

Legislative Assembly of Alberta

Title: **Thursday, June 11, 1992**

8:00 p.m.

Date: 92/06/11

[Mr. Speaker in the Chair]

MR. SPEAKER: Be seated, please.

head: **Government Bills and Orders**
head: **Second Reading**

Bill 27 Fisheries (Alberta) Act

MR. FJORDBOTTEN: Mr. Speaker, I move second reading of Bill 27, the Fisheries (Alberta) Act.

MR. SPEAKER: The Member for Vegreville.

MR. FOX: Thank you, Mr. Speaker. On behalf of my colleague the hon. Member for Edmonton-Jasper Place I'd like to speak on Bill 27, Fisheries (Alberta) Act. I think it's important that we recognize fish as a commercial commodity in Alberta. There is an income opportunity for people, especially in rural Alberta. I know some myself who farm fish and who look forward to developing new and innovative ways to market those fish. This Act deals with the orderly marketing of fish, the licensing of sellers, the inspection, just the whole process, and some parts of the Bill deal with the raising of fish.

I'd like the minister to explain to us from his point of view what sort of interaction there would be between existing federal laws that govern fishing and fish raising, the federal Fisheries Act, and this provincial Act, if passed. How are the two going to work in concert with each other?

Basically, it's a fairly straightforward Bill, Mr. Speaker. We intend to support it, perhaps propose an amendment or two in committee, but we'll deal with that when we cross that bridge. I look forward to the minister's comments.

MR. FJORDBOTTEN: Mr. Speaker, I think that's an excellent comment made by the Member for Vegreville. The controls over sportfishing and commercial fishing in Alberta have been conducted for the most part through federal regulations in the past. They've been covered under the Fisheries Act of Canada. The Department of Forestry, Lands and Wildlife as the provincial department responsible for managing fish resources has accomplished our goals. Basically how we've done that is by submitting annual amendments for the federal regulation, the Alberta fishery regulation, and other related laws, such as those that deal with marketing laws and marketing controls and fish farming. They've been controlled by us directly, but they've been administered under the province's Fish Marketing Act.

What we've done here is take the Fish Marketing Act and combine it into this, and the province has the constitutional support to assume control over it. In fact, the federal government encouraged it. Some of the areas covered in this were currently addressed only in federal regulation. Some of the agreements were reached during discussions with our federal counterparts in 1987, when Justice Canada and the federal Department of Fisheries and Oceans were involved in the redrafting at that time. It's agreed that Alberta having the proprietary rights to fish could assume control over the licensing system, and some of the other federal regulations were also felt to be a provincial responsibility.

What we're doing in this Act is incorporating all of those existing areas of provincial and federal legislation that are

appropriately under provincial responsibility. Mr. Speaker, that includes elements that are already dealt with in the province's Fish Marketing Act as well as those under federal regulations which can be legally assumed by the province. So the new Alberta Fisheries Act would place them under one Act to be administered in Alberta.

Mr. Speaker, with that, I move Bill 27, the Fisheries (Alberta) Act.

[Motion carried; Bill 27 read a second time]

Bill 29 Consulting Engineers of Alberta Act

MR. KOWALSKI: Mr. Speaker, in appearing before the Legislative Assembly tonight to move second reading of Bill 29, the Consulting Engineers of Alberta Act, I'd just like to provide a brief background as to what this Bill is all about. First of all, the Consulting Engineers of Alberta was originally established under the Alberta Societies Act in 1978 as a nonprofit organization dedicated to improving the business environment for consulting engineering firms in the province and to provide the society with the highest standards of engineering design and safety. In Alberta today, in 1992, the Consulting Engineers of Alberta have over 100 member firms and they employ some 3,600 people.

The mission statement of the consulting engineers association of Alberta is to promote and enhance the business interests of the consulting engineers of Alberta and to lead in the application of technology for the benefit of the society and for the community as a whole. What this Bill will do, Mr. Speaker, is allow members of the Consulting Engineers of Alberta the right to title and the utilization of the phraseology "Member of the Consulting Engineers of Alberta" and to use the abbreviation MCEA after the participants who belong as members. That's essentially what it is.

We have approximately 27,000 members of the Association of Professional Engineers, Geologists, and Geophysicists in the province of Alberta. This is brainpower that's exportable from the province of Alberta. These individuals and these firms work in all corners of the globe, and the utilization of the word "consulting" associated with the word "engineer" allows them to enhance their market opportunities in places outside of the province of Alberta. As an example, half of the irrigation in the country of Canada is located in the province of Alberta, and engineers and technicians who are associated with the development of such things have found employment opportunities in all parts of the world: in Africa, in Asia, and in South America. Of course, we have our engineers in this province who have undertaken and been involved in some of the largest construction projects throughout the world.

This Act, Mr. Speaker, is a result of consultations with APEGGA, the Association of Professional Engineers, Geologists, and Geophysicists of the province of Alberta, consultation with the Consulting Engineers of Alberta themselves, and consultation with other professionals who are involved in the province of Alberta in this activity. I'm also very pleased to indicate that in pursuing second reading of Bill 29 that there's unanimity among all the groups in the province of Alberta. There's not one group that has voiced disagreement with the concept of the Bill, and all the professionals who are involved in this activity have come together and have worked hand in hand in the preparation of the Bill and the designation of the Bill.

So I'm very pleased to speak on behalf of Bill 29, and I'd like to move that Bill 29, the Consulting Engineers of Alberta Act, be read a second time.

MR. SPEAKER: Edmonton-Whitemud.

MR. WICKMAN: Thank you, Mr. Speaker. My understanding is that we're going to go into committee later, but on second reading I just want to say at this particular time that I disagree with the statements made by the minister in that there's no opposition to the Bill. We've received a number of letters in opposition from various engineers throughout the province, and I do have one here that I will send over to the minister later on so he can read some of the concerns that have been expressed. There may be, generally speaking, more support than opposition, but I don't think it's correct to say that all parties are in agreement, at least not based on the correspondence that has come to our caucus. I'll address it in further detail in Committee of the Whole.

MR. SPEAKER: Edmonton-Avonmore.

MS M. LAING: Thank you, Mr. Speaker. I just raise a concern with the minister bringing forward this Bill. I know that in other professions Acts concern has been expressed over who has control of title and who has the right to define the criteria by which one becomes a member of the profession and can call themselves by that professional designation. I'm wondering if a person who is not a member of the Consulting Engineers, the professional organization, is in any way able to use the designation "consulting engineers" as in the case of social workers, where one can call themselves a social worker without being a member of the social workers' profession and only is the title "registered social worker" controlled by the association itself. I don't see evidence in this Bill as to who has control of title.

8:10

MR. FOX: Mr. Speaker, I'd like to thank the minister for his comments in second reading and just echo the concern, if I might, of the Member for Edmonton-Avonmore. I think the principle that we establish a group called the Consulting Engineers of Alberta that has ability to govern certain aspects of the profession is a principle that we support, and we certainly support the Bill in second reading.

Having read through the Bill, I too wonder if the minister can envision any problems with respect to who is and who isn't registered under the Act and able to call themselves a consulting engineer in Alberta.

There are certain restrictions for registration. The registrar who is appointed has the ability to approve or not approve, refuse to grant approval to partnerships or associations that apply for membership, and it seems to hinge on whether or not they meet the requirements set out in regulation. That seems to be the main criteria on which membership could be refused by the registrar. I'm wondering if the minister would explain to us whether or not the regulations have been established. Have they been agreed to by a majority of engineers in the province of Alberta, or are these regulations yet to be developed? If that's the case, how are they going to be developed? What sort of input would engineers have who raise concerns like the person alluded to by the Member for Edmonton-Whitemud?

MR. SPEAKER: Additional?
Minister, summation.

MR. KOWALSKI: Thank you very much, Mr. Speaker. I think, first of all, it should be made clear that before an individual in the province of Alberta can use the title engineer, they must become a member of the Association of Professional Engineers, Geologists, and Geophysicists of the province of Alberta and they must have gone through the necessary standardization that would come under

the university governing council that would govern all professions in terms of this area. So only individuals who've already met the educational standards and the experience standards that are required by this particular profession might be able to use the terminology engineer.

The Bill itself under section 16 basically will indicate that the regulations will be developed, and section 16 does point out how these regulations will be developed. They'll be developed by a majority of the membership at an annual meeting in a direct vote, and they will have to be approved by the Lieutenant Governor in Council.

Any bylaws, Mr. Speaker, that might be developed by the Consulting Engineers of the province of Alberta also will need – and this could be a bit unique in the sense – under section 17(2)(b) the minister responsible for this legislation to approve the bylaws as well, and that provides a governance and protection for it.

Mr. Speaker, should the hon. Member for Edmonton-Whitemud have documentation of disagreement with this, I wish that he would file it with the Legislative Assembly so that all members might see it, because to my knowledge there is no opposition to this particular Bill. It may have been dated several months ago, but in the last number of days there has been agreement reached by all of the professional bodies with respect to this, and I'm assured that that is to be the case. However, I look forward to getting whatever particular submissions there might be.

I would move that Bill 29, the Consulting Engineers of Alberta Act, be read a second time.

[Motion carried; Bill 29 read a second time]

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

[Mr. Schumacher in the Chair]

MR. CHAIRMAN: The committee will come to order, please.

Bill 27
Fisheries (Alberta) Act

MR. CHAIRMAN: Are there any questions or comments or amendments to be made with respect to this legislation?

The hon. Member for Edmonton-Meadowlark.

MR. MITCHELL: Thank you. Mr. Chairman, I have one question and one amendment. My question concerns the fact that our analysis indicates that the minister responsible is not named under this Act. Which minister would be responsible for implementing this Act? I think that's a problem.

My amendment concerns the question of there being insufficient rigour in the regulation of fishermen lifting their nets. The problem that's been indicated to us by some people active in this industry is that some fishermen will leave their nets in the water too long. The fish that have been caught will die and begin to deteriorate and are therefore wasted. There have been cases identified in the industry where fish are simply dumped, again a tremendous waste.

Our concern would be that both of these possibilities be addressed in this Act. We contacted the minister's office. We were referred to the official responsible for this particular Act. That official did get back to us and indicated that we would find out whether the government was accepting this amendment. It seemed so obvious that this should be in this Act that we felt

perhaps we could work through the department and they would propose the amendment, because of course there's always a concern about opposition amendments not being accepted. We feel this is a reasonable and responsible addition to this Act and would appreciate the minister's consideration.

The amendment that I present – it's been approved by Parliamentary Counsel – would indicate that

except under severely adverse weather conditions, a commercial fisherman shall [be required to] lift his nets

or her nets, it should be,

every twenty-four hours during open water fishery and every forty-eight hours during the remainder of the year.

That would basically be 24 hours during the warmer time, the summer, 48 hours during colder times, and we would specify in this amendment as well that

it shall be an offence for any fisherman to allow fish to waste or spoil.

So I move that section 34(4) be amended by adding the words that I have just indicated as being sections 4.1 and 4.2.*

MR. CHAIRMAN: Are there any comments with respect to the amendment? I'm sorry; it should be circulated.

MR. GOGO: Mr. Chairman, I believe certainly the House leaders, if not all members, should be in receipt of the amendment if and when you approve it, sir.

MR. CHAIRMAN: It is presently being circulated.

MR. MITCHELL: This would be an amendment to section 34(4). It would be an addition to 34(4), not 36(4). Sorry.

8:20

MR. CHAIRMAN: Does the hon. member propose to move his amendment to section 4?

MR. MITCHELL: 34(4).

MR. CHAIRMAN: Does the hon. member mean section 34 where it says section 4?

MR. MITCHELL: I'll repeat my motion and add to it. I'm moving, Mr. Chairman, that the Bill be amended by adding the following after section 4:

4.1 Except under severely adverse weather conditions, a commercial fisherman shall lift his nets every twenty-four hours during open water fishery and every forty-eight hours during the remainder of the year.

4.2 It shall be an offence for any fisherman to allow fish to waste or spoil.

I would further move that section 34(6) be amended by adding the words "4.1 and 4.2."

Thank you.

MR. GOGO: Sir, the government is waiting to hear your ruling on whether the amendment is in order.

MR. CHAIRMAN: Parliamentary Counsel advises that it is appropriate as to form with the correction of the typographical error.

MR. GOGO: Thank you, sir.

MR. CARDINAL: I'd like, Mr. Chairman, just a brief moment to speak against this amendment. The Member for Edmonton-

Meadowlark, it seems, does not understand how the commercial fisheries operate in Alberta. A motion like this would be very, very embarrassing for the fishermen themselves because it's something that doesn't happen now.

When the fishermen set their nets, they do lift them within just a few hours, within eight to 10 hours, not the 24 hours that's outlined in here. Now, in cases where there's a severe storm, you would be endangering lives if you made it compulsory for commercial fishermen to get out on a lake. The commercial fishermen out there are very, very professional people and monitor their own management of harvesting the fisheries and would not purposely leave nets in there longer than necessary.

An amendment like this is absolutely not necessary. Even the second part of it, where it suggests that they would not allow more than 48 hours – well, that never happens out there. I would hope that we defeat this amendment.

MR. CHAIRMAN: The hon. Member for Smoky River.

MR. PASZKOWSKI: Thank you. I, too, would like to speak in opposition to this amendment. As the hon. Member for Athabasca-Lac La Biche has pointed out, it shows a total lack of understanding of the fishing industry. This no doubt is a wonderful position for an urban fisherman who has never been out discussing the issues with the commercial fisherman. As my hon. colleague has pointed out, if you leave a net in the water for any extended period of time, the damage that's done to the net is insurmountable. It's a very, very foolish policy to leave a net in the water, for fear that rats and other animals can get into the net and tear the net to shreds. That's not a practice that . . .

SOME HON. MEMBERS: Rats?

MR. PASZKOWSKI: Muskrats. Muskrats do exist in water, in lakes.

It seems very, very, very unfortunate that our time is being spent discussing amendments such as this that haven't been thought out, that haven't been developed, and that show a lack of understanding of the industry. Fish will spoil and fish will die if they stay in the nets, and good fishermen don't do that kind of practice.

I would encourage all the members in this House to defeat this amendment.

MR. CHAIRMAN: The Chair, recognizing the hon. Member for Highwood, just for the purposes of clarity would advise the committee that we are dealing with an amendment to section 34(6). I think the Chair inadvertently suggested it was 34(4) in previous comments, but it's 34(6).*

The hon. Member for Highwood.

MR. TANNAS: Thank you, Mr. Chairman. I hate to disagree with you. We have before us an amendment that on the face of it says that it's 36(4). There is no 36(4). Then it says 34(4), but it doesn't follow because 34(4) says . . .

MR. CHAIRMAN: I just corrected this. We are dealing with 34(6). That's what the intention of the hon. Member for Edmonton-Meadowlark was.

MR. TANNAS: Section 34(4) says, "A person who alters a licence other than in accordance . . ."

MR. CHAIRMAN: We're not dealing with 34(4).

*see right col, para. 10

*see left col., para. 3

MR. TANNAS: I know we're not. I would also suggest, Mr. Chairman, that we're not dealing with 34(6). I think we might be dealing with 32(4).

MR. CHAIRMAN: We're dealing with 34(6), and the request of the hon. member was to add his previous amendment of section 4 to 34(6).

Are there any further questions or comments?

The hon. Member for Edmonton-Kingsway.

MR. McEACHERN: Yes. I would just perhaps try to sort out this numbers game for a minute. The way I read it – and I think I understand the Member for Edmonton-Meadowlark accurately – the first sentence in this motion is correct in what he intended: “Moved that the Bill be amended by adding the following after section 4,” on page 5 – okay? – so that we don't get mixed up with 34 and 36. [interjections] You're right.

That also requires, then, that section 34(6), as the Chairman said, would have added to it the words “4.1 and 4.2” so that they would be part of that list at 34(6).

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

The hon. Member for Edmonton-Meadowlark.

MR. MITCHELL: Mr. Chairman, the Member for Smoky River said that good fishermen wouldn't require this. Exactly right. This isn't here for good fishermen. Speeding tickets aren't there for good drivers; criminal codes aren't there for good people. This is here for people, fishermen, who do not adhere to the proper rules and the logic in the sense of not leaving their nets in because some muskrat might eat it.

The fact of the matter is that we have investigated this in the industry. We have talked to people in the industry. We have talked to a number of people in the industry who have said explicitly – if this government isn't listening to them, we are listening to them – that they would like to see this improvement in the Act. If it is, as the Member for Lac La Biche says, that fishermen would never do this, then I guess he wouldn't have to be concerned that this is here, because it would never be implemented. But I guarantee you that there are cases where this does occur, where this has occurred.

This amendment doesn't just deal with fish in nets; it also deals with cases of fishermen dumping their catch for whatever reason. Maybe they left their net in too long and the catch is no longer any good. There are cases that we have talked to people in the industry about. There is a case, in fact, where one fisherman dumped 3,000 pounds of fish and admitted to other people that he did it, and that is an offence that should be acknowledged in this Act and should be dealt with in this Act.

It's all very well and good for the backbenchers over there to think that they have all the answers for every conceivable question that's ever addressed in this Legislature, but clearly they don't. The one thing we know about them for sure is that they are not perfect. I'm not giving this because this is a seminal piece of legislation; I'm saying that commercial fishing and fisheries in this province can be improved by these amendments. I ask for a moment's consideration on the part of these guys instead of some knee-jerk reaction that every conceivable suggestion that's ever presented to them in this Legislature is wrong. Vote for it for once.

8:30

MR. PASZKOWSKI: I have to respond because of the statements that were made.

MR. DOYLE: Because of the muskrats.

MR. PASZKOWSKI: Partly because of the muskrats.

Commercial fishermen live off the avails of their nets. To leave a net in the water for 48 hours would destroy that net and the fish, and the commercial fisherman is not going to remain a commercial fisherman by doing those kinds of things. If a person runs off the edge of a building, jumps off that building, he's not going to be back to carry on with his everyday activities. That's exactly the point that I am making here. If indeed you are going to be a commercial fisherman and you are going to remain a commercial fisherman, you're going to have to perform. There is no one that is going to be able to enforce that person to do that other than the natural course of events that will eliminate that fisherman. Because his net is going to be gone, he's not going to be in the business any longer. The fish are going to be wasted, and that fisherman is no longer going to be a commercial fisherman.

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

The hon. Member for Edmonton-Avonmore.

MS M. LAING: Mr. Chairman, the arguments just presented make no sense at all. We have rules of law because people work against their best interests and the interests of other people all the time. Because people wreck their cars when they drink and drive doesn't mean that we don't have to have rules against drinking and driving, for goodness' sake. We have rules to protect. I have no understanding why this member would oppose this amendment if in fact it would have no application or no impact on anybody. So it's suggesting that he does not want the protection that this amendment would present.

MR. MITCHELL: Mr. Chairman, I'd like to address these latter comments by the Member for Smoky River. The fact is that a politician in the Conservative back bench who would commit a conflict of interest would presumably get elected out of office next time. It would be against his or her interests to do that. So we can draw this parallel with this fishing argument that the Member for Smoky River is using. At the same time, this government recognized that we needed conflict of interest legislation and brought it in. Why would we need it if any members who are about to do that are going to be thrown out of the legislative and political process? Clearly, you have to have those kinds of legislation in place.

I would like to close by saying that the Member for Smoky River and the Member for Athabasca-Lac La Biche, in defying logic, in defying precedent, in defying probably about 50 or 60 percent of the reasons for all legislation of this nature that's ever been brought through a Legislature, have perhaps made one of the weakest arguments that I have ever heard in the six years that I have sat in this Legislature. I want that to be a matter of the record, Mr. Chairman.

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

HON. MEMBERS: Question.

[Motion on amendment lost]

MR. CHAIRMAN: Are there any further questions or comments or amendments?

[Title and preamble agreed to]

[The sections of Bill 27 agreed to]

MR. FJORBOTTEN: Mr. Chairman, I move that Bill 27 be reported.

[Motion carried]

Bill 29
Consulting Engineers of Alberta Act

MR. CHAIRMAN: Are there any questions or comments to be offered? The hon. Member for Edmonton-Whitemud, followed by Edmonton-Avonmore.

MR. WICKMAN: Thank you, Mr. Chairman. I had the opportunity to circulate one copy of the correspondence to the minister, and he was kind enough to respond to it and explain the situation of some ongoing discussions between two different bodies. So I'm satisfied now that that will take care of itself in due course.

There are a couple of questions I'd like him to respond to when he concludes speaking on the Bill or possibly during third reading. Firstly, how does this legislation establish the Consulting Engineers of Alberta as a corporation and its various regulations and bylaws work with those already established under APEGGA? How does the legislation impact NAFTA and interprovincial trade? As well, Mr. Chairman, is the specific intent of the legislation to promote the interest of consulting engineers within Alberta, or is it designed to regulate the very general profession of consulting engineers in this province?

Now, Mr. Chairman, if the minister would take the opportunity at the appropriate time to respond to those questions, it would give me further determination as to whether I would feel comfortable supporting the Bill when we deal with it at third reading.

Thank you.

MS M. LAING: Mr. Chairman, I have some questions for the minister. When I read section 2, certainly there is an indication that a consulting engineer who is a member of the Consulting Engineers of Alberta may describe him- or herself as an MCEA, member of the Consulting Engineers of Alberta, but nowhere in this Act do I see a prohibition against a person who is not a member of the Consulting Engineers of Alberta calling themselves a consulting engineer. Now, I would take note again of other professional Acts, namely the Psychology Profession Act, in which there is a prohibition against a person who is not a chartered psychologist calling themselves a psychologist. Unless you have that clarification, people may call themselves consulting engineers when they are in fact not members, not licensed, and not governed by the body, the Consulting Engineers of Alberta. Therefore, I would suggest that the public may be at risk, assuming that there are educational standards, discipline standards, competency standards that are in place that that person can circumvent.

Further, there is no provision for penalties for persons who call themselves members of the Consulting Engineers of Alberta when they are not members of this body being there is no penalty for that kind of a violation. So I have concern that the minister may not have understood my first comments or questions.

When I look at section 5(2), I'm not sure what that means. It says, "No member shall have more than one director on the Board at the same time." I don't know how a member would get more than one director on the board of directors at the same time. I wait to be enlightened on that matter.

In section 17(2) I wonder why it is that the minister must give approval to the bylaws. Again, looking at other professions Acts,

I see that approval by the Lieutenant Governor in Council is required for regulations, but the approval of the minister is not required for bylaws. It would seem to me that this Act then takes away some of the autonomy and the right to self-governance from the association itself. So again I would ask: why are these provisions? Is the Consulting Engineers association aware of this control that is being exercised by the government in regard to this matter?

8:40

MR. KOWALSKI: Mr. Chairman, could I repeat again during committee of Bill 29 that this Act was built, manufactured, written in consultation with the Association of Professional Engineers, Geologists, and Geophysicists of Alberta as well as the organization known as the Consulting Engineers of Alberta. So in direct response to the last question raised by the Member for Edmonton-Avonmore indicating whether or not these groups were aware of section 17(1), they most certainly were.

I think it's important again to recall, Mr. Chairman, that this is permissive legislation, that this is the first time consultation has been done in Canada and in Alberta. Alberta has more engineers per capita than any other province in Canada, and it's a part of the technological brainpower base in this particular province. These engineers work throughout the whole world, the result of the engineering faculties we have in this province, the result also of the excellent education provided by NAIT and SAIT and the other technical schools in this province. A tradition, I guess, of the history in this province of business in oil and gas and what have you is that we have those numbers.

Section 17(2)(b) was put in there to in fact ensure that as the regulations and bylaws were being developed and were being built by those who are members of the Consulting Engineers of Alberta, in essence should there be division within their so-called professional organization, to ensure the minimum degree of acrimony then they would say, fine; if it was a case of 50.5 percent on one side and 49.5 percent on the other side, then in essence that simple majority wouldn't allow it to go forward. In essence, it would be held up until they come back to another annual meeting, because the minister would have to sign it, and he would say, "Now go back and get your thing done."

It may very well be that in several years to come, after the Consulting Engineers of Alberta association has matured, are fully functioning, we could amend this and take this out. At the moment the request basically was a governance for them and the protection for them that that would be so. That's the reason, and that's the answer given.

The Member for Edmonton-Avonmore as well questioned what the word "member," I guess under section 5(2), could be. As defined in the Act, the member could either be an individual or it could be a grouping, an association, a corporation; it might have 25 individuals that are part of that particular organization or that particular firm. All that means is that no firm could have more than one person on the board of directors. That would ensure the maximum amount of democracy would exist within the whole organization, would not allow a major consulting firm that might have a couple of hundred principals or individuals associated with it to have 10 of them on the whole board, stack the meeting and get them all in there. So this basically ensures that there's the greatest amount of democracy.

The Member for Edmonton-Avonmore also talked about section 2, which is the right-to-title provision of it. Perhaps I could just refer her to section 18(1), which deals with penalties. Section 18(1) basically says:

An officer, employee or agent of a corporation or an individual who contravenes section 2 is guilty of an offence and liable and then it list the offences in there. So I think that perhaps section 18(1) really deals with the question arising out of section 2 that the Member for Edmonton-Avonmore dealt with.

The Member for Edmonton-Whitemud raised questions with respect to the consultation with the Association of Professional Engineers, Geologists, and Geophysicists of Alberta, or APEGGA, and I think I've already responded to that. The second question: this has no impact at all on interprovincial trade across the country of Canada. Standards for engineers are basically uniform throughout the whole country of Canada. This will be the first time that in any province engineers have basically come forward with the request to have the designation of a title, "Member of the Consulting Engineers of Alberta." Recently the Member for Calgary-Glenmore, who functions as the chairman of Professions and Occupations, was invited to go to Saskatchewan and speak to the engineering association of Saskatchewan. This was a matter of interest raised by them, and I know it's the same thing in Ontario and Quebec, that they will be moving in this area as well.

The third question the Member for Edmonton-Whitemud raised was: is this a document that would basically regulate or promote? It will do all of these things. In essence, this is a group of engineers who do consulting work. Essentially, I want to repeat again, the vast majority of the work is done outside of the province of Alberta. It's done in the world marketplace, and in other countries of the world various consulting engineers have various titles. When engineers from Alberta go to compete against other engineers from other parts of the world, they may have titles that mean different things. It's been told to me that our engineers basically said that the word "consulting" is very important in the world marketplace, and that's one of the reasons why we're moving in this direction as well.

So it's to regulate, on the one hand, the standards and design, although APEGGA is basically the biggest regulator. Secondly, it's essentially promotion for Alberta entrepreneurs, not only for the consulting engineers themselves but for the myriad of other people – the draftsmen, the technologists – that might be employed by a firm that does work in another country. A lot of this work is being done, of course, funded through the Canadian International Development Agency or agencies of the United Nations as well.

Mr. Chairman, I believe that I responded to the questions, but I'll wait, then, if there are additional questions.

MR. CHAIRMAN: The hon. Member for Edmonton-Avonmore, followed by Vegreville.

MS M. LAING: Thank you, Mr. Chairman. I guess I'm looking to the definition of "member," then, because in the Bill, when we look at section 1(c), "member" means a member of the Consulting Engineers." Is the minister then saying that corporations can have a membership status? Is that what he's saying, that the word "member" may refer to corporations or consulting firms in that way rather than to individuals?

Again, he has not answered my question about persons representing themselves as consulting engineers who are in fact not members of the organization. That is, you can call yourself MCEA, and if you do that falsely, then you're in trouble. I thank you for pointing out the penalty section, but it seems to me that they can still call themselves consulting engineers and give the impression that they are a member of this organization, subject to its governance and its criteria and all of that, but in fact not be one.

MR. KOWALSKI: I think the last point of the Member for Edmonton-Avonmore is a valid one, Mr. Chairman. But could I please again point out that all individuals who would become members of the Consulting Engineers of Alberta first of all have to be members of the Association of Professional Engineers, Geologists, and Geophysicists of Alberta; they must belong to APEGGA. So in the event that a member of APEGGA who was not a member of the Consulting Engineers of Alberta used the phraseology MCEA, the penalty would then be prescribed under the professional organization APEGGA. So that's how it would be covered, and I hope that's clear.

The first question the member raised was: could an individual or a corporation be a member? Yes, both of them. There could be a corporation of two engineers.

MR. FOX: Pursuing that line of questioning a little bit, Mr. Chairman, if I might, because sometimes the wording in Bills varies from one Bill to the next and is not always as clear as it should be. In section 8, Application:

The Registrar shall consider an application for registration as a member, and shall

(a) approve the registration if the applicant and then it says,

(i) is a partnership or other association of persons or a corporation that holds a permit to practise.

Does that mean then, Mr. Minister, that an individual who practises as an engineer, who is licensed by the Association of Professional Engineers, Geologists, and Geophysicists of Alberta but who isn't incorporated can't be a member of the Consulting Engineers of Alberta? It implies to me that you either have to be in a partnership, an association of persons, or a corporation that holds a permit. It may be a redundant question, too, according to the bylaws of APEGGA, but it seems to me when I read it that someone who is an individual who is not incorporated as a professional corporation but is practising as an engineer would not, under this Act, be approved for registration by the registrar and would therefore be subject to section 8(b).

8:50

MR. KOWALSKI: I don't pretend to be a lawyer. It's certainly not my intent to be a lawyer or to attempt to provide legal advice, but I know what the intent was and I know what the spirit of this was. It would not preclude any individual from being a member of the Consulting Engineers in the province of Alberta, and I will ensure that that clarification is indeed dealt with in the regulation and the bylaw if, in fact, it's required in this interpretation. At least the interpretation provided to me when we were dealing with this was that it would allow any individual or any incorporation to be a member. You would not have to become incorporated.

MR. FOX: I'd like to thank the minister for that clarification and assurance.

Reading section 2 again, understanding the concern expressed by my colleague from Edmonton-Avonmore and the minister's acknowledgement of that, it seems to me from reading this that it would be possible for someone who may not be trained, may not be a member of APEGGA to call himself a consulting engineer. Not an MCEA, because that's expressly prohibited by section 2 and the offences under section 18, but it would be possible for someone to call himself Derek Fox, consulting engineer, and I would be exempt from penalties under this Act.

What I would suggest to the minister is that an additional phrase be added to section 2 that makes it clear that no person shall call himself a consulting engineer except those who are members of the Consulting Engineers, et cetera, et cetera. I just wonder if it

doesn't leave open the opportunity for people to falsely represent themselves as consulting engineers when they're not.

MR. KOWALSKI: I really do appreciate the overtures made by the Member for Vegreville, but you know, again, not being a lawyer, I just consulted with the Attorney General, Mr. Chairman, and he assures me that there are laws against fraud. So if an individual were to come and present himself at the door of the Legislative Assembly saying that he was Derek Fox, the Sergeant-At-Arms would probably look at this fellow and say: "No, you're not Derek Fox. The Derek Fox I'm aware of is bald, and you've got bushy hair."

Now, you show me something here, that there's some fraud going on in here. I'm advised that under the fraud laws in the province, in essence that fraudulent activity would be covered in that regard.

What section 2 says is, "No person except a member of the Consulting Engineers shall use the designation." With due respect, the Member for Vegreville is suggesting that we perhaps change the words. But my reading of that would seem to make it very, very clear. "No person except a member of the Consulting Engineers shall use the designation": that would be the same as saying, well, somebody can't use it in another way. I'm not sure what the form differentiation would be. But I will have the matter looked at between now and third reading for ultimate, maximum clarification for the hon. members for Vegreville and Edmonton-Avonmore, and perhaps they might also want to look at the fraud laws as well.

MR. CHAIRMAN: Are there any further questions or comments?

The hon. Member for Edmonton-Avonmore.

MS M. LAING: I'd like to point out to the minister – and I will read from the Psychology Profession Act. The first section, 2(1), of the Psychology Profession Act has the same content as section 2 of the Consulting Engineers Act, but that's section 1 in the Psychology Profession Act. Section 2(2) in the Act says:

No person, except a chartered psychologist or registrant, shall use the title "psychologist" or an abbreviation of it, alone or in combination with another word.

It is really true that you could charge them with fraud and throw them in jail, but if the house has fallen down, it's a bit late.

So what we're doing here is some prevention so that people do not misrepresent who they are, because it can have very serious ramifications if in fact that does occur. I recognize that there are remedies under the law if they do that. However, as I say, the bridge or the house.

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

HON. MEMBERS: Question.

[Title and preamble agreed to]

[The sections of Bill 29 agreed to]

MR. KOWALSKI: Mr. Chairman, I would move that Bill 29 be reported.

[Motion carried]

MR. GOGO: Mr. Chairman, I move the committee rise and report.

[Motion carried]

[Mr. Speaker in the Chair]

MR. SCHUMACHER: Mr. Speaker, the Committee of the Whole has had under consideration certain Bills. The committee reports the following: Bill 27 and Bill 29. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

MR. SPEAKER: Having heard the report, those in favour of giving concurrence, please say aye.

HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no. Carried.

head: **Government Bills and Orders**
head: **Third Reading**

Bill 18
Mines and Minerals Amendment Act, 1992

MRS. BLACK: Mr. Speaker, I'm pleased tonight to move third reading of Bill 18, the Mines and Minerals Amendment Act, 1992.

[Motion carried; Bill 18 read a third time]

Bill 13
Agriculture Statutes Amendment Act, 1992

MR. ISLEY: Mr. Speaker, I move third reading of Bill 13, the Agriculture Statutes Amendment Act, 1992.

MR. JONSON: Mr. Speaker, while I certainly support the overall content of this Bill, at third reading I would like to express a couple of words of caution with respect to the amendment that was dealt with in changing section 11.

I realize that at the present time mobile butchers, as they're labeled here, are required to have permits in order to operate in the province and that here the change is that that would be clarified and added into the section on empowering the government to make regulations, and it would be using the term "licences."

However, I rise to speak this evening because within my constituency there seems to have arisen a great deal of concern with respect to what will come after this particular amendment is passed, and I'm referring specifically, Mr. Speaker, to the development of regulations. Evidently there are some reports, a great deal of discussion and concern about what might be contained in such regulations. The concern is that they would be too detailed, too restrictive, both for the operators themselves as well as for their farm clients. Therefore, I would just like to flag this particular concern.

I know that there is a process in place whereby there is consultation to take place and that there have to be various steps of approval gone through before any regulations would come into effect, but I do feel that we should not be needlessly raising a concern here before these regulations have in fact been developed. Certainly we in government generally do not need more regulations than are necessary to accomplish the purpose of the Bill.

9:00

MR. ISLEY: Mr. Speaker, I appreciate the concern raised by the hon. Member for Ponoka-Rimbey, because I, too, have been receiving some phone calls recently. I believe there are certain

parties out there anticipating what these regulations may say and getting worried at this point in time. I can assure you that it is not the intent of the regulations to put anyone out of business, that the regulations will receive full consultation in the industry before they are forwarded by order in council.

HON. MEMBERS: Question.

[Motion carried; Bill 13 read a third time]

Bill 15

Universities Foundations Amendment Act, 1992

MR. GOGO: Mr. Speaker, I move third reading of Bill 15, the Universities Foundations Amendment Act, 1992.

MR. SPEAKER: Call for the question?

HON. MEMBERS: Question.

[Motion carried; Bill 15 read a third time]

Bill 16

Public Trustee Amendment Act, 1992

MR. SCHUMACHER: Mr. Speaker, I move third reading of Bill 16, but I feel compelled to make a few comments in answer to questions raised by the hon. Members for Edmonton-Strathcona and Edmonton-Gold Bar at committee stage.

The hon. Member for Edmonton-Strathcona was wanting to know the proposed amounts which the regulations made possible by this Bill would be with regard to the size of estates. These regulations are presently being drafted by Legislative Counsel. That job hasn't been completed yet, but I can say that I'm advised that the amount under 15(8) of the Bill would be \$7,000; 23(1), \$7,000; and 23(5), \$8,000.

The hon. Member for Edmonton-Gold Bar also had concerns about these regulations, but I think it just has to be pointed out that they have to be adjusted periodically in response to inflation and other economic factors or else the purpose of the Act will be completely negated. To put this in perspective – and we've heard the amounts being considered of \$7,000 and \$8,000 – we just have to realize that the cost of an average funeral these days is in excess of \$4,000, so I think it should be quite clear to the Assembly that we're really dealing with very modest estates.

With respect to setting the interest rate under section 26, the hon. Member for Edmonton-Strathcona had some concerns there. By way of background, the common fund that is administered by the Public Trustee now stands at approximately \$206 million, so members can see that this is really quite an important matter and also that the Public Trustee should be fairly responsive to changes in rates in order to handle this fund in the most prudent way. Presently it takes in excess of a month to go through the channels to get a rate change, and what is being proposed by this legislation is that the method would be exactly the same. That is, the Public Trustee, the Assistant Public Trustee in charge of finance and administration, together with a representative of the department of Treasury, would still come up with the rate, but instead of going through the cumbersome order in council method, that new rate would become effective by filing same with the registrar of regulations. Therefore, the matter could be kept current.

With those remarks, Mr. Speaker, I again move third reading of Bill 16.

MR. SPEAKER: Call for the question?

HON. MEMBERS: Question.

[Motion carried; Bill 16 read a third time]

Bill 17

Irrigation District Rehabilitation Endowment Fund Act

MR. ISLEY: Mr. Speaker, on behalf of the Associate Minister of Agriculture I move third reading of Bill 17, the Irrigation District Rehabilitation Endowment Fund Act.

If there are any questions, I have a couple of experts from irrigation caucus who will be pleased to respond.

MR. SPEAKER: Call for the question?

HON. MEMBERS: Question.

[Motion carried; Bill 17 read a third time]

Bill 24

Public Safety Services Amendment Act, 1992

MR. TANNAS: Mr. Speaker, I'm pleased to speak on third reading of the Public Safety Services Amendment Act, 1992.

It provides the authority to issue regulations requiring those who handle hazardous materials to develop plans for responding to emergencies. This Bill protects conscripted employees from dismissal. It binds departments and agencies and gives paramountcy where an emergency has been properly declared. It recognizes the local governing status of Metis settlements, and these amendments bring penalties up to date.

Therefore, Mr. Speaker, I move that Bill 24, the Public Safety Services Amendment Act, 1992, be now read a third time.

MR. SPEAKER: Call for the question?

HON. MEMBERS: Question.

[Motion carried; Bill 24 read a third time]

Bill 26

Water Resources Commission Amendment Act, 1992

MR. HYLAND: Mr. Speaker, I'd like to move third reading of Bill 26, Water Resources Commission Amendment Act, 1992.

MR. SPEAKER: Call for the question?

HON. MEMBERS: Question.

MR. SPEAKER: The hon. Member for Cypress-Redcliff – I'm his part-time resident – moves third reading of Bill 26, Water Resources Commission Amendment Act, 1992.

[Motion carried; Bill 26 read a third time]

9:10

Bill 28

Jury Amendment Act, 1992

MR. PAYNE: Mr. Speaker, as the full-time neighbour of the Speaker I would like to stand tonight and move third reading of Bill 28, the Jury Amendment Act, 1992.

I think little would be served in repeating the remarks that I made in second reading and in committee. However, Mr. Speaker, I would like to express my gratitude to my government colleagues

as well as to members of the ND and Liberal parties for their verbal and written expressions of support for this timely and much needed legislation.

MR. WICKMAN: Just very, very briefly, Mr. Speaker. I didn't have the opportunity to speak to this Bill in Committee of the Whole, but I do want to commend the member for bringing it forward and to recognize his efforts in correcting a long-standing injustice to a disadvantaged group, to a minority. This is not the first Bill that he's brought forward to correct injustices that are out there, and I applaud his efforts.

MR. SPEAKER: Call for the question?

HON. MEMBERS: Question.

[Motion carried; Bill 28 read a third time]

MR. GOGO: Mr. Speaker, by way of information, tomorrow the government will call, in accordance with Motion 14, the Capital Fund estimates, and hopefully, depending on the time available, the government would intend to introduce various appropriation Bills.

[At 9:13 p.m. the Assembly adjourned to Friday at 10 a.m.]

