



Legislative Assembly of Alberta

The 28th Legislature
Second Session

Standing Committee
on
Resource Stewardship

Bill 201
Agricultural Pests (Fusarium Head Blight) Amendment Act, 2014

Tuesday, July 22, 2014
2:04 p.m.

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Standing Committee on Resource Stewardship

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[Mr. Khan in the chair]

The Chair: Thank you so much, folks. We're going to get our meeting started. We may have a couple of more folks join us as we get things going. I'd like to thank everybody for being here. We've got a good turnout in the room, and we've got a great turnout online. I'd like to call the meeting to order and welcome all members and staff in attendance at today's meeting of the Standing Committee on Resource Stewardship.

My name is Stephen Khan, and I am the chair of this committee. I would ask that members and those joining the committee at the table introduce themselves for the record, and then we'll hear from those on the phone. We'll start with our deputy chair.

Mr. Donovan: Ian Donovan, Little Bow.

Mr. Young: Steve Young, MLA from Edmonton-Riverview.

Mr. Anglin: Joe Anglin, MLA from Rimbey-Rocky Mountain House-Sundre.

Mr. Xiao: David Xiao for Edmonton-McClung.

Ms Calahasen: Pearl Calahasen, Lesser Slave Lake.

Mr. Reynolds: Rob Reynolds, Law Clerk.

Ms Leonard: Sarah Leonard, legal research officer.

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

Mr. Tyrell: Chris Tyrell, committee clerk.

The Chair: Terrific. Let it be shown that our deputy chair is sitting in for Jason Hale. Thank you so much for joining us, Mr. Donovan.

We'll go to the phone lines now. If we could start with Mr. Allen.

Mr. Allen: Well, good afternoon, Mr. Chair. Thank you. Mike Allen from the sunny constituency of Fort McMurray-Wood Buffalo.

Mr. Bikman: Gary Bikman, Cardston-Taber-Warner.

The Chair: Thank you.

Dr. Brown? Dr. Brown is not with us.

Mr. Cao, are you there?

Mr. Cao: Yes. Wayne Cao for the Calgary-Fort constituency.

The Chair: Thank you.

Mr. Casey: Ron Casey, Banff-Cochrane.

The Chair: And how about Ms Johnson? Are you there?

Ms L. Johnson: Yes. Good afternoon. Linda Johnson, Calgary-Glenmore.

The Chair: Thank you so very much for joining us via the phone lines.

Folks, we have a few housekeeping items to address before we turn to the business at hand. The microphone consoles are operated by the *Hansard* staff. Please keep cellphones, iPhones,

and BlackBerrys off the table as these may interfere with the audiofeed. Audio of committee proceedings is streamed live on the Internet and recorded by *Hansard*.

Okay. We're moving right along here. We have come to the approval of our agenda. Has everyone had a chance to review the proposed agenda?

Ms L. Johnson: Yes.

The Chair: Terrific.

Ms L. Johnson: So moved.

The Chair: Okay. It sounds like we have Ms Johnson volunteering to move a motion for the approval of the agenda. Is that correct, Ms Johnson?

Ms L. Johnson: That is correct, Mr. Chair.

The Chair: Fantastic. Let it be shown as moved by Linda Johnson that the agenda for the July 22, 2014, meeting of the Standing Committee on Resource Stewardship be adopted as circulated. All in favour? Any objections? Not hearing any objections, that motion is carried.

Just for the folks online, when we do ask for approval, we'll take your silence to mean approval. When we ask for objections, if you have objections, speak up at that time. Just with the volume of folks we have on the line, it may be easier.

I also understand that it sounds like Dr. Brown has joined us. Dr. Brown, would you care to introduce yourself?

Dr. Brown: Yes. I'm here.

The Chair: Thank you, Dr. Brown, for joining us.

We're flying right along here. We're going to now proceed with the approval of our meeting minutes. Has everyone had a chance to review the minutes from our July 14 meeting? I'm looking for a motion to approve the minutes. Mr. Anglin. Thank you, sir. Let it be shown as moved by Joe Anglin that the meeting minutes for the July 14, 2014, meeting of the Standing Committee on Resource Stewardship be adopted as circulated. All in favour? Any objections? Hearing none, that motion is carried. Thank you very much.

Moving to item 4 on our agenda, discussion of Bill 201 draft report. Before we get into discussing the Bill 201 draft report, I'd like to let members know that we received two more written submissions just yesterday. One was from Canterra Seeds; the other from the MD of Peace No. 135. The submissions were posted to the internal committee website yesterday. If the committee chooses to accept these written submissions, they will be posted to the external committee website along with the rest of the submissions. I'm just assuming that everybody has had a chance to see these submissions. I've viewed the submissions. I think that they fall very much in line with the sort of feedback we've been receiving from our stakeholders. At this time I think it would be appropriate if we had a draft motion to accept the late submissions.

Mr. Young: I move that we accept the late submissions.

The Chair: Thank you very much.

Let it be shown as moved by Mr. Steve Young that the Standing Committee on Resource Stewardship accept the written submissions from Canterra Seeds and from the MD of Peace No. 135 that were received after the June 30, 2014, deadline for written

submissions. All in favour? Any objections? Hearing none, that motion is carried. Thank you.

2:10

At our last meeting the committee delegated the working group to prepare a draft committee report with recommendations to be reviewed by the committee as a whole. The working group met last Friday to discuss the committee's report and recommendations, and after taking into account all that we've heard from our expert stakeholders and committee members to date, the working group has agreed on a set of recommendations to bring back before this committee for approval. The Bill 201 draft report was posted to the internal committee website on Friday afternoon. I certainly hope that all members have had a chance to take a look at the draft report.

Before I open the floor to comments, I'd like quickly to turn things over to Dr. Massolin to highlight a few aspects of the report for our committee. Dr. Massolin.

Dr. Massolin: Thank you, Mr. Chair. I appreciate that. I just wanted to point a few things out, as you mentioned. First of all, this draft report was prepared at the direction of the working group from input we received last week, and it was posted, again, on Friday for the committee to review. The report indicates, as you can see in section 2.0, the order of reference, how the bill was referred to this committee. It also outlines very briefly some of the committee activities in section 3.0. Then the main section, of course, is the recommendations. You can see those recommendations, pursuant to Standing Order 74.2(1), that the bill not proceed. That's what the committee's main recommendation is. Then there are also further observations and recommendations, as you can see, that follow along. You can read them for yourself. These are recommendations that we took right from the working group and put into the report.

I should mention also, Mr. Chair, that we just made some very minor editorial wording changes, including changing – it was a typo I believe – Fusarium head blight to just Fusarium graminearum just before “including” there, before the second set of bullets, and then reordered words in other areas. Those are the only changes we made to the working group's input.

Then, finally, at the very end of this the appendix lists all the presentations from stakeholders, experts, and those providing written submissions.

Thank you, Mr. Chair.

The Chair: Thank you, Dr. Massolin. Thank you, Ms Leonard. I just do want to thank you both for your outstanding work on this file. It is very much appreciated and your guidance as well.

With that, now I'd like to open the floor to any questions or comments that the committee members might have in regard to our report.

Dr. Brown: I'd like to move the adoption of the report as it's presently drafted.

The Chair: Okay. Thank you very much, Dr. Brown.

Just before we get to that draft motion, I've got Ms Calahasen on the floor, who would like to provide some comments, and perhaps then, Dr. Brown, we'll come back to your motion.

Ms Calahasen: Just a question, Mr. Chair. Once these recommendations that we are making here – how can this committee follow up on those recommendations to ensure that they're going to be followed through on? Do we have any kind of way for us to

be able to say: what's going on? Or are we just kind of like: okay; here it goes?

The Chair: Well, as always, Ms Calahasen asks very, very important and pertinent questions. You know, having a little bit of experience with this committee, my mind comes back to another bill that we had in regard to the fishermen.

Perhaps, Dr. Massolin, you have some comments as to Ms Calahasen's question?

Dr. Massolin: Yes. I can sort of offer that there's a standing order, 52.09. I'm just looking to see exactly what it says here, but it has to do with the fact that there's a 150-day period. My apologies. I hesitated there as I was reading this. That's the incorrect information.

Maybe Mr. Reynolds will have something additional to offer on this, but these recommendations are made to government, and I suppose it's up to the committee to decide how they would like to follow up on them. I mean, that's within the purview of the committee as well to do so.

Thank you.

Ms Calahasen: If I may follow up, this committee can request a report as a follow-up to the recommendation we're making?

The Chair: Well, if I may, it wasn't that long ago that Ms Calahasen brought a bill to this committee . . .

Ms Calahasen: Why do you think I'm asking this question?

The Chair: Well, it's the voice of experience coming from the venerable Ms Calahasen.

With Pearl's bill, that we investigated in terms of the fisheries act, we had an opportunity to ask the department to come back to us within a defined period of time to see how things were going in terms of our committee's recommendations.

I'm looking here at Mr. Reynolds and Dr. Massolin. Would it be fair, should we approve these recommendations, that the Resource Stewardship Committee ask the ministry to come back to us within a defined period of time – let's say sometime within the year – to see how they are proceeding with our recommendations?

Dr. Brown, did you have a comment that you wished to offer?

Dr. Brown: Well, I do think that this is a committee that reports back to the Legislature, and I think that that's the appropriate avenue to take. We're making the report back to the Legislature, and that's the extent of it.

The Chair: It appears that Mr. Reynolds has a comment he'd like to make.

Mr. Reynolds: Well, thank you, Mr. Chair. Not really. I think everything has been quite well covered. The only thing I would point out – and I'm sorry. I didn't review the report on Bill 205 from last year before I came here, so I don't recall exactly what the recommendation was with respect to reporting back. But it's always possible that you could ask the department or the minister to report back to the Assembly if you so chose. Of course, whether they do or not, the committee is empowered under the standing orders to take up any matter of public policy that it so chooses, so it could on its own volition look at this again.

Ms Calahasen: Oh, I see. So there's another opportunity for us to be able to request it should we want to do that. Okay. That's fair, then. I'm okay.

The Chair: Thank you.

Thank you, Mr. Reynolds, for that additional information. Ms Calahasen I believe is reasonably happy with those answers.

Our deputy chair has the floor and a question.

Mr. Donovan: Well, that raises quite an interesting angle that I hadn't thought of. I'm new on these committees, and I don't have near the experience you would on this, and I appreciate your background on that. I'd sure hope that this would not get lost in the deep cellar somewhere. We make this recommendation to the minister of agriculture to look at it, and then if there's never a deadline on it, I tend to worry that something will get pushed into a deep, dark corner somewhere that never ever gets the light of day shone on it again. I think that would be sad to see given the hours of time that everybody's put into this committee and the list of people that have brought forth their stuff, their information.

I think it would definitely be somewhere in how the process works, where we can be sure of what the recommendation of this committee does, whether the department of agriculture follows it or not. There needs to be a process in there to show that they did receive the information and what follows up on that.

2:20

I guess, clarification from Mr. Reynolds. He definitely knows how this process works much better than most of us at this table. If this committee goes forward with this recommendation, when we go back in session in the fall, the chair of the committee would get up, inform the House of what is going on, as Dr. Brown has talked about, with the report back to the Legislature. Is there anything we can put into the report that goes back to the Legislature that we expect something back from the department of agriculture in six months or eight months about what our recommendations are or if the department is basically telling us: thank you for your input, but we'll continue on our own way? Any clarification on that, please?

Mr. Reynolds: Thank you very much, Mr. Donovan, in your own self-deprecating manner. I must say, of course, that in my experience, you're a lot wiser and knowledgeable than you let on in these matters.

Certainly, it's up to the committee to put in its report whatever it wishes. As I've been advised, in the report on Bill 205 last year that was referred to, Ms Calahasen's bill, there was a requirement, I believe, a recommendation, that the department – was it, Dr. Massolin? – report back to the committee within a year. It's up to the committee if you want to put in a provision whereby the department reports back on progress to the committee or to the Assembly within a stated number of months or a year or whatever you choose.

The Chair: Thank you for that clarification, Mr. Reynolds.

We have a question or a comment from Mr. Young – oh, just prior to getting to Mr. Young, Dr. Massolin.

Dr. Massolin: Sorry. Not to impose myself here, but I thought maybe because this reference to Bill 205 from last year has been made a couple of times – I have the report here in front of me – if you'd like me to, I can read out the way in which it was handled last year.

The Chair: Please.

Dr. Massolin: Okay. Paraphrasing, the committee recommended that the bill not proceed but then said the following in its report to the Assembly:

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

The Chair: Just prior to coming to Mr. Young, who's on my roster here, just for further clarification, Dr. Massolin, our committee has the option to include some language very similar to the Bill 205 language within our recommendations that the ministry of agriculture come back to us to see what they've done with our recommendations.

I'll just leave that with everybody to contemplate while we go to Mr. Young.

Mr. Young: Thank you, Mr. Chair. I do think that there's some value in closing the loop on all the stuff we've done in this committee. I'm also conscious of our role. We were presented with the bill for legislation, and we recommended that it not go forward but came up with a bunch of recommendations. It seems to me that we should request a response from the department in terms of the issues that we laid out as opposed to compelling them to come and report, more their response just to close the loop. I think there's a subtle difference from what Pearl's bill was in terms of an update on the fisheries. We'd like some sort of feedback or response to some of the recommendations in the report.

The Chair: Mr. Young, thank you for those comments.

We'll go to Mr. Xiao now.

Mr. Xiao: Yeah. Thank you, Mr. Chair. I just want to echo some of the comments made by my colleagues. We spent an awful lot of time on this bill. You know, we talk a lot about the enforcement of our existing legislation, so I would like to add a clause somewhere to make sure that the department will report to this committee about the progress that is going to be made on the enforcement front. Then we will see. I want to just make sure that we have some accurate measurement about all the necessary steps that have been taken.

Thank you.

The Chair: Thank you, Mr. Xiao.

Is there anybody on the phone lines that cares to offer a comment?

Mr. Cao: I have some thoughts on the subject. I think, first of all, we talk about the process, which is that the committee is assigned by the Assembly to look into this bill and report back to the Assembly. I believe that that is the process in the Legislature. Our committee duty is with the Legislature. That's the process. So that's one.

The other one is the content of the report. I agree with the additional clarification on what to do with the report. That we recommend to the Legislature, ask the Legislature's blessing, you know, if they accept the content of the report, then whatever we write in there, the department people are responsible for. I agree that we need to close the loop a bit or else it's open-ended and just sits there.

In conclusion, either enforcement, like Mr. Xiao said, or what Ms Pearl Calahasen was talking about, what time frame that we have to do it, that's about the content of the report. But the process, to me, is still that the Assembly will enforce what we recommend after they approve. If the Assembly doesn't approve

our report, then we stop there, right? So that's our process and content that I want to mention.

Thank you.

The Chair: Okay. Thank you, Mr. Cao.

We have comments from Mr. Anglin.

Mr. Anglin: Thank you, Mr. Chair. Along with Steve Young, the feedback, to me – and I think we're within our mandate to ask for it – is to help us in going ahead as a committee. I'll put it in this context. If our recommendations are rejected, I think we need to know why, you know, so that we're better able to deal with things in the future. There needs to be some sort of explanation in this feedback. That's the only thing I would put forward. I agree with the fact that there should be some sort of closed loop to this, but it should also be in the form of feedback based on the recommendations we made, particularly ones that are rejected. Why are they rejected? Did we miss something? That helps us going forward.

The Chair: Thank you for those comments, Mr. Anglin.

Just another chance for the phone lines. Is there anybody who cares to comment on this?

Mr. Casey: Yeah.

The Chair: Thank you, Mr. Casey. Please go ahead.

Mr. Casey: Mr. Chair, I agree with Mr. Young's comments and with Mr. Anglin here. I think what we're looking for here is for the ministry to provide the committee with a response to our recommendations. If there's a reason why these recommendations can't go ahead or aren't appropriate to go ahead, then we need to know that. That's something we can decide, when we get that feedback from the ministry, what to do with as a committee. I think, for the time being, what we really need is for the ministry to provide us with those comments, with a response to our recommendations. Then we'll clearly know. If we're on the right track, well, then that's fine. If we missed the mark, well, then that's something for the committee to consider on its own.

Thank you.

The Chair: Thank you for those comments.

I am going to come back to Dr. Brown, who was about to put a motion on the floor.

Dr. Brown: I did put a motion on the floor. I think that if somebody wants to move an amendment, that's fine, too.

The Chair: Okay. That's what I was looking for, then. I do feel that we're reaching some sort of consensus that there's a desire for our committee to have this loop closed, if you will, and have a response from the ministry of agriculture in terms of what our standing committee's recommendations are.

I have Mr. Young now. Would you care to make an amendment to the motion as presented by Dr. Brown?

2:30

Mr. Young: Okay, and I'll try and capture the conversation we've had here. I move that we amend it by adding a request to the department for a response to the recommendations provided by the committee. I'm subject to wordsmithing on that.

The Chair: Okay. I'm sure that we have some folks who would be able to help us with some wordsmithing.

Does that fall in line with the general direction of our discussion? Looking around the table, I'm seeing some heads nodding. So, then, can I get approval? All in favour of the amendment to the motion as presented by Dr. Brown – oh, one moment.

Dr. Brown: Could we get the exact wording, please?

The Chair: Okay. Let's work out the exact – well, this perhaps will give us a little bit of latitude here and permits us an opportunity to move the meeting along. So Dr. Brown and Mr. Young, with your blessing here, show that it be moved by Dr. Brown that the Standing Committee on Resource Stewardship authorize the chair in consultation with the deputy chair to finalize the report. The deputy chair and myself will ensure that we construct some language around this closing of the loop and having the ministry report back to our committee in terms of our recommendations.

Dr. Brown: Well, Mr. Chair, I think as a point of order I would like to finalize this thing with everyone's concurrence. I suggest that if you need to take a brief adjournment to write out . . .

The Chair: Dr. Brown, as per usual when it comes to this committee, your point is well made. What we'll do is we'll take a quick five-minute recess here, and we'll construct a motion that reflects the general agreement of this committee as to where we're going.

If our good folks of the committee who have joined us online could hang on the line for five minutes. We'll take a quick break, we'll construct some language for this motion, and we will resume in five minutes.

Thank you.

[The committee adjourned from 2:33 p.m. to 2:41 p.m.]

The Chair: Dr. Brown, are you there?

Dr. Brown: I am. I'm here.

The Chair: Okay. What we're going to do is that we're going to have Mr. Young read a friendly amendment to your motion so you don't have to withdraw your motion.

Dr. Brown: He can just move an amendment, that's all.

The Chair: Neil, what we're going to do is – if you'd just bear with us, please. Mr. Young's friendly amendment is going to make an addition to our report, and then we'll be able to carry on with your motion.

So I'm going to pass this along to Mr. Young. Mr. Young, if you could please read your addition to our report.

Mr. Young: Okay. I move that an additional recommendation be added as follows: that the committee request the minister of agriculture provide a written response to the committee on each of the proposed recommendations within one year.

The Chair: Okay. Folks, does that . . .

Dr. Brown: Can we vote on the amendment now?

The Chair: Yes. Dr. Brown, do you accept that friendly amendment to your motion?

Dr. Brown: An amendment to my motion has been put, and the procedure is for us to vote now on the amendment.

The Chair: Very good. Thank you, Dr. Brown.

We are going to now vote on Mr. Young's amendment. All in favour? Any objections? Seeing none, that amendment is carried.

Mr. Anglin: You can't see them on the phone.

The Chair: Hearing none. Thank you. Old habits die hard from our former deputy chair.

If we can now move to Dr. Brown's motion as amended, let it be moved by Dr. Brown that

the Standing Committee on Resource Stewardship approve the final report on Bill 201, Agricultural Pests (Fusarium Head Blight) Amendment Act, 2014, as amended.

All in favour? Any objections? Hearing none, that motion is carried.

Okay. Well, thank you very much for that work, committee. That was, again, very much in line with the collaborative nature of our committee's work for this entire review of Bill 201. I do want to thank everybody for their contributions to getting that report to the place where it is.

Now I would like to remind members that if any member disagrees with any part of what has been agreed to in this report, they may submit a minority report in accordance with Standing Order 68(2). The deadline for minority reports is two weeks from today, August 5, 2014.

Mr. Anglin: That's my birthday.

The Chair: Well, Joe will remember that date for sure.

Moving along to agenda item 5, other business. Are there any items for discussion under other business?

Seeing none, we're getting to some of my colleagues' favourite part of our agenda here. Just prior to adjournment, I do want to reflect for the record a very deep appreciation for everybody's work on this bill. It was refreshing to see how cordial and collegial we can be when we put our minds to it, and the fact that this was a regional issue and perhaps not a partisan issue I think reflected well on the members of this committee and the very fine work that we put forth on this recommendation regarding Bill 201.

I would also very much like to thank the good folks from the *Hansard* staff for their dedication to our cause. Again, the staff and Dr. Massolin and his team: thank you ever so much for your guidance and good work.

Looking now, would somebody like to move to adjourn?

Mr. Allen: So moved.

The Chair: Oh, Mike, you scooped Mr. Donovan. By the good graces of Mr. Donovan, let the record show that Mike Allen has moved that this meeting is now adjourned. All in favour? Any objections? That motion is carried.

Thank you all so very much.

[The committee adjourned at 2:46 p.m.]

