



Legislative Assembly of Alberta

The 27th Legislature  
First Session

Standing Committee  
on  
Resources and Environment

Wednesday, July 9, 2008  
9 a.m.

Transcript No. 27-1-2

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First Session**

**Standing Committee on Resources and Environment**

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Swann, Dr. David, Calgary-Mountain View (L), Deputy Chair

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[Mr. Prins in the chair]

**The Chair:** Well, good morning, everyone. It's 9 o'clock, so we'll call the meeting to order. I'd like to welcome everyone. We'd first of all maybe introduce ourselves. I'll start with the people around the table and then go to the ones on the telephone. I'll start to my right. Go ahead, Frank.

**Mr. Oberle:** Good morning. Frank Oberle, MLA, Peace River.

**Ms Dean:** Shannon Dean, Senior Parliamentary Counsel.

**Dr. Massolin:** Good morning. I'm Philip Massolin. I'm the committee research co-ordinator, Legislative Assembly Office.

**Ms Stewart:** I'm Katrina Stewart. I'm a research assistant with the Legislative Assembly Office.

**Ms Friesacher:** Good morning. I'm Melanie Friesacher, a communications consultant with the Legislative Assembly Office.

**Ms Sorensen:** Rhonda Sorensen, manager of communications services with the Legislative Assembly Office.

**Mrs. Kamuchik:** Louise Kamuchik, Clerk Assistant, director of House Services, LAO.

**Ms Christiansen:** Jo-An Christiansen, legislative co-ordinator for Agriculture and Rural Development.

**Mr. Laflamme:** I'm Paul Laflamme. I am the head of the pest management branch with Alberta agriculture.

**Mr. Drysdale:** Wayne Drysdale, MLA, Grande Prairie-Wapiti.

**Mrs. McQueen:** Good morning. Diana McQueen, MLA, Drayton Valley-Calmor.

**Mrs. Sawchuk:** Karen Sawchuk, committee clerk.

**The Chair:** Thank you. I am Ray Prins, the MLA for Lacombe-Ponoka. I'll ask the people on the phones to introduce themselves at this point.

**Mr. Hehr:** Kent Hehr, from Calgary-Buffalo.

Just before we get started, I'm receiving some music coming through on the telephone. If someone could contact the individuals in charge of the telephone conference call maybe to inquire as to what the trouble is. Sorry about that.

**The Chair:** Okay. We're sorry about that as well. You probably have your iPod turned up, or somebody in your building, because it's not coming from here.

**Mr. Hehr:** Oh, it's just coming through the phone. I'll tell you that.

**The Chair:** Okay. You know what, Kent? If it doesn't go away, just hang up and dial again and see if that works better.

**Mr. Hehr:** Okay. Thank you. I'll do that right now.

**The Chair:** Okay. Thank you.

**Dr. Swann:** It's David Swann in Calgary-Mountain View. Good morning, everybody. I'm getting the same music.

**The Chair:** Well, it's probably Liberal music.

Is that it for our phone-in people? Okay. We're good.

Thank you very much. What we want to tell people here in the house is: don't bother touching your mikes. The *Hansard* people will look after them. Once again, BlackBerry's should be off the table because they interfere. I don't think that's where the music is coming from today, but we'll find out.

First item on the agenda is Approval of the Agenda, so I think what we want to do is have a look at the agenda. There's one item that maybe we should change on the agenda before we approve it, and that would be to move 5(b)(iii) up to 5(a)(iii) because I think that's a better order to deal with these issues. So if we could have a motion to approve it. Thank you, Diana. As revised, all in favour? That's carried. Thank you.

**Dr. Swann:** It's David in Calgary. Ray, the sound of your voice is going in and out, and for some of the people around the table I could just barely hear the introductory comments. I don't know where the speaker is. You've come through the clearest, Ray; the others are very inconsistent.

**The Chair:** Okay. We'll do the best we can. If it doesn't work, then, just keep us informed. Thank you.

**Dr. Swann:** What did you say, Ray, about changing the agenda? I couldn't hear all that.

**The Chair:** We've moved 5(b)(iii) up to 5(a)(iii). It's not a big deal, but we're just putting it in the right order.

**Dr. Swann:** Okay.

**The Chair:** That's been moved and carried as revised.

The next thing on the agenda is the minutes from the last meeting. We've had them, so I wonder if we could have a motion to adopt the minutes. It's done by Wayne. Any comments, questions? All in favour? That is carried. Thank you.

Then we'll move right on to our technical briefing on the Weed Control Act, Bill 23. I'd like to welcome Jo-An Christiansen and Paul Laflamme from Alberta Agriculture and Rural Development. I understand that, Paul, you will be taking us through the bill and giving us some technical briefing ideas here. Both Paul and Jo-An can, you know, just feel free to go through this, and there will probably be some questions afterwards from both members in the room here and members on the phone.

We will just move into that right now, so go ahead. Thank you.

**Mr. Laflamme:** Okay. Thank you. I'll start with a bit of an introduction. The Weed Control Act currently provides authority to deal with both native and introduced weed species that impact agricultural production. This bill provides a rewrite of the existing act. It updates provisions such as notice provisions. The bill will also clarify things such as inspection and enforcement authority and appeal mechanisms.

I'll highlight a few of these updates and proposed clarifications. For notice provisions the bill adjusts timing and service of notice to individuals. It allows for posting on-site and mailing of notices.

The requirement in the old act of using double-registered mail or certified mail is repealed. Hopefully these changes will improve the ability of inspectors to fulfill their responsibilities.

Under inspection powers, regarding inspection authority, the bill allows for inspectors to restrict the use and movement of items that pose a risk for spreading weed seeds. We'll get into more detail once we go through the comparison document. The bill also allows for entry on land by inspectors for the purposes of monitoring compliance with the act. Reasonable limits are still in place for powers of inspectors, such as a 24-hour notice requirement before entering a building. In the case of seed-cleaning facilities, grain-handling facilities, and auction markets immediate entry is still in place, and that's needed. These plants are commercial enterprises, and inspection without notice is considered appropriate and was in place in the old act.

Under enforcement provisions the bill clarifies the inspector's right of entry and enforcement. This authority is needed when an owner or occupant fails to comply with a notice and an inspector needs to go in and do the work of cleaning up the weeds. The duty to comply continues to be subject to the owner's or occupant's right of appeal.

Under appeal mechanisms we are continuing with the fundamental right of appeal to an appeal panel and to the minister. To improve this provision, the bill will shorten the time period for the committee to hear and determine the appeal. This will help to ensure timely responses to weed control issues.

Under legal obligations the bill clarifies about legal and financial obligations for landowners and occupants. Again, both landowners and occupants will continue to have a right of appeal.

**9:10**

We did quite broad stakeholder consultation on the amendments to this bill. It's a product of extensive stakeholder consultation with agricultural fieldmen and other stakeholders. Agricultural fieldmen are municipal employees employed by municipalities, and they serve as inspectors under this act. Stakeholder consultation included municipalities, cities, towns, producer groups, Alberta agriculture specialists, private consultants, and other agrologists that were impacted by this act. We also held four consultation meetings with the Association of Alberta Agriculture Fieldmen to get their input into needed changes. To conclude, the bill will update and clarify the existing Weed Control Act.

We can now move into the comparison document.

**The Chair:** Before you go into that, Paul, I'm just going to introduce a few more members that have joined on the phone. Maybe they could introduce themselves. Go ahead, please.

**Mr. Boutilier:** Thank you. Good morning. Guy Boutilier, MLA for Fort McMurray-Wood Buffalo.

**The Chair:** Thanks, Guy.

**Mr. Griffiths:** Doug Griffiths, Battle River-Wainwright.

**The Chair:** Thanks, Doug. Anyone else? Okay. Thank you. I'm not sure if the Calgary ones have rejoined us, or are they still there?

**Dr. Swann:** We're still here, still enjoying the music.

**The Chair:** Okay. Thanks. Can you hear the presentation?

**Dr. Swann:** Yup. That was clear.

**The Chair:** Okay. Good. Then we'll carry on.  
Thanks, Paul. Go ahead.

**Mr. Laflamme:** Okay. Another thing that we've done with this new act is to break it into parts or groups that house similar functions, so you'll notice that the new act now has six parts to it. Things like weed control: anything related to weed control is under part 1. Anything related to inspectors is part 2, and so on. It provides greater clarity. A lot easier to find things under the new format.

The first part of the bill is interpretations, or definitions. Most of what we've done in this part was to clarify and simplify. For example, things like "municipal secretary" is no longer used. We've adopted a term from the MGA of "chief administrative officer." We've changed "noxious weeds" and "restricted weeds" to "noxious weeds" and "prohibited noxious weeds." That's to line up with the federal Seeds Act, which uses similar terminology. We thought that would make it more appropriate.

**Dr. Swann:** Could you repeat that? There was a lot of artifact going on there for some reason. I missed most of what you said about changing the definition of noxious and restricted weeds.

**Mr. Laflamme:** Okay. Under the old act we had three designations for weeds. We had restricted, noxious, and nuisance weeds. Under the new act we're proposing to have noxious, prohibited noxious, and we've eliminated the nuisance category altogether.

**Dr. Swann:** There's no restricted as well?

**Mr. Laflamme:** "Restricted" is now "prohibited noxious."

**Dr. Swann:** Okay. Thank you.

**Mr. Laflamme:** Did you want to pose questions as we go along here, or I can give my presentation?

**The Chair:** If people have pressing or urgent questions, maybe we could do that. But I think you should just carry on.

**Mr. Laflamme:** Okay. That's pretty much it for, as I mentioned, the definitions. It's, more or less, clarifying, updating, simplifying.

So if we move on to page 4, Delegation of Powers. Some of these, such as sections 2 and 3, we've removed from the new act. They were implicit under some other pieces of legislation, such as the minister's power to delegate. It's already in the Government Organization Act, so it didn't have to be repeated in this act. Again, the simplification and clarification.

Page 4, the exemption of land from the act was removed as well because that was another thing that was never used. We couldn't figure out why the minister would need to exempt a piece of land from weed control, so we removed that.

Section 4, Inspectors. Under the new act we've broken that down into provincial inspectors and municipal inspectors. Provincial inspectors are appointed by the minister, and municipal inspectors are appointed by a local authority. Basically, provincial inspectors are normally government employees that may be doing work out in the field, and there may be the odd occasion when someone is not a government employee, but the minister needs the ability to be able to appoint him or her as a provincial inspector. Municipalities still maintain the right to appoint their inspectors within their municipal-

ity. If they fail to do so, the minister can appoint inspectors and charge that back to the municipality. There's no change there from the old act.

**Mr. Hehr:** Just a question: is there ever a situation where there is conflict between, say, what the provincial inspector and the municipal employee says in situations like this? If there is, is there any clarification as to who trumps who in this act?

**Mr. Laflamme:** Generally, they tend to work together. The only time there would be a conflict is if a local or municipal inspector is not doing his job properly and not enforcing the act. Then a provincial inspector's authority would trump that inspector. Otherwise, it's joint. They would work together, so it would be concurrent.

**Mr. Hehr:** Okay. So it's usually concurrent, but is it noted in the act that the provincial inspector trumps?

**Mr. Laflamme:** What's noted is that if the municipal inspector is not doing his job, then the provincial inspector trumps it. Yeah.

**Mr. Hehr:** Okay. Thank you.

**The Chair:** Go ahead, Paul.

**Mr. Laflamme:** Okay. Page 5, section 7, Bylaws. The bylaw-making authority to elevate plants has been moved to the regulations. We thought it was more appropriate for them to be there. This is an operation alignment and sometimes subject to change, so we felt it was more appropriate to be located in the regulations. The occupancy bylaw remains in the act and is now designated as highways. That hasn't really changed. We've clarified it, but that's about the only thing that we've done in that section.

**The Chair:** Paul, can I ask a question? When you're talking about the occupancy along highways, it says here that the occupant of the land adjacent to the highway is considered to occupy the road allowance or the highway to the centre of the highway. Is that correct?

**Mr. Laflamme:** No. The intent here is that the municipality can authorize through a bylaw for the owner that's adjacent to that piece of highway to be responsible for weed control up to the centre of the highway, but it's up to the municipality if they choose to do that or not.

**The Chair:** So the occupant or the owner of the land can actually spray or control the weeds in that road allowance, but they are not obligated to. They may, but they are not obligated to. Is that the way it works?

**Mr. Laflamme:** No. Basically, the intent is that if a bylaw is passed at the municipal level saying that the landowner adjacent to that piece of highway is responsible for weed control, then what you say becomes true: he's responsible for controlling the weeds in the ditch and right up to the edge of the highway.

9:20

**The Chair:** It's enabling legislation but not prescriptive legislation, then.

**Mr. Laflamme:** That's correct.

**The Chair:** Okay.

**Mr. Laflamme:** It was in the old act. There's been no change, really, in the new act. The most often used piece of this legislation was road allowances that had yet to be developed and where farmers were farming right up to the centre of it. That's usually when it's used or most commonly used.

**The Chair:** Okay. That makes sense.

**Mr. Laflamme:** Section 10, Delegation of Powers. Again, the minister already has that authority under other pieces of legislation, so that's been removed.

Section 11, Right of Entry to Inspect. We did a fair bit of clarification under this one. We've clarified the right of entry to inspect and to enforce for noncompliance. It used to be that there was a bit of a grey area there, and hopefully we've clarified this. It had been brought to our attention by stakeholders that there were some issues around getting onto the land for enforcement, so hopefully this will help to clarify that. The intent is still the same, but it's just clarified. Any questions on that area? This is the area that gives them the right to enter onto land or buildings to inspect for weeds.

We've updated the terminology on some of the buildings, things like: instead of a grain elevator, we're calling it a grain handling facility now. So the terminology has been updated. We've still left the provision where consent of the owner is required to enter a private dwelling or 24 hours' written notice if they want to enter any building, but they do have the right to inspect land without consent. And as in the previous act we've maintained the ability for inspectors to enter seed-cleaning facilities, grain-handling facilities, and auction markets for inspection purposes without notice.

**The Chair:** Any questions?

Go ahead, Paul.

**Mr. Laflamme:** Okay. Section 12 is about notices. Again, we've made a fair bit of clarification there. We had under the old act three types of notices. There was the notice to remedy weed problems, the general notice, and the stop order, which we now call the minister's notice. These have been replaced with the inspector's notice, the local authority's notice, and the minister's notice, each with their own specific intent. The inspector's notice is for when there's noncompliance in the act. It can be issued by the inspector.

One of the changes we've made here is that under the old act notices could be issued to property, things like land, but often there was no way to issue a notice on personal property, so we've kind of clarified that under this new rewrite of the act.

**Dr. Swann:** What is the section there?

**Mr. Laflamme:** Under the new act it's sections 13, 14, and 15.

**Dr. Swann:** Thank you.

**Mr. Laflamme:** The inspector can issue a notice if he finds noncompliance with the act. If it's a noxious weed, he may issue the notice. If it's a prohibited noxious weed, he has to issue a notice and enforce immediate control. That's not a change from the old act.

The local authority's notice is used mainly for subdivided land. It's almost like a general mail-out to everyone within a subdivision saying: "These weeds have been found in this subdivision. We're asking everyone to clean up those weeds." Again, there's no change from the old act there.

The minister's notice is one that is only used in very extenuating circumstances. It's rarely used, actually. It allows the ability to stop an operation. Let's say there's a gravel operation that is just loaded with weeds and they're hauling gravel out of there and they don't comply with cleaning up their weeds on that gravel pit: the minister can issue a stop order and stop that operation until those weeds are cleaned up. Again, no change from the old act there.

**Dr. Swann:** We're talking about potentially three different levels of government: federal, provincial, municipal. Have you addressed anything in relation to provincial-federal jurisdiction in this act, or is it purely provincial-municipal relationships?

**Mr. Laflamme:** It's purely provincial-municipal. Yeah. The federal act is not referred to. The federal act relates to seeds and the sale and handling of seeds and the weed content in seed for sale and not to actual weeds and weed control out in the fields.

**Dr. Swann:** I'm thinking also of federal lands and how you deal with those cross-jurisdictional issues.

**Mr. Laflamme:** Generally the federal government follows the legislation that's in the province. They've been quite good for that. There hasn't been a problem or an issue raised in the past.

**Mr. Drysdale:** Just a couple of questions, Paul, on this inspector's notice in 13(2) there. From the old act you've added the words "growing or spreading." That's something new, and I would think that could cause some argument or confusion. Why would you add growing or spreading? If a weed inspector finds a noxious weed, that should be good enough because all of a sudden you're going to have argument about if it is alive or dead or spreading. It wasn't in the old act. I just wondered why you added growing or spreading.

**Mr. Laflamme:** I believe that was again for some clarification. I think the intent is still the same there. If a plant is there, it's obviously growing. If it's growing and it's part of one of the weeds that are listed in the act, it's probably spreading. Most of the weeds are invasive and tend to spread quite normally as part of their reproductive mechanism.

**Mr. Drysdale:** By adding those words, you know, a landowner could say: well, the plant isn't growing or spreading, so you can't enforce it. If an inspector finds a noxious weed, there's a noxious weed there. I don't know why you'd add those words. That's just a comment that I have, that I think that'll add some confusion to it instead of clarifying it.

**Mr. Hehr:** I agree completely with that synopsis there.

**Mr. Laflamme:** Okay.

**Mr. Drysdale:** Also, under 15(1), Local Authority's Notice, I'm not sure at the end why you would add "that does not exceed 20 acres." I know lots of subdivisions do exceed 20 acres, so why would you add that part on?

9:30

**Mr. Laflamme:** That was actually in the old act, the 20 acres. It was under definitions in the old act, where subdivided land was up to 20 acres. I think the intent there is that once you get over 20 acres, it becomes more difficult to handle under a local authority's notice. In an inspector's notice you can detail where the weeds are

located, exactly what weeds are found; you can recommend some control methods, so it's easier to handle on a larger parcel of land.

**The Chair:** I would think you are duly noting these comments, and if there are any areas of concern or ambiguity, you would attempt to clarify that, I suppose, as we review this bill?

**Mr. Laflamme:** Yes.

**The Chair:** Okay. Thanks.

Any other questions? Then go ahead, Paul.

**Mr. Laflamme:** Okay. We've talked about up to Minister's Notice.

If we go to section 21, I guess, Service of Notices, we have made some substantial changes to this section. This was a number one issue raised by our stakeholders during our consultation, the need to send notices by double-registered or certified mail. What we've done in this new legislation is we've maintained that the best way to deliver a notice is by personally delivering it. If that's not feasible, you can leave it with someone that's at least 18 years of age. If that's not feasible, then we've given the ability to post immediately on-site and then to mail the notice by regular mail. The notice will be considered to have been received by the person seven days from the date of mailing. So that hopefully will help with that. Like I say, that was the number one issue raised by stakeholders when we consulted them.

Section 23, Service of Notice on Owner, is no longer needed because it's addressed under the way we've written the previous section.

**The Chair:** We have a question here, as well, Paul.

**Mr. Laflamme:** Yes. Sorry.

**Mr. Oberle:** On that service of notice, in your new section 24(2)

The notice, except for a local authority's notice, must be served on a person

(a) by delivering it personally to the person.

Can't you say: by serving it to the person? Later on you refer to service in a couple places. "By delivering it personally to the person" doesn't clarify it. I don't think it clarifies what you're saying there. If you want to put it in the person's hands, then you should say: by serving it to the person.

**Mr. Laflamme:** Okay.

**The Chair:** Personally serving it to a person: that means the inspector has to be in person serving it to the individual in person. Is that what that means?

**Mr. Laflamme:** Yeah. That's the intent. Yes.

**The Chair:** So you're not mailing it; you're handing it.

**Mr. Oberle:** By serving it to a person, you put it in their hands. That's not mail.

**Mr. Laflamme:** That's right. It's personally delivering the notice.

**The Chair:** As long as that's not redundant or confusing.

**Mr. Laflamme:** No. That's still the best way to deliver a notice.

**The Chair:** So long as we get the language right so that you can understand it.

**Mr. Hehr:** I do have some minor concerns around (b). I don't know if anyone else shares these concerns. The "18 years of age or older" may be all right at a private residence, but at a place of business I'm somewhat concerned about that. If I received that document at 18 years of age, I would be somewhat skeptical of my abilities – it might say more about me than the other people who are 18 years old at this place of business – to get it to the bosses or the person in charge. If no one else shares that concern, then that's okay. It's just that I'm a little worried about a younger person receiving this and maybe not giving it due attention. I don't know if there's anything else that can be done there, but that's just a little bit of a concern for me.

**The Chair:** Do you have any comment?

**Mr. Laflamme:** That's carried forward from the old legislation, so that was in place previously. We've never heard of any problems with that or issues around it. I'm not sure if there is a policy.

**The Chair:** It's probably the legal language to indicate that the person is an adult.

**Mr. Laflamme:** That's right.

**Mr. Hehr:** And that's fair.

**Mr. Laflamme:** Section 25, Copy of Notice to Mortgagee or Purchaser. Again, we haven't made any changes there other than maybe clarifying a little bit that if that land is sold and it has a notice on it, it's the requirement of the landowner to notify the purchaser that there is a weed notice on that piece of land.

**The Chair:** Go ahead, Wayne.

**Mr. Drysdale:** Yeah. Just one question on that point. I had some concerns where it says "notices." Could you put in the word "current" notices or something? You know, there could be notices 20 years past or even 10 years ago, and the administrator doesn't find that, and then the landowner purchases the land and finds out there have been problems there before and the administrator never told them. So could you say "current orders"? There could have been a problem there 20 years ago, and the administrator doesn't know it, and then you could end up in a battle or in court over that.

**Mr. Laflamme:** I think the intent is that it's active notices. Once a notice has been complied with, it's no longer considered active.

**Mr. Drysdale:** But it says a copy of "all notices given," you know, so that could mean all notices. If you could put the word "active" or "current" or something in there so that it's not what happened 20 years ago.

**The Chair:** How long is a notice good for? You know, once the growing season is over, most weeds are dead for the winter. Do they carry on to the next year?

**Mr. Laflamme:** No. They're dated and they're only valid for the one year. They can be issued for the following year, but that's it, basically.

**Mr. Drysdale:** But they usually keep a file and reinspect it for an amount of years until that's determined clear or whatever. I don't know: "active" might be a good word or something.

**Mr. Laflamme:** Duly noted.

**Mr. Oberle:** The requirement is that you have to supply a copy of all notices given under the act, so that means that whether it's active or inactive or historical or whatever, you still have to give. So it should be notification of active notices or current notices, something like that. I agree with Wayne there.

**The Chair:** Good. Thanks.  
Go ahead.

**Mr. Laflamme:** Okay. Under section 27, Recovery of Inspector's Expenses, again, we've made some clarification there. What we've done is clarified the ability to collect not only from a landowner but also from an occupant. Under the old act it was not very clear that you could collect from an occupant of land. You had to collect from the landowner, and then it was up to the landowner to collect from the occupant. Now we've made it clear that if there's noncompliance with the act and they have to go in and do the control work, a municipality can collect from the occupant of the land if the land is occupied. That was done, basically, to modernize it and to give that ability for collection from occupants as well as landowners.

**9:40**

Next is section 28, on appeals. There has been very little change in this section under the new act. Some of the operational requirements of the appeal will be moved into the regulations. We felt that that type of detail was better situated in the regulations. But as far as appeal, the landowner or occupant has the right of appeal to the local authority, and if he's not happy with that decision, he maintains the right of appeal to the minister. That hasn't changed.

Under section 30 that hasn't changed, as well. During the period of appeal no work can be done. So that hasn't changed from the old act.

Section 31, Duties re Weeds. We've just clarified that a little bit, made it a little bit simpler to understand.

Section 32, Compliance with Notice, is now section 17 under the new act, with very similar terminology.

Section 33, Disposal of Screenings, becomes section 5, Disposal and Storage of Weed Seeds. Again, very little change there.

Section 35, Movement of Machines. That's been moved.

**Dr. Swann:** Sorry. It's David Swann in Calgary.

**Mr. Laflamme:** Yes?

**Dr. Swann:** Section 31. Under the proposed under noxious weeds you suggest the new legislation would read: "A person shall control a noxious weed," right?

**Mr. Laflamme:** Yes.

**Dr. Swann:** I thought you earlier indicated that noxious used the terminology "may control" or may provide an order, I guess, to control. It looks like you're treating those the same, that both the prohibited noxious and the noxious weeds are being treated the same with the words "shall control." Is that an error?

**Mr. Laflamme:** Well, I think that when I was speaking earlier, it

was in relation to issuing a notice. So an inspector “shall” issue a notice if it’s a prohibited noxious weed, but he “may” issue a notice if it’s a noxious weed. However, the duty of the occupant or landowner is to control both prohibited and noxious weeds on their own property.

**Mr. Swann:** Thanks for that clarification.

**Mr. Laflamme:** That’s their duty.

**Mr. Oberle:** The duty is “destroy” on prohibited and “control” on noxious, right?

**Mr. Laflamme:** Shall destroy prohibited and control noxious.

**Mr. Oberle:** Right.

**Mr. Laflamme:** Yes.

**Dr. Swann:** What’s the difference between the terms “destroy” and “control”?

**Mr. Laflamme:** Prohibited noxious weeds are weeds that we do not have in the province and we do not want in this province. They need to be destroyed immediately, so that means that if it takes hand-picking to destroy it, that’s what you have to do. If you do go in there with some type of chemical control and it doesn’t work, you’re still expected to go back until the weeds are completely eliminated.

Under noxious it’s more the weeds that have been here for some time. We ask for control. It may take a few years to get good control, but the expectation is that they won’t be completely eliminated as the expectation is under prohibited noxious.

**Dr. Swann:** Thank you.

**Mr. Laflamme:** Control and destroy are defined under the definitions at the beginning of the act.

**Dr. Swann:** Yeah. I’d forgotten them. Thank you for the refresher.

**The Chair:** Okay.  
Go ahead.

**Mr. Laflamme:** Okay. Back to section 35. We have made a few little changes there. Basically, instead of talking about restricting the use of machines or vehicles that may cause the spread of weeds, we thought we’d talk now about preventing the movement of anything that may spread weeds. I guess we’ve broadened it a little bit. The idea there was so that inspectors would have the ability to issue a notice on things like possibly gravel or topsoil or sand that they knew contained weed seeds. Previously they really did not have an ability to prevent the movement of that type of material. Basically, the regulations will contain a list of items that will fall under this section.

**The Chair:** Would this include oil field equipment like Caterpillars, backhoes, dirt movers, that could be moving earth with weed seeds in it? Like, are we going to talk about the cleaning up of equipment moving from field to field?

**Mr. Laflamme:** That was already the intent under the old act. Yes, if there’s soil on that piece of equipment and it was known to come

from a field that was very weedy, it had to be cleaned before it was moved. Yes.

**The Chair:** That includes trucks carrying hay?

**Mr. Laflamme:** Yes. Yeah. We will provide a list in the regulations so that there is some clarity there around what notices can be issued on and the things that they cannot issue notices on so that the powers are not too broad.

**The Chair:** Thank you.

**Mr. Laflamme:** Section 36 is around seed-cleaning facilities. Again, we’ve made a bit of a change there, and that’s to add that rental or leased equipment needs to be inspected and licensed prior to being used. That was a bit of a grey area in the old act that we’ve clarified.

Section 37. There has been no change in that section.

Section 38, Offences. The only change we’ve made there is that we’ve removed the imprisonment because it has never been used, to our knowledge, likely never to be used, so we didn’t feel that it needed to be in there. We still maintain the fine for offences, but we’ve removed the imprisonment.

Disposition of Fines, section 39. Again, just a little bit of clarity there around that one.

**Dr. Swann:** Under the fining would that be levied at the municipal level as well as the provincial level?

**Mr. Laflamme:** Yes. If it’s a local authority’s – well, actually the fines go to the municipality in which the offence occurred. Is that what you’re asking?

**Dr. Swann:** Well, if it’s a minister’s notice, I would assume that the fine would go to the province, no?

**Mr. Laflamme:** No, it goes to the municipality.

**Dr. Swann:** Okay.

**The Chair:** And that’s spelled out in regulation?

**Mr. Laflamme:** No, it’s under section 29 of the new act, or section 39 of the old.

**The Chair:** Okay. I see it.

**Mr. Laflamme:** Okay. The final section is the regulation-making authority of the minister. We’ve basically removed those regulation-making authorities that were redundant or not used, and we’ve put in the ones that we’ve identified needed to be in there. For example, the first one, respecting the designating of plants as noxious or prohibited noxious: that’s where the ability for a municipality to through bylaw elevate a plant to noxious or prohibited noxious within their municipality will reside, in the regulations.

**9:50**

**Dr. Swann:** Are you suggesting that the municipality can increase the stringency or seriousness of a weed, but they can’t reduce the seriousness of the designation?

**Mr. Laflamme:** Yes. That’s correct. That’s not a change from the old act.



**Dr. Swann:** Okay. At some point I want to discuss the definitions and how those are arrived at if there's a difference of view between the municipality and the province. Is this the right time to discuss that whole issue?

**Mr. Laflamme:** I'm not exactly clear on your question.

**Dr. Swann:** Let's be concrete and talk about dandelions. The city of Calgary designates dandelions as a noxious weed. The province has designated it as a nuisance. If, indeed, they took it a step further and designated it as prohibited noxious, how would one deal with the contention there? Is there an appeal process?

**Mr. Laflamme:** Basically, the only way that they can elevate dandelions to noxious or prohibited noxious is through a bylaw, and that bylaw has to be approved by the minister of agriculture.

**Dr. Swann:** The minister of agriculture has to approve a municipal decision on a designation?

**Mr. Laflamme:** Yes. That's correct.

**Dr. Swann:** Okay.

**Mr. Laflamme:** So the bylaw to elevate a plant has to be approved by the minister before final reading.

**Dr. Swann:** Okay.

**Mr. Laflamme:** I would say that that would be how we would ensure that it's a plant that is of concern, that there will be the ability to control it if needed. You know, it would be not a good idea to elevate something like dandelion to restricted or prohibited noxious level. There is just no way that anyone could destroy all dandelions. Something like that would not be approved.

**Dr. Swann:** Okay. Well, it has implications, obviously, for chemical use. That's where in the cities we're starting to deal with this as a public health issue, where people are using or overusing chemicals to control something that, in this case a dandelion, is not a harmful weed. That's one of the issues that I think this committee will want to talk at some level about: how the definition comes about and why one would consider a dandelion a noxious weed as opposed to a nuisance like clover or other minor changes in the local flora.

**Mr. Laflamme:** As part of working on our regulations, we are investigating a number of methods to designate weeds. There are a few tools available out there, risk assessment tools, where you run the plant through it and it gives you a rating on that plant as far as its invasiveness, other problems associated with that plant, whether it's poisonous, or some other factor that may influence its designation. We're hoping that when we do draft the regulations, we will have a scientifically based tool to be able to, you know, have justification for why that plant should be under that designation.

**Dr. Swann:** Okay. I don't want to sidetrack this discussion too much – Ray, you indicate if this is going too far – but one of the questions that I think a lot of us will be wrestling with in our jurisdictions is the question of dealing with weeds with an integrated pest management approach which minimizes the use of potentially harmful chemicals in the environment. I guess I'm wondering the degree to which we will under this act try to address the importance of an integrated pest management approach, where the least toxic

control measure is used from a public health and water and air quality point of view.

**Mr. Laflamme:** Yeah. That's definitely our intent. Right now in the old act it talks a lot about good agricultural practice and a few terms like that. We plan to replace that with the term "integrated pest management," or IPM, which, as you say, is more environmentally sound. It looks at a number of different approaches to control weeds and not only from a chemical point of view. It also looks at: how can you manage your operation differently so that you don't run into that problem?

**Dr. Swann:** Where do you deal with that in this act?

**Mr. Laflamme:** Under the regulation-making powers of the minister, section 30(b) under the new act, it says, "respecting the directions that may be given in a notice." That's where we were planning to have the term "integrated pest management" defined and described.

As well, we're planning to do some training sessions for the agricultural field men once the new act is passed, and that will be a big part of the training that we're proposing for the field men.

**Dr. Swann:** Thank you. Would it not be reasonable or appropriate, then, to include some direction under the act that health and public health safety are a priority in our weed management and chemical use?

**Mr. Laflamme:** I'm not sure where we would put it in the new act. Basically, you know, pesticide use and safety falls under the federal jurisdiction, or the Pest Control Products Act, which is handled by Health Canada and the Pest Management Regulatory Agency, or the PMRA. They're the ones that set out the regulations for how pesticides are to be used and handled safely and according to the directions on the label.

**Dr. Swann:** Okay. But we're not going to use those terms anywhere in the act, which suggests that it's not a very high priority, I guess, and I'm concerned about that.

**Mr. Oberle:** David, I've got to butt in here. I don't think you can use this act to prohibit the ability of a landowner to use a chemical or a treatment method that is federally, provincially, or municipally legal, but somehow we've decided in this particular act that it's not legal. I understand your point about the responsible use of chemicals. I think the federal regulations around pesticides are intended to achieve that. Whether you agree with that or not is another question. But you can't use an act here to disallow the use of methods or chemicals that are otherwise perfectly legal. You have to leave those decisions to the landowner. I suppose municipal bylaw could put some restrictions on it, but we can't use an act to outlaw the use of a perfectly legal chemical.

**Dr. Swann:** I wasn't suggesting that, Frank. I was suggesting that if health and judicious use of chemicals is a value and is a priority for us as a government in Alberta, it would be appropriate for us to use those terms somewhere in the act, that we recognize that these have health and safety implications and that we want to see the most appropriate chemical used in a particular instance and to minimize the use of chemicals in the control of weeds, just a general statement like that and one referencing integrated pest management as a philosophical principle.

**Mr. Oberle:** But you don't put philosophical intent into an act. This isn't an act to regulate the spread of chemicals; it's an act to regulate the control of weeds, right? Which weeds need to be controlled and under what circumstances and who has to do it and who has to tell them to do it. This isn't an act to regulate the use of chemicals in the environment.

**Dr. Swann:** But surely it's an act, as something that is promulgated by the political powers of this government, that wants to enhance the quality and health and safety of people above all. The only reason to control weeds is for the greater good, and I'm just suggesting that to not mention anything about the priority of health and safety in an act around weed control is a missed opportunity, I guess.

**10:00**

**The Chair:** Okay. Thank you for that, Dave. I think what we're going to be looking for in the submissions to the committee prior to the report that we make in the fall are those type of comments. I would think that stakeholders that are advised of this process would have opportunity to make those comments in their submissions, and that's what we'll be looking for.

**Dr. Swann:** Very good.

**Mrs. McQueen:** Just a different line of questioning. Just asking the reasoning for removing under definitions the nuisance weed and the discussion around why that's being removed.

**Mr. Laflamme:** Basically, we discussed that quite a bit when we had our consultations with the Agriculture Fieldmen. Under the current act nuisance weeds are only mentioned once, and that's under duties of the landowner or occupant, that they need to control nuisance weeds on their property. Nuisance weeds that are listed in the act are things like very, very common weeds like dandelion and stinkweed and, I know, ones that are pretty much everywhere, very difficult to completely control.

Farmers tend to control them because they affect their yield, so they will control them. However, you couldn't issue a notice on a nuisance weed. We had a list of weeds that was there, but really nothing could be done on those weeds through the act. We didn't think that there was a requirement to have a list of weeds where you could not have the ability to do anything on them. So when we redo our designations of weeds in the new regulations, like I say, we want to base those weeds on scientific evidence, that this is why they're designated as noxious or as prohibited noxious: we have, you know, some sound theory and scientific evidence to show that they are a problem and that they need to be controlled. Some of the nuisance weeds may end up on the noxious list. We're not sure at this time.

**Mrs. McQueen:** Okay. So if a municipality chooses to control, say, in a park area, it's still their option to do that.

**Mr. Laflamme:** They have the ability to elevate any plant to either noxious or prohibited noxious.

**Mrs. McQueen:** In specific areas and not all?

**Mr. Laflamme:** Within their municipality.

**Mrs. McQueen:** But can they just do it in specific areas of the municipality versus everywhere?

**Mr. Laflamme:** No. It has to be within the municipality.

**Mrs. McQueen:** There might be some issues, then.

**The Chair:** You can't say that dandelions are okay in the ditch or in your lawn, but you can't have them in a park.

**Mr. Laflamme:** You can't do that.

**Mr. Hehr:** I'm just following up on the conversation with Dr. Swann and Mr. Oberle. I was wondering if maybe the researchers in the room could possibly do a search on whether any other jurisdictions have incorporated some sort of integrated pest management language into their weed control acts. That might give us some guidance going forward if some other jurisdictions have managed that. This is not a limiting chemical usage act or anything of that nature, but just to see if other jurisdictions maybe have been more progressive on this front. Then we could see from their example what language they're using.

**The Chair:** Thanks, Kent.

Would you like to comment on that, Phil?

**Dr. Massolin:** Yes. Thank you, Mr. Chair. Just in a brief discussion with Katrina, who did a lot of the work here, that didn't crop up, so to speak. No pun intended. You know, we didn't necessarily look for that, and this sort of statement might be in a preamble to legislation, or it might be in guiding principles or something to that effect. But I'm looking at Katrina just to verify that we didn't find anything specifically.

**Ms Stewart:** I didn't see that term at all.

**Dr. Massolin:** Okay.

**The Chair:** So it didn't show up.

**Mr. Boutilier:** Mr. Chairman, Fort McMurray-Wood Buffalo.

**The Chair:** Yeah. Go ahead.

**Mr. Boutilier:** Thank you. I found, Frank, your comments and also, David, your comments actually to be very instructive. At the end of the day, the politics aside, I can assure you the government on behalf of the people of Alberta does not want a lost opportunity. Keeping with the important points, Frank, that you made but, David, also as you mentioned, the important point of signalling about how important this is, there may be an opportunity to do that, to dispel any sense or perception out there that our government on behalf of our people of Alberta doesn't think this is important. As I see it, as someone mentioned earlier, I believe, it might be a lost opportunity, keeping in mind, Frank, the points that you made, I think, which are important ones as well in terms of the intent of this act.

**Mr. Oberle:** Well, I agree with you, Guy, but you can't do that right within an act. You don't enshrine statements of philosophical intent in an act. You make things either allowable or not allowable, right?

**Mr. Boutilier:** Yeah. That's exactly it.

**Mr. Oberle:** The minister makes regulation, and the departments issue guidelines. Those are quite properly the place to house policy or intent statements. I would agree that as this legislation is passed and then the minister develops regulations, that should be enshrined.

**Mr. Boutilier:** Yeah, exactly. That was my point in terms of that particular component.

**The Chair:** Well, thank you very much for those comments. I think, you know, we're getting to the right conclusion here, then.

Go ahead, Paul.

**Mr. Laflamme:** Well, that's pretty much it for the changes that we've made. The last section is basically that since we're amending the Weed Control Act, it affects other acts that mention this act.

**The Chair:** Okay. Thank you.

Any more questions from members either around the table or on the phone directed to Paul or Jo-An that they can help us with before we move on in the agenda? Go ahead, Wayne.

**Mr. Drysdale:** Paul, I missed one there in 10(1), Inspector's Identification. The new act has "a person who appoints an inspector." I think the old one was "body" or "municipality." A person doesn't appoint the inspector. A municipality does. I don't know how a person would provide the inspector with identification. Should that not be "authority" or "municipality"? I was just confused. I don't have the old act with me, but I'm sure it doesn't say "person" in the old act. Page 7 in the act, 10(1). Like, an inspector can be appointed by the municipality or the minister, but I don't know about a person.

**Mr. Laflamme:** It was under section 5 of the old act. It basically said:

A local authority shall appoint a sufficient number of inspectors to carry out this Act within the municipality and shall supply each inspector with identification in the form prescribed by the regulations.

**Mr. Drysdale:** But you propose to change it to a person instead of a local authority. I'm not sure why they would do that.

**The Chair:** Good point.

**Mr. Laflamme:** Yeah. It's duly noted.

**The Chair:** Thank you.

**Dr. Swann:** City council is about to make a decision on the cosmetic use of pesticides, meaning the use of chemical controls for dandelions in the city. There's been a very strong movement towards trying to eliminate chemicals where they're not essential because of the increasing health concerns, both short-term allergies and long-term unknown health effects of our chemical environment. I wonder if you'd have any comments about how we'd deal with municipalities, for example, who are delisting, essentially, a weed that according to our act is going to require them to identify it as either noxious or prohibited noxious and they're choosing to use nonchemical means to control those. Any comments on that jurisdictional issue?

**Mr. Laflamme:** I think the intent of the act is to control weeds. If it's a prohibited noxious weed, that means it has to be destroyed. The method that's used to destroy or control that weed: you know, if a chemical method is not available, there are many other methods. You can hand-pick them. You can cut them. You can mow them. There are other ways. You can cultivate. So there are ways to control weeds other than chemical methods. I don't think the intent

of the act needs to change if a cosmetic-use bylaw is passed in a municipality. The intent is still there.

**10:10**

**Dr. Swann:** I'd like to comment on what jurisdictions in Alberta have or are going now to be required to designate, for example dandelion. There are probably other weeds that we could include here. They are going to be required to designate these weeds as noxious, when they were considered a nuisance before, and are going to be then required to spend more money in control of these. Or do you expect some push back?

**The Chair:** David, why would a municipality change the designation of a weed if there's no scientific evidence to determine a difference in designation?

**Dr. Swann:** Well, I'm suggesting the reverse, I think, Ray. If there are municipalities that have never designated dandelions as noxious, are we forcing them to designate them as noxious?

**The Chair:** No, we wouldn't be doing that. That's still their choice. We wouldn't be forcing them.

**Dr. Swann:** Okay. I'm confused, then. I understood that if the province designated something as noxious, then the municipality had to at least designate it as noxious, if not prohibited noxious. They could go stronger, but they couldn't go easier on weeds that have been designated.

**Mr. Laflamme:** That's correct, but dandelions have always been listed as a nuisance weed. I don't foresee – we'll have to run it through, you know, our risk assessment tools – that something like dandelions would become noxious or listed as a noxious plant.

**Dr. Swann:** Oh. Well, they are noxious in the city of Calgary. I guess I assumed that they were noxious in most places in Alberta.

**Mr. Laflamme:** No.

**The Chair:** You can make tea out of them. I've heard of people making dandelion wine.

**Dr. Swann:** Well, exactly, and that's our point. I've been part of the movement trying to delist them from the noxious category. If the province is not listing them as noxious, then I guess what I'm asking is: are there examples where you expect push back from municipalities on weeds that we provincially are designating noxious and they don't want to elevate them from nuisance? Do we expect any push back on some of those issues?

**Mr. Laflamme:** I think that if we use a scientifically valid method to designate that weed, we're hoping to avoid those type of issues.

**The Chair:** We will probably hear from the submissions from our stakeholders any kind of push back, if there is any.

**Dr. Swann:** And you do not expect dandelions to be a contentious issue in this legislation, then, from what I hear?

**Mr. Laflamme:** I think dandelions are so common, you know, and we realize that it's almost impossible even to control them. It's very difficult. To eradicate them would be impossible, so I don't foresee dandelions as being a major issue, no.

**Mr. Drysdale:** Just on a different topic. This one last one I missed here. Hopefully, this should be it, in section 18 on page 10. I know that in the old act there was always confusion over an inspector has the right to enter land, but if you're doing work and cleaning up – I was hoping it would clarify it more. Like, we could say: the inspector or someone designated by the inspector. I know there's been trouble in the past when you've hired a crew to go in and pick weeds or something, and the landowner comes, and they don't really have the right to be there. You know, somewhere, I thought we might be able to clear that up. It might be the point here.

**Mr. Laflamme:** If you read section 18, "An inspector may take any action that the inspector determines is necessary to fulfil a requirement of a notice," so if he hires a contractor to come out and spray, well, that's an action that's deemed necessary by the inspector. I don't foresee a problem there.

**Mr. Drysdale:** You know, that covers it, but it doesn't necessarily give the right for that contractor to be there. I know what it's saying here, but in the past we've had trouble where a landowner comes home and there is a contractor out there spraying. He doesn't really have the right. I mean, I know that what you're saying here gives the inspector that ability.

**The Chair:** Does he not have the right subject to the notice that's already been given prior to his presence?

**Mr. Laflamme:** Yes.

**The Chair:** We probably would have a copy of that notice.

**Mr. Oberle:** He doesn't have to give notice of his presence on the land. He does if he's going to enter a building. He could just show up on the land and enter the land.

**The Chair:** Yeah. And spray or cultivate or do what he has to do to knock down weeds.

**Mr. Laflamme:** I think in section 12 we've clarified that. If you go to section 12 of the new act, under Entry and Inspection Power – I'm not sure what page it would be on your documents; section 11 under the old act, section 12 under the new act – we've made it fairly clear: "an inspector may enter land or inspect land or personal property at a reasonable time" to monitor compliance with the act and to enforce an inspector's notice.

**Mr. Drysdale:** But that, again, just says "inspector." Could you somewhere put inspector and/or designate? It gives the right for the inspector to be there but not the contractor doing the work. If it could be a person directed by the inspector or something like that to do the work.

**The Chair:** Okay. I think that's a good point.

**Mr. Drysdale:** It's clear that the inspector has the right but not a contractor.

**Mr. Laflamme:** Yeah, and that was an issue that had been identified by stakeholders. We spent a lot of time on this section.

**Mr. Drysdale:** But I don't think it clarifies it here.

**Mr. Laflamme:** Yeah. Okay. Duly noted. We'll see what we can do.

**The Chair:** Okay. Thank you very much. Any final questions?

If not, then I want to thank both Paul and Jo-An for their very informative briefing. You can stay if you like. We will go through a few more items on the agenda. There might be some more questions, but I think you're free to go if you want.

Go ahead, Frank.

**Mr. Oberle:** The stakeholder list is owned by you, isn't it? These are the stakeholders that you guys consulted?

**Mr. Laflamme:** Yes.

**Mr. Oberle:** Could they stay for a minute?

**Mrs. Sawchuk:** Mr. Chairman, the stakeholders list was put together by the research co-ordinator for the committees branch but working in conjunction with Agriculture and Rural Development.

**Mr. Oberle:** Yeah, and I have a question on it that somebody has to address.

**The Chair:** Okay. Why don't you, Paul and Jo-An, just stay for a few more minutes, and if there are more questions on the list or some of the process once we get further into this agenda, you might be able to answer some more questions for us. We won't be long.

**Mr. Laflamme:** Sure.

**Mr. Oberle:** Isn't that next on the agenda anyway?

**The Chair:** Pretty well.

Okay. We're finished with the technical briefing. We'll move on to item 5 on the agenda. At the last meeting we asked the research staff to prepare some analysis, and we'll move right into that now, I think. First of all, the research materials, cross-jurisdictional analysis. Phil, maybe you could walk us through that.

**Dr. Massolin:** Okay. Thank you, Mr. Chair. Yes. I don't know how we're doing for time, but I can certainly make a few observations.

**The Chair:** We've got till noon, but we want to go as quickly as we can.

**Dr. Massolin:** Okay. Because I've got about 10 minutes. It's up to you, Mr. Chair. It's all written in the report, the cross-jurisdictional analysis, so I can highlight now for the committee a few observations and some of the findings if you wish, or we could simply just answer questions on it. Whatever your choice is.

**The Chair:** Well, you know what? I think we've gone through the legislation quite extensively, and I think a lot of the cross-jurisdictional analysis probably came up through the technical briefing because of the work that was done prior to this introduction of the bill. I don't think we need to go into it in detail. If there were just a couple of highlights or a couple of things that you want to bring to our attention, or maybe somebody has some questions for Phil. That might be the best. There's no need to go into a great deal of detail, I don't think, at this point.

**Dr. Massolin:** Okay. Well, I'll just actually, then, only make mention of one clarification of the document in terms of an error that's actually in there. It has to do with weed inspectors and is a point that was just brought out in terms of entry into land to control and destroy noxious weeds. I just wanted to indicate that . . .

10:20

**The Chair:** What page would that be on, Phil?

**Dr. Massolin:** It's on page 3, in the Executive Summary of this cross-jurisdictional comparison. I just wanted to indicate that Bill 23 is not as explicit as other legislation studied in terms of the provision of enabling inspectors to enter land to control or destroy noxious weeds themselves if the owner does not comply with the notice of order, as opposed to what is said there, that it's the only legislation that does not enable inspectors to enter land. That's not correct. It's not as explicit as other legislation; it does allow that to happen. I just wanted to make sure that that is understood.

**The Chair:** So there's just a little mistake in your summary.

**Dr. Massolin:** That's right. Yeah.

**The Chair:** Okay. Good. We don't want any misunderstandings here.

**Dr. Massolin:** Yes.

**The Chair:** Okay. Any questions?

If there are no further questions to this cross-jurisdictional item, then I think we can go on. Any questions to Phil on the two-column comparison? We've just done that, but, I mean, you might have some other questions. If there are none, then we'll go on.

We'll move on to the stakeholder list. It's quite extensive. I don't know if it's totally complete. Any comments on that?

**Mr. Oberle:** Certainly the issue of weeds and weed control is not specific to the agricultural industry. Paul, in your earlier comments you referred to, as an example, a gravel operation. I note on the list of industry associations that you've included the Alberta Sand and Gravel Association as stakeholders. I would assume they were consulted on the legislation. In that vein, I wonder why two larger industrial sectors that are occupants on the land – the forest industry and the oil and gas industry – are not included as stakeholders. I can't speak with any authority at all on the oil and gas industry, but I can on the forest industry, and I know that the Weed Control Act and the activities around weed control are big issues of concern and cost for the industry. They would, I think, quite rightly expect to be consulted.

**The Chair:** Right. Thanks, Frank. Maybe I'll let Phil explain how you got to the stakeholders list and what was behind this so that we can get a little bit of background on it before we ask too many questions on this. Go ahead, Phil.

**Dr. Massolin:** Yes. Thank you, Mr. Chair. Just the first point to be made is that it's a proposed list. Certainly I think what's before the committee here is to be discussed for these sorts of points to add or potentially to subtract from the list. It's only a proposed list.

The other thing is to indicate, as you said, Mr. Chair, some of the methodology behind putting together the list. Basically, we try to reflect a range of interests from communities, associations, industries, and researchers that are impacted or concerned about noxious

weeds. Certainly the forest and oil and gas industries could be a part of that.

The other thing to note about this list is that it's divided into two basic categories: primary and secondary stakeholders. The thinking behind that is that these primary stakeholders have interests that dovetail quite directly with the provisions of the proposed legislation. The secondaries not quite as closely, but they're important as well.

One other thing in terms of the methodology, and that is that we tried to as much as possible look at overarching or umbrella organizations as opposed to the individual stakeholders themselves to try to capture and be as inclusive as possible.

Now, in terms of the organization of this document I've already mentioned primary, secondary stakeholders. In the detailed table of contents, which appears starting on page two, there is a list of all the stakeholders as a quick reference. As well, I'll point out that in appendix A we've got a list of all the MDs, counties, cities, towns, villages, and summer villages and Métis settlements as well, and that's, to our understanding, a comprehensive list.

I think that's about it, Mr. Chair, so we're prepared to answer some of your questions.

**Mr. Oberle:** Well, just as an initial cut I would recommend that the Alberta Forest Products Association and the energy association – the only one that comes to mind is CAPP, the Association of Petroleum Producers – be included as primary stakeholders.

At this point I would like to ask Paul if they were included as stakeholders in the consultation on the act?

**Mr. Laflamme:** No, they were not initially.

**Mr. Oberle:** Well, I would recommend they be added to our list, and I know for a fact that both of them would be interested in that.

**Mr. Laflamme:** We did include Sustainable Resource Development, which includes public lands and forestry, so we did get comments from them.

**The Chair:** Okay. That's one suggestion to add to the list. Wayne, did you have a comment?

**Mr. Drysdale:** Yeah. I was just surprised the agricultural service boards weren't on the list.

**Mr. Laflamme:** Yes, they were. We consulted them.

**Mr. Drysdale:** But they're not on the list of stakeholders. I would think they should be right at the top of the list.

**Mr. Laflamme:** We did consult them. Yeah, they were at the top of our list.

**Mr. Boutilier:** Mr. Chairman, I guess my question would be, just to follow up in the vein of the issue of stakeholders: reference was made to both primary and secondary, so am I to assume that the forest industry was not considered a primary or secondary stakeholder?

**The Chair:** What I think we should note here is that the Ministry of Agriculture and Rural Development did not put this stakeholder list together. I think the list that we see in front of us is something that Philip has put together for us to advertise to so they could submit back to us. I don't know who was actually included in the stake-

holders when you formulated the bill or actually did the review on the bill. Some of these may or may not have been. But I think when we go back to the public and to stakeholders, this is the list we want to use to advertise to and invite submissions back to us.

**Mr. Boutilier:** Yeah. Thank you, Mr. Chair. I'd also suggest that as much as we talk about primary and secondary, that could be somewhat insulting to some, you know, no matter where the list came from, coming back to Frank's point, because, obviously, I would have thought that they would have been in either one of those categories no matter who made the list. I think it's an instructive point for the future.

**The Chair:** Okay. I guess that when we're sending requests for submissions to the stakeholders, I don't think that they're going to be identified as primary or secondary stakeholders when they receive letters. I think what we want to do is just add anybody that we can think of to this list so that when the letters go out and the advertising goes out, it's all the same. They can prepare submissions and return them to us in any way they want.

**Dr. Massolin:** Mr. Chair, if I could add to that. Yeah. No insult is obviously intended here. The intention in terms of organizing the material here is just simply to give committee members a little bit of guidance in terms of what categories of stakeholders have been consulted. That's on that point.

Then also on the agricultural services board. What the strategy was there was to try to look at the agricultural field men, who administer the boards and programs. They're there in the stakeholders list. That was the strategy there. But certainly if the committee so wishes, we can also include the agricultural services board.

**The Chair:** Well, I believe that every municipality has an ag service board, at least the rural municipalities, with a chairman who would not be the field man, you know, specifically and probably never would be the field man.

**Mr. Boutilier:** Mr. Chair, I want to let you know that in Fort McMurray we don't have one of those boards because, actually, we don't have any weeds. We seem to be it's called overburdened. It's a joke for oil sands people admirers.

**The Chair:** Okay.

But I think we should identify the ag service boards as well as stakeholders, and then the chairmen of the ag service boards would receive this information as well.

Go ahead, Diana.

**Mrs. McQueen:** Yeah. Just a question on how individual citizens would be notified. I think it might be good to put it on there, even if it's just through direct advertising, that there is a spot where we've actually put it on here and it shows on the list of stakeholders that individual citizens are included somewhere. That's missing from there as well, so I think on any of them we'd want that, however we do it, not individually giving notices but through advisements, but that we wouldn't forget that piece.

10:30

**Dr. Massolin:** If I can follow up, you'd like that indicated in the letter sent out to these stakeholders?

**Mrs. McQueen:** Well, because if you can come on my land at any

time, I should be included as a stakeholder. I don't necessarily as a landowner have to have the letter, but what I need is that somewhere in here you're going to get a hold of individual landowners. And that may be through the advertising process, right?

**Dr. Massolin:** Exactly.

**Mrs. McQueen:** Which is fine. How you do it is not the issue, but they should be included as a stakeholder.

**The Chair:** That recognition should come through the advertising that we do in the papers and on the Internet and that kind of stuff. That recognition absolutely must be there because they are the largest group of stakeholders and the most important ones.

**Mrs. McQueen:** Right. And somewhere mentioned in here that you acknowledge individual . . .

**Mr. Oberle:** They are actually stakeholders. You're not going to send each of them a letter, but they are stakeholders.

**Mrs. McQueen:** Yeah.

**Mr. Oberle:** You're going to advertise. That's why you're advertising, is to catch the other stakeholders.

**Dr. Massolin:** That's right. That's the point to be made here. We're going to advertise to try to capture as many stakeholders and members of the public as possible.

**Mrs. McQueen:** Yeah. So if we add that somewhere.

**The Chair:** Those are a few of the things that we're adding: the Alberta Forest Products Association; the ASBs; the oil and gas industry, I suppose; individual people added not by name but by inclusion in some of the advertising or letters that go out.

Are there any other additions to the stakeholder list that we want to identify before we move on to the next point here?

**Mr. Oberle:** Mr. Chair, is there any kind of a mining association? There are a number of mineral companies exploring right now, so that might be a thought. I don't know, but maybe it just might be useful to run through the land disposition, MSL, LOC sort of things and see what industries or people hold all those dispositions. Grazing operators maybe. Just run through that list and see if any of those should be included.

**The Chair:** Yeah. Because even though Guy thinks there are no weeds up in Fort McMurray, there are some mining companies up there that might be interested in this Weed Control Act.

**Mr. Boutilier:** Absolutely. The Canadian Mining Association is a very active organization, and I think it's an excellent suggestion to include them.

**The Chair:** Yeah.

**Mr. Drysdale:** Also probably the power companies, like power lines, do a lot of weed control.

**The Chair:** Pipeline companies.

**Mr. Drysdale:** Pipeline might be under the oil and gas, but I don't know what association the power lines are under.

**Mr. Oberle:** Pipelines won't be under CAPP.

**Mr. Drysdale:** No. I guess not.

**Dr. Swann:** I'm wondering about some academic input from ecologists, biologists, especially plant ecologists, and whether they might have some interest in this.

**The Chair:** Yeah. They're included under research scientists under secondary stakeholders. There are quite a number of them along with associations and societies, so I believe they should have some input.

**Dr. Swann:** Good.

**The Chair:** And they've been identified.

Any other comments on this? You know, we can always add more to this list afterwards. If we think of somebody that we want to add to the list even after this meeting, I would say to just contact the clerk, and we will get the information through, because we might hear of somebody. When we go to advertise in weekly newspapers, I'm thinking that most stakeholders, particularly if they're interested, will find out about this. All of the information will be on our website, so everybody will have very quick access, I believe, to the information.

**Mr. Drysdale:** I guess one more quick thought. We could add on to this list forever, but probably the railroads should be included, too, because there are a lot of concerns with weeds on railroad lines.

**The Chair:** Yeah, they move lots of weeds around.  
Okay. Anybody else?

**Mr. Berger:** I've just joined. Evan, Livingstone-Macleod.

**The Chair:** Good to see you, Evan. Any comments?

**Mr. Berger:** None really right now. I just finally got through. It's a fuzzy line, but I'll hang in here anyway.

**The Chair:** Okay. Thank you very much. We're just now working on the stakeholder list and revising it somewhat. I think what we need is a motion

to accept this stakeholder list as revised and move ahead with that. I see Wayne put his hand up. It's a motion. Any more comments or questions? Then I would ask you to vote on that. All in favour of this list as revised? That is carried.

Like I said earlier, if there are more additions, we certainly would accept more additions through the clerk.

I guess I'd ask the committee at this point for a motion to the effect that

it's their intent to send a letter to the identified stakeholders advising them of the committee's review of Bill 23 and inviting their input.  
So moved by Diana. Any questions, comments? All in favour?

**Dr. Swann:** There are two conversations going on there. I can't make out clearly what you're saying, Ray.

**Mr. Oberle:** Something is going on in the background, then.

**The Chair:** Well, somebody is on a phone. There is somebody talking behind the scenes here. Okay. I think Frank had a question before we voted.

**Mr. Oberle:** The question would be about: you're asking for a motion on a letter to stakeholders. This bill is available in draft form online. Really, we're not starting from scratch. We should reference the fact that the bill is available for review in draft form, and we'd appreciate their comments specific to that.

**The Chair:** That will be in the letter that goes out.

**Mr. Oberle:** I'd be pleased to move that.

**The Chair:** Well, I think we already had the motion. I asked for the vote, and you just put your hand up in the middle of the vote, so I didn't know if you were voting or commenting. I will ask for the vote again. All in favour of that motion? Thank you very much. Any opposed? Well, I can't see them here, but anybody on the phone might be opposed. I didn't hear them say anything, so I presume that was unanimous.

There is a little silence here because I'm reading my agenda to try to figure out what to do next here. What we need is a plan to communicate to our stakeholders and to the public. We do have a draft communications plan. I'm going to ask Melanie to lead us through that, and then if there are any questions on the communications plan, we can deal with those either as we're going or at the end.

I'll turn it over to Melanie right now.

**Ms Friesacher:** Thank you, Mr. Chair. This actually ties in nicely to where we are at this point. I'm going to touch briefly on the points that need recommendation. The first recommendation was to approve the letter to stakeholders, which has been done.

Our second recommendation involves media relations. We believe that a news release should be issued during critical points, and we're at a critical point. We want to draft an initial release to go out just looking for written submissions, and hopefully the media can help carry that message across. Again, if there are public hearings, we'd also ask to issue a media release at that point and a release to inform people of the findings. At this point we're asking you to approve the issuance of a news release to ask for written submissions.

**The Chair:** So you're asking us to produce a news release at this point to raise awareness of what we're doing?

**Ms Friesacher:** Correct. So we would draft that up.

**The Chair:** I think maybe Rhonda would like to speak to that first.

**Ms Sorensen:** Actually, Melanie was just getting to it. We'll actually draft the news release. What we're looking at is direction, if we can just get approval on that news release from the chair and deputy chair on the contents so that we can release it.

**The Chair:** So you want a motion to give direction now and then the approvals from the chair and deputy chair later, after you have done it.

**Ms Sorensen:** Please.

**The Chair:** Okay. Frank moves that

we get this news release going subject to approval by the chair and deputy chair.

All in favour? Opposed? That is carried. No opposition.

Okay. Go ahead.

**Ms Friesacher:** Our next recommendation involves the website, which there has been some discussion about. I'm assuming all of you have had a chance to look at the website. It does contain the act. Specifically, at this point we're going to need direction from the committee as to if there are additional items you want on the website, especially as we get public submissions. If people have indicated that they want them to be made public, we can post those on the website as well, so that will be an ongoing communication tool.

**The Chair:** What you're saying is that the public may have the right if they provide a submission and if they want that submission to become public as well that they can ask us to make that public through our website.

10:40

**Ms Friesacher:** What our advertising would state is: please let us know if you do not want your submission made public. Perhaps Shannon can answer that question.

**The Chair:** I think maybe we need a little bit of expert advice here.

**Ms Dean:** Mr. Chairman, the issue is simply, as I see it, whether the committee wants the submissions that are provided on this bill to be made publicly available. There are some concerns, not so much with this type of subject matter, more with respect to health matters, et cetera, where people are making submissions where third-party health information may be disclosed, et cetera, where it may be appropriate to give direction for the staff to sever those parts of the submissions.

If I may make a suggestion at this point. You can certainly hold off making that decision until after you've received the submissions and had an opportunity to review them. Perhaps you can make that decision at your next meeting.

**The Chair:** I think that's probably a good idea. If we have a motion to that effect or if we just need a consensus at this point to hold off on making all submissions public until after we've seen them. Okay. If we have that consensus . . .

**Mr. Boutilier:** Mr. Chair, just on that point. I would say that on the previous point that was just made, which was a very important one, of course, one would imply, then, that they're not aware of the privacy act relative to submissions. Why would someone go ahead and basically break the law by making a presentation to a committee if they were compromising individual privacy? I think that no matter what presentations are made wherever, all of the laws of Alberta still apply under the privacy act. So I don't see that as being a problem because of the fact that it's already included in the law. Unless I'm misunderstanding or there's some other point, how could that happen? Under health care is the example that was used.

**The Chair:** I'm not sure that was the intent of the comment.

**Ms Dean:** Mr. Chairman, just to comment on the application of freedom of information and protection of privacy legislation, the committees of the Assembly in the Legislative Assembly are actually not named as public bodies under that act. So technically

speaking, that act does not apply. It's entirely up to the committee with respect to how it's going to deal with its documents.

**Mr. Boutilier:** Oh. Okay. I wasn't aware of the fact that the freedom of privacy of information doesn't apply to the our legislative committee.

**Ms Dean:** Obviously the principles of protecting personal information are important, and it would be our recommendation for those principles to be adhered to; for example, things like identifiable information, addresses, e-mail addresses, et cetera. Even if the committee were to decide that a submission be posted publicly or be made available publicly, it would be our recommendation that that identifiable information be severed from the document due to concerns with respect to that information being out in the public domain.

**Mr. Boutilier:** Yeah. But it is not a breach of privacy, though, under the privacy of information act. Because you had mentioned that at the beginning about information and privacy, but you're telling me we're exempt from that. Is that correct, or am I misunderstanding?

**Ms Dean:** No, you are correct, but I think it's important to be guided by some of these principles.

**The Chair:** Thank you very much. I think what we'll do is take that all under advisement, and we will take these submissions and review them before we make any of them public. Thank you.

Any more comments from Melanie?

**Ms Friesacher:** Yes. I'll just move on to our final recommendation, which is to advertise for written submissions soliciting public input into the review and modernization of Bill 23. Listening to our briefing, I would suggest that we advertise both in the weeklies and in the dailies as it does involve municipalities as well, and we want to reach the greatest number of people we can. So what we would need is a motion to approve that, that we would draft an ad. We have a sample draft ad actually made up.

**The Chair:** Do we know what these ads are going cost, both in the weeklies and the dailies?

**Ms Friesacher:** Essentially, the weeklies would cost \$37,000, and for your dailies you're looking at \$10,000.

**The Chair:** How many runs is this?

**Ms Friesacher:** This would be for one run: one run in the weeklies, and then a run in the dailies.

**Mr. Boutilier:** I'm assuming that the dailies are a lot more expensive.

**Ms Friesacher:** Well, the dailies are \$10,000, and you're hitting nine dailies across Alberta. The weeklies you're hitting over 700,000 Albertans. So they're more expensive just because we're advertising in 97 daily papers.

**Ms Sorensen:** Actually, just to supplement that, I guess the line rate in a daily is much more expensive. However, we're hitting a hundred newspapers throughout Alberta, which is why the overall cost is more expensive on the weeklies. However, the weeklies do



have a longer shelf life and tend to stay within the community for an entire week.

**The Chair:** So this ad will go into the weeklies one time, one week, as soon as possible, I suppose, depending on our motion here, and then they'll go into the dailies just once. Is that correct? Just on one day?

**Ms Friesacher:** Yes, and we always try and hit the highest readership days.

I'll point out that in the ad it does refer to our website, plus there is a section at the bottom noting that we may hold public hearings at a later date. Those who wish to be considered to make an oral presentation should indicate so on their submission, and if you do not wish to have your submission made public, you should also indicate so.

**The Chair:** I suppose one of the questions I have is on "the Committee may hold public hearings at a later date." At what point in time are we going to decide that or pick that date? Maybe we should be talking about something else first, but if that's going to go into the ad, we're going to get some questions on that.

**Ms Sorensen:** Mr. Chair, if I may. Typically, what's been done in the past is that that decision has been made by the committee after the written submissions have come through. Essentially, the reason that that seems to have worked in the past is because you gain a really strong perspective after you've done the stakeholder letters and the solicitation for written submissions as to whether or not oral submissions or public hearings may be deemed necessary.

**The Chair:** Okay. You'll find that out from the replies or the responses to this request.

**Ms Sorensen:** Exactly. Then at that time we would put forward a recommendation, if you do wish to hold public hearings, if specific communication strategies are needed to engage the public for that specific purpose.

**The Chair:** Okay.

**Mr. Boutilier:** My only cautionary note, Mr. Chairman, on this important point would be if we are advertising, "Please indicate if you do not want your presentation to be public," appreciating that this is a Legislative Assembly of Alberta public committee and also appreciating, in the theme of open and transparent, obviously, as you indicated, there would be a discussion about the committee, but I don't think it should be inferred just because you're asked if you wanted it public or not that that may not be the case and then they, the presenter, will determine if in fact, at the committee's discretion, it would be made public or not. Just keeping to the theme of open and transparency.

**The Chair:** Okay. Thank you very much, Guy. Do you have the copy of the suggested ad in front of you or not? You don't have that?

**Mr. Boutilier:** No. Unfortunately, I don't.

**The Chair:** Okay. I'm going to ask the clerk, Karen, to maybe just read that part of the ad to those on the phone.

**Mrs. Sawchuk:** Thank you, Mr. Chair. There is a paragraph at the

bottom of the ad that does in fact address those issues, Mr. Boutilier. It refers to:

The Committee may hold public hearings at a later date. Those who wish to be considered to make an oral presentation should indicate so on their written submission. Please specify if you do not wish to have your submission made public.

**Mr. Boutilier:** Thank you. That addresses my point.

**The Chair:** Okay. And the suggested deadline for submissions is August 15, 2008. Do you think it should be later?

**Ms Sorensen:** We would be looking to the committee for direction on the date.

**The Chair:** Okay. So this is just printed in here. We're actually looking for some advice from the committee. People out on the phones, you might want to think about that as well. It could be August 29, two weeks later, or maybe even into September. I'm not sure what your wish is. There's not very much time between now and August 15. August 29 is Friday, the last Friday in August, so that might be a suggestion as well.

Any other comments?

**Mrs. McQueen:** Just a question with regard to if there is a public hearing: does that have to be advertised again, and then it's another \$47,000?

**Ms Sorensen:** Yes and no. Yes, we would probably recommend re-advertising. It probably would not be province-wide. It would be a more targeted campaign surrounding the community in which the public hearing or hearings were being held. As well, you would probably directly communicate with people who have already indicated throughout the provincial campaign that they wish to present that those hearings are being held.

**The Chair:** So we would have money in the budget to advertise once more for public hearings.

10:50

**Ms Sorensen:** Absolutely.

**The Chair:** Okay. Any other questions? Then I think what we need is – we are still looking for that motion to run the province-wide ad campaign, including the information that we have just gone through here. Okay? Any motion? Wayne makes the motion. All in favour? That's carried. Opposition out there? There is no opposition out in the ether. That will include both the weeklies and the dailies and include August 29 as the deadline that was suggested.

**Mr. Oberle:** And that's passed, I believe?

**The Chair:** Yeah, we just passed that motion.

**Mr. Oberle:** Okay. I wonder if I might beg your indulgence, Mr. Chairman, to go back to the recommendation on the management of the website.

**The Chair:** Okay.

**Mr. Oberle:** We talked about: we will decide at some later date on whether or not any submissions will be posted on the website. But that does not address any other content that we might post, that the

committee itself might post. I wonder if we should just suggest that anything be subject to the approval of the chair and the deputy chair before it's posted on the website. Is that fair?

**Ms Sorensen:** Yes, and if I may, Mr. Chair.

**The Chair:** Yeah. Go ahead, Rhonda.

**Ms Sorensen:** Thank you, Mr. Oberle. There certainly are some things such as transcripts of the meeting and whatnot that are what we would consider a given for posting, but anything that there is even a question on we would bring before the committee for sure.

**Mr. Oberle:** That's fair.

**The Chair:** Okay. We'll just agree to that by consensus. Okay. Go ahead. One more question.

**Ms Sorensen:** Sorry, Mr. Chair. If I may, I just wanted to get a little clarification on the advertising. Could we maybe get a motion to do something similar to the news release, in that once the content of the ad is developed, the chair and deputy chair could approve the content via e-mail or whatever way might, I guess, speed up the process?

**The Chair:** Okay. You're looking for another motion that the chair and the deputy chair would approve content of the ads and the content of the website and the news release?

**Mr. Oberle:** So moved.

**The Chair:** Okay. Frank moves that. All in favour? I see everyone is favour. Opposition out there? I don't hear it. So that's carried.

That brings us, I believe, to the end of the agenda concerning the Weed Control Act, doesn't it? Any other questions? Okay.

Then we'll move to Other Business. Are there any other items for discussion for today? I don't hear anything.

We'll go to item 7. The next meeting will be, I believe, at the call of the chair. We'll be getting input back from the stakeholders. The deadline is August 29, so for sure we won't have a meeting before that. We'll have to accumulate or compile that information and probably have some kind of a recommendation. We will probably set a meeting, then, in early to mid-September. I will be consulting with all members. We'll be polling members for an appropriate date, probably towards the end of August. We'll be polling, and we will determine a date probably a week or two prior to the actual meeting. I'm thinking it'll be planned for mid-September. That'll probably work out for all of us.

Any other comments? Then I'm looking for a motion to adjourn.

**Mr. Oberle:** So moved.

**The Chair:** All in favour? Opposed? No opposition. The meeting is adjourned. Thank you very much.

[The committee adjourned at 10:53 a.m.]



