf of the hon. Member for Edmonton-Strathcona I have an amendment.

The Deputy Chair: This will be known as amendment A16. We'll stop until the members receive a copy of the amendment.

Hon. member, I understand that you're moving amendment A16 on behalf of the Member for Edmonton-Strathcona.

Mr. Bilous: That is correct, Madam Chair, and with your indulgence I'd like to read out this amendment. Ms Notley moves that Bill 31, Protecting Alberta's Environment Act, be amended in section 5 (a) in subsection (1) by adding "on the recommendation of the Legislative Assembly" after "the Lieutenant Governor in Council"; (b) in subsection 5 by striking out "The" and substituting "On the recommendation of the Legislative Assembly, the"; and (c) by adding the following after subsection (10):

(11) The Board of Directors shall be comprised of a minimum of at least one representative from each of the following communities:

- (i) the Aboriginal community,
- (ii) the landowners community,
- (iii) the scientific community,
- (iv) the industrial community, and
- (v) the non-profit environmental community.

The Deputy Chair: Hon. member, I'll just remind you that you did read out the amendment, and you used the name of the Member for Edmonton-Strathcona.

Mr. Bilous: Ah. Thank you, Madam Chair. Forgive me.

This amendment is quite straightforward, but I want to highlight the significance that it will have. First of all, as opposed to the bill the way it's currently written, where cabinet has the power to select this committee and appoint – and it often does – their own friends, we're looking for some real accountability, and we're looking to ensure that there is proper representation from the different communities that make up our great province.

You know, first and foremost, Madam Chair, there needs to be a representative – honestly, even only making it a minimum of one does not necessarily do the aboriginal community justice. There should be, in my view, several. However, in this amendment we're advocating for a minimum of at least one member from the aboriginal community to have a seat at the table, to have a voice directly on this agency, having input. As well, to be able to bring different perspectives to the table I think is absolutely crucial. Too often members of the aboriginal community are underrepresented on boards and agencies like this one. This should have been written into the bill in its current draft, but it seems that, as usual, the aboriginal community was not at the forefront or on the mind of the government when they wrote this legislation as it currently sits. One could make an argument that that's the same for landowners within this province, who again will be significantly impacted by decisions made by this agency.

To provide more credibility and legitimacy to this bill, the hon. Member for Edmonton-Strathcona has included a representative from the scientific community. One would think that at the onset of this bill that would be a no-brainer. However, I don't like to make any assumptions when it comes to this government's appointments to agencies and boards. So ensuring that there is a member from the scientific community and from the industrial community as well and the nonprofit environmental community so that we have all of the different sides being represented on this agency – I think that each of these five that I've outlined has a significant stake in the decisions that this agency is going to be making. They should have a voice at the table when it comes to environmental monitoring. We need to ensure, Madam Chair, that their views and opinions are represented through their voice at the table. This will also benefit the credibility of the AEMERA in the eyes of these different communities and of all Albertans.

Again, keeping in mind, Madam Chair, that we're not only trying to protect and be stewards of the environment for Albertans and Canadians but acknowledging the fact that there is an interconnectedness between people all over the world, the government, I'm sure, would at least acknowledge that many investments that come to Alberta are international. This would provide more legitimacy for the board and to potential international investors, especially ensuring as well that those groups have a voice here.

I'd like to remind the members of this House that the government is doing this already with Bill 30, for instance, where there's one co-chair for each of the new family and community engagement councils. One will be a member of First Nations and Métis communities. I do acknowledge and applaud the government for ensuring that there is a voice there at the table. It only then follows that it's logical that this agency ensures that there is a diversity, that there are representatives from those different communities who are significant stakeholders in the decisions that this environmental monitoring agency will make.

I mean, at the end of the day, Madam Chair, it's the right thing to do. Members of this Legislative Assembly should have input into who sits on this agency that is responsible for the monitoring and protection of our environment. It should not be left to one minister to decide who sits at the table and is going to make decisions on behalf of all Albertans. Again, you know, it is extremely important, in my view, that we have members from landowners, our aboriginal communities, the scientific community, our industrial community, which I'm sure they would appreciate, as well as from the nonprofit environmental community, who focus exclusively on issues related to the environment and, therefore, have and are experts as well.

I'll encourage all members of this Assembly to vote in favour of this amendment and show that these groups are important, are a priority, and that the minister is acting in good faith. Thank you, Madam Chair.

10:50

The Deputy Chair: Thank you.

Are there any other members wishing to speak on amendment A16? The Member for Calgary-Mountain View.

Dr. Swann: Thank you, Madam Chair. Well, I'll be brief. I think these are eminently sensible recommendations. They can just strengthen the bill. They can strengthen public support for what we are trying to do. I mean, this whole bill is entirely about trying to build a sense of confidence and clarity and accountability with the public, with stakeholders, with the international community. This is only going to enhance that, especially by being more clear about having scientists on the panel and having aboriginal communities which are primarily affected by oil sands development. It's a step in the right direction, and it would help, I think, not only within the communities that are affected but also the general public, who has lost some confidence, having seen this government forced to develop this new body, this new agency, by scientific reports, by the Royal Society of Canada, by a number of expert panels.

We need to do all we can to create a sense of confidence and independence in this body and show that we are getting the kind of representation from all these stakeholders that, I think, would encourage people to believe that we are stepping in the right direction after some of the negative press we've had in the last few years on the oil sands.

Thank you, Madam Chair.

The Deputy Chair: Thank you, hon. member.

The Member for Edmonton-Calder.

Mr. Eggen: Thanks, Madam Chair. I just wanted to make a couple of comments very quickly. I know that the minister, in presenting this bill, at some point said that of course this panel would have scientists and other representation, but, you know, it's very important to enshrine. Maybe this same minister won't be here forever, so it's better to put it in law, right? Fair enough. We just have to think about the next one that's coming down the line – right? – that might not include a member from an aboriginal community, a landowners' community, scientific community, industrial community, and nonprofit environmental community as well.

We've seen some of these people and groups already being excluded from the environmental assessment hearings, and I think that we just need to make sure that this legislative body includes each of these groups into the law. That way they won't find that they hit a closed door when an assessment or an evaluation is taking place somewhere down the road. I can remember running

across these closed doors from time to time when I was an MLA previously, and it doesn't serve anyone, really, in any positive way. I remember when they were planning to build those high-tension power lines on the west side of highway 2, and they chose to start to close the hearings to the general public. It only served to throw gasoline on the fire that eventually resulted in the whole thing breaking down.

So we know that it's best to be inclusive and to enshrine that inclusivity within the sections of this Bill 31. I think everyone's interests would be served well, and I would be much more proud to support this bill if we managed to pop this amendment in.

Thank you.

The Deputy Chair: Thank you, hon. member.

The Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you, Madam Chair. I'm not going to repeat what some of the members previously said. I agree in principle with much of what they said, in particular the makeup of this board of directors. Given the significance of the aboriginal communities downriver of the Athabasca River and the history of how it has affected their quality of life, it just seems to make sense that we certainly look to make the diversity of this board paramount. In particular, the aboriginal community, in my view, absolutely needs to be represented. Certainly, in the aboriginal communities we can find more than a few – more than a few – qualified members to represent their needs and their interests. The other part of that argument is that they have a vested interest in the operation of this agency and a vested interest that is derived from their communities.

So I stand in support of the amendment of the hon. member, and I would hope that the government would give some heavyweight consideration to the makeup of the board and put at least one representative representing various factions, various stakeholders so that there is that diversification to the makeup of the board.

Thank you very much, Madam Chair.

The Deputy Chair: We are on amendment A16. Are there any other members who wish to speak to this amendment to Bill 31?

Seeing none, I'll call the question.

[The voice vote indicated that the motion on amendment A16 lost]

[Several members rose calling for a division. The division bell was rung at 10:57 p.m.]

[One minute having elapsed, the committee divided]

[Mrs. Jablonski in the chair]

For the motion:

Anderson	Bilous	Stier
Anglin	Eggen	Swann
Bikman	Hale	

11:00

Against the motion:

Amery	Horne	Olesen
Bhardwaj	Horner	Olson
Bhullar	Jansen	Pastoor
Brown	Kennedy-Glans	Quadri
Cao	Klimchuk	Quest
Casey	Kubinec	Rodney
Cusanelli	Lemke	Sarich

DeLong	Leskiw	Scott
Denis	McIver	Weadick
Dorward	McQueen	Woo-Paw
Drysdale	Oberle	Xiao
Fawcett		
Totals:	For – 8	Against – 34

[Motion on amendment A16 lost]

The Deputy Chair: We'll go back to the bill in Committee of the Whole. The hon. Member for Edmonton-Beverly-Clareview.

Mr. Bilous: Thank you, Madam Chair. I rise to move an amendment.

The Deputy Chair: This amendment will be known as amendment A17, and we'll wait until members receive a copy of this amendment.

Hon. member, I'll just clarify that you are moving amendment A17 on behalf of the Member for Edmonton-Strathcona.

Mr. Bilous: That is correct, Madam Chair.

The Deputy Chair: Please proceed.

Mr. Bilous: I would move on behalf of the hon. Member for Edmonton-Strathcona that Bill 31, Protecting Alberta's Environment Act, be amended in section 3(1)(b) by adding "as soon as practicable" after "transparent manner."

This amendment, Madam Chair, speaks to, again, ensuring that data and other information is available as soon as possible – practicable, that's an interesting word – as soon as it is practical and diligent or prudent to do so to ensure that information is communicated in an open and transparent manner. I think it's important to note that, you know, an environmental monitoring agency is only as good as the information that they are able to collect and, second of all, the transparency with which that information is made public and made available to all Albertans.

You know, in order to fulfill the definition of transparency, or to honour that, information needs to be made public or transparent in a timely manner. The example of this, Madam Chair, is releasing information years later and then saying: "Look how transparent we are. We've given this information." Well, I mean, it's so after the fact that, especially when it comes to environmental monitoring, the situation surely has already changed, and therefore the information is no longer timely nor relevant.

Transparency dictates that information is passed in as close to real time as possible. Again, it begs the question that, you know, for governments that withhold information, Albertans want to know: why is that? If you look at history, secretive governments release information when it suits their purposes. We're talking about serving all Albertans and, I mean, one could argue, our citizens globally and internationally as well.

This amendment is really designed to help ensure that monitoring data is released in the public interest, and if members on the other side want to open that debate on what is the public interest, I'd be happy to. But I think most Albertans know that the public interest is what's in their best interest as all Albertans, again, acknowledging that the environment doesn't just belong to the people who live immediately around that area but acknowledging that, you know, what happens in one part of the world does affect everyone globally.

This amendment is really giving scientists, the public the accessibility to this information and data within a reasonable, a practicable time frame, and it also works to prevent the

government from taking in this information, putting on their own little spin, and then sending it back out again.

I'd like the members to recall, you know, with the Obed mine tailings release into the Athabasca River that that information on this incident has not been forthcoming from this government. In fact, Madam Chair, I believe it was today that the NDP caucus called for the minister to release further information about the inspections of the mine, and the government and the minister have been reluctant to do so.

We believe that information that affects the health and safety and well-being of Albertans as well as our fish and wildlife must be released as soon as the government is aware. That will increase the level of trust that Albertans have in the government, in knowing that the government is acting in a timely manner and with their best interests in mind.

You know, that example clearly has caused alarm to many Albertans – well, caused concern – caused them to lose faith that the government is acting on their behalf and in their best interest. This amendment, on the one hand, will make it more difficult for the government to keep Albertans in the dark when it comes to environmental data, but we can look at it on the positive side as well in that it will ensure that information does get to the public in a timely manner and live up to the spirit of transparency.

I'll urge all members of the Assembly to vote in favour of this amendment. Thank you, Madam Chair.

The Deputy Chair: Thank you.

Are there any other members who wish to speak on amendment A17 on Bill 31?

Seeing none, I'll call the question.

[Motion on amendment A17 lost]

The Deputy Chair: We are back to the bill, Bill 31, in Committee of the Whole. The hon. Member for Edmonton-Calder.

Mr. Eggen: Thank you so much, Madam Chair. I have just one last desperate but hopeful attempt to make some small, modest amendment.

The Deputy Chair: Hon. member, are you moving this on your behalf?

Mr. Eggen: On behalf of the Member for Edmonton-Strathcona.

11:10

The Deputy Chair: Thank you very much. We'll just wait a minute here until we distribute copies to the other members.

Hon. member, you may proceed with amendment A18 on behalf of the Member for Edmonton-Strathcona.

Mr. Eggen: Thank you, Madam Chair. I'm bringing this forward on behalf of the Member for Edmonton-Strathcona, to move that Bill 31, Protecting Alberta's Environment Act, be amended in section 26 by striking out "shall report the results of the review to the Executive Council" and substituting "shall report the results of the review to the Legislative Assembly."

I believe that the minister should be reviewing the agency's operations, mandate, and performance every five years. That's, I think, a reasonable thing that we can totally agree on. However, because this agency is an independent, arm's-length agency, or at least it's supposed to be, I think it's really important – no, it's crucial – that the results of this review shall be shared with the entire Assembly just like we do with other agencies, boards, and committees.

We already have the process in place. It's not like we have to build something new. It's something that we all come to expect. In concert with the regular reporting scheduled, this would just serve to put the environment front and centre for us to think about and would create that due process that would make us feel safe and secure about environmental monitoring. I think it's entirely inappropriate that the minister just reports to cabinet and that we don't see what those results are. Again, these are layers of nontransparency which lead to an overall sort of opaque and then eventual blackout of information that we just really, really need.

I think, Madam Chair, that this has been the theme of the evening that's drawing to a close here now. Perhaps this amendment can be the one place where we can synthesize these various strands of debate in Committee of the Whole for Bill 31 and at least find one place where we can create better transparency. What better place to rally around than to have the results reported to the Legislative Assembly? Because that's exactly where we are here right now, in the Assembly, and we all would, I'm sure, enjoy the information, the edification that these reports would give to us. It would give us a chance to report back to our constituents on that information. The information would be put as a matter of public record. The debate would be captured in the *Hansard*. All of the mechanisms that we've come to build a democracy around take place right here in this room.

Having the Protecting Alberta's Environment Act and the agency that we will forthwith create with this act report to the Assembly just seems, since this is the place where it will be born, eminently reasonable, Madam Chair, and I just couldn't believe that people wouldn't vote for this unanimously. It would just fill our hearts with such happiness, and when we all go home tonight, we will know that we've done the right thing. You'll have a good, sound sleep, and you'll wake up in the morning and feel good about what you've done for democracy and for Alberta's environment.

Thank you.

The Deputy Chair: Thank you.

Are there any other members who wish to speak to amendment A18, Bill 31?

Seeing none, I'll call the question.

[Motion on amendment A18 lost]

The Deputy Chair: Back to the bill. Are there any other members who wish to speak on this bill?

Seeing none, I will call the question.

[The remaining clauses of Bill 31 agreed to]

[Title and preamble agreed to]

The Deputy Chair: Shall the bill be reported? Are you agreed?

Hon. Members: Agreed.

The Deputy Chair: Opposed? Carried.

The hon. Minister of Justice and Solicitor General.

Mr. Denis: Thank you, Madam Chair. At this point I would move that the committee rise and report on Bill 31 and progress on Bill 27.

[Motion carried]

[Mrs. Jablonski in the chair]

The Acting Speaker: The hon. Member for Calgary-East.

Mr. Amery: Thank you, Madam Speaker. The Committee of the Whole has had under consideration certain bills. The committee reports the following bill: Bill 31. The committee reports progress on the following bill: Bill 27. 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.

The Acting Speaker: Thank you.

Does the Assembly concur in the report?

Hon. Members: Concur.

The Acting Speaker: Opposed? So ordered.

Government Bills and Orders Third Reading

Bill 29

Pharmacy and Drug Amendment Act, 2013

The Acting Speaker: The Minister of Health.

Mr. Horne: Thank you, Madam Speaker. I move third reading of Bill 29, Pharmacy and Drug Amendment Act, 2013.

The Acting Speaker: Thank you, hon. minister.

Are there any members who would like to speak on Bill 29 in third reading? The hon. Member for Calgary-Mountain View.

Dr. Swann: Thank you, Madam Speaker. I just have an amendment to suggest to improve this bill. I'll circulate it.

The Acting Speaker: Hon. member, we're in third reading of Bill 29, Pharmacy and Drug Amendment Act, 2013. There are no amendments allowed in third reading.

Dr. Swann: I missed my opportunity. Thank you.

The Acting Speaker: Are there any members who would like to speak to Bill 29, Pharmacy and Drug Amendment Act, 2013?

Seeing none, I will call the question.

[Motion carried; Bill 29 read a third time]

The Acting Speaker: The hon. Minister of Justice and Solicitor General.

Mr. Denis: Thank you, Madam Speaker. Given the lateness of the hour I would move that the House stand adjourned until 1:30 tomorrow afternoon.

[Motion carried; the Assembly adjourned at 11:20 p.m. to Wednesday at 1:30 p.m.]

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