



Legislative Assembly of Alberta

The 27th Legislature
First Session

Standing Committee
on
Resources and Environment

Friday, September 26, 2008
9:05 a.m.

Transcript No. 27-1-4

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Standing Committee on Resources and Environment

Prins, Ray, Lacombe-Ponoka (PC), Chair
Swann, Dr. David, Calgary-Mountain View (L), Deputy Chair

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Drysdale, Wayne, Grande Prairie-Wapiti (PC)
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Paul Laflamme	Branch Head, Pest Management Branch

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Rachel Stein	Research Officer
Liz Sim	Managing Editor of <i>Alberta Hansard</i>

Standing Committee on Resources and Environment

Participants

Municipal District of Pincher Creek	RE-32
Kelly Cooley	
Municipal District of Big Lakes	RE-35
Gary Braithwaite	
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Brian Brewin	
Métis Settlements General Council	RE-39
Jo-Ann Daniels	
Darlene Carifelle	

9:05 a.m.

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[Mr. Prins in the chair]

The Chair: I'd like to call to order the meeting of the Standing Committee on Resources and Environment. I'd like to welcome everyone here and maybe ask everyone to introduce themselves. If you're substituting for someone else, just say who that is. No need to touch the microphone. It works by itself, I believe. My name is Ray Prins, MLA for Lacombe-Ponoka.

Mr. Hehr: Kent Hehr, MLA for Calgary-Buffalo.

Mrs. Kamuchik: Louise Kamuchik, Clerk Assistant, director of House services.

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

Ms Staley: Diana Staley, research officer, Legislative Assembly Office.

Ms Sales: Tracey Sales, communications consultant, Legislative Assembly Office.

Ms LeBlanc: Stephanie LeBlanc, legal research officer, Legislative Assembly Office.

Mr. Laflamme: Paul Laflamme. I'm the head of the pest management branch with Alberta Agriculture and Rural Development.

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

Mr. Sandhu: Good morning. Peter Sandhu, MLA, Edmonton-Manning, covering for Diana McQueen.

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

Dr. Swann: Good morning. David Swann, Calgary-Mountain View.

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

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

Mrs. Sawchuk: Karen Sawchuk, committee clerk.

The Chair: Thank you very much. I believe there could be one on the phone. Is that correct?

Mr. Boutilier: Yes. Guy Boutilier, Fort McMurray-Wood Buffalo.

The Chair: Thank you very much, Guy.

That brings us to the next item on our agenda, and that is the approval of the agenda. Do we have a motion to approve? I believe that there might be some additional issues which come up, but we'll deal with that under Other Business. As for now we'll have a motion to approve the agenda.

Mr. Drysdale: Moved by Wayne Drysdale.

The Chair: Okay. Thank you. All in favour? Opposed? That's carried.

I think we'll go to number 3. There are some research issues arising from the previous meeting, and there are some responses to questions on submissions. I think there was a question about opposition. Maybe I'll turn it over to Philip, and he can explain that.

Dr. Massolin: Sure. There was just one submission. I think Mr. Griffiths had asked about one submission that we'd indicated was not in favour of the bill. For the explanation I'll turn it over to Diana.

Ms Staley: On page 17 in section 3.0 under opinion of Bill 23 there was one submission which was not on the stakeholder list that was categorized as against but was not indicated as so on the list in 4.0 under in favour or opposed. So a correction should be made for the submission numbered 003 in the section 4.0 list. It should actually read against rather than unknown. Their submission stated that the proposed act "does nothing to control all formerly known 'nuisance weeds'."

That's all.

The Chair: Okay. Any questions on that? Do we actually need a motion to accept that change, or is that just for information? Okay. Good. That's for information.

Then there are also some late submissions. I believe 3(b) is a summary of the late submissions. I wonder if maybe Diana could speak to us on that as well.

Ms Staley: Sure. I just want to very briefly summarize the three submissions which were received as part of the deadline extension of September 22.

First, the Alberta Forest Products Association stated that they do not have any direct concern with Bill 23 but that they do have a strong, long-standing concern with the current act which has not been addressed in Bill 23. Most of the forest companies lease public land, and many of them maintain a part of their land for public use such as for camping or horseback riding. Their issue is that as occupants of the land they are required to control weeds for their leased land, yet they do not have the power to control public users in terms of weed control. The AFPA therefore request that a revision be included in the act to address this issue.

The second one, the Métis Settlements General Council, who will be speaking later today, asked that the committee recognize the authority of the Métis settlements to determine which plants are subject to classification on Métis land and defined by the Metis Settlements Act and the Metis Settlements Land Protection Act. They are concerned about the classification of specific weeds that are considered traditional medicine on their settlements.

Last, I will highlight a couple of the comments provided by the city of Calgary. They suggested that the act would be strengthened by, one, specifying the authority of a municipality to create its own weed control bylaws; and two, to permit a municipality to pass a bylaw that would declare additional species as noxious in addition to the ones that are already provided in the provincial list.

That concludes my summary. Thank you.

The Chair: Thank you very much.

Any questions for Diana on these comments? I'd like to just add as well that we had a couple of responses from the AUMA and from the AAMD and C. AUMA is actually allowing their members to respond on their behalf if they want. Their board is having a meeting today, so they are not able to be here, but they send their regrets. The response from the AAMD and C as well was that each municipality is free to respond on their own. I believe that there are

a couple of them doing that today. They don't have any concerns with the bill as such.

Dr. Swann: With respect to the Alberta Forest Products Association have they suggested a remedy to their concerns that they're responsible for weed control?

The Chair: I think we'll leave that to Diana.

Ms Staley: Yeah. I don't believe they suggested it. They just wanted to be included in the discussion.

Mr. Drysdale: What's the department's recommendation to resolve that issue, I guess?

The Chair: Paul, do you have a comment on that?

Mr. Laflamme: I'd have to look into it further. Off the top of my head I can't answer that question. Sorry.

The Chair: Any other questions to Diana on this?

We'll take a break here, maybe five minutes, and that will give us time to have the MD of Pincher Creek hook up here. When they're dialed in, when we've got connection with them, then we'll go back on record. Thank you very much.

[The committee adjourned from 9:12 a.m. to 9:21 a.m.]

The Chair: Okay. We're back on the record again with our first presenter, the MD of Pincher Creek. Mr. Cooley, you're on the line?

Mr. Cooley: I am having a lot of trouble hearing you from this end. I'm not sure if it's my line or your line, but you're very faint.

The Chair: Well, I'll just speak up a little bit. Is that better?

Mr. Cooley: We'll try that.

The Chair: Okay. Thank you very much for joining us. What I'll first do is ask the members around the table here to introduce themselves, and then we'll give you about 10 minutes to do your presentation if it takes that long. Then we'll have some questions, maybe, and we'll see how it goes.

My name is Ray Prins. I'm the chair of this committee, and I'm the MLA for Lacombe-Ponoka. I'll just move to my right, and everyone will introduce themselves.

Mr. Hehr: Hi. My name is Kent Hehr, MLA for Calgary-Bufferlo.

Mrs. Kamuchik: Louise Kamuchik, Clerk Assistant, director of House services.

Dr. Massolin: Good morning. Philip Massolin, committee research co-ordinator, Legislative Assembly Office.

Ms Staley: Diana Staley, research officer, Legislative Assembly Office.

Ms Sales: Tracey Sales, communications consultant with the Legislative Assembly Office.

Ms LeBlanc: Stephanie LeBlanc, legal research officer with the Legislative Assembly Office.

Mr. Laflamme: Hi, Kelly. It's Paul Laflamme here.

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

Mr. Sandhu: Good morning. MLA, Edmonton-Manning, Peter Sandhu.

Mr. Drysdale: Good morning. Wayne Drysdale, MLA, Grande Prairie-Wapiti.

Dr. Swann: Good morning. David Swann, Calgary-Mountain View.

Mr. Griffiths: Good morning. Doug Griffiths, MLA for Battle River-Wainwright.

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

Mrs. Sawchuk: Karen Sawchuk, committee clerk.

The Chair: Thank you very much. You can see from all those names, Mr. Cooley, that you're in a fairly large group of people here, but we're all listening.

Mr. Boutilier: Good morning, Ray. Guy Boutilier, MLA, Fort McMurray-Wood Buffalo.

The Chair: Okay. Sorry, Guy. Guy is on the phone from the other end, Kelly.

Anyway, we'll give you about 10 minutes or so to make your presentation if it takes you that long. Then we may have some questions on this end, and you may have some questions for us. Just go ahead.

Municipal District of Pincher Creek

Mr. Cooley: Okay. I appreciate the chance to provide input on this. I guess just as a little background to my interest in this, obviously, as an ag field man with the MD of Pincher Creek I have an enforcement role under the legislation that this would replace, so we have quite an interest from that point of view. Speaking personally, I was part of the review committee that looked at the original legislation and drafted some proposed changes to it from late 2005 through 2007, so I have quite a bit of personal plus professional interest in this particular piece of legislation that's to be changed.

I'm not going to introduce a lot of new information that's different from what we sent in as a written comment on this. In general the legislation seemed to me to be a bit clearer in terms of language. I think that a goal with all the legislative reviews is to sort of make more plain language in the legislation, and that's evident in the text. I guess a commendation from that point of view from our looking at it.

One disappointment that maybe we had looking at the legislation in Bill 23 as it's written currently is that perhaps it could have been worded to appeal to a more general audience. I know that our ag field men review committee was anxious to try and make the legislation in the way it was worded to appeal to not just the agricultural sector, of which the traditional base of that legislation has been, but to all Albertans because we feel quite strongly that these invasive weeds that are listed under the act are not just an agricultural concern but are, of course, a concern to all Albertans as they also impact natural areas. They're a threat to both ecology and the economy in Alberta. While there is still some of that in the

current draft, we feel that that could have been stronger. Perhaps that's something that can be addressed prior to final reading.

Regarding the specific sections that we put forth in our letter of August 29, I'll just quickly run through them and, hopefully, give some clarification that I can further clarify later in questions. Under the definitions section there are a couple of things that we had highlighted. The noxious weed and prohibited noxious weed definitions: it was the feeling of our board that they should be maybe clarified somewhat to point out the fact that it's not just the seeds, but it's all the potential reproductive systems within the plant. Some of these weeds are reproducing by seed only, but some can reproduce by sections of root and other methods, so we wanted to see if that could be changed. There was a suggested change to the definition in both those definitions that we provided.

Other items in the definition were maybe a clarification of the sections on control and destroy. This has always been something in this legislation that has been a bit of an issue, but we thought perhaps that could be fine-tuned a bit, making the definitions more clear as to the distinction between controlling a noxious weed or destroying a prohibited noxious weed. Again, we've laid that out there and been quite specific in terms of what we're talking about. So control being preventing the growth and the spread, including all those potentially reproductive parts, and then destroying meaning to kill and completely eliminate. Again, our board kicked it around and thought that those definitions that we've provided might be a little more clear than what's in the current draft.

Section 17 is a little different take on things. Section 17, we feel, needs to have some type of a time limit as to how long a weed notice can be stayed under an appeal. That's mostly to do with the potential for an unacceptable delay in getting control of a weed infestation that's under notice. Again, I think that has to be incorporated in there in some way.

Finally, on section 21. It almost seems like it's an invitation to object to a charge administered under section 21. We thought that this was pretty tough for the local authority to be able to recover those expenses in any way short of going to court, and we thought that that would be a bit of an unacceptable legal burden on the local authority.

We kind of realize that there are certain things that probably from your legal advice you were asked to put in, but we're saying that from our point of view that would just be an open invitation to litigation. Again, two possible options there would be to completely eliminate section 21 and any other reference in Bill 23 that referred to objection to cost of control and, recognizing that that might not be possible, to potentially eliminate subsection (5) of section 21. That would allow the local authority a few more options for the recovery of expenses. If you look at subsection (5), it talks about that it doesn't apply to recovery against a person from which they've received the objection in accordance with subsection (3). Basically, taking that hoop away might make it so that at least there are more options for the local authority to recover those expenses.

Aside from that, I'd be curious if there are any comments on timelines with regard to the process by which this bill would be proceeding through the Legislative Assembly, just a little update on that. If I could get that from your committee, that would be great. That's all I have.

The Chair: Okay. Thank you very much, Kelly. I can tell you the answer to your last question first, and that's probably that it'll go back to the Legislature this fall sometime. If it succeeds, we'll be done by December.

On the other comments that you have made, I'm not sure if anybody wants to answer any of these questions or if they have

further questions for you. Paul, do you have any comments on the suggested changes that Kelly has made? Do you want to comment first?

9:30

Mr. Laflamme: I can. Kelly, some of those concerns in your letter are addressed; for example, the one where you say the time for an appeal. That's an operational detail, and that has been moved into the regulations. Anything operational should not really reside in a statute and should be part of . . .

Mr. Cooley: Paul, I apologize. I can tell that's you on the line, but that's about as far as I can get. I'm really having trouble hearing you from this end.

Mr. Laflamme: Okay. I'll try and speak louder. I was talking about the time for an appeal. An appeal is really an operational detail, and statutes really should not contain operational details. That's something that's going to be in the regulations. There are a number of those operational-type details in the current Weed Control Act that we will be moving into the regulations. You know, with those types of operational things often there are changes, and it takes a lot less time to make a change in a regulation than in a statute.

Mr. Cooley: So if I understand correctly, there's potential for section 21 to be moved out of the actual act and into the regulations?

Mr. Laflamme: No, not 21, but you were talking about the appeal.

Mr. Cooley: Well, specifically with section 21 we were concerned that somebody could basically just object in writing to expenses that have been put on related to an enforcement action.

Mr. Laflamme: Yeah. That's an objection, not an appeal, actually. One of the main reasons that we revised that section was, of course, at the counsel of our lawyer that we had reviewing this. Basically, under the current act the person receiving the debt recovery notice did not have the ability to object unless it was unoccupied land, which was, I believe, section 14(1) in the current act. If it was unoccupied land and the owner could not be located, the municipality could not put that on the tax roll. In all other circumstances they could. So from an ability for someone to have options, basically the landowners or occupants did not have any options there.

Mr. Cooley: Well, again, we don't necessarily want to take away the options. In our first choice there in the letter that I sent, it talks about total elimination of objection to costs of control, but we did recognize that that was likely unrealistic. That's where we said subsection (5) of section 21 just seems to give them an open invitation if they did get expenses charged to them related to, basically, a debt recovery notice. They have that option of just basically writing a letter and saying: I object. That would leave very little recourse for the local authority.

If you look from subsection (4) through subsection (6), that leaves several different options, but it doesn't let you try subsections (a) and (b) under subsection (4) if it's the case where you get an objection. Basically, filing a certificate or putting it on property taxes doesn't become an option in the way that we read that. We were saying that subsection (5) is problematic from the local authority's point of view.

Mr. Laflamme: You're correct. If there's an objection filed, the

only way to recover that debt is through an action in debt, or taking them to court.

Mr. Cooley: Right.

Mr. Laflamme: Basically, Kelly – I just lost my train of thought for a minute here. Sorry.

The Chair: Okay. Does anybody else have a question or a comment about this? Is that okay, Kelly?

Mr. Cooley: Well, again, I'd certainly like our concern with that noted. I guess it'll be up to you if you share our concerns, but definitely from the local authority's point of view it would look to us like basically it was something that would be very simple for someone to just fire a letter off, and then that would effectively tie the hands of the municipality in collecting expenses that were charged related to enforcing an inspector's notice.

The Chair: Okay. Paul has got another point.

Mr. Laflamme: Sorry about that, Kelly. I had a bit of a blond moment there, I guess. What I was going to say is that this is something that could easily be addressed in policy. If someone comes to your municipality and objects to the costs of control, I think it would be up to the CAO or the policy of that municipality to inform that citizen or that landowner: "This is a very serious thing that you're doing, filing an objection. There are many ramifications involved with this, one of them being that this will go to court, so there will be some court costs involved. You'd better be sure that what you're objecting to is valid and something that should be brought before a court of law." That may eliminate a lot of frivolous objections.

The Chair: What we're saying is that in addition to the act and the regulations of the act the municipalities also have a level of policy that they can set over and above that or under it to enhance their position when they're dealing with these types of appeals.

Mr. Laflamme: That's correct. You know, we're willing to work with you, Kelly, and other municipalities in developing those policies and setting forth some guidelines. I think you're aware of the guidelines we put forward for clubroot. It would be similar types of guidelines that we would put forward for certain parts of the Weed Control Act.

Mr. Cooley: Right. I guess the concern would be that if there are multiple notices and people decide they can delay the process and tie up the municipality and perhaps give a disincentive to the municipality in terms of doing enforcement, this would be something they would pursue. I don't necessarily mind that there's a provision for appealing expenses that were charged, but really the way that I read that legislation, it gives an undue level of power to the person appealing. Simply writing a letter is what I read here, and that essentially gives the local authority no choice but to go to court.

I agree with you that they can play the poker game. If I could beg the analogy for a minute here, basically that would be calling the person's bluff. If they came in to verbally complain about an expense that had been charged to them and basically the municipality said, "Well, be careful what you do, or we'll take you to court," that might work in some cases. I would say that 25 years ago that would have worked quite well, but people seem to be much more willing to play that game. The game in court with regard to the local

authority versus the small landowner sometimes doesn't go the way it potentially should.

Again, I'm not wanting to restrict the ability for someone to make an appeal here. The point is to try to have options on the part of the local authority to recover legitimate expenses related to an enforcement action.

While I understand what you're saying, Paul, with regard to policies being set at the municipal level, the legislation would clearly restrict them in terms of what they could do and might be a discouragement to even trying to collect with the potential for just a simple letter being written, forcing them to go to court, which as you know is a very expensive process for all concerned. So we may agree to disagree on that point, but our letter and, hopefully, my comments will speak to why we're concerned about it.

The Chair: Thank you very much, Kelly. These points are all duly noted.

You made some other comments about reproductive systems of plants and that kind of stuff. Could that also be covered in regulation, Paul?

Mr. Laflamme: I believe the reproductive things you mentioned, things like roots and stolons and things like that, Kelly, are captured under the term "destroy." It talks about eliminating all reproductive parts of the plant if you look under the definition of destroy.

9:40

The Chair: Okay. Any other comments or questions that any of our members have for Kelly or want to add to the record here?

Then are you satisfied with the response to your questions, Kelly?

Mr. Cooley: Again, with the definition that was just clarified there, we thought there was a bit too much overlap with definitions (c) and (d) on control and destroy. Paul is correct in saying that it does mention rendering reproductive mechanisms nonviable. Basically I think what prompted this discussion at our board when we reviewed the legislation was that control actually had a subsection that said, "to destroy." That suggested that control could mean destroy, and we thought that they should actually be two distinct definitions. That's what prompted our comment and our proposed replaced definitions for those.

Again, you're free to take that under advisement. We thought that they were a little more clear and made them a little more distinct in terms of language. We do get that question from time to time as to what control means and what destroy means even in the current legislation. We thought that in this current definition there was almost too much overlap between the two terms.

Mr. Laflamme: If I may speak to that. Kelly, I think it's a matter of choice. If you tell a landowner he has to control weeds on his property, one of his options can be to destroy that plant. If you tell him to destroy that plant, he has no option but to kill that plant. It's a matter of choice, I guess, as to the difference between control and destroy.

The Chair: Okay. Thank you very much.

I think our time is just about up. If you're okay with that, Kelly, then I'd like to thank you very much for your input. All your points have been duly noted and taken under advisement. We want to thank you on behalf of the MD of Pincher Creek, and watch for this legislation to move forward. We'll see you sometime. Thank you very much.

Mr. Cooley: I appreciate the chance to make comment on behalf of the MD of Pincher Creek.

The Chair: Okay. Thank you. Bye.

Then we'll take a little break again while we wait for the next group of people to join us. That will be, I believe, the MD of Big Lakes, on the phone line as well. Thanks.

[The committee adjourned from 9:42 a.m. to 9:46 a.m.]

The Chair: Well, welcome, Gary. It's Gary Braithwaite, I suppose?

Mr. Braithwaite: Correct.

The Chair: My name is Ray Prins. I'm the MLA for Lacombe-Ponoka, and I'm chairing this meeting. What I'll do is have the people introduce themselves around this table so you'll know who you're talking to. Then we'll give you a few minutes to make your presentation. We'll start on my right.

Mr. Hehr: My name is Kent Hehr, and I'm the MLA for Calgary-Buffalo.

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

Ms Staley: Diana Staley, research officer, Legislative Assembly Office.

Ms Sales: Tracey Sales, communications consultant, also with the Legislative Assembly Office.

Ms LeBlanc: Stephanie LeBlanc, legal research officer, Legislative Assembly Office.

Mr. Laflamme: Hi, Gary. It's Paul Laflamme with Alberta Agriculture.

Mr. Braithwaite: Good morning, Paul.

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

Mr. Sandhu: Good morning. Peter Sandhu, MLA, Edmonton-Manning.

Mr. Drysdale: Good morning, Gary. Wayne Drysdale, MLA, Grande Prairie-Wapiti.

Mr. Braithwaite: Good morning, Wayne.

Dr. Swann: Good morning, Gary. David Swann from Calgary-Mountain View.

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

Mr. Oberle: Frank Oberle, Peace River.

Mrs. Sawchuk: Karen Sawchuk, committee clerk.

The Chair: We have one on the phone as well.

Mr. Boutilier: Guy Boutilier, Fort McMurray-Wood Buffalo.

The Chair: Thank you very much, Guy.

Gary, what I'll do is I'll give you as long as you need up to 10 minutes to make your presentation, and then we'll go back to maybe some questions or comments from the people sitting around this table. Go ahead, Gary.

Municipal District of Big Lakes

Mr. Braithwaite: Okay. Thank you. Good morning, all. I don't know if you've got our August 28 correspondence to the Standing Committee on Resources and Environment, but in regard to, I guess, the proposed Bill 23 our council had me go through and sort of show all the contrasts between the proposed act and the original act.

Three sections came to light. Number one, section 31, duties regarding weeds, has been deleted in the new Bill 23, and it really leaves no provisions for dealing with and preventing the scattering of nuisance weeds. Sort of tied in with that is point 2 that I had made, that Disposal of Screenings has been deleted from the new Bill 23 as far as giving direction for the disposal of screenings containing weed seeds.

The last point that our council sort of noted was that section 34, Offence to Deposit Weed Seeds, has been deleted, and it leaves no provisions to deal with the careless depositing of unclassified nuisance seeds. I did talk to our seed cleaning plant locally here in High Prairie, and it's not that big of an issue because we have a livestock producer that goes there periodically and uses it for a feed ration. However, the seed cleaning plant did indicate that for areas that don't have, let's say, that luxury of a livestock operator that may utilize those weed seeds, a lot of time it may be just given back to the landowner, and they dispose of it however they can find a way. That's what I have concerns with in Bill 23.

One last item I might mention is that I think the new Bill 23 should formally mention the process to elevate weeds up into, well, it used to be the noxious from, let's say, a nuisance category, but in the new Bill 23 it doesn't specify that you can get it done by ministerial order or any such thing. Unless you're actually familiar with that, you wouldn't know it by reading the new, revised weed act should it go ahead as presented.

That's all I have.

The Chair: Okay. Thank you very much, Gary. What I'll do is I'll ask Paul Laflamme from the department of agriculture to maybe comment on some of your concerns.

Mr. Laflamme: Sure. Gary, I can address that last concern quite quickly. That bylaw-making ability to elevate a weed will be moved into the regulations, so it will not be lost. It will still be there. It'll just be part of the regulations now instead of part of the act. So don't be too concerned about that one.

Section 31, duties re weeds, and your concern with nuisance weeds. Under the current act nuisance weeds are simply a list of weeds in the act, and you as a weed inspector had no way or ability to enforce on nuisance weeds. Weed notices could only be issued on restricted or noxious weeds but not on nuisance weeds. When we met with the subcommittee of agricultural fieldmen, they indicated to us that the nuisance weed category really did not have much function, and they would rather see us develop a method to populate our two prohibited noxious and noxious categories with plants where we have good reason for them being there, so using scientifically valid methods and reasons for adding plants onto those lists and not because someone thinks it's a problem. That was taken into

consideration when we were putting the new act together.

Section 33, disposal of screenings. That actually has been moved to section 5(2), and it's still there. I can read it to you if you like.

A person shall store refuse that may contain noxious weed seeds or prohibited noxious weed seeds, including screenings from cleaning, sizing or grading seed, in a container that will prevent the scattering of the seeds.

It's still there. It just got moved to a different section.

Mr. Braithwaite: Okay. Well, really, you sort of deleted, I guess, the description of nuisance. Therefore, like I say, if all of a sudden you had wild oats in your grain and you just threw them along the edge of a farmer's field or, let's say, a being-built road or whatever and it proliferates, that's an adverse environmental effect. It may not actually fit into something that can be done in the weed act, but isn't there some environmental protection or reclamation or something where maybe that nuisance weed, you know, under certain circumstances might be able to be dealt with?

Mr. Laflamme: Well, it depends on the weed, I guess, and where it will reside in the new act under the prohibited noxious and noxious categories.

The Chair: Okay. Does that answer your question, Gary?

Mr. Braithwaite: Yes. Like I say, there's just a little bit of a loophole. I know that, for example, orange hawkweed, when it first showed up in the province, wasn't a noxious weed. It probably was just considered to be a nuisance weed, and then eventually they elevated it. There are a lot of weeds that start, you know, as not serious, and then it gets serious. Having the ability to sort of establish certain plants like, let's say, western water hemlock – it kills tons of cattle – that ability to sort of determine what might be harmful or a way of fast-tracking the process or giving us probably some sort of I don't know if you'd call it discretionary power but some quickly enabling power for determining harmful plants right in the act would be nice.

9:55

I know it's difficult, and it has to be black and white when you write it as an act. By just recognizing that it's a nuisance weed, a lot of people will control it, but if it's not even mentioned anywhere, people just aren't aware that something should be done with certain types of plants that maybe aren't quite as bad as the noxious category. I'm not sure how exactly you would do it, but at least when they had a listing of the nuisance weeds, it was always a good thing to say, "Well, you know, we can't really do anything about it, but because it's a nuisance weed, you can use this chemical for it," and people usually understand.

The Chair: Okay. Any comment, Paul?

Mr. Laflamme: No.

The Chair: Okay. Thank you very much, Gary.

Any other questions or comments from members around the table? Go ahead, Wayne.

Mr. Drysdale: I'm not sure – maybe Paul can answer it – but, Gary, I think any municipality has the ability to list the nuisance weeds in your municipality. It wouldn't have to be in the legislation. I know different cities and everything treat nuisance weeds differently and have their own bylaws for that, so a municipality could create a bylaw against nuisance weeds if you had a real concern about it.

Mr. Laflamme: That's not quite correct. Under the act – and that's the first part I talked about – you have the ability to elevate a plant, which doesn't necessarily have to be a weed, into the noxious or prohibited noxious categories, but it's one plant at a time. It has to be approved by the council and then further approved by the minister. So you couldn't have a whole list of different plants. It has to be one plant at a time.

Mr. Braithwaite: I can appreciate that, but I'll give you an example. If the city of Calgary didn't, I guess, elevate dandelions to some sort of category, you could actually include it in your grass mix, pure dandelions, and completely get things out of hand. So there should be something for at least, say, commercial seed mixes: these are nuisance weeds that for the sake of planting new areas aren't permitted in your seed mixes knowingly, intentionally being added. With absolutely zero mention of it being, you know, even a weed, that would be a classic example of: just seed as many weeds because if you like yellow flowers, dandelions are great ones that are persistent and that nobody is going to do anything about. It would seem like a step backwards as far as I don't know if you'd call it cosmetic weed control in urban centres. There should be just some quasi-category that makes it so that it doesn't almost encourage people to do whatever they want.

Mr. Laflamme: Gary, as far as seed mixtures, that falls under another piece of legislation – and it's actually a federal piece of legislation – the Canada Seeds Act. They set, you know, what weeds can and cannot be in certain mixtures according to Canada No. 1 or No. 2 and depending on what it is, if it's wheat, oats, barley, or a forage mixture. They specifically list what weeds can and cannot be in those lists.

Mr. Braithwaite: Oh, okay. Like I say, I wasn't aware that there's no sort of, I guess, link to the federal one as far as all the listings and designations in the Weed Control Act. I am somewhat familiar with, you know, the Seeds Act from the seed cleaning plant inspections and what they're allowed in their finished product and stuff.

Okay. That's fine, actually. I think you've addressed all the concerns. I know it looks pretty challenging in dealing with those, you know, nuisance weeds and to never sort of mention them again formally in the act. Like I say, I don't necessarily have the solution, but just taking it out sort of raises questions of what could or could not happen.

The Chair: Okay. Thank you very much.

Any other comments from members around the table? Then I want to thank you, Gary, for your input and your contributions here. Your comments have been duly noted, and we wish you the very best. Thank you.

Mr. Braithwaite: Okay. Thank you, Mr. Prins, and everyone have a great day, hopefully constructive, with all the following conference calls.

The Chair: Thank you. Bye.

Mr. Braithwaite: You're welcome. Bye, everyone.

The Chair: Okay. That brings us to the end of that one.

I think we'll break for about 15 minutes. We were going to have a video conference with the MD of Taber. I guess they blew a bulb in their projector or their camera or something, so we'll be down to just the teleconference with Taber. It was going to take a little

longer to hook it up, so that'll give us about 15 minutes, and we'll be back at 10:15.

Thanks.

Mr. Brewin: This is Brian Brewin. I am online now.

The Chair: Oh, you're there. Well, you know what? Brian, what we'll do is we'll go straight into yours. We'll take the break after you guys are done. What I'll do is that I'll introduce myself. I'm Ray Prins. I'm the MLA for Lacombe-Ponoka, and I'm chairing this meeting. What I'll do is that everyone around the table will introduce themselves starting to my right. Go ahead.

Mr. Hehr: My name is Kent Hehr, and I'm the MLA for Calgary-Buffalo.

Mrs. Kamuchik: Good morning. I'm Louise Kamuchik, clerk assistant, director of House services.

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

Ms Staley: Diana Staley, research officer, Legislative Assembly Office.

Ms Sales: Tracey Sales, communications consultant with the Legislative Assembly Office.

Ms LeBlanc: Stephanie LeBlanc, legal research officer, Legislative Assembly Office.

Mr. Sandhu: Good morning. Peter Sandhu, MLA, Edmonton-Manning.

Mr. Laflamme: Hi, Brian. It's Paul Laflamme with Alberta agriculture.

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

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

Dr. Swann: Good morning, Brian. David Swann from Calgary-Mountain View.

Mr. Griffiths: Good morning. Doug Griffiths, MLA, Battle River-Wainwright.

Mr. Oberle: Frank Oberle, MLA, Peace River.

Mrs. Sawchuk: Karen Sawchuk, committee clerk.

The Chair: We have one on the telephone as well.

Mr. Brewin: Okay. Thank you. I'm Brian Brewin. I'm the ag service board chairman for the MD of Taber here.

The Chair: Okay. Thank you, Brian. Go ahead with your presentation. We have about 20 minutes, I guess. If you go ahead, we'll give you about 10 minutes or so or as much time as it takes you. Then we'll probably have some time for some questions or comments here.

Mr. Brewin: Perfect. Actually, some question and comments along the way would be great.

The Chair: Okay. Just go ahead.

Municipal District of Taber

Mr. Brewin: I'm assuming you've read the letter that we had written originally to Mr. Mitzel over our concern. Certainly, I appreciate the review of the act, and I've enjoyed going over it and am positive on it. There are just a few clarification items, how they're perceived by different people.

The first one is section 5(1) and (2). The first one is noxious weeds and how they might be spread. Certainly, different people can perceive this in different ways. I'm thinking that out of a seed cleaning plant, you get screenings. Is put in a box considered contained? Is tarped considered contained? To what extent do you want it? Do you want it possibly something as simple as that screenings need to be tarped or something?

The second one, section 5(2). Our concern there is southern Alberta with winds. A lot of our seed cleaning plants have outside facilities for their dumping, et cetera. Does this mean that they have to contain it? Do they have to build a building to contain this so the wind doesn't blow the dust? Certainly, that creates a whole other problem with dust issues. Anyone that has unloaded screenings can appreciate the amount of dust that's around. You get that in a building, and it's almost a fire hazard.

Any comments on those two first, I guess? Then I'll move on to the other section.

The Chair: Okay. What I'll do is that I'll let Paul Laflamme comment on those questions.

Mr. Brewin: Okay. Thank you.

Mr. Laflamme: Brian, as far as screenings, yes, they should be contained. The manner that they're contained, I guess, is any type of container that would prevent them from, you know, blowing out. So a tarp on top of a truck, I believe, would be considered containment.

Mr. Brewin: Do you feel, Paul, that there should be a little bit of clarification on that, certainly, so that a seed cleaning plant could post that all screenings must be tarped or contained?

10:05

Mr. Laflamme: I guess that would be a matter of policy again. You know, every municipality can establish policy under the act and how they will work with that act and enforce that act, and something like that could certainly be part of that policy as a recommendation in that policy.

Mr. Brewin: I certainly agree with that, Paul, but the issue is that you've got five different field men inspecting different plants, so we could have inconsistencies plant to plant.

Mr. Laflamme: I guess I have no other comments that I can make on that. Containment is a fairly clear word, I think. I don't know what other word we could use that would be as clear as contain.

Mr. Brewin: Okay. Well, that's their concern there, Paul. All it is is basically clarification.

On the second one, I guess, similar. Just some clarification.

Mr. Laflamme: That's certainly a concern, and I've been involved in a few cases where seed cleaning plants in southern Alberta have been piling their screenings in piles, and you guys do get a bit of wind down there on occasion.

Mr. Brewin: Exactly.

Mr. Laflamme: We have had complaints from, you know, neighbours about screenings or weed seeds blowing onto their land. Again, it's my belief that weed seeds should be contained, so screenings should really go into some type of a bin. It could be a hopper bin, or whatever, attached to the seed cleaning plant and, you know, disposed of properly.

Mr. Brewin: Correct. There, again, with different field men enforcing different policies, I guess, we're just looking for some uniformity so that one field man isn't telling somebody that they have to build a confined area causing a hundred thousand dollar or so expansion to their plant, where the next one is saying: "You're okay the way it is. Put up a windscreen or something." Just some clarification to make sure everybody is being treated the same. But having said that, Paul, I think you've answered that. Just some concern there, again, for clarification for the committee to consider.

Moving on, the next one is section 21(5). This becomes enforcement, right of appeal, legal aspects, and stuff that can happen. I guess we always want the right to appeal to a council, but how far do you get when you start getting lawyers, et cetera, involved? It becomes cheaper sometimes just to do it, eat the cost, and not go through the legal process, and it doesn't take people long to figure that out, that all they have to do is challenge it in court. Ninety-nine per cent of our farmers aren't the issue. Our problems become the big corporations, the rail lines, et cetera, that become the issue. So to say that they can come back and sue us or take us to court certainly becomes cumbersome.

As you all know, when noxious weeds are there, you haven't got three weeks, et cetera, to go through the court system before you go out and do it. You have to go out there and get them contained, look after the problem, and carry on. Whether you eat the cost or whether you bill it out becomes insignificant. You have to get the job done.

The Chair: Yeah. We're starting to lose you, Brian. We can hardly hear you.

Mr. Brewin: Oh, I'm sorry.

The Chair: Okay. Yeah. That's better.

Mr. Brewin: Just going back to the subsection on being able to be sued for claims for the enforcement and where our concern is there. Do you let it go into the courts, et cetera? Obviously, when we see the weeds, we have to go out there and get the job done, so we've already eaten the cost, and it becomes a matter of trying to get the costs back. Just your comments on that, Paul.

Mr. Laflamme: Okay. I guess that's one section where, you know, we dealt quite closely with our legal counsel to get their opinion on how we should set forth this section, and basically this was their advice. I guess if there's a need to amend this section or make some changes, it's something we would have to consult on with our legal counsel again to see if there are alternatives or if this is the standard approach for dealing with objections.

Mr. Brewin: I guess, just the point I'd like to make here is: let's not

make it easier to fight it in court than it is to go out and clean up the weeds.

Mr. Laflamme: Yeah. I guess, Brian, again, this is an issue that could be dealt with partially through policy. You know, I think the concern is frivolous objections: someone objects just for the sake of objecting. Through policy that could be easily dealt with by just making that person aware that if they do object, these are the consequences of objecting, that this is how it will be dealt with: it will go to court; you're going to have to defend your reason for objecting before a court of law. That may take care of some of the frivolous objections.

Mr. Brewin: But lots of times it's cheaper to not go to court, I guess. You'll have a couple of thousand dollar enforcement notice or a \$5,000 legal fee.

The Chair: We have a question here. Dr. Swann, go ahead.

Dr. Swann: Thanks. Brian, I think you raise a good point. Are you suggesting that there be fines associated with this?

Mr. Brewin: That would certainly be better. At least they know the consequences right off. It's not appealable by the court and stuff. We know where we stand. We know what we're going to get right off the bat. We don't need to wait around and fight legal battles with people.

Dr. Swann: Could I get a comment from Paul on that?

The Chair: Yes. I was going to ask the same thing. Now, could the municipalities add the fines, if they want, for weed violations? How would that work, Paul?

Mr. Laflamme: There is a process that you can put in legislation in order to be able to disburse fines. I'm trying to remember.

Mr. Brewin: Now, would that be through the municipality, or there again are we looking for consistency? Would it be better off through the province so that it's the same from municipality to municipality?

Mr. Laflamme: Maybe I'll let Jo-An explain it a little further. I got advice from her on all of this.

The Chair: Go ahead, Jo-An.

Ms Christiansen: Yeah. Offences can be associated with a specified penalty, which is the violation tickets. There is another piece of legislation under Alberta Justice, the Provincial Offences Procedure Act, that deals with that, and there's a regulation, the procedures regulation, under that act that lists all of the specified penalties. The common ones that are known as traffic offences are in there with their penalties associated. That is an option.

For certain pieces of legislation it may be appropriate to support compliance. I'm not sure with the Weed Control Act if application of specified penalties is beneficial for compliance. That legislation is also a little more complicated when you get into municipalities. There are special authorities for municipalities to do things by bylaw, so it would be something to consult with legal counsel on that specific legislation, how it would work and whether or not it would be appropriate for the Weed Control Act.

Mr. Brewin: Thank you. Other than that, I just want to thank you

for the work you're doing on this and taking the time to listen to some concerns. Certainly, as the ag service boards we are affected a lot by this. We are the ones that ultimately have to do the control, so we appreciate the opportunity to have our suggestions heard.

The Chair: Okay. Thanks, Brian. Before you leave, I think there's one more question, maybe, from Dr. Swann.

Dr. Swann: Brian, I'm just wondering how common this problem is for you. How many times a year would you be dealing with this?

Mr. Brewin: In all honesty our problem isn't with our local farmers. The problems come in with some of the bigger corporations, the rail lines, et cetera. They're the ones that we seem to have to issue notices to, et cetera, in order to get things enforced.

Dr. Swann: How often is that, and how often do you fail to reclaim expenses?

10:15

Mr. Brewin: We have been able to put it onto their taxes now without an appeal.

The Chair: Okay. Thank you. Any further comments or questions from members around the table?

Then, Brian, we've heard you out. We've made note of all your comments here, and if you're satisfied with that, I'd like to say thank you very much for your input and your participation. I hope you have a good day.

Mr. Brewin: Thank you. Being on an ag service board, I'm sure you understand what we're all going through here.

The Chair: Yes, a couple of us have been there. Thank you very much.

Mr. Brewin: That's good to see. Thank you.

The Chair: What we'll do now is take a little 10-minute break. I believe that our next presenters are scheduled to be here at 10:35. If they get here earlier, we'll take note, and we'll start again in a few minutes. Thank you very much.

[The committee adjourned from 10:16 a.m. to 10:36 a.m.]

The Chair: I'll call the meeting back to order and would like to welcome Ms Daniels and Ms Carifelle to our meeting. I think that you have sent in a couple of documents from your council as well, and they're posted to the committee website. What we'll do is go around and introduce ourselves so you know who you're talking to. Then we'll give you up to 10 minutes to make a presentation. Then there might be some comments or questions from our members.

My name is Ray Prins. I'm the MLA for Lacombe-Ponoka, and I am chairing this group today. We'll go around this way.

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

Ms Staley: Diana Staley, research officer, Legislative Assembly Office.

Ms Sales: Tracey Sales, communications consultant with the Legislative Assembly Office.

Ms LeBlanc: Hi. I'm Stephanie LeBlanc, legal research officer with the Legislative Assembly Office.

Mr. Laflamme: Paul Laflamme. I'm the head of the pest management branch with Alberta Agriculture and Rural Development.

Ms Christiansen: Hi. I'm Jo-An Christiansen, legislative co-ordinator, Agriculture and Rural Development.

Mr. Sandhu: Good morning. My name is Peter Sandhu, MLA, Edmonton-Manning.

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

Mr. Griffiths: Doug Griffiths. I'm the MLA for Battle River-Wainwright.

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

Mrs. Sawchuk: Karen Sawchuk, committee clerk.

The Chair: Thank you. I believe we might have one on the telephone line as well. Is that correct?

Mr. Boutilier: Guy Boutilier, MLA, Fort McMurray-Wood Buffalo. Good morning.

The Chair: Thanks, Guy.

I think, Jo-Ann and Darlene, I'll just turn it over to you. You can have as much time as you need to make your presentation. Then if there are questions or comments afterwards or if you have questions to our experts here, we'll deal with that when you're finished. Go ahead, please.

Métis Settlements General Council

Ms Daniels: Thank you very much, and thank you for the opportunity to address the standing committee this morning. My name is Jo-Ann Daniels. I'm originally from St. Paul-des-Métis. My father was Stan Daniels from Kikino Métis settlement. My mother was Christine Daniels, née Whiskeyjack, from Saddle Lake Cree First Nation. Right now I am the interim executive director for the Métis Settlements General Council. The president, Gerald Cunningham, also wants to thank you for our ability to attend this morning. It's unfortunate that he couldn't make it, but he was quite confident that Darlene and I were able to make this presentation this morning.

I'll let Darlene introduce herself.

Ms Carifelle: Good morning, and thank you very much for inviting us to this committee meeting. I am originally from the Peavine Métis settlement and have been working with the Métis Settlements General Council for the past four years as the land and resource director. Anything that affects the land, environment comes to our department. Thank you very much.

I hope that we've provided you enough information to know who we are.

The Chair: Thank you very much. Go ahead, please.

Ms Daniels: The background information that we gave you. You obviously received our submission. The assembly had a meeting last week, and the issue was thoroughly discussed about weed control. There were some concerns that they had about weed control. One

was about the Metis Settlements Act, referring to that, specifically “that the Metis should continue to have a land base to provide for the preservation and enhancement of Metis culture and identity and to enable the Metis to attain self-governance under the laws of Alberta” and that they do have “the bylaw making authority of a settlement council [that’s] confined to the geographic area of the settlement.”

There are eight Métis settlements in Alberta. Thus far they have been able to govern their lands and to develop some ideas around environmental policies and environmental controls. Mostly they were concerned that the committee recognize them as an authority on the Métis lands. They’re working with the Minister of Aboriginal Relations, Gene Zwozdesky. Part of his commitment to the settlements is to make sure that in other acts of the province the Métis settlements and their authority over their lands and their ability to preserve their culture on those lands as well are recognized. That would be including identifying to them what is food, what is medicine. That may conflict with what is on the weed control restricted list very, very peripherally. You know, we went online just to look at some of the weeds that are recognized on the restricted list, and some of these are recognized as being either a food source or a source of medicine for Métis on those lands.

It wouldn’t be possible for us to give a comprehensive list to this committee of what Métis medicine people consider food or medicine. Perhaps food but not medicine. That is considered part of their sacred knowledge. So they would have some kind of relationship or some kind of means or process by which they might be able to work with Bill 23 in having what they recognize as medicine – I don’t know exactly how that process would work, but there would be some mechanism or some recognition that perhaps what you’re considering weeds might be medicine for Métis people.

The Chair: Okay. Thank you. Do you have more in your presentation? Do you want us to comment on that now?

Ms Daniels: If you’d like to comment on that now.

The Chair: Okay. I wonder if you could comment, Paul, on this.

Mr. Laflamme: Yeah. That’s definitely a very valid concern. I know that we are revisiting all the weeds that are currently on the lists in the regulations, the restricted and noxious weeds and nuisance weeds that are on the lists right now. As part of that process we’re using some risk assessment tools, and one of the risk assessment tools that we’ve been using has a section that looks at cultural heritage and the importance of certain plants to people like the Métis or the natives. When we look at repopulating our lists using scientifically valid methods, things like that will be taken into consideration. I would say that the vast majority of the plants that are currently on the lists are introduced species and not native to Alberta. I’m not sure if, you know, as far as cultural plants, those would be included. Have those been used by natives?

Ms Daniels: Well, the wonderful thing about aboriginal cultures – and this goes for all aboriginal cultures – is their ability to adapt and adopt what is in their environment, especially the northern Métis settlements. They still exist in traditional land use. They’re still hunting, fishing, gathering, trapping, and they still very much have that close association to the land and to their environment.

As new plants are introduced – and this may include weeds – you know, there is some discovery through that aboriginal process of learning what this plant is about. It’s, I guess, kind of an aboriginal science, that they are very, very aware of any kind of plant or anything that comes into their territory, and they find out about it.

They don’t sit there continually ignorant about what this plant is or what it does. They’re very, very skilled at knowing exactly how it’s used, why it’s there, why it was introduced to their territory, how they might be able to use it, you know, things like that. Only in that instance might introduced plants be considered and become part of that Métis cache of medicine.

Mr. Laflamme: Okay. I don’t really see a big problem for the local authority, which in this case would be the Métis settlement. You know, if it’s a noxious weed category, the way the act is written, it says that they may issue a notice to control or destroy. The only concern would be if it was a plant that fell in the prohibited noxious category, but I don’t see those as being a problem because those plants we do not have in Alberta. We try to destroy them as soon as we discover them, so I don’t think they would be part of the culture. I think the mechanism exists in the current act, Bill 23, to be able to deal with those types of situations.

10:45

The Chair: Okay. Thank you.

Ms Carifelle: I think I just want to add that – and I think that was one of the things that the assembly wanted to make clear so that everybody understood – we are the only land-based Métis settlements in Canada. We have our own legislation: The Metis Settlements Act, The Metis Settlements Land Protection Act, The Constitution of Alberta Amendment Act, 1990, and the Metis Settlements Accord Implementation Act. These acts kind of give us the authority to monitor what happens on our land.

I think one of the concerns that was addressed is that if someone was going to come onto the settlement, they do have to go through the settlement council and explain what’s happening so that we have authority to say yes, you can come onto the land, or no. I think that was one of the things that the assembly wanted to make clear, that we do have that in our legislation. Our legislation can be found on the website if you want to review it. Just recognize that through our own legislation we have the authority to look after our own lands and stuff; however, we do follow all provincial and legislated acts.

Further to that, environment is a very important thing to the Métis settlements. We are in the process of doing traditional land-use studies so that we can actually kind of capture what is traditional to us and what are the uses, getting all the information from our elders so that it’s captured. We are working with the province, looking at doing in-depth traditional use studies so that they’re very comprehensive. It’s in the initial stage of trying to secure funding through the province to do that.

We have also developed our own environmental operating guidelines where if industry wanted to come and work within our settlements, there are guidelines they have to follow. These guidelines were done in consultation with the settlements and with an environmental specialist. Industry has to follow those guidelines, and they do follow all of the provincial and federal acts and regulations. Also, if there is anything specific that the settlements want to protect, they’re identified in these guidelines. Environment is a very important thing for the settlements. We do want to work with the province and all the different acts and regulations that are coming down, but just remember that we do have our own legislation, and we do have control over our settlement lands.

Thank you.

The Chair: Thank you.
Any more comments?

Ms Daniels: There was one other concern that was brought up at the assembly, and that was the use of pesticides on their lands. They were very concerned about the use of pesticides. As Darlene had mentioned, we have our own environmental guidelines, and they are greater than what provincial legislation allows now. They're very concerned about these pesticides coming onto their lands and what it might do to the rest of the environment, especially the medicines that might be near some noxious weeds that would require being destroyed. That was another consideration.

Mr. Laflamme: Technically, you know, the local authority has the ability to determine how the weeds will be controlled. If you don't want pesticides used, that's completely up to you as long as the weeds are controlled in some fashion. It could be mowing. It could be tillage. It could be some other method. As long as the weeds are controlled, I believe the intent of the act would be satisfied.

The Chair: All right. Any further comments? Any questions from members?

Dr. Swann: I'd like to hear Paul's comment on this last concern. Many people across the province are concerned about cumulative impacts of different chemicals in our environment and trying to reduce the burden of chemicals in the air, the ground, the water and are opting for natural methods of weed control. Is it appropriate in this – and I think I've raised this before, but I don't recall whether there is anything written as an alternative in our policy – to set a standard of integrated pest management as an approach that requires us to use the least harmful or least risky approach to weed control as a general policy? Can you just comment a bit about where you see this policy leading and whether it's leading us towards a more integrated pest management approach or if it's entirely at the discretion of individual municipalities and, in this case, the Métis settlements?

Mr. Laflamme: I believe that this is a statute and that the discussion around integrated pest management lies outside of legislation, but certainly I'm a firm believer in integrated pest management. You know, we hold training sessions for field men and weed inspectors every spring across the province, and that's certainly a big part of our discussion. I personally have a master's degree in integrated pest management, so I'm a firm believer in those principles. The use of pesticides is only one tool in your tool box, and you should look at a variety of different ways. If you've got a problem, it's because of the way you're doing things, so you should assess what you're doing. I'd hate to see pesticides removed completely from our tool box because sometimes you do need pesticides. But there are certainly many ways to approach a problem, and pesticides is only one of those ways.

The Chair: Okay. Thank you very much. Any further comments on this?

Mr. Oberle: Well, I feel I should comment. I'm a professional forester and myself not a huge proponent of pesticides or herbicides. Nonetheless, they are tools, and they are sometimes necessary. I strongly suggest, given the options that municipalities have, the ability to make rules, that we don't go any further to impact our agricultural community and what I believe to be their responsible use of the tools that they have to use in order to meet their own individual objectives on their land base. I would not be in favour of any restrictions on that. I certainly recognize the Métis people's rights within their boundaries, just as a municipality within its

boundaries can make rules, and I strongly support that, but let's not be making any provincial rules that are going to impact the agriculture industry.

The Chair: Thank you very much.

Any more comments? Back to the Métis council if you have any further input.

Ms Daniels: I have just a couple of questions, please.

The Chair: Okay. Yeah.

Ms Daniels: I understand from this committee that, in fact, you do recognize the Métis settlements' authority – they are the authority on their lands on weed control – and that the committee favours and would consider, from Paul's comments, that there should be consideration towards what Métis consider food and medicine.

The Chair: Well, this committee is just set up to consider Bill 23. We're not going to be commenting on those types of issues. We're only here to listen to submissions on Bill 23, and we'll take them all into consideration. We'll take due note of your comments.

Mr. Oberle: Mr. Chair, if I could add, just to build on the chair's words there, that we are here to review Bill 23. However, certainly, as a legislative committee we operate in respect of all of the other laws of the province of Alberta. While none of us I think are experts on Métis settlement law, we certainly cannot recommend anything that would be contrary to that.

The Chair: That's correct. Bill 23 was referred to this committee by the Legislature. We're listening to submissions. We take note of all comments. We'll be writing a report back to the Legislature, and the Legislature in the end will deal with this as they see fit.

Ms Daniels: Thank you.

The Chair: Okay. Any further comments or questions?

Then I would like to say thank you for your input. Once again, we will take all your comments into consideration, and we will be writing our report in due time.

Thank you very much.

10:55

Ms Daniels: Thank you very much.

The Chair: Well, that brings us to number 5 on our agenda, Business Arising from a Previous Meeting. That's the July 9 Alberta Agriculture and Rural Development response to questions from the committee. I think we all have a little handout here dealing with 5(a). I wonder if I could ask Paul to make some comments on that or if we have any questions for Paul.

Mr. Laflamme: I think there were four or five sections, I guess, that were brought up. The first one, inspector identification, has been revised to read "a person who appoints an inspector." I think the intent there was to capture both the local authority and the minister having that authority to be able to appoint an inspector. So the use of the word "person" allowed the ability to capture both of those people. If you look in the Interpretation Act, a person is defined as "a corporation and the heirs, executors, administrators or other legal representatives."

The Chair: Okay. That's your comment?

Mr. Laflamme: Yeah.

The Chair: We all have this little handout. Are you saying, when you say this has been revised, that this is now going to be a recommendation?

Mr. Laflamme: No, this is the way it currently is in the act.

The Chair: Okay. So you're just explaining the way it is.

Mr. Laflamme: Yeah.

The Chair: Any questions on this?

Then I think we'll move on to number 6, Other Business. I do have one item to add here, and that is the preparation of a focus issues document to assist in the drafting of the committee's report on Bill 23. I suggest that we have a motion and maybe pass a motion to this effect. Would anybody like to make that motion? That would be that

we would direct the committee research staff to prepare a focus issues document for the committee's review at the October 1 meeting.

Which is next week, isn't it? We have a meeting on October 1. I see that Dr. Swann had his hand up. He's making that motion.

I wonder, Phillip, if you could comment on the content of this document.

Dr. Massolin: Certainly. Thank you, Mr. Chair. This document is a focus issue document which will isolate some of the identified issues that we've heard from submitters, the stakeholders and

members of the public, in the written submissions as well as in the presentations we've just heard today. So we'll itemize that list and then talk about, you know, associated issues. Then that list itself will be sort of deliberated at the next meeting – I guess that's the expectation – in order to arrive at agreement as to whether or not those issues should be presented as recommendations to the Assembly for this committee's final report to the Assembly at the end of October.

The Chair: So by next week we'll have the focus document. We can have a discussion on that to find out if that's what we want, and then from that point we'll have a report to go to the Legislature.

Dr. Massolin: Correct.

The Chair: Okay. Any comments, questions, on this motion that's before us? All in favour? That is carried.

Guy, as well?

Mr. Boutilier: No problem.

The Chair: Perfect. That's unanimous.

Any other items for discussion today? Then the next meeting will be Wednesday, October 1, from 8:30 a.m. till possibly noon. I think that depending on the content of this report, we'll see how fast we can do that meeting.

What we need now is a motion to adjourn. That's made by Frank. All in favour? That's carried. We're adjourned. Thank you very much.

[The committee adjourned at 11 a.m.]

