

Legislative Assembly of Alberta

Title: Monday, June 4, 2007

8:00 p.m.

Date: 07/06/04

[Mr. Shariff in the chair]

The Acting Speaker: Please be seated.

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

[Mr. Shariff in the chair]

The Deputy Chair: Hon. members, we shall call the committee to order.

Bill 33 Town of Bashaw and Village of Ferintosh Water Authorization Act

The Deputy Chair: Are there any comments, questions, or amendments to be offered with respect to this bill? The hon. Member for Lacombe-Ponoka.

Mr. Prins: Thank you, Mr. Chairman. I'd like to start out this discussion maybe with a brief introduction of some friends of mine. With us in the members' gallery are a number of guests. First of all, I'd like to introduce His Worship Ron Dyck, mayor of Ferintosh. With him is Marvin Jassman, councillor of the village of Ferintosh; also His Worship Bob Cammidge, mayor of Bashaw; Al Radke, the chief administrative officer of the town of Bashaw; Bill Knight, who is the chairman of the highway 12/21 water commission; and John Van Doesburg, the administrator of the highway 12/21 water commission. So I'd like to ask you all to welcome these people.

The Deputy Chair: Hon. members, while we are in committee, you are allowed to move around but not stand around. So please take a seat beside whomever you want to chat with. Thank you.

The hon. member for Lacombe-Ponoka.

Mr. Prins: Thank you very much. As you can see tonight, this is a very exciting day for the town of Bashaw and for the village of Ferintosh as these people have all come down to watch this discussion and to support us as a government in the passage of Bill 33.

The issue of water is always interesting. We take water for granted until the well runs dry, and then you see how valuable water is. That's when people have to get together and make sure that we can get water to every needy person in the province. This is also very interesting today that we have these two towns working very closely together: Bashaw sharing water with the village of Ferintosh. We talked this afternoon for some time about intermunicipal cooperation, and this is a prime example of what can actually happen when municipalities get together and solve problems together.

Before I go any further, I would like to thank all hon. members that have spoken in support of Bill 33. Opposition members have voiced some concerns, and what I want to do is answer some of the questions that have come up in discussion in second reading. Hopefully, I can address some of the concerns that were expressed during second reading.

First, let's be very clear about what this bill is about. It's just about transferring water from the same . . .

An Hon. Member: Treated water.

Mr. Prins: It's treated water. Exactly. It's treated water coming

from one town to another. It's aquifer water. It's not surface water or river water. It's water from the same geological formation going from one town to another. So that means there's very little risk of environmental impact. This was proven through the scientific studies that were done by the village of Ferintosh, studies that are required any time there's an interbasin transfer proposed.

You may ask: if there's no risk, why is a special act of the Legislature permitting the interbasin transfer necessary? Technically, it's because these two municipalities are in two different river basins. Even though this transfer is about groundwater and not river water, according to the Water Act they need special approval from the Legislature. The town of Ferintosh lies in the Battle River water basin and the town of Bashaw in the Red Deer River basin, so the water would have to be transported from one basin to another, and that's why we're here talking about it.

There was some concern expressed by the members opposite with respect to the amount of information that we have about groundwater. Mr. Chairman, I can tell you that currently we have a great deal of information available, but we're always adding to this database. We have a huge amount of information about the water in Alberta. Let me remind all members of this Assembly and particularly those opposite that this government has spent more than \$8 million in the past five years on groundwater monitoring, scientific research, and data management programs. In addition, another \$12 million in new funding is being committed for groundwater inventory work over the next three years, so \$12 million more to find out what we have as far as groundwater goes. This includes initiatives to assess coal-bed methane and groundwater impacts, conducting a provincial groundwater risk assessment, and completing a base of groundwater mapping, evaluating and upgrading groundwater monitoring and data.

The hon. Member for Edmonton-Gold Bar was wondering if this water was to be used for racetracks or oil recovery, and the answer is simply no. Ferintosh needs this water for its citizens, and you can see that just by the members of Ferintosh and Bashaw and people from that area that are here tonight.

The hon. Member for Edmonton-Strathcona suggested that new licences are prohibited in this area. This is also not true. It's incorrect. There's a prohibition on new surface water licences for the Bow and Oldman river basins. This happens to be in the Red Deer basin. There is no restriction. Particularly on groundwater, there's never been a restriction. The Red Deer River is not included in the ban of the Oldman and Bow rivers.

Someone else suggested that this was a hidden agenda to provide water to other areas and sidestep environmental concerns. This also is not true. This water will be strictly used for residential purposes. It's not for industrial, agricultural, or oil field use, and it's not for irrigation or confined feeding operations. So these concerns have all been allayed.

There was also some concern about the frequency at which these interbasin transfers are being requested, and let me assure him and all members of this Assembly that these are unusual requests that are not taken lightly. In fact, this is only the third interbasin transfer that this Assembly has seen for regional water systems in the past number of years.

The hon. member was also interested in how much water was being transferred. There was a concern that there was too much water. Let me tell you that the town of Bashaw has a licensed capacity of 236,000 cubic metres of water per year, and of that amount they only use 125,000 cubic metres. Ferintosh is using currently about 15,000 cubic metres, which is partially being trucked in, so they won't be impacting Bashaw very much at all. This is a very small amount of water. The act calls for 55,800 cubic metres

per year, and the question was asked: why do they need that much water if they're only using 15,000? This is a 25-year projection, Mr. Chairman, based on 3 and a half per cent population growth, so this 55,800 should last for a long, long time. This means that this interbasin transfer if approved by this Assembly will meet the needs of Ferintosh probably for the next 25 years at least, or a quarter of a century.

So, Mr. Chairman, the town of Ferintosh and the members of the highway 12/21 commission have done everything required. They've done the scientific tests. They've done the studies. They've consulted with their communities. They need the water, and this transfer is the best option available to them. I would once again encourage all hon. members to support Bill 33.

Thank you.

The Deputy Chair: The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you very much. I just want to indicate that I will be supporting this bill, as my colleague from Calgary-Mountain View has already discussed with the Member for Lacombe-Ponoka, and I will also add that I very much appreciate that discussion that you held and the reasoning that you provided at that time. It's based on that reasoning that I'm supporting it, and I'm very pleased that our guests from Ferintosh and Bashaw are here tonight.

Normally I would be opposed to interbasin transfers because in a number of circumstances they're interfering with the natural process. However, in this case, as the hon. member pointed out, this isn't the result of any fault of the citizens of Bashaw and overuse, too much industry, a pollution of existing systems, and so on. This is just nature's luck of the draw, and unfortunately nature is not always kind. So this transfer of treated water for people I see as necessary.

However, I do want to point out what Dr. Schindler has said for future developments in Alberta, and that is that very soon we should be looking at moving people to water instead of water to people. I would compare the circumstance that Dr. Schindler reiterated at this past weekend's Athabasca River conference, that my colleague the MLA for Calgary-Mountain View and the shadow minister of environment attended along with other notable researchers such as Andrew Nikiforuk. The point that was being made is that we have to treasure water and we have to treat it as a commodity, that we cannot count on it being replenished.

8:10

The hon. Member for Lacombe-Ponoka talked about the \$8 million that has gone into mapping at this point, and he also referred to the \$12 million more that's going to be expended. I just want to point out that water is of inestimable value; therefore, while \$8 million seems like a large amount and \$12 million is that much more, in the larger scheme of things knowing where our water is, both the quantities and qualities of our ground and especially our underground aquifers, is absolutely essential for any type of planning that is to take place in this province. We debated this afternoon Bill 211 that called for greater planning and greater process.

Now, I have great concerns as does my hon. colleague from Calgary-Mountain View. When we've attended meetings in Stettler, Trochu, Drayton Valley, Ma-Me-O Beach, Nanton, and Ponoka, we have seen hundreds of people turning out to meetings because of their concern about how groundwater is being used or abused. There is great concern in the community of Rosebud because of concerns over the potential fracking and movement, the unnatural movement, of coal-bed methane into the water systems there. So in agreeing to this particular bill and recognizing the emergent nature for these townspeople, I don't want to suggest that it's a *carte blanche* for future water considerations.

I am extremely concerned about the effect of clear-cutting in the watershed in the Bow and Elbow and the Bragg Creek, Ghost-Waiparous, Sibbald Flats areas. I don't think that this has been given sufficient thought. I am also very concerned about the potential EUB approval of exploration in the southeast slopes, where fracking could very much interfere with the town of Nanton's water supply as well as all the ranchers and individuals who live in that southeast slope area. The water table is a very fragile circumstance, and we need to take it into greater account.

With regard to other developments. If somebody should suggest that we have a water transfer for the development that's being proposed at Seebe, I'll give you a heads-up. We will be adamantly opposed to that as we are to further developments in areas of protected parks and places such as further developments to Waterton, Jasper, Banff, and Canmore. At some point the primacy of nature and the importance of not interfering with the water flows has to be taken into account.

To the government's credit there is a moratorium on the Oldman and the Bow, and that moratorium should prevent developments like Seebe from going further ahead. Something that Newfoundland has realized – and that's another moratorium – is the moratorium on cod fishing. There comes a point when the product is no longer there. You can no longer have your livelihood dependent on that product, and moratoriums are going to be something, as Alberta further develops, that are going to be absolutely necessary for protection.

At this weekend's Athabasca conference it was noted that the glacier that feeds the Athabasca is rapidly melting. It was noticed that the flow of the Athabasca River, especially during the winter months, is dangerously low for the amount of development that is currently occurring in the oil sands, and further development is putting the Athabasca River in danger. The members of the Fort McKay band have recounted the stories of two-headed fish, the fact that they can no longer eat the fish out of the river. Dr. John O'Connor has pointed out the carcinogenic problems associated with some of the water in the Athabasca. So no amount of money – \$8 million, \$12 million – will make up for a lost water resource. As the former Environment minister said, it's blue gold, but it has to be valued at a much higher standard than the gold standard.

Because of the immediate need for these people, knowing that it will not be used for anything but drinking water, washing, and day-to-day activities of life rather than industry or irrigation or other developments, I support this bill, and I support the need for aquifer mapping, for baseline testing, for the protection and conservation of water, our most important resource.

Thank you.

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

Mr. Eggen: Well, thanks, Mr. Chair. I appreciate the opportunity to finally speak on Bill 33, the Town of Bashaw and Village of Ferintosh Water Authorization Act. I think it's good for us to pause, to remind everyone in the Assembly of the importance of having to pass a bill to do these water interbasin transfers. You know, it's just such a sensitive issue. Considering the scarcity of water, it's absolutely incumbent upon us to debate and to analyze thoroughly any of these transfers of water. I think the gentlemen that are watching here this evening should certainly appreciate the tenacity of their MLA. I don't think I've been chased down so much in my life as I was with the MLA for Lacombe-Ponoka, asking me daily, sometimes hourly, about Bill 33 and would I support it. Certainly, upon great reflection and lots of study we do in fact support the bill.

The main issue, I guess, for me in defence of this enterprise of moving the water from the Battle River-Red Deer system, first of all,

is that it's part of a regional water system. My experience and study of this throughout the province is that, you know, it's very important that we expand these regional water systems to provide drinking water for smaller towns because, as we see in Ferintosh and many communities around that area as well as other parts of Alberta, the water quality and volume is just simply insufficient for the population of towns. It's very expensive to truck the water, and oftentimes the quality is left wanting. So setting up these regional water systems, certainly, the New Democrats support wholeheartedly. But keep in mind that each time we do an interbasin transfer or the potential for an interbasin transfer, we study the effects of this very, very carefully.

Our researchers were looking at this whole issue very, very closely. I think one of my researchers even stopped by the fine, fine town of Ferintosh just to take a peek on the way home from somewhere else. We wouldn't consider denying the population a steady supply of clean drinking water. I think that that's very reasonable. We just want to make sure that we're not setting a precedent, which we're not, because every transfer does require legislation to actually have it passed.

So I'm happy to say that with some reservation but certainly with a lot of reflection our caucus supports this bill as well. Thank you.

8:20

The Deputy Chair: The hon. Member for Cypress-Medicine Hat.

Mr. Mitzel: Thank you, Mr. Chairman. Having listened to the debate through first reading and second reading on Bill 33, the Town of Bashaw and Village of Ferintosh Water Authorization Act, I feel compelled to enter my thoughts into the record.

I think I'd like to start with the whole idea of interbasin transfers. Interbasin transfers from the South Saskatchewan River basin to the North Saskatchewan River basin was a point that was made. Technically, these specifically are from subbasins to respective basins. Clearly, this is not, as the hon. Member for Calgary-Mountain View suggested, that we're setting ourselves up as a province to actually move more water from northern Alberta to southern Alberta. This water actually moves in the opposite direction.

Another point the hon. member made was that this policy and specifically this project would allow organisms which are foreign to one particular basin to be transported to the other and thereby pollute forever the streams and rivers and the water supply in the receiving basin. As I see this project, it is groundwater, well water, not surface water that is proposed to be transported to Ferintosh, the very same type of water that was identified and approved in one of the prior interbasin approvals in 2005. I might add that this, too, transported water from the South Saskatchewan to the North Saskatchewan basin. On top of this, regardless of whether it's surface water or well water, it's also treated water, which means filtering and chemical treating, such as chlorine, and perhaps even ultraviolet light treating. Even I know that organisms native to Alberta can't survive subjection to that.

Another point that was made by the hon. Member for Calgary-Mountain View and the hon. Member for Edmonton-Decore and then also tonight by the hon. Member for Calgary-Varsity was that perhaps it's time to stop growth in any community or area that is short of water, and the people should be moved to where the water is. Now, Mr. Chairman, it sounds like the point that's being made is that anyone who is short of water and, I've heard mention, especially in the south, should pick themselves up and move to where the water is, without any consideration of who is going to buy their present property, some of which has perhaps been owned for

three or more generations. There wouldn't be water for the potential purchaser as well. This begs the question: how could they possibly actually acquire property where the water is if they perhaps were not paid for their existing property?

With regard to moving because of the lack of water I can only think of one group of people who did this, voluntarily I might add, if my history serves me correctly, and that was the Anasazi Indians of Arizona and New Mexico, who I believe moved because of the lack of water. But having the government urge moving or force moving, I can only think of two instances. One was the Bolsheviks in Russia in the 1890s and early 1900s, who urged the people to move from Ukraine or to be given a one-way ticket to Siberia. I know this because my grandfather moved to the United States and then to Canada because of this urging. Another example of government urging was the government of the Stalin regime, who moved people from one point of the USSR to Siberia. The consequences of moving were very dire.

I recognize that these last two moves that I mentioned were not because of the lack of water, but the point I'm trying to make is that this was the result of government intervention. This is exactly what the two hon. members said, move the people to where the water is, which would require government intervention in order to carry it out. It should be the job of our government and us as leaders to provide opportunities for rural development and rural sustainability. I think this is the common-sense way, not a socialist philosophy, which makes absolutely no sense.

I will be supporting this bill.

The Deputy Chair: The hon. Member for Rocky Mountain House.

Mr. Lund: Thank you, Mr. Chairman. I want to take this opportunity to put on the record my support for this very important bill. This is critical that we allow this sort of thing to happen, but I do find it rather disturbing that we're even having to do this. I happen to have a little history on the Water Act from my days in environmental protection. The fact is that it was never the intent that we would have to pass legislation when it's treated water. It was never the intent. I know that it's in the regulations currently. But when you think about it, the hon. member that just spoke mentioned about the organisms. That was always the risk where you have interbasin transfer.

I find it unfortunate that we're having to do this, but it is critical. It is critical that we move the water to where the people are. I mean, to follow the notion that you'd move the people to the water, basically what that's saying, then, is that we'd have to move Airdrie down and put it into Calgary. Extending it to the extreme, that's exactly what they're saying. So I think that this is absolutely critical, and I want to congratulate the sponsor of the bill. It's really important that we do this.

Mr. Chase: Well, just to set the record straight tonight, I have previously been called a Communist, and that occurred when I spoke up for medicare provisions. It was at a meeting in my constituency that was held by Diane Ablonczy years ago. For standing up for universal public health care I was called a Communist, but I've never been compared to a Bolshevik or a Stalinist.

My belief is that if we manage the water resources properly, there will be room for growth, but when we end up with transfers going north when the south has sufficient and then heading back the other way when it isn't and when we interfere with nature, we're playing a dangerous game. So growth has to be sustainable, and without that sustainability limits have to be applied. Never was I suggesting that there be a mass forced movement of individuals from one place to

another, but the reality is that when you no longer have the supply, you've got to go somewhere else.

The Deputy Chair: The hon. Member for Lacombe-Ponoka.

Mr. Prins: Thank you, Mr. Chairman. I just want to take this opportunity once again to thank all hon. members for speaking in favour of Bill 33 and supporting the transfer of this water. Members from Calgary-Varsity, Edmonton-Calder, Cypress-Medicine Hat, and Rocky Mountain House spoke tonight. I want to thank them for that. I want to thank my guests for coming down from Ferintosh and Bashaw and Lacombe county.

This is a very exciting day for Ferintosh, to be able to hear these kinds of comments. The people of Ferintosh can rest assured that there'll be no more rationing of water, that there'll be no more uncertainty about water in their village. They can look forward to construction of a pipeline as soon as possible when this is done and the funding is in place, and they can look forward to a quality and a quantity of water that will be needed to build and sustain normal growth in their beautiful village of Ferintosh.

I would once again ask all members to support this, and I would call for the question. Thank you.

[The clauses of Bill 33 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Deputy Chair: Opposed? Carried.

Bill 26

Municipal Government Amendment Act, 2007

The Deputy Chair: Are there any comments, questions, or amendments to be offered with respect to this bill? The hon. Minister of Municipal Affairs and Housing.

Mr. Danyluk: Well, thank you very much, Mr. Chairman. My comments will be very brief.

Some Hon. Members: Question.

Mr. Danyluk: Not quite that brief, but very close.

Mr. Chairman, there was a question that was asked – and I'm going to try to answer it the best way I can – that came from second reading of Bill 26. There have been a number of procedural challenges to the validity of the minister's guidelines since the late 1990s. Working on addressing these procedural issues came long before the Calgary lawsuit was commenced, and I would reiterate that these amendments are to deal with perceived procedural deficiency and are not intended to take away anyone's right to appeal the amount of their assessment. I want to reaffirm that Bill 26 does not affect the right to appeal an assessment that has been prepared correctly or where the legislation has been interpreted properly.

8:30

Mr. Chairman, I would also say that I don't think it would be appropriate for me to comment on the Calgary lawsuit, for sure, at this time. If I were to try to put the context of the bill in one

sentence, it would be: confirming the power to authorize the use of the guidelines that we presently have.

With that, Mr. Chairman, I will sit down and listen to other comments from other members.

The Deputy Chair: The hon. Member for Calgary-Currie.

Mr. Taylor: Thank you very much, Mr. Chairman. I may not be quite so brief, and I may not be quite so prepared and supportive of the idea of us letting Bill 26 as it stands now go forward unamended.

We have a problem. The minister and I discussed part of this – and the minister has referred to it again tonight – at second reading debate because there was some concern being expressed in a couple of quarters at that time that Bill 26 as it reads, the Municipal Government Amendment Act, 2007, might in fact impinge upon people's authority or right to appeal their property tax assessments. There were concerns in a couple of quarters about that.

Those were not concerns that I shared or that my researcher shared, but I had to check it out anyway, so I asked the minister about it. The minister said, "No, no, no; that wasn't the intention," and he just reiterated that tonight. I'm not questioning what the minister is saying. I take that at face value. However, there is more of a problem with this bill, apparently, than just that.

The minister has alluded to the court case currently before the courts involving the city of Calgary and its statement of claim against the province in regard to market value assessment and equalized assessment. In short, the belief by the city of Calgary is that ministerial guidelines with respect to equalized assessments are unfairly penalizing the city of Calgary.

Now, it's interesting, Mr. Chairman, that although not quite as dramatic, there are serious concerns about this with the city of Edmonton as well. On speaking with the city of Calgary director of assessment and also the senior market strategist for the city of Calgary, it's become clear to us that the amendments to the Municipal Government Act in Bill 26 are not in the best interests of either of Alberta's big cities.

With that in mind – and I do intend to talk to this a little further – before I go any further, I would like to move an amendment that Bill 26, the Municipal Government Amendment Act, 2007, be amended in section 3 in the proposed section 322.

The Deputy Chair: It would be nice for you to pass the amendment to the pages so they can circulate it, please. And make sure that the original copy comes to the table.

Mr. Taylor: Absolutely. The original copy is on its way to the table, sir.

While those copies are being delivered, I'll just move that Bill 26, Municipal Government Amendment Act, 2007, be amended in section 3 in the proposed section 322.1(2) by striking out "existing or" in both clauses (a) and (b).

The Deputy Chair: Hon. members, while the amendment is being circulated, I'd like everyone to know that we shall refer to this amendment as amendment A1.

Hon. Member for Calgary-Currie, you may proceed.

Mr. Taylor: Thank you, Mr. Chairman. Amendment A1 it is.

The city of Calgary has been in conflict with the province and with the ministry of municipal affairs for some years now over the way in which equalized assessments are handled. The primary purpose for equalized assessments is to provide a uniform basis for the assessment and taxation of property in Alberta for the Alberta

school foundation fund. You have on the one hand nonregulated property, assessed at the market value standard. That's residential, commercial, industrial. Then you have regulated property, assessed at values based on regulated rates, and this applies to everything from farmland to linear property to pipelines and telecommunications. Machinery and equipment was included in the equalized assessment originally, but as of 1999 it was no longer taxed for education property tax purposes.

The effect of this is to give certain industries – agricultural operations, oil and gas – potentially huge windfalls by removing them from the equalized assessment. The effect on the big cities, where market value assessment is much more of a factor than equalized assessment, is to create a situation where both Calgary and Edmonton, with their high concentration of market value properties, pay a higher proportion of provincial property taxes than those municipalities with a higher concentration of regulated properties.

Now, in the case of the city of Calgary the estimate is that they've been paying \$94 million too much in school taxes per year for several years now. In light of this inequality the city of Calgary launched a lawsuit against the province over the way in which the province assesses regulated properties and for how the guidelines are set to determine the amount of education property tax each municipality has to pay.

The city of Calgary has tried to get the government of Alberta to sit down with them so that they can explain their position and work together to come up with an equitable solution, but the ministry of municipal affairs, according to the city, has refused to discuss the guidelines for equalized assessment. The feeling in the city of Calgary is that the ministry is treating the city as children – that's over a million children – and dictating instead of consulting with them.

The effect of the amendment to section 322 is to alter the rules governing the bringing of a legal challenge in the middle of said legal challenge. Whether or not the minister feels that it's appropriate to comment on the legal challenge while the legal challenge is in the midst of its challenge, that's the way it is, and that's unacceptable to the city of Calgary. The question of information sharing by the province with the municipalities has always been an issue. It has led some municipalities to believe that uniform standards that apply equally to all have not been applied. That's why these amendments are so contentious in Calgary and Edmonton: because it takes away their ability to challenge these guidelines that are imposed on them.

Now, I'm not going to ascribe intentions or motivations to the minister or his department. I don't know why there has been this apparent communication breakdown or lack of even establishing communication, perhaps, between the big cities and his department. I trust that he will take care of that in the fullness of time. I do not know that it was the intention of the minister to try and interfere in this legal challenge or intervene in this legal challenge or to alter the rules governing the bringing of a legal challenge in the midst of that challenge, but I do know this, Mr. Chairman. If the amendment that I have moved is approved by this House, then what that allows is for this legal challenge which is in play involving the city of Calgary and the province of Alberta – that legal challenge will be allowed to play out as it should, in court, while perhaps giving effect to the minister's desire that he and his department and his government not be continually caught up in what I quite suspect that the minister regards in many cases, probably rightly so, as vexatious litigation.

Going forward, my amendment will allow the minister to accomplish what I believe the minister wants to do with this bill, but it does not try to change the rules in the middle of the game that Calgary and the province of Alberta are involved in now.

Thank you, Mr. Chairman.

The Deputy Chair: The hon. minister.

Mr. Danyluk: Thank you very much, Mr. Chairman. First of all, I want to say that the practice of having regulated assessment takes place, you know, throughout Canada and, I would say, throughout the taxation world.

I would also say that there are two different types of taxation that are used in this particular situation. The market value assessment, as was talked about by the hon. member, in which some properties are assessed based on their market value: these are types of properties where there are sales that can be used as identities, if I could so use the word, so it has some sort of base.

8:40

Regulated assessments are types of properties, basically, which we're talking about, based on the minister's guidelines, that are for pipelines and wells, railway property, telecommunications and electric power systems, and farmland. Now, let me give you a little bit of an explanation why there needs to be regulated assessment. How do you describe or how do you assess the value, a market value, for a pipeline that is in the ground? How do you assess the value for a railway property where it probably would keep changing depending on the use? How would you assess telecommunications and electric power systems that are also in the ground except by way of having some appreciated and depreciated values? That is how the regulated assessment works.

The other aspect of it is that you need to have, I believe, on farmland assessment on production value and not on market value because market value very much depends on where your location is. If you are beside a city and your market value is high but it's still assessed as agricultural land and you assess it on market value, you could never produce agriculturally, yet you would be in a situation where that land would not be able to be afforded, to be had. You can't sell it. It has speculation, yet as agricultural land you're taking it out of production.

Mr. Chairman, I want to say that we are doing all of those guidelines right now. What is being challenged is not the process in which we're doing it. What is being challenged: I guess what you would call it is an interpretation of how the guidelines are being presented. That is what we're trying to clear up. It is only a procedural issue.

Thank you very much.

The Deputy Chair: Hon. Member for Edmonton-Calder, did you want to speak on this amendment?

Mr. Eggen: Yes.

The Deputy Chair: Okay. The hon. Member for Edmonton-Calder, followed by Calgary-Currie.

Mr. Eggen: Thanks, Mr. Chair. I find it interesting that the Member for Calgary-Currie found this section 322.1 contentious because, in fact, we were thinking the same thing. In our view, section 322.1 removes any possible challenges to the validity of the minister's guidelines, including possible lawsuits. Although there may be precedents in what the government is doing, any move by the government to indemnify itself from its actions by stakeholders is one, in our view, that chips away at the basis of open and accountable governance. Although the government may claim that stability of taxation is ensured through this act, such stability is best attained through laws and regulations that include meaningful stakeholder input rather than sort of an authoritarian approach, which, in our view, that is an example of.

If the government is worried about frivolous lawsuits hindering government business, then it would be wise to follow its own laws that already exist. With claimants that are considered to be frivolous, you can declare them vexatious litigants, and off they go. Right? If the test of the vexatious litigant fails, then the stakeholder should have the right to challenge the government, as is the basis for an open and transparent democracy.

I don't often think similarly to the Member for Calgary-Currie, but today it seems like we are. So I certainly support this amendment. Thanks.

The Deputy Chair: The hon. Member for Calgary-Currie.

Mr. Taylor: Thank you, Mr. Chairman, for allowing me to rise and speak again in direct response to what the minister was saying just a few minutes ago. I don't think that the minister would find that I disagree with anything that he said about regulated assessment. The issue, though, is not regulated assessment. The issue is about equalized assessment. Also, the issue is not about process. The issue is about a challenge to the validity of the ministerial guidelines.

As the minister said himself – and I'm going now from memory, and if I get this wrong, I'll admit that my short-term memory isn't always as good as it perhaps should be at this time of the evening. If, as I thought the minister said, this is really an argument over interpretation between the city of Calgary and the province of Alberta, then given the legislation that was in place at the time that the city tried to interest the province and the ministry of municipal affairs in sitting down and negotiating any equitable solution to the problem, and if in fact the legislation was in place when this degenerated into the filing of a lawsuit, then the appropriate place to resolve this is, in fact, in the courts.

Now, if the minister and the government wish to amend the Municipal Government Act so that going forward everything that the minister has talked about in regard to moving the guidelines so that they have the effect of regulation, so that they are legitimized, for lack of a better word, so that the practice is codified as the process, that's fine. Then if the city of Calgary or the city of Edmonton or the hamlet of Rolling Hills, for heaven's sake, or Farmer Jones has a problem with the process, then the appropriate avenue to follow, if the process is unacceptable to somebody, is a political challenge to that, not a legal challenge. I understand that. But we're in a situation where we're in the middle of a legal proceeding now, and the government is trying to change the rules without allowing that legal proceeding to see itself through.

There's an old cliché about closing the barn door after the horse has bolted, Mr. Chairman. This seems to me to be a case of the government trying to close the door on the horse as it's halfway out of the barn and do the horse some significant injurious harm.

Thank you.

The Deputy Chair: The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you very much. The degree of arrogance of the government goes unchecked. What we have here is the suggestion that a minister is omnipotent, is omniscient, and therefore the guidelines that he or she comes up with are not subject to question or appeal.

Now, what we're doing with this proposed amendment is rather generous. We're not handcuffing future decisions or future guidelines, because we believe those guidelines should be discussed in the open democratic atmosphere of this Legislature. But we're not going to stand by and let two-thirds of Albertans who are directly affected by equalized assessment have their potential pockets picked

or micromanaged by this government. This government complains about federal intervention, but when it intervenes in the lives of the citizens of two-thirds of this province and attempts to do an end run by changing the rules midstream, the government needs to think twice.

8:50

The choices of this cabinet have already alienated people living in urban areas. While I appreciated the minister's explanation of the difference between farmland and city land and the need for farmers to have a different sort of tax structure, that makes absolute sense, but meanwhile city dwellers are getting hit with so-called fair assessments that do not take into account the nature of the house or the dwelling on the property. As the cities expand, the value of those inner-city properties increases to the point where seniors or anyone on a fixed income could have a ramshackle shack assessed at half a million, a million and a half dollars because of the land that they once had. The only way they can realize any of that value is by selling it.

For the member opposite to suggest that this is just bookkeeping or wording and to ignore the millions and millions and millions of dollars that are in dispute over the unfair assessments is not acceptable. I would suggest that by failing to heed our suggested amendment, the government will probably face a court challenge in trying to change the legislation in the midst of a legal argument. I don't think that would be legal to start with, but I don't know enough. My profession was education, not law, but I think the government would be walking on thin ground.

I would suggest you take what we offer, which is a single amendment which acknowledges the fact that the minister is not omnipotent or omniscient, that the appeal process should be able to take into account the guidelines. Otherwise, all we have is a kangaroo court, where the outcome is predetermined, and that happens far too often with this government in this province. What I would suggest for the sake of your future electoral potential: you'd better heed what two-thirds of this province and its two major mayors are concerned about.

The Deputy Chair: The hon. minister.

Mr. Danyluk: Well, thank you very much, Mr. Chairman. First of all, the hon. member opposite said that we were not willing to meet, some of those types of allegations. I would suggest to the hon. member that we did have discussions. We did have discussions about, you know, the focus that the mayor had in mind. We did not agree with that direction. It does not mean that we didn't have discussions.

Just to answer the other comments, guidelines are only an interpretation, really, of assessment. Those guidelines are large volumes. They talk about the size of wire. They talk about the size of pipe, you know, linear pipe. They talk about what services – let me find the right word – telecommunications and power systems supply. They talk about how assessment is achieved for farmland. Those guidelines are not referenced in the act. All that we're trying to do is reference those guidelines in the act and in that way being available.

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

Mr. Elsalhy: Thank you, Mr. Chairman. Very briefly, I wanted to rise and speak in favour of this amendment, amendment A1, as moved by my hon. colleague from Calgary-Currie. Not to sound redundant or to duplicate some of my colleagues' previous remarks,

I just wanted to emphasize the fact that nothing in this amendment prevents the minister from moving forward and changing things from this point forward.

What we're trying to say is that it's not fair, and like my colleague from Calgary-Varsity I, too, as a layperson – I don't have a law background – don't think that this should be allowed or that, in fact, it is possible for a government, any government, to change things midstream and to come in and say that anything is going to be changed retroactively and that any claim that is being pursued in court would be cancelled or terminated or rendered invalid. I don't think as a layperson that this is right or that it is fair.

Now, I bet you the government has its own legal consultants, be it the Department of Justice, or be it Parliamentary Counsel, and they probably asked those questions, Mr. Chairman, ahead of introducing this bill. I just find it puzzling and unacceptable, to be frank.

The hon. minister indicated, contrary to what we in the opposition believe, that he in fact did have consultations and discussions with the different municipalities. What my colleague from Calgary-Varsity was trying to emphasize is that this is a changing province, Mr. Chairman, and it's an urban province. People who live in the major cities constitute more than two-thirds of the population of this province. Their interests have to be protected, and their points of view have to be heard.

One example that we have is an exchange of ideas and points between a Calgary resident who actually happens to be an assessor – his name is Wayne Llewellyn – and the hon. Minister of Municipal Affairs and Housing. I noticed that the government is trying to say: we are fair, and we have your interests at heart. I noticed that the argument we're presenting from this side of the House is: no, you're not, and there's a bit of arrogance in your language and in your treatment of those municipalities, be it Calgary, Edmonton, or some of the other centres.

In one of the responses back and forth between the minister and that particular gentleman the minister in his response indicated, and I'm quoting.

However, government does not consider it proper to challenge the Minister's authority to set out guidelines for the assessment of regulated property through the assessment appeal system, and Bill 26 is merely a further confirmation of this position.

Now, why does the government think that it's inappropriate for people to question them? Certainly, governments have a right to govern, and they have the technical expertise and the support staff and all the people at their disposal to come up with legislation, which should be good legislation. There should be also an equally important mechanism for people who are unhappy or dissatisfied with government decisions to question those government decisions, and having the court was a mechanism that provided that functionality. Now, this bill is taking that away from people. Nobody could question the government. The government decrees what they see fit, and we should believe, first, that it's accurate, second, that it's fair, and third, we have no right to question it.

I doubt that this is the direction that the drafters of the bill intended. If, in fact, that was their intention, then I'm forced to say that this is the worst example of government arrogance I have yet to encounter after having been elected to this esteemed Assembly two and a half years ago. It's in writing, the government doesn't think that people should question it, and now they're putting it into law. I totally disagree, and I know citizens of this province will totally disagree. People who are affected directly will totally disagree. This amendment restores some of that balance that was lost when Bill 26, the Municipal Government Amendment Act, was introduced.

Mr. Chairman, not to prolong this discussion, I support amend-

ment A1, and I urge all members of this House to support it as well in the interest of fairness and, again, to avoid a legal challenge based on a government changing its direction midstream.

Thank you.

The Deputy Chair: The hon. minister.

Mr. Danyluk: Thank you very much, Mr. Chairman. I need to reiterate again that an individual has the right to appeal. We are not taking away any rights as far as appeal on the basis that they have been prepared correctly or that the legislation has been interpreted properly. That is what we're talking about. As far as the right to appeal, we don't take those rights away. Those rights are still there.

The Deputy Chair: The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you very much. The rights that aren't there are the rights to question the guidelines. They're at ministerial discretion. This is a repeat of what happened last year with Bill 40, where instead of tuition increases being discussed in the open light of this democratic institution, they were put into ministerial discretion. This is one more attempt to be covert instead of open and transparent.

9:00

Mr. Danyluk: Mr. Chairman, you know, we need to talk about, let's say, the application. You can't appeal a speed limit. You can appeal if it's applied correctly, but the speed limit is still there. So when we look at regulated assessment, there are guidelines that are in place. Are they applied correctly? That is what you can appeal.

The Deputy Chair: The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you. I think the minister needs to come up with a stronger example. A minister didn't sit in the darkness of his room saying: "Hmm, let me think. I think I'll make the speed limit on the Deerfoot 110. So be it." There was a committee involved in the decisions. There was a regulated, legislated process. Taking away the process of appealing based on the questionable guidelines just basically says, "I know it all, so accept me," and that, of course, is not acceptable.

The Deputy Chair: The hon. minister.

Mr. Danyluk: Thank you very much, Mr. Chairman. Those guidelines are established with consultation: established with consultation with assessors, established with consultation with industry. I would like to inform the hon. member that, no, the minister did not just sit there one day and decide that these are what the regulations should be, the regulated assessment. What does happen is that there is a lot of consultation, and the guidelines that are formed are probably – and I'm only guessing – 500-plus pages long.

The Deputy Chair: The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you very much. When the government is formed by Liberals, consultation will be replaced with collaboration. We won't just tell people what we'd like them to hear and say: what do you think of that? We'll involve them in the decision-making. That way we won't alienate two-thirds of the province.

The Deputy Chair: Anybody else on the amendment?

Hon. Members: Question.

[The voice vote indicated that the motion on amendment A1 lost]

[Several members rose calling for a division. The division bell was rung at 9:04 p.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Shariff in the chair]

For the motion:

Bonko	Elsalhy	Miller, B.
Chase	MacDonald	Taylor
Eggen		

Against the motion:

Abbott	Forsyth	Melchin
Amery	Goudreau	Mitzel
Backs	Groeneveld	Oberg
Boutilier	Jablonski	Oberle
Calahasen	Johnson	Pham
Cao	Johnston	Renner
Cenaiko	Liepert	Rodney
Danyluk	Lindsay	Strang
DeLong	Lougheed	Webber
Ducharme	Lund	

Totals:	For – 7	Against – 29
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[Motion on amendment A1 lost]

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

Mr. Eggen: Thank you, Mr. Chair. Further to the problems that we have seen in regard to Bill 26, I have an area that I would like to focus on which is to do with section 322(3), and I would like to distribute an amendment that I'll pass through the pages.

The Deputy Chair: Hon. member, if you wouldn't mind, you have to give them to the pages and the original copy to the table.

Hon. Member for Edmonton-Calder, you may proceed.

Mr. Eggen: Thank you. Good. As you will see, I'm passing the amendment around. Right now the bill states that the guidelines will have the same effect as the regulations but at the same time will not be considered as adherent to the Regulations Act. So while we don't challenge the right of the minister to create regulations and guidelines, we do have issues with the guidelines being treated as regulations while being exempted from the Regulations Act.

Mr. Elsalhy: That sounds simple.

Mr. Eggen: Yeah. This would be the result of section 322(3), and that's what my amendment would endeavour to strike.

The Regulation Act is a substantial bit of problematic area in our parliamentary system, ensuring that regulations are published in a timely manner and in a manner that is open and transparent, which is good. Creating guidelines as regulations but not making them adherent to the Regulations Act is a step against this idea of openness and transparency. It removes the regulations for public scrutiny, and it takes away public accountability. Guidelines are written annually. There is no reason why a year isn't enough time

to process them through the appropriate channels and to in fact treat them as proper regulations adherent to the Regulations Act. By removing the restriction on the application of the Regulation Act, we can ensure that the guidelines, if treated as regulations, in fact will function in an open and transparent manner.

My amendment, Mr. Chair, is to simply strike that section, section 2, by striking out “, but is exempted from the application of the Regulations Act”. So, of course, we will all support this and move on in the most transparent and democratic way possible.

Thanks.

Mr. Chase: It makes me think of the line from the song: a horse is a horse, of course, of course; a horse is a horse, of course. In this case this exempting regulations – it's almost so absurd as to be difficult to argue. It, again, makes me think of *1984*, where he who controls the past controls the future. How deep does this government want to go to bury the public transparency and accountability process? It's just unbelievable to me: the manipulation of the words. “A guideline established under subsection (2) is a regulation for the purposes of this Act, but is exempted from the application of the Regulations Act.” How can you have a regulation that doesn't fit into the Regulations Act? I don't know. I really think you need to have your legal counsel go over your bills before you bring them to this House because I believe you're wasting our time and that of the taxpayers.

9:20

The Deputy Chair: Anybody else?

Hon. members, first, for the record this amendment is referred to as amendment A2. There being no other speakers, I'll call for a vote on this amendment.

[Motion on amendment A2 lost]

The Deputy Chair: Anybody else on the bill itself?

Are you ready for the question?

Some Hon. Members: Question.

[The clauses of Bill 26 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Deputy Chair: Opposed? Carried.

Bill 32 Animal Health Act

The Deputy Chair: Are there any comments, questions, or amendments to be offered with respect to this bill? The hon. Minister of Agriculture and Food.

Mr. Groeneveld: Thank you, Mr. Chairman. It's my pleasure to rise today in Committee of the Whole to present Bill 32, the Animal Health Act. I certainly appreciate the support received at second reading of the bill, and responses to the questions proposed by the hon. Member for Edmonton-Gold Bar and the hon. Member for Lethbridge-East during second debate have been tabled.

The provision in Bill 32 will allow Alberta to better prepare for an outbreak of highly contagious livestock disease and respond to

emergency situations quicker and more effectively to protect both animal and human health. Mr. Chairman, that is why I'm encouraging all members of this House to give their full support to Bill 32.

Thank you very much.

The Deputy Chair: The hon. Member for Edmonton-Gold Bar, followed by Cypress-Medicine Hat.

Mr. MacDonald: Yes. Thank you very much, Mr. Chairman. It's a pleasure to participate in Committee of the Whole on Bill 32, the Animal Health Act. I first thought it was very good and sound legislation, but the more I look into it, I think it is legislation that if we pass in its current form will certainly hide from the public another outbreak of incompetence by this department because of the inclusion of a provision to essentially override the FOIP Act.

The hon. minister is absolutely correct, and I appreciate his time and his diligence in preparing answers to previous questions that we had in second reading. Of course, we asked if the Privacy Commissioner had been consulted and, if so, what his response was to the proposed paramountcy provision in this legislation. The minister writes that the Privacy Commissioner was consulted, but he does not agree with the proposed paramountcy provision in Bill 32.

Now, there appear to be differing legal interpretations of the Freedom of Information and Protection of Privacy Act, section 17(2)(b), from the Department of Agriculture and Food. This department believes that the proposed paramountcy provision is required to provide an increased degree of assurance to animal owners. Release of information will occur as required by section 32 of FOIP, when it is clearly in the public interest to do so.

If we look at section 32 of the Freedom of Information and Protection of Privacy Act, we will see its division 4, public health and safety, that information must be disclosed if it is in the public interest. It goes on to say here, Mr. Chairman, in section 32(1):

- (a) information about a risk of significant harm to the environment or to the health or safety of the public, of the affected group of people, of the person or of the applicant, or
- (b) information the disclosure of which is, for any other reason, clearly in the public interest.

Well, I don't know who is going to determine the public interest. I certainly don't have the confidence that Agriculture and Food is going to do that. I'm sorry.

Mr. Boutilier: I have confidence in you, George.

Mr. MacDonald: The hon. Member for Fort McMurray-Wood Buffalo has confidence in the hon. minister, but certainly taxpayers are asking me a lot of questions about what's going on with that department.

The Privacy Commissioner, Mr. Chairman, does not agree with the proposed paramountcy provision in Bill 32. The Privacy Commissioner does not see the need for the extra secrecy. Citizens of Alberta can't understand why this government is so obsessed with the extra secrecy, but after question period today and the questions that were addressed by the hon. Member for Edmonton-Riverview, I can see why this government is so obsessed with these extra layers or veils of secrecy.

Now, I would reconsider my opposition to this bill if the Department of Agriculture and Food would table these legal interpretations of the FOIP Act that they have and that they're basing this letter on. If they'd table them in the Assembly, I will certainly make every effort to have a look at them. Mr. Chairman, it is alarming that the minister has consulted with the Privacy Commissioner on the paramountcy clause in section 55 and ignored his advice. The

Privacy Commissioner, according to the minister, does not agree that this provision is necessary. This government, as I said earlier, as we all know, prefers to hide information from Albertans as opposed to being open and transparent.

The minister states in a letter dated May 14 of this year: "Agriculture and Food (AF) believes the proposed paramountcy provision is required to provide an increased degree of assurance [as I said] to animal owners." Why do animal owners need an increased degree of assurance? Is it the minister's position that animal owners will hold back information if this provision is not included? Which animal owners has the minister consulted with to make this determination? Has the minister spoken with animal owners who say that they will not share information, even though the law requires it? Are there a lot of animal owners in Alberta, in the minister's opinion again, that would break the law if they don't have increased assurance in the form of secrecy provisions? Who has the minister spoken with specifically? Who is lobbying the minister to hide information from Albertans despite the advice of the Privacy Commissioner not to do so? If this paramountcy provision is, in fact, about protecting animal owners, why is there only a five-year limit on the release of that information?

Now, the Premier likes to talk about how open and transparent the current government is. Can the minister tell us how his decision to ignore the Privacy Commissioner's advice and to hide more information from Albertans fits with the Premier's claims? Did the minister consult with the Premier in his decision to ignore the Privacy Commissioner? Does the Premier support the minister's decision to hide this information from Albertans? Is creating even more secretive legislation part of this government's pledge to be more open and transparent? Why does the minister consult with the Privacy Commissioner if he simply ignores his advice? Can the minister tell us exactly what the Privacy Commissioner said about this paramountcy provision? Will the minister table in this House any correspondence or documentation between his department and the Privacy Commissioner regarding Bill 32, or is that secret as well?

9:30

Again, can the minister tell us, Mr. Chairman, why he believes it is necessary to continue with this government tradition of being secretive, hiding information once again from Albertans? Can the minister tell us why he's ignoring the Privacy Commissioner? Does the minister believe that the Privacy Commissioner is wrong? Why does the minister need to be so secretive? What does the minister hope to gain by hiding this information from Albertans? Can the minister please explain what the point of consulting with experts is if he's simply going to ignore their advice?

Now, in his letter dated the 14th of May, the hon. minister states:

The Privacy Commissioner was consulted. He does not agree with the proposed paramountcy provision in Bill 32 being necessary. Because of differing legal interpretations of the . . . FOIP, Agriculture and Food believes the proposed paramountcy provision is required to provide an increased degree of assurance to animal owners.

Can the minister now tell us who in the department is interpreting the FOIP Act? I hope it's not the same people who were doing your farm fuel benefit.

Now, demanding that this statute be more secretive than is necessary according to the Privacy Commissioner, in his letter, again, dated May 14, 2007, the minister states: "Release of information will occur, as required" – and we had a little discussion of section 32, Public Health and Safety, of the FOIP Act – "when it is clearly in the public interest to do so." Can the minister tell us who determines whether or not, as I said earlier, the information is clearly

in the public interest? Does the office of the Information and Privacy Commissioner play some role in this determination? Why, then, doesn't the hon. minister just listen to the commissioner when he tells his department that added secrecy provisions are not needed? Why does the minister insist on moving backwards in terms of openness and accountability? How does the minister justify his decision to support a bill that increases the secrecy of this government? Is this the minister's idea of openness?

Mr. Chairman, there are also other parties that have come forward to our office with the claim that they were not consulted in regard to the drafting of this legislation. I'm wondering if the hon. minister would table a complete list of all the organizations that were consulted regarding the drafting of Bill 32, the Animal Health Act.

Certainly, there are provisions in here that are noteworthy. I think the Livestock Diseases Act needs to be updated. You know, there's an interest in Bill 32, the Animal Health Act. There's a genuine interest to improve things, but with these secrecy provisions, I'm sorry; on this side of the House, until we get further clarification and perhaps have a look at the legal opinion, we cannot at this time contemplate supporting this bill.

Thank you.

The Deputy Chair: The hon. Member for Cypress-Medicine Hat.

Mr. Mitzel: Thank you, Mr. Chairman. Having not had a chance to speak in second reading, it's a pleasure to rise today to speak to Bill 32, the Animal Health Act. I want to thank the Minister of Agriculture and Food for bringing this act forward. I think this act will go a long way towards helping our livestock industry move into a new era, an era of global trade where market access is of critical importance. As an MLA and farmer I see benefits in this new approach, benefits for my constituents and Albertans as we adapt to the changing times. After all, we all want to and need to keep our livestock industry competitive and our food safe.

I've heard from my constituents about the devastating effect the emergence of BSE in our cattle herd had on them. I want to ensure that we learn lessons from the past and do better for our producers going forward. I'm keen on how this act will help meet our present and possible future challenges. One of the most devastating things for the farming regions of Alberta was the BSE crisis. The cow-calf operators of Alberta were extremely jeopardized when they were not able to market their animals to global markets. In particular, losing market access to the United States was our biggest loss as they are our largest market. Even today we've not fully restored market access for cattle over 30 months of age. This restriction certainly limits our ability to market cull cows. All the while, we continue to face organized lobby groups like R-CALF and other challenges that are making it slow and laborious to open borders.

Bill 32 also enables Alberta to progress with animal traceability. As the minister said, it enables us to move forward in a way that makes sense for Alberta, that considers the needs of our producers and industry as a whole. Not only will it help us fight disease, but I'd like to emphasize that this initiative can have direct benefit for producers seeking global market opportunities. Under the new Animal Health Act we can show our diligence with control and containment of highly contagious diseases. Our ability to trace our animals and animal products from the farm to the fork is beneficial to maintain and expand market opportunities. Consumers around the world, including my constituents, are demanding this assurance.

We've seen how our good work at BSE surveillance and our commitment to improving traceability has helped open borders. But I've also been talking to other sectors, and I can tell you that this is not just a concern for beef. Consumer confidence in all our animal

products will continue to become more and more important. There's no denying it. This is a global trend that is here now. I want to commend these industries that have already made the commitment to improve traceability. The way the regulations are being developed, I'm confident they will reflect the good work that has been started and will build on these successes.

Mr. Chairman, one of the issues that came up during the consultation period in this Legislature and was just mentioned by our previous speaker was centred around the information farmers would have to submit to help prepare for and respond to a disease outbreak and the level of protection that would be given that information by this government. I want to assure my constituents that any information collected under this legislation is considered necessary for the success of our industry and maintaining trade opportunities. I believe we need information in order to respond quickly and effectively to an outbreak of an animal disease.

In fact, Mr. Chairman, I understand that we are strengthening the protection of information under this act by seeking paramouncy over section 17(2)(b) of the Freedom of Information and Protection of Privacy Act. This will give members of our industry protection when an outbreak occurs with no direct threat to animal or human health in the immediate vicinity. We understand that farms are businesses, and we want to protect and respect their rights as businesses to maintain the reputation of their business. This exemption will encourage the sharing of information and increase the level of confidence in our system.

When there's a disease outbreak that poses a threat to the health of animals or humans in the immediate vicinity, it will still be subject to FOIP, section 32, that requires the release of enough personal information about the disease outbreak to those at risk to enable them to take precautions against the disease in question.

Mr. Chairman, the health and safety of Albertans is the number one priority of this bill and this government. We want to make sure that when an outbreak occurs, we have the right information to act immediately to minimize any impacts on animal and human health. By having this information readily available, we are able to respond decisively at the first sign of an outbreak. This legislation is not intended to pry into the records of Alberta ranchers. I think the protection provided by Alberta's FOIP laws and by the exemption in this legislation is very appropriate.

One of the concerns I had with this legislation was the amount of information that would be required to be kept and filled in as we progress to make important decisions on this act through the regulation development stage. I've consulted with the Minister of Agriculture and Food to ensure that stakeholders will be consulted as the regulations develop. The minister has expressed an openness and commitment to stakeholders.

There's a commitment to continue working with industry every step of the way to make sure that this legislation works for them. After all, it's the members of our livestock industry who will be most affected by this change in legislation. This will affect the way they keep records, the way they respond to disease outbreaks, and the way they set up animal health and biosecurity programs to support the viability of their operations. We need their involvement and expertise to make sure that what we implement is effective, attainable, and affordable.

A great deal of stakeholder consultation work has already been done, Mr. Chairman, and I'm satisfied that the same openness to various perspectives will continue as we find the best approach for all Albertans in the regulation development process. In fact, I was happy to learn from the Minister of Agriculture and Food that the first stakeholder meeting to discuss the development of regulations is already planned in the next couple of weeks.

9:40

I know that the Department of Agriculture and Food is full of knowledgeable employees who help keep our agricultural industry competitive and strong. However, these individuals may not be able to identify problems in the legislation like the rancher who is immersed in the industry every day, problems that can only be recognized by those who work in the corral or on the slaughterhouse floor. This is the input the department needs to make sure that this legislation is as effective as it can be, and that is why it is important to consult with these stakeholders. After talking with the minister, I am confident that the approach we are taking is the best one to get us there.

In conclusion, I believe the proposed Animal Health Act would repeal and replace the existing Livestock Diseases Act, which was created in 1946 to minimize the impact of diseases in Alberta livestock. Much has changed in livestock farming in the last 61 years, and much has changed in the expectations of consumers in the marketplace.

I support the passage of Bill 32, and I thank the Minister of Agriculture and Food for bringing forward a bill reflective of the best interests of the modern livestock industry.

Mr. Chase: My belief is that Bill 32 accomplishes the exact opposite of what it's intended to do. In fact, I believe Premier Klein would be proud of this Bill 32 because it supports his response to the BSE crisis: shoot, shovel, and shut up. Burying things in FOIP on a covert, need-to-know basis sounds like something that we'd find with the Sandinistas or the CIA. It kills the credibility for importers, and it goes against traceability rather than supporting it.

I may be a city-based individual, but my family members in the Vermilion area have very direct experience with BSE. It was one of my cousins who bought the cow from the Saskatchewan farmer where the end result was the culling of his entire Angus herd. This is a herd that my uncle, David, and his wife, Patsy – we've got the Chase and the Cross families of Vermilion – had built up over years and years and years, and because of the poor handling of the BSE crisis, the inability to test live animals, his whole herd was culled. That was an awful lot of expensive meat that went to waste.

Now, this government, when the BSE crisis broke out, couldn't act for three months because there weren't sufficient testers at the time. The lone one or two testers were so caught up with testing for CWD that the results weren't announced for three months, and the credibility of the Alberta beef industry suffered tremendously as a result.

We can't afford another BSE crisis, and the only way to be proactive about this is being transparent and accountable so that all people who would wish to import beef, whether it's across the border or meat sent to Japan, can trust the Alberta process. Bill 32 and its FOIP attitude take secrecy to another high level.

Today we have been talking about transparency and accountability in a number of bills. This government has got to really shake its head because there are outfits like the R-CALF down in Montana that are trying to prevent Canadian beef from crossing the line. I support what the former agricultural minister said, that we need to be shipping beef in a box rather than beef on the hoof. But as long as we're exchanging live animals, we have to have such an open and transparent process. We have to know that each of those animals has been thoroughly tested. I know that the test on live animals – I gather it hasn't been completed. But because we don't have that blood testing at this point, we need to reassure the world that Alberta beef is the best.

Bill 32, by saying that only certain people require this information, goes against the Privacy Commissioner's interpretation of what

necessary information should be out there. How can we possibly say to people who would buy Alberta beef that we've gone through the process, that it's thoroughly protected, when it took this government so long to do the feed recall? I know that it's hard to trace back, but it was suggested that for some of the feed that contained the animal products itself that were being fed to the cattle, we were so slow to act that it continued, basically, a year and a half after the BSE ban. During the BSE crisis the people that profited the most were the American slaughterhouse owners because they not only received compensation for their own internal large herds, but they did their own slaughtering first before regular Alberta ranchers could get their beef to processing.

We cannot afford to maintain a ranching industry and support farmers if the government is suggesting that anything but absolute transparency and accountability take place. We have improved the traceability. Why would we work against it?

Thank you very much.

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

Mr. Bonko: Well, thank you, Mr. Chairman. Speaking on Bill 32, I do support a number of the positions that the hon. Member for Calgary-Varsity has taken about openness and transparency. If we're going to continue to ensure that everyone, including ourselves, has complete and total confidence in our industry, we've got to make sure that there's nothing that can be hidden from anyone. We've got to make sure that any and all available information is available to all citizens, not just a select few who happen to sit behind the privacy desk. The Privacy Commissioner did say that everyone should in fact have the opportunity to have the information.

Even though I believe that the intent of the bill is good, that we do need to modernize the legislation, my concern with this particular piece surrounds the game farming. Were the game ranchers consulted as well? That is part of the Animal Health Act because they do, in fact . . .

An Hon. Member: Are they covered?

Mr. Bonko: Well, that's right. Are they going to be double-fencing to make sure that they don't have the chronic wasting disease continue to perhaps affect that? That is a big industry. That's an industry that we've been concerned about for quite a while, since the breakout, and it was denied that it was ever in existence.

We've already done some culling twice or three times now. The last cull was around Oyen, where they did about 1,200, and they did in fact detect some more, that the existence is in the wild, and it's continuing. I'm not sure if it's slipping in from Saskatchewan or if it's manifesting itself right within the borders, if it's linked to the ranching. That's definitely some concerns that we have on our side of the House. I know there are concerns out there. As an avid hunter myself and people out in the area of Stettler, Drumheller, where the cull has occurred, are definitely concerned.

That is some of the talk out there during the door-knocking as we happen to be in a by-election right now. Those are some of the tips that people are talking about as a candidate does go out there in the area of Oyen and that. People want to know: what's the government doing about that? How has it managed to get this far this fast? Those are some of the conversations that our candidate has been inquiring about and has questions about, constituents out there have, myself as well.

I'm not sure if the minister is prepared to answer some questions with regard to some of that. If you could tell me, I wouldn't mind. Has the minister talked to some of the ranchers and insisted or flown

the idea about the double-fencing to ensure that we don't have the ability for the wild animals to get right in with our game animals, that are supposed to be domesticated?

Those are some specifics, Mr. Chairman, that I wouldn't mind having answered, then. Thank you.

9:50

Mr. Chase: Just to follow up on the hon. Member for Edmonton-Decore, the Alberta Fish and Game Association and Bob Scammell, who frequently writes for the *Calgary Herald*, are extremely concerned about the interaction of wild and farmed elk, deer, and so on. Our first problem with CWD can be traced back to elk that we imported from I believe it was Montana. It might have been Idaho, but I believe it was Montana. Now we are taking such expensive measures, shooting from the air and culling large numbers of the wild deer population, again because we don't have the ability to test the animals live. So until the government decides that they're going to provide compensation for these people that they lured into the elk velvet and deer, we're going to be liable for an awful lot of compensation. The faster we get out of this industry, the better.

While I'm talking about that industry, the most offensive thing that could possibly be occurring in terms of the culling or the eventual getting out of that industry would be the penned hunts. This is something that the government had suggested, and some of the owners of these elk and deer, who were so frustrated by the lack of their industry's value, had suggested bringing people in. This is the equivalent of that large hog story down in the States, where it turns out that the so-called wild hog was actually one that had been on a farm and then was shot within a penned circumstance. Heaven forbid that that kind of penned hunting should ever find itself within Alberta boundaries.

The Deputy Chair: Any others? The hon. minister.

Mr. Groeneveld: Well, thank you very much, Mr. Chairman.

An Hon. Member: Question.

Mr. Groeneveld: No way. After that got rolled at me, I'm going to roll right back.

I will for the hon. members across discuss the freedom of information and privacy act because apparently that's where they're trying to come from. I guess that I get a little disturbed when three members opposite stand up and once again try and attack the credibility of agriculture people. Whether it's the farm fuel benefit act or whatever it is, it's always these people that are doing all these illegal and secretive things.

Mr. Chase: We've got the government speaking, not the farmers.

Mr. Groeneveld: I was quiet when you were talking.

I will talk about where we're at with the FOIP Act on Bill 32. I don't think I'm going to have to table it. You may as well listen to it right here. The hon. Member for Cypress-Medicine Hat explained it very well. I don't think the hon. Member for Edmonton-Gold Bar happened to be listening at that time, so I guess that he'd better listen this time because I'm not going to table this document. I'm going to read it to him.

Clearly, accurate data must be available for any rapid response to a contagious disease. Not only is this information vital in responding to emergency health situations, but it is necessary for the success of our industry and maintaining trade opportunities.

However, it is important to note that this is also confidential business information. For that reason, the Animal Health Act aims

to gain paramouncy over Section 17(2)(b) of the Act to further protect information. This means that information will not be provided if it is requested by a third party who is not directly at risk. Information would only be provided subject to Section 32 that was specifically required to those at risk to enable them to take precautions.

A balance is needed between the need for the sharing of confidential information, the protection of human health and the protection of privacy. This balance will ensure participation and maximum confidence in Alberta's handling of information.

- FOIP section 17(2)(b) provides that if there is a request for information under FOIP, if the information can affect public health, it must be released whether or not the person making the FOIP request is personally affected.
- Release of disease information from a farm under FOIP 17(2)(b) could have a serious impact on the owner without providing any significant information to the 3rd party. In other words, if the 3rd party was not directly at risk, the released personal information would not facilitate mitigation of a risk but would compromise the owner's confidentiality.
- The [Animal Health Act] is requiring animal owners to provide information on the disease status of their animals. Compliance with this requirement will be a significant issue if there is not some guarantee of confidentiality of the information.
- The [Animal Health Act] proposes an exemption to FOIP section 17(2)(b) only. The information will be kept confidential for five years. After five years, there would likely be little impact of releasing the information because the disease will have been dealt with or would no longer be relevant, and in all likelihood will not be of sufficient merit to generate a FOIP request.
- Any disease outbreak that poses a threat to the health of animals or humans in the immediate vicinity will still be subject to FOIP section 32. It requires the release of enough personal information about the disease outbreak to those at risk to enable them to take precautions against the disease in question.

Mr. Chair, I have great faith in the animal owners to report the diseases that might come along under this. The hon. member always seems to think that we're out there and we're dishonest. But we have to change this act. We have to be modern. It doesn't have a lot to do with some of the issues that the hon. Member for Calgary-Varsity brought up.

Now, with the hon. Member for Calgary-Varsity, I sometimes wonder where his relevance comes from. I guess that it's a chance to sneak in some other issues that aren't relevant to where we're at with this bill. The elk and deer farm hunts in Alberta are not legal. We've never even brought them up since I've been in this capacity, so I'm not sure where he's going with that one.

Game farming is under the auspices of SRD, and the chronic wasting disease, certainly, has a relevance to this. Somewhere in there there was a question about compensation. These are wild animals out there, and I'm not sure who should be compensated and the cost that we are . . .

Mr. Chase: The game ranchers.

Mr. Groeneveld: The game ranchers? They have nothing to do with the wild animals out there.

Anyway, Mr. Chairman, I would encourage all people to look favourably upon this act. It is certainly not an act out there to try and be dishonest and hide things. It's exactly the opposite, and anybody that thinks different is exactly out of line as far as I'm concerned.

Mr. Chairman, I'm a farmer. My livelihood and my son's livelihood depend on what we do with the Animal Health Act. Why would we go out there and cut our own throat? I don't understand their issues. There are certainly issues that seem to come from the other side of the House that I don't agree with.

There is openness and transparency in this act. This is a good act. We have to move forward on it.

Mr. Chase: I look at this third-person, need-to-know basis in the same way that the Energy and Utilities Board conducts hearings. People who are in the surrounding area who are affected by the potential of fracking have a right to intervene at the hearings, but the government has prevented them from doing so. It's only if you're within I believe the distance is 500 metres of the well being drilled that you have any opportunity to respond to the effect it might have on your own agricultural and water well-being.

On this third-person, need-to-know, and the government decides with whom it will share the information: my limited understanding is that BSE is potentially transferred through prions. I would think that when herds come into contact with each other, the importance of the traceability is paramount. I'm also very aware, having worked in the park area and having been forced to be a cattle herder against my own will, that cattle don't necessarily respect fencelines, so there is the possibility of intermingling of the various farm animals.

10:00

The length of time it takes for the BSE to take hold is such that years later – and if I were the farmer down the road or beside the individual where the BSE was discovered, I'd very much want to know because I would be questioning the health of my animals. I'm not suggesting that we have to double-fence our cattle like I do believe we need to double-fence our elk and deer. Sharing information with those affected: I don't think you can go wrong by being overly accountable or transparent, but I do believe you can get into a great deal of difficulty if you don't share that information and appear to the world that will be importing your beef that your process is completely open.

The Deputy Chair: Any others? Are you ready for the question?

Hon. Members: Question.

[The clauses of Bill 32 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Deputy Chair: Opposed? Carried.

The hon. Deputy Government House Leader.

Mr. Renner: Thank you, Mr. Chairman. I move that the committee now rise and report bills 33, 26, and 32.

[Motion carried]

[Mr. Shariff in the chair]

The Acting Speaker: The hon. Member for Wetaskiwin-Camrose.

Mr. Johnson: Mr. Speaker, the Committee of the Whole has had

under consideration certain bills. The committee reports the following bills: Bill 33, Bill 26, Bill 32. Mr. Speaker, I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

The Acting Speaker: Does the Assembly concur in the report?

Hon. Members: Concur.

The Acting Speaker: Opposed? So ordered.

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

Bill 29
Farm Implement Amendment Act, 2007

[Adjourned debate May 30: Reverend Abbott]

The Acting Speaker: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you very much, Mr. Speaker. First off, I would like to thank the hon. Member for Drayton Valley-Calmor for his efforts to update us on this side of the House in regard to this legislation. Certainly, the provisions of Bill 29 have been summarized already in the Assembly by the hon. member, I believe, and they have been summarized very well. I see this legislation as a step toward this province becoming aligned with Saskatchewan and Manitoba. Those Assemblies, as I understand it, have enacted similar legislation. It's interesting, I guess, for the hon. Member for Edmonton-Calder that the Conservative government here would be following in the New Democrats' footsteps in Manitoba and Saskatchewan.

Certainly, this bill is a step in the right direction. Whenever we look at amending the Farm Implement Act, enabling financial institutions to offer financial lease and financial lease-purchase options to farmers for the acquisition of farm implements, it's a change.

The board that is going to be set up with this bill – it certainly will be interesting to see how this board develops. It's a seven-member board, as I understand it, consisting of three farm commodity group members, three industry members respecting dealers, distributors, and manufacturers of agricultural equipment, and a member appointed by the minister. The board advises the minister on matters arising from the operation of the act. The Alberta Farmers' Advocate's office administers the act. I'm wondering: is the hon. member confident that the budget of the Farmers' Advocate is sufficient to administer this act?

First off, I would like to make a comment in regard to the member of this seven-person panel appointed by the minister. I hope the criteria for this is not a Progressive Conservative Party membership. You know, some of these commissions and boards that we've set up here recently are patronage appointments, Mr. Speaker. I hope this board doesn't become a soft landing for a Progressive Conservative Party member. We see this commission or this task force that has undertaken this review of all these agencies, boards, and commissions, and we'll see what happens with this task force.

A farm implement, as has been indicated earlier, is "any implement, equipment, engine, motor, machine, combine, tractor or attachment used or intended for use in farming operations" but does not include items exempted by regulation. There is a retail selling price mentioned here of \$4,000 or less. Currently, a farm implement dealer is defined as a person who sells, offers for sale, leases, or offers for lease farm implements. Licences are required for both

dealers and distributors with options to guarantee warranty service and parts available for a period of 10 years.

I would also assume that the lending agencies have all been contacted in regard to Bill 29 and they are satisfied. I was surprised with previous legislation that had been drafted and developed by this department where, you know, the banks had major issues with it. I'm sure the hon. Minister of Agriculture and Food is quite aware of that situation and the consequences of that.

Certainly, whenever we look at this, farmers will have more choices when it comes to acquiring farm implements. Financial institutions will basically become middlemen, as I understand it, hon. member, in the transaction process, acquiring the farm implement on behalf of the purchaser from the implement dealer. Once the purchaser has acquired the farm implement, the implement distributor, dealer, and farmer are bound by statutory and other agreed upon guarantees or warranties relating to the implement.

This side of this House has nothing against farmers or rural people, as the minister of agriculture maintains. He is certainly out to lunch on that one, Mr. Speaker. It's the furthest thing from the truth, hon. member, and the minister knows that. He's just trying to get a lifeline because of inadequate auditing done by the department over the last 10 years. He can publicly try to blame us, but the farmers that phone us certainly know. I'm talking about the latest program delivery that isn't working out, and that's the farm fuel benefit. The hon. minister knows that it's not this side of the House that's at fault or to blame. He can point fingers at us all he wants, but farmers and taxpayers know what the real problem is and who caused it.

10:10

The purpose of this bill, Mr. Speaker, and the effect of this bill is to provide greater financing options to farmers who are looking to acquire farm implements. There does not appear to be any controversial provisions within this bill, and again through the course of debate I think we're going to find out which financial institutions and other groups have been contacted and what they've had to say about this. At this time I'm certainly willing to support this bill. The intent and the effect of this bill are positive, and I think that this bill will have some very positive outcomes for farmers in Alberta. I look forward to further discussion on this, and I thank the House and the Speaker for their attention.

The Acting Speaker: The hon. Member for Edmonton-Calder.

Mr. Eggen: Thank you, Mr. Speaker. I just very briefly would like to also express the New Democrat caucus's support for Bill 29, the Farm Implement Amendment Act. This bill, in fact, seems to resolve a number of potential difficulties over warranty implementations by dealers and liabilities concerning issues with purchases of farm equipment, making the purchaser rather than the financial institution brokering the deal responsible for the payment of lease-purchase amounts to the dealer. In fact, this bill ensures that unscrupulous purchasers cannot get out of paying the dealer by stating that the financial institution as the broker is responsible for the payment.

So by making dealers responsible for enforcement of the warranty regardless of who bought the equipment, the bill ensures that farmers can get their equipment fixed or serviced even if it was the financial institution that brokered the deal. This bill does not put any unfair or onerous financial burdens on any particular party, so we see no reason why we shouldn't support it.

Thank you.

The Acting Speaker: The hon. Member for Edmonton-Manning.

Mr. Backs: Thank you, Mr. Speaker. I'm very pleased to rise in support of Bill 29, the Farm Implement Amendment Act, and commend the Member for Drayton Valley-Calmar for bringing forth this bill. It's an important agricultural bill for our Alberta farmers, but it's also an important economic bill because it does increase the opportunity for capital aggregation, really, by ensuring that certain economic factors become more readily available to our farm producers.

Farming is a business, and it's very clear that this will increase the opportunities for farmers to finance their business. It's not only looking at Saskatchewan and Manitoba, although they have similar legislation. Some of the European models certainly look to leasing in a major way. The AIB, for example, has spoken about this quite a bit in trying to encourage greater leasing in Ireland.

Leasing is a method of financing agricultural equipment in a cost-effective manner. It is attractive to farmers as it avoids tying up money in depreciating assets. Leasing provides farmers with the option of making regular payments that suit their cash flow and budgetary requirements and as such presents a very cost-effective alternative to paying cash. Leasing may also confer certain tax advantages for farm businesses as payments made under a lease agreement can be tax deductible, making this form of asset financing even more attractive. Essentially, leasing allows farmers the immediate use of a productive asset while not imposing large restrictions on their cash flow. Leasing can provide financing with little initial outlay, thereby reducing the cash flow strain of capital expenditure. Importantly, given the significant expenditure involved with some of today's specialist machinery, leasing payments are a small portion of the purchase price of the equipment, and the lease payments can be scheduled to coincide with the seasonal cash flow of a farm business. In addition to preserving cash flow, the fixed payments associated with lease financing improve the ability of farmers to accurately budget and forecast their cash flows over the planning horizon.

Leasing is a very important type of option that must be made more available to farm producers, to farm businesses. In some countries in Europe leasing of implements and such is the preferred option in three out of four cases. It is a very important area in terms of increasing capital aggregation in the farm economy to have this option open.

Now, with all due respect to the Member for Edmonton-Gold Bar I have often heard the Official Opposition – in fact, this was raised the other day, when the Official Opposition was laughing at agricultural and rural interests in Alberta. There was some discussion and even a point of order raised on that. Actually, it's clear from my experience outside this House that I have seen that often and very clearly a factor that has been part of the Official Opposition's way of approaching agriculture. It's certainly not the Member for Edmonton-Gold Bar but certainly the Official Opposition and its leader and leadership in general, and that is something that has been argued in this House and has actually, I think, been clearly proven.

Bill 29, in any case, Mr. Speaker, is a very important bill. I commend the mover again, and I do support this bill. Thank you.

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

Mr. Chase: Thank you very much. I, too, along with my colleagues support Bill 29. Although the majority of my life has been spent in the city, I was born in Saskatoon, Saskatchewan. My grandparents lived in Meota, Saskatchewan, very near to Jackfish Lake, and we had a number of farming friends, and a number of my cousins were farm based. I have fond memories as a child playing with the combines and the tractors that my grandfather had partially carved

and partially built with pieces of tin, and I have fond memories of crawling through some of the old combines that were basically left in a heap to rust.

The face of farming, as I say, has changed tremendously since my father in the Dirty Thirties worked in threshing crews powered by steam engines. At that time there was, and there is still to a degree, sort of a collective nature to things. What the threshing crews did is kind of what the member referred to before. The threshing crews came through. They had the equipment, and the farmer would basically pay them in kind or after a fashion. It was almost like our modern leases today. They didn't have to have the overhead of having very expensive machinery.

For farmers today keeping the family farm intact is extremely difficult. What Bill 29 provides is a degree of reliability and liability for the implement dealership and the lessor of the equipment to treat the farmer in a fair manner. I know that we still have various combining crews that go from farm to farm and help each of their neighbours get the crop off, but the factory farm is becoming almost a necessity for a number of farmers to survive. The whole historical roots and connection to the soil get lost when it becomes an industry instead of a family-owned business. Bill 29 gives the individual farmer the degree of support that is necessary to maintain a family farm in Alberta today.

10:20

I thank the government member and the Member for Drayton Valley-Calmar for recognizing the plight of farmers. Hopefully, through government land-use bills and so on we will stop encroaching on wonderfully arable farmland and maintain our proud traditional history.

Thank you.

The Acting Speaker: The hon. Member for Drayton Valley-Calmar to close debate.

Rev. Abbott: Well, thank you, Mr. Speaker. Yes, I would like to say thank you very much for the support. I do appreciate the support from all sides of the House on Bill 29. There were some excellent questions raised tonight by several of the members that spoke, and I will endeavour to answer those in Committee of the Whole or possibly in written form if we don't get a chance to do it in Committee of the Whole. I will answer those as soon as possible with detailed answers.

Mr. Speaker, I would like to move second reading.

[Motion carried; Bill 29 read a second time]

Bill 39
Engineering, Geological and Geophysical
Professions Amendment Act, 2007

[Adjourned debate May 30: Mr. Lukaszuk]

The Acting Speaker: The hon. Member for Edmonton-Glenora.

Dr. B. Miller: Thank you, Mr. Speaker. I rise to speak in second reading of Bill 39, Engineering, Geological and Geophysical Professions Amendment Act, 2007. This bill is a result of a long period of discussion which culminated in a memorandum of understanding in December 2006, which was signed by both the members on the engineering side and also the members on the technologists side. The discussion paper accompanying this memorandum of understanding, which was published actually in *The PEGG*, provides valuable background material to help us understand

Bill 39. In fact, the discussion paper begins with this statement, and I thought it was a very clear delineation of the issue. "Engineering and technology are intertwined, and engineers and technologists work together across a wide spectrum of professional activity."

I mean, this is an important, descriptive statement. In the field, in the workplace, engineers and technologists work together to get the work done. There doesn't seem to be any conflict when work has to be done. They work together in teams, and in the field, in the actual workplace there's no conflict, but when it comes to organizing themselves into professional societies, that's where they perhaps get into conflict. It doesn't make much sense to have one group, engineers, having in place legislation pertaining to their profession, but technologists do not have legislation in place to regulate their profession.

Currently professional engineers, geologists, and geophysicists are regulated under provincial legislation as members of APEGGA, the Association of Professional Engineers, Geologists, and Geophysicists of Alberta. Registered professional technologists are voluntary members of ASET, the Association of Science and Engineering Technology Professionals of Alberta. ASET is registered under the Societies Act but is not a legislated regulatory organization, so this bill is an attempt to elevate ASET and provide them the same kind of legislative protection and oversight and regulation as APEGGA. Discussions have gone on for some time to join the two together. B.C. tried to form the two into one association, and apparently that failed. What we have before us in Bill 39 is the proposal to have one act regulating two associations, so one act, two associations.

Why do this? Well, as the discussion paper indicates, this is in the public interest, and here I follow some of the points of the discussion paper. The model of one act, two associations will "better protect the public interest by assuring the competence of engineering and technology professionals across the spectrum of their intertwined practices." In the field engineers and technologists work together in teams, so it makes sense for their collected work, their integrated work to be regulated in an integrated way. If they work together in teams, are doing essentially the same scope of work, then they should have the same kind of legislation that oversees their collective work.

One act with oversight over all of its members brings professional standards and discipline and ethical standards to bear upon the members, so there is no discrimination or there's not a separate set of standards, set of discipline issues, ethical standards, or ethical code applying to one association and not the other. The same kinds of ethical standards apply to both associations, and this can be only a good thing.

The bill recognizes the independently practised engineering work of registered professional technologists who have been licensed by APEGGA. Now they will be recognized in this bill as professional licensees, and there will be a new designation, professional technologist, jointly regulated by APEGGA and ASET. I won't speak to specifics in the bill, but you have in the definitions in the front of the bill an outline of the various ways in which professional technologists are understood.

So, Mr. Speaker, this is all about professionalism or professionalization. It's about the ethics of professions. We've seen an evolution through recent history where all professions try to take charge of their own work, applying strict definitions, recognition of roles and responsibilities, and discipline. There's a great responsibility of professions to take care of their own house, so any kind of enhancement of the ethics of professions is something that I'm sure all members in the House would support.

The members of APEGGA and ASET are really to be commended in working together. I don't think it has been easy. You know, in

any profession there is a kind of pride in one's profession that often leads to, perhaps, a kind of conflict, if you like, with other professions, and especially when the word "engineer" is used. Some workers doing the same kind of work want to be considered to be engineers even though they're not, yet they're all basically working together, doing the same kind of work.

So it's to be commended that APEGGA and ASET have worked together to work out their relationship and to in a sense elevate the importance of their profession and the processes of accountability to the public. This elevation of the accountability to the public only will lead to an elevation of their professions' credibility, so under this act – one act, two professions – the credibility of the profession goes up and, I think, is enhanced.

Hopefully, this bill will bring to an end all conflict between the two organizations over the scope and role of each organization's members, and they will continue to work on this. Most of the bill is then putting into effect all the regulations with respect to ASET, which mirror what's already in place in terms of the legislation dealing with APEGGA.

We've met with members from APEGGA and ASET, and we are very impressed by the way they've been working together, so on this side we would certainly support this bill. Thank you, Mr. Speaker.

The Acting Speaker: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you very much, Mr. Speaker. Certainly, whenever you look at this bill and you listen to the remarks of the previous speaker, I would urge all hon. members to support this legislation.

10:30

I would like to thank the members of APEGGA for their updates. There has been a lot of work done by both groups here, the Association of Professional Engineers, Geologists, and Geophysicists of Alberta and the Association of Science and Engineering Technology Professionals of Alberta, to establish this one act, two associations model of governance. I, too, would like to commend them for their hard work.

I would also like to commend the hon. Member for Lethbridge-West and the previous minister of human resources and employment, the hon. Member for Athabasca-Redwater, and also the current Minister of EII, because certainly this memorandum of understanding that has resulted in this legislation is significant. There have been some jurisdictional issues between these two groups. Hopefully, this will resolve the majority of them, and they will work together.

The engineers go out of their way to ensure that there is proper accreditation for engineers from other jurisdictions who come here to practise. I was very impressed with the work that they do to ensure that qualified engineers are given the proper accreditation so that they can carry on with their work here in this province. Other government departments could learn a lesson from APEGGA as far as professional accreditation goes, in my opinion, because certainly they do a very good job of ensuring that the engineers that are practising in this province meet their standards and the standards that, of course, are set out in legislation.

Now, Mr. Speaker, this act has been a long time in coming. In the real world engineers and technologists work in integrated teams in order to serve the public interests effectively. Regulation of their respective professional practices needs to be conducted in an integrated manner, but we always must recognize that with engineered drawings and blueprints we've got to look down in the corner and we've got to make sure that the beaver stamp is there. There can be no shortcuts. There can be no cost-saving measures. We're all protected by the education that these individuals have before they

become professional engineers. We have to accept that, and we have to realize that we need the supervision of the professional engineer, the professional geologist, or the professional geophysicist. Let's not forget that.

I'm very pleased to see, as I said before, that these two organizations are working together to improve public safety by expanding the number of workers within their profession who hold themselves publicly accountable. We will always remember that there is a grey area between engineers and technologists, but this bill will make it easier for companies to identify qualified workers.

Again, in conclusion, let's not forget the role that engineers have to play, and it is a very, very important role. I certainly hope that we in no way are going to ever contemplate in this Assembly watering down the excellent standards that already exist for engineers, geologists, and geophysicists.

I would urge all hon. members to have a look at this bill and please support it. A lot of work has already gone into it.

Thank you.

The Acting Speaker: The hon. Member for Edmonton-Manning, followed by Calgary-Varsity.

Mr. Backs: Thank you, Mr. Speaker. I'm very pleased to rise in support of Bill 39, the Engineering, Geological and Geophysical Professions Amendment Act, 2007. This is an important bill and a long time in coming. I must commend the Member for Lethbridge-West for bringing this forward, the minister as well, and, most particularly, the two associations. I know that a lot of professionals in both organizations, APEGGA and ASET, take their work very, very seriously and are professionals. There has been some competition in the past and even – I wouldn't say conflict – real competition on certain sites for work in certain areas of the field. These are two very broad and wide-ranging organizations in terms of the work that they look at and the types of responsibilities they do have.

Bringing this forward has been the result of a lot of goodwill on behalf of both organizations. I think they are continuing that goodwill. I have spoken with executives and members from both, and I think this is a great move forward. I must commend, again, the mover on bringing this forward and the associations. I support this bill.

Thank you, Mr. Speaker.

The Acting Speaker: The hon. Member for Calgary-Varsity, followed by Edmonton-McClung.

Mr. Chase: Thank you very much, Mr. Speaker. I'll be extremely quick. One of the main reasons that I support Bill 39 is the fact that I'm a lifetime member of the Alberta Teachers' Association, which is another regulating, self-governing organization. The fact that two professional groups, while having similar interests but different regulations, have seen fit to come together and have been consulted under the professionalism of this Bill 39 is a tremendous accomplishment that I fully support.

In the interest of co-operation I believe that my members would be quite willing to move quickly into Committee of the Whole and get this legislation passed. There is no controversy here. All parties support it. We appreciate the research and the background work that was done and would like to see it passed into legislation sooner rather than later.

The Acting Speaker: The hon. Member for Edmonton-McClung.

Mr. Elsalhy: Thank you, Mr. Speaker. I promise to be brief as well. I, too, rise to voice my support for this bill, the Engineering,

Geological and Geophysical Professions Amendment Act, 2007. I really like the direction that this bill is taking both organizations, both APEGGA and ASET, and I really like the fact that they're moving towards a one act, two associations governance model. The bill actually offers an effective regulatory structure for professionals from both sides to now work together and to maintain the standards of their profession, some 48,000 members of APEGGA. ASET is also growing. More people are moving into the province. As well, their current membership is mushrooming. It was really a long time coming for both organizations to work together instead of some of the conflicts or confrontations of the past.

Two of the reasons why I support this bill, Mr. Speaker. First is the fact that this bill improves public safety. As was mentioned by my hon. colleague from Edmonton-Gold Bar, this bill does not lower the standards. It basically maintains and raises them, which is a good direction. Second, it optimizes the effectiveness of the Alberta workforce, and it basically streamlines some of the roles and responsibilities and codes of practice. It also allows more competition and more life and more energy in the workforce. So these are two things that I really like.

Again, the conflict of the past was not the right way to continue, and I commend both organizations on coming together and working together to achieve this. I really felt happy on April 11, Mr. Speaker, when both organizations issued a joint press release celebrating their agreement. They even had a picture, you know, of the officers of both organizations meeting with the minister of employment and industry and celebrating that direction. The ASET executive director, Barry Cavanagh; ASET president, Larry Stone; the minister; APEGGA president, David Chalcraft; and the APEGGA executive director and registrar, Neil Windsor, were there. It was mentioned that we've met with both organizations. Barry Cavanagh, in particular, I have met more than once in the past because before he moved to ASET, he was actually the CEO of the Pharmacists Association. As you know, I am a pharmacist by profession, so I know this gentleman quite well.

10:40

Really, I'm liking this because I see a role for both pharmacists and pharmacy technicians to be the next phase of this interdisciplinary co-operation. We have some of the same issues that engineers and technicians have had in the past, and role clarification is necessary. Achieving this collaboration and working together is very important for pharmacists and pharmacy technicians, again in the interest of collaboration, to maintain and heighten or raise job standards and codes of practice, to enhance public safety, and to maintain credibility in both industries or both professions, if you will, Mr. Speaker.

I see this as a tremendous day, and I am truly happy to support this bill in second reading. I hope it's a sign of things to come. Thank you.

The Acting Speaker: The hon. Member for Edmonton-Castle Downs on behalf of the hon. Member for Lethbridge-West to close debate?

[Motion carried; Bill 39 read a second time]

head: **Government Bills and Orders**
Committee of the Whole
(continued)

[Mr. Shariff in the chair]

The Deputy Chair: Hon. members, we'll call the committee to order.

Bill 29

Farm Implement Amendment Act, 2007

The Deputy Chair: Are there any comments, questions, or amendments to be offered with respect to this bill? The hon. Member for Drayton Valley-Calmar.

Rev. Abbott: Yes. Thank you, Mr. Chairman. It is my pleasure to rise today in Committee of the Whole to present Bill 29, the Farm Implement Amendment Act, 2007. As stated earlier, I do appreciate the support and the comments received at second reading of the bill.

Some questions have been posed by the hon. members; namely, the Member for Edmonton-Gold Bar. He talked about the member of the board and their political affiliation, so we will check into that. He asked about the Farmers' Advocate office budget and if that was sufficient. Certainly, I believe it is in the fact that the Farmers' Advocate has helped us with Bill 29, but I will check into that. Thirdly, about the lending agencies and if they've been contacted: in fact, yes, they're the ones that were asking for this bill. But I would like to actually get the member detailed answers to these questions, so I'm going to send those over to him in written form. Also, I'd like to thank the Member for Edmonton-Calder for his comments as well as Edmonton-Manning and Calgary-Varsity.

Mr. Chairman, Bill 29 will allow financial institutions to lease farm equipment directly to producers. Farmers will have access to more potential sources for leasing and lease purchasing equipment for their operations. Farmers have requested more choice and competition in their leasing providers, and Bill 29 ensures that financial institutions will purchase the equipment through the Alberta dealer network. The dealer and distributor network will continue to provide warranty service and parts supply for the leased farm implement, so it is an issue of choice and possibly will help farmers in their quest for cost efficiency, et cetera.

Mr. Chairman, I know the hour is late, but I must tell one very brief, brief story. This past Saturday I attended the graduation at St. Anthony high school in Drayton Valley. A point came up there about a student who was approaching the guidance counsellor of the school and talking about what he wanted to do when he was finished school. He said to the guidance counsellor that he dreamed of making a million dollars in farming, like his father did. The guidance counsellor was quite surprised, so he said to the student: "Are you serious? Your father made a million dollars in farming?" The boy said, "No, he just dreamed of it, and I want to do that too."

Mr. Chairman, sometimes farming can be tough. Anything we can do to help our farmers out is appreciated, so I encourage all members of this House to give their full support to Bill 29. Thank you.

The Deputy Chair: The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you. I've previously indicated our support in second reading for Bill 29. Therefore, I call the question.

The Deputy Chair: Are you ready for the question?

Hon. Members: Question.

[The clauses of Bill 29 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Deputy Chair: Opposed? Carried.

Bill 39
Engineering, Geological and Geophysical
Professions Amendment Act, 2007

The Deputy Chair: Are there any comments, questions, or amendments to be offered with respect to this bill?

Mr. Chase: Again, we're referred to as the opposition because we're not in government, but when we view good legislation, when the research has been done, when collaborative efforts have been made to encourage feedback, as was the case with the two organizations APEGGA and ASET, then we would not want to halt the legislation. In fact, we would like to see it put through. Therefore, I call the question.

The Deputy Chair: Are you ready for the question?

Hon. Members: Question.

[The clauses of Bill 39 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Deputy Chair: Opposed? Carried.

The hon. Deputy Government House Leader.

Mr. Renner: Thank you, Mr. Chairman. I move that we rise and report Bill 29 and Bill 39.

[Motion carried]

[Mr. Shariff in the chair]

Mr. Johnson: Mr. Speaker, the Committee of the Whole has had under consideration certain bills. The committee reports the following bills: Bill 29 and Bill 39.

The Acting Speaker: Does the Assembly concur in the report?

Hon. Members: Concur.

The Acting Speaker: Opposed? So ordered.

The hon. Deputy Government House Leader.

Mr. Renner: Thank you, Mr. Speaker. Well, considering the progress we made this evening, I would like to move that we adjourn until 1 o'clock tomorrow afternoon.

[Motion carried; at 10:49 p.m. the Assembly adjourned to Tuesday at 1 p.m.]