



Legislative Assembly of Alberta

The 28th Legislature
First Session

Standing Committee
on
Resource Stewardship

Bill 205
Fisheries (Alberta) Amendment Act, 2012

Tuesday, July 23, 2013
12:31 p.m.

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Standing Committee on Resource Stewardship

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Anglin, Joe, Rimbey-Rocky Mountain House-Sundre (W), Deputy Chair

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Barnes, Drew, Cypress-Medicine Hat (W)
Bikman, Gary, Cardston-Taber-Warner (W)
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Blakeman, Laurie, Edmonton-Centre (AL)
Calahasen, Pearl, Lesser Slave Lake (PC)
Casey, Ron, Banff-Cochrane (PC)
Fenske, Jacquie, Fort Saskatchewan-Vegreville (PC)
Hale, Jason W., Strathmore-Brooks (W)
Jeneroux, Matt, Edmonton-South West (PC)*
Johnson, Linda, Calgary-Glenmore (PC)
Khan, Stephen, St. Albert (PC)
Kubinec, Maureen, Barrhead-Morinville-Westlock (PC)
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Strankman, Rick, Drumheller-Stettler (W)**
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* substitution for Linda Johnson

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Bill 205 Sponsor

Calahasen, Pearl, Lesser Slave Lake (PC)

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12:31 p.m.

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[Ms Kennedy-Glans in the chair]

The Chair: Okay, folks. I think we'll call this meeting to order. It's really good to see everyone. Thanks to all of you outside of Calgary and south who have been supportive of what's going on for us. We're really, really grateful for all that support. It's been a long summer.

I'd like to welcome everybody to the meeting. We've got quite a few people on the line. You know I'm Donna Kennedy-Glans, chair of the committee and MLA for Calgary-Varsity.

I would invite everyone around the table to introduce themselves first, and if you're sitting as a substitute, just make note of that. Then we'll invite the voices on the phone. I will start with my very fish-friendly co-chair here.

Mr. Anglin: It's appropriate considering the bill. Joe Anglin, MLA, Rimbey-Rocky Mountain House-Sundre.

Ms Calahasen: Pearl Calahasen, Lesser Slave Lake.

Mr. Webber: Len Webber, Calgary-Foothills.

Mr. Young: Steve Young, Edmonton-Riverview, substituting for Mike Allen.

Mr. Casey: Ron Casey, Banff-Cochrane.

Mr. Khan: Steve Khan, St. Albert.

Ms Zhang: Nancy Zhang, legislative research officer.

Ms Dean: Shannon Dean, Senior Parliamentary Counsel and director of House services.

Dr. Massolin: Good afternoon. Philip Massolin, manager of research services.

Mr. Bilous: Good afternoon. Deron Bilous, MLA for Edmonton-Beverly-Clareview.

Mr. Jeneroux: Good afternoon. Matt Jeneroux, MLA, Edmonton-South West, substituting for Linda Johnson.

Mr. Sandhu: Good afternoon. Peter Sandhu, Edmonton-Manning.

Ms Kubinec: Maureen Kubinec, Barrhead-Morinville-Westlock.

Ms Fenske: Hello. Jacquie Fenske, Fort Saskatchewan-Vegreville.

Mr. Tyrell: I'm Chris Tyrell, committee clerk.

The Chair: Thank you. On the phone we have Rick Strankman, Mr. Lemke, Mr. Hale. Maybe you can all let us know you're there.

Mr. Lemke: Ken Lemke is here.

Mr. Bikman: I'm here. Gary Bikman.

Mr. Strankman: Rick Strankman, subbing for Drew Barnes.

Mr. Hale: This is Jason. I'm here, too.

The Chair: Okay. Good stuff. Laurie Blakeman just sent her apologies. She's had a personal issue that's come up. So she will maybe be here late, but she sends her regrets.

Just so we know for the record and for the benefit of *Hansard*, try not to touch the mikes. Please, if you're going to use your cellphone, just kind of tuck it under the table.

You know that there may be people listening in, and Ms Calahasen advises us that there may well be people listening in today. That's quite wonderful, and I'm happy to have those people.

Let's first approve the agenda. If I could have somebody move that the agenda for the July 23, 2013, meeting of the Standing Committee on Resource Stewardship be adopted as circulated. Thank you, Mr. Sandhu. All in favour? Any objections? Any objections on the phone? This motion is carried.

Okay. Let's look at the minutes. Are there any corrections to note? If not, I'd love a member to move that the minutes of the May 14, 2013, meeting of the Standing Committee on Resource Stewardship be adopted as circulated. Would anyone like to make that motion? Thank you, Mr. Khan. All in favour? Any objections? Any objections on the phone? It's carried.

All right. One of the primary purposes for meeting today is to actually continue our discussion in response to Bill 205, Fisheries (Alberta) Amendment Act, 2012. We've had presentations from Ms Calahasen, the bill's sponsor, and if you recall, we had Ms Flint and Mr. Ripley from Alberta Environment and Sustainable Resource Development come and present to us.

Then following that meeting we actually had a letter sent to ESRD from our committee requesting additional information on their internal regs regarding consultation with the zone E stakeholders and commercial fishing licence quotas, and we also asked for information on how closely these internal regulations currently align with the proposed measures outlined in Bill 205. We received, as you know, a response from ESRD two weeks ago. It's posted to the website, and I sure hope you've all had a chance to look at that.

I'd like to open up the floor to discussion of what is next. Where do we go from here with that particular bill? The floor is open.

It may be appropriate to hear from Ms Calahasen first. I don't want to put you on the spot, but as the sponsor, perhaps that's appropriate.

Ms Calahasen: Oh, sure. I don't mind. You know, after listening to ESRD when they came to talk to us and the information that they presented, that they are doing a number of consultations across the province and that they're applying the regulations across the province – obviously, this was very specific to zone E when I brought the bill forward and there were some concerns relative to how they were consulting as well as to how they were applying the regulations. It was very inconsistent with what they were doing across the province.

In reading the information that they have sent and understanding that they indicate in their information that they are also doing this across the province and my bill apparently sort of comes close to what they are doing, I'm really prepared to do a number of things. One, I wasn't really prepared to let it go so that it would not go through the House. One of the things that I think I really want to see them do is that they have to consult with my fishermen in zone E. This is being very specific. I want to make sure that, whatever happens with this bill, number one, they consult with my fishermen to the extent that they can in terms of input as to what their thoughts are towards the final decision and that they also make sure that they are at the table when they come and present the information as to what needs to happen.

I would also be prepared to say that if that's what they're going to do, I would like to have them post that information so that that information as to the decision they make based on science – good science – and based on the input from the general public be posted. I think when that's done, then we know that that transparency is there and that transparency can be seen by all stakeholders. If there's anybody who disagrees with that, then I think we have an ability to be able to say: you know, there are some issues here relative to what you are doing, and maybe you can give us more information. I don't mind that kind of information as long as it's going to be posted and as long as it's going to be in a place where people can see it. To me if you're transparent, which our government always says that we are, if we have transparency mechanisms in place, what we will have is that the general public will know what the decisions are.

I for one want to see that happen in terms of the bill. If there's a decision – I would love to see it go through the process. However, I don't think it would merit that kind of idea because it's only very specific to my area. I think if that's the case, then I'm willing to see a component of it maybe not go through but with specific conditions attached to it.

The Chair: Any other comments or questions?

Mr. Anglin: I realize that when the bill was submitted, it may have been specific to your area, but when it enters legislation, it would affect the other areas within the province. One of our recommendations, I believe, can be that we just return the bill and let it suffer its debate on the floor of the Assembly. I'm prepared to do that. I know we debated aspects of the bill here, and as Ms Calahasen just stated, there may be changes, and amendments could come forward. Where I sit on this is that I would recommend that we return it back to the House and let it go through its course.

The Chair: Any other comments?

12:40

Mr. Casey: I don't necessarily disagree with that, but at the same time I'm not sure there's value in it. I mean, if the importance of this bill was to facilitate change and to make sure that that change occurs, a debate in the House isn't necessarily where we need to go.

To be honest with you, I would much rather see something that allows the outcome to occur. In other words, if we can have a proposal whereby SRD reports back to this committee and makes recommendations back to this committee as to how they can improve consultation, I think that gets to the root of the problem and puts it as a highlight for SRD. I would much prefer us deal with it that way than try to deal with it in a debate on the floor that results in, very likely, nothing occurring from this. I think it's important that we get an end result out of this.

I also think it's important that we are able to determine through our member the expectations of the fishermen in that area because if the consultation process that SRD says that they are doing currently is not meeting their expectations, then we need a clearer understanding of their expectations. That isn't something you can necessarily legislate because each community is absolutely different and those expectations change from community to community. If we're trying to fix the problem in zone E, then understanding those expectations and placing an accountability on SRD to report back to this committee to rationalize their process demonstrates that, in fact, they have amended their process to meet some of those expectations.

I think this can be a very positive thing for the zone E fishermen, which is exactly why the hon. member here has brought this bill forward to begin with.

Ms Kubinec: I would concur with Mr. Casey, that if we have a potential solution here, it would be a wiser use of resources to go that route. The resources in this province are very precious, and everything costs money, so if we've got the desired outcome or a path to it, I'd rather go that route than take it back through the House.

Ms Calahasen: I just want to talk about what maybe needs to happen when we talk about consultation. I guess consultation varies in many different ways. I know that we do consultation when we're dealing with land use. I know we do consultation when we deal with First Nations. I know we do consultation when we deal with the forestry industry. I know we do consultation when we do energy. So I'm thinking that maybe there's a continuum of what consultation means and what Mr. Casey has identified in terms of what it means for my fishermen.

I'm just going to tell you what my fishermen have stated because it is their bill. This is their bill. What they asked me to do was bring this bill forward because they've been experiencing some real problems. What they said is to maybe review once a year if ESRD is consulting properly. Now, that's an issue I think maybe we have to be able to deal with in terms of that continuum. Their issue is that we don't let them just tell the fishermen what to do. I think that's the base. The base is that you can't tell them what you have decided and this is what you're going to do. If it is truly a resource and it's an industry that has survived in this province for many years, then we have to treat them like we treat other industries.

What does consultation mean? I think maybe we can have ESRD define what consultation means and then give us some information as to what they do. They do it in forestry – ESRD does it in many other things – so why is it that we cannot have a baseline of what should and should not be in that continuum?

I kind of like that idea as to how we can do that because my fishermen have been really frustrated with the people who they've had to deal with in that zoning area, and I think that it's time that those individuals who are there making those decisions and telling them rather than working with a community or that industry – instead of just telling them, why is it that they cannot work with them like they do in other zones? The other zones are not complaining because they've really been treated fairly well. Obviously, there's something happening in zone E that needs to be addressed. If it means that we bring them here before this committee and ask them those tough questions, then I don't have a problem, but I would like to know whether or not my fishermen can also be here to be able to know and to counter some of the statements that may be made.

The Chair: Mr. Young, you had a comment.

Mr. Young: Yeah.

The Chair: I'd also just remind people on the phone that if you've got any comments, as soon as Mr. Young is finished, I'll ask again, okay?

Mr. Young: Thank you. Well, I don't have any fishermen, but I do have problems with the consultation. What I see as a problem, whether it's in fishing or it's in postsecondary or what have you, is the understanding of what consultation means. It needs to be

defined because the circumstance of what you're consulting about ranges from simply informing people to actually involving them in the decision-making and everything in between. So wherever the appropriate place is, it needs to be clearly defined so people are operating with the same expectation of what their role is, whether it's very informative information or actually having some role in the decision-making or just being part of the decision-making process and somebody else decides. I think that we need to define that whole piece around consultation, whether it's fish or fires or what have you. We need to define what the expectation is from the government side and from the public side and all the stakeholders.

Those are just my comments.

The Chair: Any comments from those of you who aren't here physically? You're still on the phone, aren't you?

Mr. Strankman: I, too, would echo some of Steve's comments there in regard to the consultation process. If you look at the last consultation process that happened on I believe it was April 23, 2012, there were 15 MLAs at least that got elected, I believe, because of a consultation regarding the land-use property bills. There was a land-use property task force that went out to consult, and those views weren't necessarily heard by the government. Then when it came to the election, as Mr. Anglin talks about, discussing it on the Assembly floor, people had a different view from what the land-use task force said.

The Chair: Thank you, Mr. Strankman.

Any other comments? Mr. Lemke? Mr. Hale? Mr. Bikman?

Mr. Bikman: I'm listening and learning.

The Chair: Thank you.

Mr. Bilous: I think it would be very valuable to have the term "consultation" defined as there are many different definitions of it and many different groups have used the term with different understandings. I mean, I would personally love to see a universal definition of consultation and, you know, maybe how it applies to all the different groups, not just when we're talking about the fisheries bill but consultation in the broad sense. We often use the term when we're consulting with different groups or individuals, and I think having a more clear definition would actually help us to be more productive as well in the House from all of our different sides if we're using terms where there's a universal definition and understanding. However, having said that, all groups that this term will be applied to need to be involved in defining what consultation is, as opposed to one individual or group defining a term and then imposing that definition on all others, which I can appreciate is a very complex issue.

You know, it's interesting, going over the letter that we received from SRD that talked about how zone E is consulted. It really does at the onset make me ask the question: well, what did they do to fulfill their obligation or to fulfill their definition of what consultation is? I know the term "consultation" is used regularly, but in my interaction, especially with different First Nations groups, when there are groups that claim to consult with them and you look at some of their definitions – and they have defined what consultation is and isn't and what it must include – rarely have they been consulted according to what their definition of consultation is.

Again, I can appreciate that it's a very complex issue, but having all of us on the same page, I think, would help us make strides moving forward.

12:50

The Chair: So perhaps using this as a test case for that.

Mr. Anglin: I don't disagree with anything that's been said, particularly about what is consultation, what is not consultation. The member from Canmore actually brought that up, I think, in our last meeting when we were discussing this. I don't know how you arrive at that, though – what is the definition? – without first legislating it because that's the purpose of legislation. When you put that term in legislation, you then go to the definition section, and it tells you what the definition is.

That implies that whoever we legislate this upon – the Department of Energy is a perfect example because they consult on oil and gas. In every piece of legislation they force the regulator to make the definition. An example in that case is directive 056, their directive at the regulator level talking about all the pertinent facts dealing with consultation in that process.

I agree that there needs to be some consistency – I'd like to see a lot more consistency across every department – but here we're dealing with a specific bill, which is fisheries. ESRD responded, in my view, telling us that there were inconsistencies, and I would give that some weight. How do we make it consistent? Well, if we legislate it according to the proposed bill, then it is now up to the managers of ESRD to define for this piece of legislation what that consultation is. They would have to now do it. They would be made to do it, otherwise the legislation can't work. So that's why I made the recommendation.

Whether it's a good bill or a bad bill, the debate should take place in the Legislature: amend it, kill it, approve it, whatever. But if you legislate that consultation is mandatory, they will have to then define what that consultation process is, and that would be part of the regulatory process.

The Chair: I'm supposed to be independent, but I'm a lawyer, so I've got to say this. Consultation is a term defined by law. You know that, too.

Mr. Casey, and did you have a comment after that, Mr. Young? Mr. Casey first, and then Mr. Young.

Mr. Lemke: Could you put me in the queue, please?

The Chair: Absolutely, Mr. Lemke. Yes.

Mr. Casey: I think, again, it's difficult to legislate and have a one-size-fits-all, especially when we're dealing with consultation with northern peoples and all over the province, right? Each one of these communities that they consult with is absolutely unique. When you legislate this, you tend to come up with something where you compromise the term "consultation." You compromise the end result because the best consultation is the piece that you build on the ground.

Obviously, SRD knows they have a duty to consult. They know that that already exists. They referenced it in their letter over and over again. But to allow them the flexibility to build that on a community-by-community basis – and whether you're talking about energy or forestry or fisheries, it doesn't really matter. Consultation is something you build at a community level. You need to know and interpret that information at a community base and manage those expectations.

Unfortunately, I just don't think you can legislate that. That is something that comes from a philosophical direction of a department or an agency rather than a legislated direction. So I think that if we are able to convince SRD that philosophically they need to amend the way that they approach this, then we've made

great gains here. But to try to legislate their behaviour – I guess it's a nice thought, but I'm not convinced that that is even practical on any basis.

Mr. Young: Consultation depends on what the issue is. For some things it's appropriate simply to inform really well on what has been decided. For other things involving many stakeholders, many groups, the complexity of the issues involve way more substantive levels of consultation and involvement in the process and, depending on the nature of the issue and the stakeholders, you might even need consensus in terms of decision-making on it. So I'm not suggesting that you legislate a specific definition for all these different acts and stuff but, rather, a framework that recognizes the range of issues and stakeholders involved. I think you're right. You have to legislate at least a framework or some kind of principles around it, but one-size-fits-all doesn't work.

The Chair: Mr. Lemke, and then Mr. Anglin.

Mr. Lemke: Thank you, Madam Chair. I'm wondering if we haven't lost sight of what we're trying to accomplish here. From what I understand, the other zones are quite happy with the consultation process and Pearl's reason for bringing this bill forward in the first place was to ensure that zone E was getting the same consultation process that the rest of them seemed to be happy with. So the issue seems to me to be one of fairness. I guess I can't help but agree with the hon. member from . . . [interjections] That would be Banff-Cochrane; I agree with him. I think that what we should be trying to do is make sure that ESRD treats zone E as fairly as they seem to be treating the other zones. So whatever it takes to do that, I'm in favour of.

The Chair: Thank you. That was very helpful.

Mr. Anglin: I was so hoping he was going to pick my riding.

Mr. Lemke: It'll never happen.

Mr. Anglin: I agree. I think we're getting way off topic, trying to get into the minutiae of what is consultation or legislating behaviour. As the chair did point out, it is a legal term. The way I look at it is that either we're going to mandate it or not. There is an inconsistency, and by mandating that consultation will take place, then the consistency has to be there by law or somebody can be held accountable according to the legislation. Again, I'm not overanalyzing this. Either we want consultation and it's mandatory, as I read the bill, or it's not. That, I think, is a debate that is definitely appropriate for the floor of the Assembly.

The Chair: Mr. Khan.

Mr. Khan: Thank you, Madam Chair. I'm going to strongly agree with the Member for Stony Plain. You know, I think perhaps as politicians we have a tendency to be overanalytical at times and really dig into the matter, and sometimes, occasionally, we can miss the mark. From what I see and just echoing the Member for Stony Plain, we have an issue, and the issue has been stated quite clearly by the Member for Lesser Slave Lake. The issue is that the current stakeholders and SRD are not agreeing on exactly what the consultation is. If we can make SRD accountable to the stakeholders so that they come to agree what consultation is, then we can move forward, we can save a great deal of time, we don't have to bring this to the House – that's a very expensive solution for everybody – and we can permit the committee to actually be practical and do some strong committee work for the best interests of Pearl's fishermen.

The Chair: Okay. Ms Fenske.

Ms Fenske: Thank you, Madam Chair. I'd like to go along those same lines. Sometimes we take a sledgehammer when we really don't need it. It is, again, on fairness, and if it's working in the other zones, it's just something in the department that could be changed. My fear, if we took this to legislation, is that what's working in the other zones suddenly becomes diluted by whatever it is we choose to put forward in legislation. It's working. We just need to tune it up in one area. So I would prefer to fix the matter here or at least to have the consultation here rather than taking it back to the floor.

1:00

The Chair: Okay. We've had a good airing of opinions. Can I just suggest something, Ms Calahasen, and then we'll just . . .

Ms Calahasen: Sure. I was just going to give some more information, but that's good.

The Chair: Okay. We'll come back.

We're a new committee. We're only a little over a year old, so we probably don't know what's in our repertoire of possibilities. I spent quite a bit of time here with our clerk talking through different options within the standing orders and also got some good help from Ms Dean. Just to be clear, we should sort of canvass what our options are here going forward. If it's appropriate, I might just put some of those ideas on the table now. Does that seem like a good idea?

We could do what you're suggesting, Mr. Anglin, and continue this bill and move it back to the House. We could make line-by-line recommendations and do that. We could also say: "No. This bill, you know, should not proceed. We don't recommend that it proceed." We can also do other things. As a committee we could actually compel, ask – we can more than ask – ESRD to come before us and present, provide more information vis-à-vis these particular fishermen, this particular zone. We could ask them to come before us, you know, every three months, every six months, every year, or every week. That is something we can do. We could also encourage groups like the affected fishermen to present materials, written submissions to us, to keep Ms Calahasen informed, to inform us.

There are lots of tools in our tool kit. I recommend that we really think about it in terms of what other things we wish to do as a committee, what resources we have, how much time we think is appropriate and just look at it that way. I think it's a really constructive thing we're talking about right now, and realizing what is possible within this committee is a really, really healthy step.

Any questions on that before we turn this back over to Ms Calahasen?

Well, maybe we'll just chew on that while you comment, Pearl.

Ms Calahasen: Well, I kind of like that idea. I kind of really like that idea. The intent of bringing this bill forward – and I just want to give you the intent because I think it is really important for you to know, and I said it when I did my opening remarks. The frustration from my fishermen as to their treatment in that specific area was very, very intense and really sad. We wanted to bring this to light to Albertans and to my colleagues, so we thought the only way to do this was to bring a bill forward. That's what I did. I promised my fishermen I would do that, and that's what I've done. We wanted to see something happen so that we can make sure that we monitor, that we change stuff, and that we change the attitude maybe within that area so that we can see some changes and we can move forward. That's the whole intent of this bill.

I kind of like the idea of maybe dealing with it from this perspective and saying, “Okay. We’ll go, and we’ll monitor yearly,” or whatever the case may be. I kind of like that idea. I think at that point we can ask those questions, and we can ask about whether they’re just being told what to do or not being told what to do. I know that sometimes – and I’ll just give you some information that my fishermen have given me.

They say, you know, that now when they get asked about this and the letter that was written by ESRD saying that they sent out these letters, what happens is that ESRD will let the fishermen speak but then tell them that they are wrong and that they need to do it this way rather than what the fishermen had recommended as well as trying to figure out: how, then, do we manage the resource? What they say is that ESRD is not following the guidelines even though the letter says that they are following the guidelines. As an example, under the guidelines the fishermen are allowed up to but not exceeding 25 per cent of allowable harvest but aren’t allowed to catch any. There are ad hoc decisions being made without being consistent throughout.

I think, Madam Chair, that if we are going to move forward, I would be okay with saying that we will do number 3 as one of the things that we could do, which is to see how we can get them to come on a yearly basis to see how the compliance is happening and whether or not the fishermen are being truly part of it. I don’t mind doing that. I think that that might be a way for us to go do that. All I want is to be able to see my fishermen being treated fairly, my fishermen being asked to be involved, to provide input, and not just told that this is what’s going to happen.

I wouldn’t even mind if there are some changes made if we have to in personnel. I’m brave to say that even here. If there are some problems with personnel there, then I think ESRD has to look at that as well. I mean, that’s just a recommendation.

The Chair: Any other comments?

If not, is someone in a position to make a motion or to make a suggestion here?

Mr. Young: Are you able to capsulize sort of what we specifically intended?

The Chair: Yeah. A motion that we’re not going to proceed with this bill.

Ms Dean: Madam Chair, if I could just say that you’d be recommending that the bill not proceed, reporting to the House that the bill not proceed.

The Chair: Right, but also recommending that we actually use the standing – I think it’s a two-stepper here. We have a capacity under the standing orders as a committee to invite – is it inviting? – compel, forcefully invite ESRD to come and present to our committee with respect to zone E and the fishermen and the way in which they consult. Is that correct, Ms Dean?

Ms Dean: That’s correct.

Ms Calahasen: Can we also add, then, Madam Chair, that if that’s the case, if we’re going to put that forward and if we’re going to have them come and present, then I want to see what improvements they have made to make sure that we know that there have been improvements made.

Mr. Bilous: Can I just make the recommendation that we split this motion into two motions because it might get very long and a little convoluted? I’d like to add to that as well that I would actually

like to bring not just ESRD in front of us but also some of the fishermen and the groups that they represent so that we have both sides of the story, not just the one side.

The Chair: We can talk about that. There is always an ability – I’ve been thinking about asking questions, too – for us to make sure that the fishermen are aware through Ms Calahasen of what’s going on here. They could make written submissions. They’ve been invited to come before. You know, it’s a question of finances, too, and logistics. They present their issues through Ms Calahasen so that we ask questions that are consistent with their issues. They could then listen to the answers, as they likely are today, and then provide feedback. It’s something that we could decide to do down the road. We can always do those things under the standing orders. Rather than deciding to do those things today, I think my preference would be to just let us evolve here. [interjections] We’re having another conversation going across the table here. *Hansard* is having a really hard time capturing that.

All right. Does someone want to put a motion on the table, then, for us to proceed? Mr. Young.

Mr. Young: I move that this not proceed.

The Chair: Okay. The motion is that the Standing Committee on Resource Stewardship recommend that Bill 205, Fisheries (Alberta) Amendment Act, 2012, not proceed.

Is that the motion? That’s the first motion. All in favour of that motion? Any objections?

Mr. Anglin: One.

The Chair: Okay. One objection noted.

Ms Calahasen: I will, too.

The Chair: Okay. Two objections. Any objections on the phone? All right. The motion is carried. Okay.

Ms Calahasen and Mr. Anglin, you’ll have to keep talking about this.

Ms Calahasen: Yeah. We will.

The Chair: The second motion. Would somebody like to move the second motion, something along the lines of: the Standing Committee on Resource Stewardship recommends that pursuant to Standing Order 52.07(2) Alberta Environment and Sustainable Resource Development provide an annual update to the committee on the department’s commercial fishing consultation practices in relation to zone E, including recommendations for improvement.

1:10

Ms Fenske: I’d certainly make that motion, but I’m wondering where our first annual should be, based on the fishing. Perhaps we could say the first anniversary date, whatever date. I’m looking to someone who has more understanding of what the timelines are, when the consultation takes place.

The Chair: Okay. Mr. Casey, Mr. Young, then Ms Calahasen.

Mr. Casey: Just a question, I guess. When are the regulations set? This process should occur after that regulation has been set, so if they’re coming in – I’m assuming the regulation must be done in early winter sometime, like January to March.

Ms Calahasen: I think it’s done twice.

Mr. Casey: Is it done twice? Okay.

The Chair: I'll just make a comment here, an observation. For the purposes of a motion we don't need to have that level of detail. We can always sort that out further. We can say that we as a committee will determine the date. We can make the motion on that basis.

Mr. Young, you had a comment?

Mr. Young: Yeah. I just think that if we're putting in place an annual calling to the committee, I guess, we should put a timeline end on that, where we review that process, you know, for three years, to be reviewed to whether it would be renewed. I'm just worried that we're setting in perpetuity these annual requirements for the committee without some kind of end date to review that, whether it's appropriate at some point in the future.

The Chair: Okay.

Mr. Anglin: Is the motion necessary? We have the ability to make the request at any point in time, so it could be singular and continue on as this committee determines. We ask them to come forward to, you know, give us input.

The Chair: We could just decide to do this. I think what we're trying to do here, Mr. Anglin, is be clear that we're firm about this. This is something we care about, and we want to have it on the record and have a commitment to do this. We could change it. We could put three years and then decide that we're only going to do it for 18 months because they satisfied, we got to a resolution.

Ms Calahasen: Yeah. That would be okay.

The Chair: Okay. So we need some amendments to the motion. I'm fooling around here with the words as we go.

Moved that the Standing Committee on Resource Stewardship pursuant to Standing Order 52.07(2) require Alberta Environment and Sustainable Resource Development to provide an update to the committee on the department's commercial fishing consultation practices in relation to zone E, including recommendations for improvement, annually at a time to be determined by the committee for a maximum of three years.

Ms Calahasen: Is it written or coming here to present to us?

The Chair: To present.

Ms Calahasen: Okay.

The Chair: Any other comments on the motion?

Okay. Let's vote. All in favour? Any objections? It's carried. All right. Thanks, guys.

I'm really impressed, you guys, that we were able to do that with this committee. I think that's pretty flexible stuff. This is good.

Okay. In the first motion there were two votes against, and I just want to put on the record and remind everyone that if a motion passed that you didn't agree with and you wanted to file your own minority report, you're welcome to do that. If you wish to do that, then you would make that submission through the committee clerk, and I'll suggest a deadline of two weeks for a minority report. Is that reasonable, folks? Okay. Everybody is jumping up and down.

All right. I don't think we need to have another meeting this summer to talk about this report. We will need a report that goes to the House on this.

Dr. Massolin, do you want to explain the nature of that report? Then maybe we'll talk about the process.

Dr. Massolin: Sure. I'd be happy to, Madam Chair. I just want to point out to the committee to start with that the report that research services drafts is at the direction of the committee. Second of all, a report of this nature has happened a few times in the past, and what it basically contains is the peripheral contextual information, including committee membership, committee activities – and that is the consultation in this case with ESRD – and then the order of reference, how it was referred to the committee by the House. The main section, of course, is the committee recommendations, and those are outlined, just what the committee decided in terms of the bill not proceeding and the additional recommendations. So that's the main constituent of the report.

That's basically it. So it's a pretty simple, straightforward report, I would think.

The Chair: Does anybody have any questions to Dr. Massolin?

Okay. If not, then what I would suggest is that rather than meeting again to go through that report, we ask Dr. Massolin to prepare the report and that you authorize myself in consultation with the deputy chair to finalize the report on Bill 205 and that you authorize the chair to file that report with the Clerk.

I can give you all the legal jargon on that. Do you want me to?

Ms Kubinec: I would like to put that in the form of a motion.

The Chair: Okay. So here's the language, and then we can debate it. Moved that

the Standing Committee on Resource Stewardship authorize the chair in consultation with the deputy chair to finalize the committee report on Bill 205 and that the chair be authorized to file the final report as an intersessional deposit with the Clerk as provided for under Standing Order 38.1.

Any questions on that motion? Okay. All in favour? Any objections? Everybody happy on the phone? Carried. Well, I look forward to consulting with you, my vice-chair.

All right. That's it for Bill 205, folks, so I'm going to suggest now that we think about what we're going to be doing in the fall and into the winter. As you know, any review we do has a six-month window, and the idea that had been more than kicked around – it actually floated to the top in the discussion with the representatives of all caucuses – was the monetization of natural gas in the province of Alberta. I think we've got a handout for that that was worked up by the representatives of all the parties.

While it's coming around, I'm just going to read it into the record so we've got it here. The scope of review was that

in the interest of encouraging broader and higher-value use of natural gas both domestically and abroad, the committee undertake a study of possible public policy tools to:

- Encourage the consumer use of natural gas by eliminating barriers on the use of natural gas for powering personal vehicles, homescale co-generation, and home appliances (stoves, clothes dryers, etc.),
- Encourage heavy duty transport vehicles and off-grid power generation using compressed natural gas (CNG) and liquefied natural gas (LNG), including in Canada's north,
- Secure market access for Alberta producers to liquefied natural gas terminals which could distribute the resource at world prices,
- Reduce the operating cost of Government Fleet Vehicles by converting fuel to natural gas,

And,

- Share information on natural gas use, market experience and best practices across Canada and abroad.

I open up the floor to a discussion of that study scope. If we do agree on that today, then we will have to work on directing Dr. Massolin and preparing a stakeholders list.

1:20

Mr. Anglin: Well, it's pretty broad. You'll be working a lot. I mean, if this committee wants to undertake this, you know, it's worth while. There's a lot in this, a lot of ways this topic can go.

The Chair: Mr. Bilous, you look like you have something to say.

Mr. Bilous: Thank you, Madam Chair. You know, I'm just trying to recall the other potential topics that were on the list of the steering committee. I do recall that I was definitely open to this being our next topic of exploration. The only question I have is under the first bullet. "Encourage the consumer use of natural gas by eliminating barriers on the use of natural gas." I am not familiar at all with the existing barriers: what they are, why they're in place, et cetera. So my only hesitation is that if we're charging ahead, saying that we should eliminate all these barriers, I don't understand them at this point in time.

The Chair: I'll give you an example.

Mr. Bilous: Sure.

The Chair: Who has a natural gas clothes dryer in their house? Way to go. The barrier is that they're very hard to buy. They're very hard to find, natural gas clothes dryers. You know, in Ontario it's easier to find a natural gas clothes dryer. So that becomes a barrier, a logistical barrier, a marketplace barrier.

Mr. Young: Also housing specs that require a natural gas hookup, so you can buy it even if you do find it. Distribution of filling stations for cars.

The Chair: Maybe just for the benefit of the group because it was quite a long time ago that we were looking at this – it was actually after budget estimates. Do you guys all remember that? Natural gas at one time was the economic driver on the nonrenewable side in this province, and now it's bitumen. This isn't kind of going back to the future. It's more a question of: how do you take this natural gas that we've got in this province, which is an incredible resource, and use it more effectively in the province, replacing diesel use up north? Other jurisdictions do CNG and LNG in a more intentional way through public policy vehicles. What's the role of government in that? The private sector has stepped into this space, but is there something we can do from a policy perspective to actually accelerate or even influence some of that positively and appropriately? So it's more of an inventory, taking natural gas as a resource and saying: what can we do from a policy perspective to light a fire under that, so to speak?

One of the thoughts – and Ms Dean raised this with me as chair, and I think it's a wise thought – is that, you know, this is a big inventory of questions. We tackled this with hydroelectricity, where we had a lot of themes. In fact, the question of financing hydroelectricity could be the topic for a whole six-month study if you really dove into it. Would we rather instruct Dr. Massolin to do some initial review of the issues and the potential presenters under these buckets and then prioritize those? If we choose, we could go deeper into one of the buckets and leave the other buckets for other studies or whatever. How do we get this infor-

mation on our table and in public space? That's what we're trying to do here.

Ms Fenske: Well, I think that would be a practical way to look at it. There are certainly other opportunities for natural gas. I know that I was just informed of a few things that are percolating under the surface. So I think that if we had Dr. Massolin come back with some of those key points or under those general headings what we need to look for, then we could be more informed in our decision as to where we focus our time and energy.

The Chair: Any other thoughts? Any other thoughts from people on the phone? Any other questions, ideas? Is this just a really good idea?

Mr. Casey: The one that seems to really separate itself here is the third bullet, which is: "secure market access for Alberta producers to liquefied natural gas terminals." The rest of the bullets all really have to deal with expanding the market within Alberta and making it work at home. The third bullet is, to me, almost another topic, so I'm just wondering – all the other bullets are really expanding the markets within Alberta for natural gas, you know, whether that's vehicles or whatever, and then the other one is the international. Do we really have five bullets, or do we really have two that we're dealing with here; that is, Alberta specifically, expanding those markets there, and then securing market access for Alberta producers on an international or a national basis?

The Chair: It's a great question, Mr. Casey. It's a contextual question. It's a stage-setting piece. It's kind of like hydro-electricity. There were certain things that we had to understand. Remember, we had to understand the logistics of run-of-river before we could really talk about the various options. With this my sense – and I certainly would invite input from others who were on the committee putting this together – is that liquefied natural gas and our ability to export will arguably impact pricing here and what's available here in Alberta as far as natural gas itself. So it's a contextual piece.

The ability of Alberta producers to export through LNG facilities wherever they are located, but primarily on the west coast, is a market. It's a way to monetize Alberta's natural gas. It's not using it in province, although recently I've spoken to people who are talking about small-scale LNG facilities that you could actually put in this province. It's kind of an interesting contextual question, but it's not just limited to great big LNG facilities.

Mr. Strankman: Madam Chair, I appreciate your interest in natural gas. In my constituency and also in Mr. Barnes' constituency natural gas is a viable product. In Mr. Barnes' constituency the economic failure of that market is more significant than in mine.

Also related to the development of that industry is the process called fracking, and that relates to the development of natural gas. So there may be some need for the study of the development of the process to recover the gas.

The Chair: Mr. Strankman, I see the connection. We've talked about fracking in this committee before, and we've talked about water as well in relation to oil and gas production. The conclusion we discussed previously – and I did provide you an update from ESRD this spring – is that the fracking question is actually being reviewed right now by the Canadian Association of Petroleum Producers on behalf of the government of Alberta, so I would rather that we leave fracking aside for now.

Mr. Strankman: I appreciate that. My view on the Association of Petroleum Producers is that those are the people that are doing it, and they are well aware of the positives, but they're also well aware of the negatives. So my feeling would be to have some sort of an impartial type of approach to information gathering in regard to the process.

The Chair: That's a fair point. I just think we had discussed fracking earlier and had decided that we'll let things – you know, there is pressure on this government to define the risks associated with fracking. We're all aware of it in every government. If we do that in a stepwise way – that's what we had talked about previously, and I think that still continues to be our commitment.

Mr. Strankman: Okay. That's fine. As a sub on the committee I wasn't completely aware of your purview there.

Thank you, Madam Chair.

The Chair: Yeah. We've discussed it a few times. Anything else, folks?

Okay. I'm getting the sense that everybody is liking their BlackBerrys today.

Dr. Massolin, do you want to talk about what next steps will be reasonable for you, or should we put a motion on the table first and then talk through next steps?

1:30

Dr. Massolin: Well, yeah. I mean, Madam Chair, I'd really appreciate sort of getting as much direction as possible as to what the committee would want us to do in terms of what I understand as providing some background information so the committee can effectively discuss the issue. But are there any specific recommendations? I guess that can then be followed by a motion directing us to do our work.

The Chair: Well, correct me if I'm wrong, Ms Dean, but I think we have to decide as a group whether we want to do a motion right now in support of this scope of review for natural gas, which then starts the clock ticking – this is option 1 – and then we direct Dr. Massolin to prepare a stakeholders list and then we meet again and start getting presenters.

Option 2 would be to forgo the first but read it into the record knowing what our objective is, ask Dr. Massolin to put together a strategy, some background research, the beginning of a stakeholders list, and then for us to prioritize that and then make the motion and then start the six-month clock ticking. Is that really clear? I'm sorry, folks. I know this is a bit . . . [interjection] Oh, good.

Any feedback on those two concepts? What is your preference, or what clarification do people need? I'm hearing option 2. Okay. So option 2.

On that basis, then, what I would suggest is that we invite Dr. Massolin to take this scope of review – and we'll need a motion asking for you to do that – and then we'll organize a meeting for September to review that work.

Do you want to receive from us, Dr. Massolin, suggestions from this committee for groups or presenters that we would like to hear from?

Dr. Massolin: Well, I mean, yeah. The committee could do it that way for sure. We could just create a core list and then add to it. That's a possibility.

The Chair: I think that's healthy. I would prefer that everybody on this committee who has a particular interest in something

should feel really encouraged to put those ideas forward. If anybody has ideas, I would ask you to direct them to me, and I'll make sure that Dr. Massolin has them.

On that basis, we'll need a motion to delegate research services, Dr. Massolin, to prepare a stakeholders list. Is that correct? Okay. So on that basis, here's – can I put words in your mouth?

Mr. Anglin: Go ahead.

The Chair: Oh, wow. Okay.

Mr. Anglin: I'm a risk taker.

The Chair: Here is the language that's proposed. Moved that committee research services complete a draft stakeholders list identifying persons or organizations with expertise in or potentially affected by the monetization of natural gas and submit the draft list to the chair and that committee members also submit their recommendations for stakeholders to the chair to be included on the list by September 3, 2013, for review by the working group of the Standing Committee on Resource Stewardship and submission to the committee for its discussion at the next meeting.

Do you want to say all that?

Mr. Anglin: Ditto.

The Chair: Okay. All in favour? Any objections to ditto? None. Okay. The motion is carried. Good.

Do you think preparing an issues list makes sense as well?

Dr. Massolin: I think so, yeah.

The Chair: Okay. If you recall, when we did the hydroelectricity review, we did it in a similar way. If we ever got to an issue where it's very pointed – and we did, I mean, with the fish bill, where it's small and narrow, not small but narrower; big fish, little fish – then we would be more specific, but when we've got these big issues, we need to do some sort of inventory of the issues and the stakeholders.

So I'm going to ask for a second motion to allow research services to prepare an issues list along these lines. Moved that committee research services complete a summary of issues surrounding the monetization of natural gas and provide that information to the chair for distribution to members of the Standing Committee on Resource Stewardship in advance of the next meeting.

Would somebody like to make that motion?

Ms Calahasen: Sure.

The Chair: Thank you, Ms Calahasen. Any discussion? Okay. All in favour? Any objections? The motion is carried. Wow, folks. Thank you.

Any other business people would like to discuss?

Ms Kubinec: This is maybe just a little bit unusual, but I had a conversation with an appliance repairman yesterday. He said that one of the things he finds so frustrating is that appliances now are built to last five to eight years, so he in his job ends up hauling a lot to the landfill. He asked if there is anything that we can do to encourage the recycling of them or else building them like the ones I just had to replace, that were 34 years old. I said that I would bring it up. I don't know if it's something – it is resource stewardship. It's a resource, and we're wasting it.

Mr. Young: I think it falls within the recycling act, and I think

that might be coming up for consultation at some point. So I think that there is a place or a venue to have that discussion going forward. We can talk about it offline, but I think there's a good opportunity there for that issue to land and to have a good discussion.

Mr. Lemke: If I may, Madam Chair?

The Chair: Yes, please.

Mr. Lemke: ESRD is putting that out, starting public consultation I think in early September on an expanded recycling program. I'm not sure it will include washers and dryers, but it certainly will include smaller appliances like hairdryers and toasters and those kinds of things that aren't currently listed on the recycling program.

The Chair: Is there anything you could do to add washers and dryers to the list?

Mr. Lemke: I don't know.

Mr. Young: I don't think it's limited. I think it can fit in there. It's an open discussion about it. There are some specific things like the member just pointed to as well as electronics – that's certainly one of the pointed issues that is going to be brought up – but it's not restrictive.

The Chair: Any other comments or thoughts?

Okay. We need to decide on the date for our next meeting, which I presume will be in September. Can I just suggest that the committee clerk work his normal magic and contact us all and our assistants to arrange that next date? Okay. Thank you, Mr. Tyrell.

Would somebody like to move a motion to adjourn? Mr. Sandhu moved that the meeting be adjourned. All in favour? Any objections? Carried.

Thank you very much, everyone.

[The committee adjourned at 1:39 p.m.]

