

Legislative Assembly of Alberta

Title: **Tuesday, November 20, 2001**

8:00 p.m.

Date: 01/11/20

[Mr. Tannas in the chair]

head: Government Bills and Orders

head: Committee of the Whole

THE CHAIRMAN: I'd like to call the Committee of the Whole to order.

The committee is reminded that we will employ the same rules that we have had for a long time; that is to say, only one member standing and talking at a time, that being the member that's recognized.

Bill 27

Provincial Court Amendment Act, 2001

THE CHAIRMAN: We want to know whether there are any comments, questions, or amendments to be offered with respect to this bill. The hon. Minister of Justice and Attorney General.

MR. HANCOCK: Thank you, Mr. Chairman. I do want to just open with a few preliminary comments, because there were some comments made at second reading that I felt I probably should respond to.

One of the issues that was raised at second reading was with respect to the question of the collapse rate. It wasn't directly on point, but I think it's important to point out that allowing judges to continue to sit will not affect the collapse rate of trials or preliminary hearings. One of the reasons I wanted to mention that point was not to point out that it wasn't relevant to the bill we're talking about but rather to indicate that improving the collapse rate doesn't really improve the quality of life of the prosecutors, because they prepare now in Edmonton courts for triple bookings, so collapse rates let them prepare for three trials and go ahead with one. So what we're trying to do is to get more on a real-time basis, and that's been a very difficult program. We're working with more early case resolution programs and the first appearance centre and those types of programs to assist with that. I appreciate, Mr. Chairman that that's not what Bill 27 is about, but I think it's an important point and worth discussing and worth clarifying.

Edmonton-Ellerslie asked about an expected dollar savings. I wanted to also point out that this bill is . . .

MS CARLSON: Liberals are fiscally responsible.

MR. HANCOCK: I've been left speechless. I heard a member opposite say that Liberals are fiscally responsible, and that would drive one's thoughts out of one's head. Let the record show that there was chuckling about that as well.

I should hasten to point out that this bill is not primarily aimed at saving money. It really is aimed at saving talent, keeping the good, capable judges available to the system. That does save us resources in the long run because it saves on training time. It gives us available people who are more effective just simply from the perspective that they know the routine, those sorts of issues. But we can't expect huge savings in terms of dollars with respect to the pension side. There will be, in fact, global saving to government over the longer term, and it will depend on how many judges and how long they serve.

The Member for Edmonton-Strathcona asked whether there was

any merit in the suggestion that recommendations for reappointment come from the Judicial Council. As you may recall in the bill itself, recommendations for reappointment of judges come from the Chief Judge, and recommendations for the Chief and the Assistant Chief Judge come from the Judicial Council. I think it's important to keep that distinction. Obviously, we couldn't allow the Chief Judge to recommend his own reappointment. Therefore it's necessary to go to some other group, and the Judicial Council is the logical group to make that recommendation. But the operation of the court is in the hands of the Chief Judge and must be in the hands of the Chief Judge. Therefore, it's quite appropriate that the recommendation for reappointment for the puisne judges, so to speak, is and should be in the hands of the Chief Judge, so we wouldn't propose to make a change to that.

Those would be, I think, all the questions that were raised in second reading. If I've missed any, I'm sure they'll be brought to my attention.

THE CHAIRMAN: The hon. Member for Edmonton-Centre.

MS BLAKEMAN: Thanks very much, Mr. Chairman. I did want to take the opportunity in Committee of the Whole to briefly review the sections that are available to us. I'll start by saying that overall, listening to the comments just now from the Minister of Justice, I think the purpose of this bill really seems to be taking the current pressure off the system. As I discussed in second reading, there are quite a few pressures on the justice system right now: the small number of Crown prosecutors in comparison to the cases they're trying to handle, the lack of courtroom space, and the 10 Provincial Court judge vacancies. We have a constitutional obligation to provide access to justice, so I think this bill appears to be one way of trying to address in a small way some of the pressure on the system.

When I look more closely at the first couple of sections, they really are clarification sections or minor changes to make things easier to understand. Some of it's about archaic language, I think, where we're talking about furnishing something as compared to sending it or mailing it, and addressing a judge that retires before the judgment is rendered being able to actually render the judgment, rather than have everyone go through a whole other trial.

The meat of this bill is really in section 4 and following from section 4 in the amending bill here, Bill 27, the Provincial Court Amendment Act, 2001. That is about allowing the retirement end date, which has been 70 up until this point, to be extended to 75. Then what follows is a series of methods and a process to reappoint and who does reappoint and how that's done. I'm pleased to see that there are criteria that will be established by the Chief Judge and approved by the Judicial Council that are used when a request is looked at to extend for another year the term of a judge that is up for reappointment.

This is a very straightforward bill. The minister did share the content with me prior to actually seeing the bill, although I have to state that the sort of three-column thing or the two-column briefer that one gets really doesn't give you the nitty-gritty of the language. Even those people in the legal community and lawyers that I consulted still want to see the actual bill to make sure that they haven't made a mistake, and I have to agree with that. I appreciate the briefing, and I still appreciate getting the bill with as much time before I have to speak on it as possible.

I don't have a problem supporting this bill. I said that in second; I'll say it in Committee of the Whole. I think we can proceed along with it. The Liberals have always said that they don't hold up

legislation unnecessarily, and I'm going to stand behind that.
Thanks very much.

[The clauses of Bill 27 agreed to]

[Title and preamble agreed to]

THE CHAIRMAN: Shall the bill be reported? Are you agreed?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

8:10

Bill 29
Alberta Municipal Financing Corporation
Amendment Act, 2001

THE CHAIRMAN: The hon. Member for Edmonton-Ellerslie.

MS CARLSON: Thank you, Mr. Chairman. Happy to speak to this bill in committee after having spoken to it this afternoon in second reading. This is a good example, in terms of a bill, of speedy progress through the House for legislation that we don't oppose. We're happy to support that kind of a process, but it also speaks a little bit to the lack of depth in some of the legislation that we've seen come forward in this fall sitting, which is a little disappointing to us, because it is very thin and there haven't been very many substantive bills. This is one, a great bill, one that we're happy to support, one that the stakeholders have expressed satisfaction with, with the exception of the Alberta Municipal Financing Corporation, who wouldn't talk to us. We had a discussion about that. The Minister of Finance responded this afternoon, Mr. Chairman, and I'm happy to tell her that I will find the names of the people who told us specifically that they couldn't talk to us without going through her department. No one has fessed up so far, but certainly we will get some more information and follow that up. I'm happy to hear her say that that is not her way of doing business on legislation and was not what we would expect.

So I'm happy to support this. I'm happy to see speedy process through the House, not quite so happy about the lack of depth of legislation, but we don't control that agenda, Mr. Chairman. The government does. We look forward to seeing better things from them in the near future.

[The clauses of Bill 29 agreed to]

[Title and preamble agreed to]

THE CHAIRMAN: Shall the bill be reported? Are you agreed?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

Bill 28
Agricultural Operation Practices
Amendment Act, 2001

[Adjourned debate November 15: Mr. Lund]

THE CHAIRMAN: Are there any comments, questions, or amendments to be offered with respect to this bill? The hon. Member for Leduc. No? I've got two hon. members . . .

MRS. NELSON: Ladies first.

THE CHAIRMAN: Ladies first; okay. The hon. Member for Edmonton-Ellerslie.

MS CARLSON: Thank you, Mr. Chairman, and thank you, Minister of Finance. I'm happy to stand up again today on this bill. We just finished second reading this afternoon, a little sooner than we expected because of the hoist that failed on the floor of the Legislature. We had a few people who would have liked to have had a few more comments on this bill in second reading, but they'll save their remarks for committee, so we can look forward to some fairly protracted debate on this one, I think, at this particular stage.

When I spoke to the bill this afternoon, I talked primarily in generalities, in terms of this bill missing the essential question on intensive livestock operations, which was: should we even have them in our province? That's never been debated. It won't be now with this bill. That was the first issue.

Secondly, of course, if we're going to have them, what kind of regulations are we going to put in place that are going to meet the needs of the people of the province? As usual with this government, there is some good news and some bad news, Mr. Chairman. What we see here is not mostly good I'm afraid. I can't decide if it's two steps forward and one step back or half a step forward and three-quarters of a step back. Anyway, it's some progress.

DR. TAYLOR: That's the Texas two-step.

MS CARLSON: Well, that's what this government does, Texas two-steps around every contentious issue, and this certainly is one of those kinds of issues. We see them passing off responsibility to the NRCB on this particular bill in some areas that are contentious, to say the least, and that certainly need some review and perhaps some cleanup. So I think I'll address those to begin with, some of the concerns that we have in terms of the NRCB.

What happens now is that the NRCB gets the responsibility for setting the regulations and approving and authorizing the registration of the newly named intensive livestock operations. The problem with that, in part, is part of the mandate of the NRCB. We have some concerns from local municipalities that they will have limited input in terms of the siting of intensive livestock operations in the future. I'm on record as having spoken in the past – and I stand by the comments I made – in terms of having more comprehensive decision-making criteria for siting. Certainly we knew that some of the municipalities didn't have the kinds of background they needed for the regulations, and we wanted a level playing field. So we stated that there needs to be a provincial code of practice and provincial standards that are enforceable, and that's right. We do need that. Well, they put that in place in part with the NRCB rulings, but the problem with that is that it doesn't give municipalities enough flexibility in terms of siting criteria.

So the application goes to the NRCB, and the NRCB looks at it. From what I've read so far and what I see here, if there is a permitted use by the local municipality in their land use plan, the local municipality has very little if any input into the decision by the NRCB. The NRCB will say environmentally, takes the decision-making criteria for that and decides yes or no based on those facts only, because it's only environmentally that they can make a judgment. So if this fits in all the criteria that we're going to see outlined in the guidelines and the regulations, then the NRCB can't say no, even if the municipality says: we don't want a siting here. That is a major, major flaw with this legislation.

I have to tell you, Mr. Chairman, that I'm having a hard time deciding whether I can support this. If it means we're two steps ahead and only one back, then that's progress, but if it's half a step forward and three-quarters of a step back, then that isn't progress. So we'll see how this plays out in debate and the kind of feedback we get from people in the communities. If the NRCB is going to be restricted to just making decisions based on environmental criteria, while to me that is very important and to Albertans that's very important, it isn't enough in this case. Municipalities have to have some rights of refusal and a more expanded role in terms of what the regulations are going to be around discretionary uses. Right now we see it's just that they're in or they're out in terms of intensive livestock. That doesn't give them enough discretionary or nondiscretionary options within their land use plans.

What we need to see is what our leader talked about in his comments last Thursday when he talked about, as a minimum, three levels of agricultural development in terms of land use, a whole range of classifications for the commercial and industrial development of the land base, very similar to what we have in urban areas. We have to remember that intensive livestock operations are not farms. They're factories, so they should meet the same kind of criteria as we see when it comes to land use zoning. Municipalities need to have that flexibility within their planning structure when they make their applications to the NRCB. So if we see these regulations and siting decisions being made just based on environmental issues, it isn't enough. It's only half of the pie, Mr. Chairman, and it doesn't meet the needs of this community in the province. We definitely need the provincial level environmental standards, and I applaud that part of the bill. It doesn't just meet our needs; it exceeds them. I think that we will have some excellent standards, and they're an absolute must for this industry, but it's only one little piece of the puzzle. Still no focus on cumulative impact, no focus on what happens with general siting concerns.

8:20

What are we going to see in the regulations? The minister says that we're going to see them. I hope what's included in those are a couple of the issues that come up on a regular basis, and those are around how the standards are created. There are lots of nuisance issues around these intensive livestock operations, primarily around dust and odour. Now, in many parts of the province dust isn't a huge issue, depending on weather conditions and the amount of rain they get, but in others it is. Odour is a problem particularly when you're talking about hog operations and particularly when you're talking about the amount of manure that is produced by these. The kinds of piggy poo levels that we're going to see in intensive hog operations far exceed any expectations of any member in this Legislature. We could be buried under the stuff if it isn't properly handled, and that brings up several issues, not the least of which are manure application guidelines.

We are finding in this province as time progresses that the heavy metals in this manure are toxic for agricultural uses. If you take a look at some of the applications that have been used in the past, we see some interesting developments in terms of land use. Where the manure is injected into the soil, we see the toxic chemicals and heavy metals actually killing everything along the path of injection, and while the plants grow very well on either side of the injection line, there's a real issue with the injection line. So this is a big deal, and this government needs to be prepared to handle the heavy metals and metal compounds that are going to become increasingly a problem.

I haven't seen anything so far around soil testing. What are the expectations going to be there? I hope we see them in the regulations. Will the farmers be asked to do the soil tests, and what

standards are they going to be using to effectively make sure that the concentrations on the land don't rise to a level that becomes detrimental to crops or to livestock in the future? Are those applying the manure going to be the ones doing the soil testing? Is there going to be an overall branch of some department doing that? I doubt that. This government is not big on the enforcement issues. They like to see organizations self-police. So let's see how that's going to fall out in the regulations. I certainly hope that's addressed. Those are big deals.

What I haven't heard anybody talk about is something that is of keen interest to me in terms of handling quite a few of the issues, I think all of the issues except for the heavy metal ones, and that's the composting of these huge, vast amounts of manure that we're going to see as an output of increasing intensive livestock operations and is a management issue now in those areas that have intensive livestock operators. In Europe there are a few places that now take a look at in-vessel composting for manure, and it's a benefit in many ways. What happens is that the manure gets composted, so the output is readily sellable and usable. Because the gases separate from the manure within the in-vessel component of the composting unit itself, there is no smell. Particularly if you have an enclosed barn, the manure falls through the bottom of the pens and onto the top of or through the side of the composting unit and gets stirred or mixed within the composting unit. Then the gases rise and are captured. They're vented out into an enclosed area where they can take the methane or whatever else it is and use it for other purposes, and the dry output is manure. It's a good, practical solution, and it's value-added. No doubt about it. It takes care of the smell issue. It takes care of the transportation issue, spraying issues. You have a much more valuable product for spreading in cases where it needs to be. It's now a product that urban centres can use. So there's some real value to that.

Of course, there are some pretty heavy costs up front to put this kind of a system in place, but I think this is the kind of forward-looking strategic planning this government should be doing on this kind of an issue if they think that this is an industry they want to promote and support here in the province.

AN HON. MEMBER: You get what you pay for.

MS CARLSON: Well, that's right. You do get what you pay for.

It is becoming a standard in some European countries where there are extensive intensive livestock operations, and it's something that we certainly need to be taking a look at here. So I hope that the government is addressing this. I haven't heard them talk at all about how they're going to manage all this excess manure we have. Anybody who has read the papers in the last five to 10 years knows that this is an increasingly big concern in North America. What we hear particularly is that it has become a huge issue in Manitoba, where they've looked for diversification and found this style of diversification happening.

Some intensive livestock operators are composting now in an open-ground kind of system; that is, an anaerobic kind of system. That doesn't get rid of the smell, Mr. Chairman. It's not bad as an intermediate kind of phase in getting it out of the holding ponds or the lagoons and drying it out to get rid of the odour or the excess capacity in the lagoons. It's not a bad intermediary phase, but it isn't the answer at the end of the day. We need something that captures these gases, that gives us an output that is salable on a wider kind of stream. That still doesn't address the heavy metal issue, Mr. Chairman. I'm hoping that the government is supporting research in this area so that we find some answers to that in the long run and,

of course, on the soil testing, like I said.

You know, we've had quite a bit of feedback from people who don't like this kind of an operation and some overall concerns particularly on groundwater. I think that one of the issues that we need to talk about there is the conditions that must be met for water contamination to occur, and intensive livestock operations do present those kinds of conditions. We do see periodically that there have been fines meted out by Alberta Environment on these feedlots when, due to excessive rainfall or insufficient handling of the manure on lots, it's gotten into and contaminated the water system. There are certainly a number of places in central Alberta every year that we hear from where they have sloughs that are now so badly contaminated that nobody can use them, not even the critters. So those are issues that need to be talked about.

That the water table is at risk in feedlots is one statement made recently by David Schindler, who won the equivalent of the Nobel prize in the area of water science for his work in 1991. He's come out very recently, November 20, and stated that he wants to issue a warning that the provincial government's plan to expand hog feedlots could contaminate the water table. He says that if the province follows the idea of increasing the number of hogs produced in the kinds of quantities that they've been talking about, it would produce enough manure to jeopardize the water quality. I haven't heard the minister address this. He talks about how every place that they've had this kind of intensive expansion has ended up with water quality problems. Definitely he's right when he says that what we can expect from this are higher nutrients and lower oxygen in the water. He goes on to say that we could have more Walkertons. It certainly is possible. I know that this government has tried to take pretty good measures in terms of monitoring water quality, but it certainly is not impossible that that could happen, water quality issues.

MRS. McCLELLAN: Much more possible.

MS CARLSON: Well, the minister says: much more possible today. There's some truth to that based on current numbers of hogs and cattle in the province. These regulations are really good, I think, in terms of the environmental issues that are outstanding, and that's the part of the bill that I do really support. If we were to go from 2 million hogs to 12 million, is the same case still to be made?

8:30

We know that you can have all the rules you want in terms of environmental quality, but if we have water issues – extensive rainfall, a holding pond where the bank breaks – for whatever reason some kind of problem that occurs on the location, we know that every time we increase the number of animals we're handling we increase the potential for problems. So you can have all the great rules you want. When you're dealing with animals and people, with an exact science mistakes get made. When you're dealing with the weather, you're not dealing with an exact science. Mistakes can happen there in terms of anticipated outcomes. That is what happened in Walkerton. So we have to be very diligent that this couldn't happen here in the future.

I agree with the minister when she says: a better chance now than then, based on the same number of animals. But when we increase the number of animals, we have an increasing chance of there being problems down the road. I know the minister's on the record as saying that the new technology increases the safety of manure from feedlots, but it doesn't eliminate the risk, and it shouldn't eliminate this government from the responsibility of ensuring that they have got all of those requirements in place, that they have an action plan

that in a crisis they can deal with it very quickly and that they have municipalities participate in that process. So I think those are some of the concerns we have here that need to be addressed.

The minister said that this has just been going on for three years, but it's been a recognized need in this province for decades, Mr. Chairman. One of the reasons why I wasn't prepared to support a hoist amendment is because at least this puts this issue on the floor of the Legislature, talking about it in a manner that will start to more concretely raise the issues and move the process forward, I hope, and we need to do this. It's been a huge issue in this province since I've been the Environment critic, and that's for at least five years. So progress, yes, but still real problems mostly around the municipalities, that they'll still only be able to designate discretionary and accepted-use provisions for intensive livestock operations on agricultural land. This, Mr. Chairman, is because the NRCB is now the final authority on approval of ILOs. There's no appeal process with that authority, and that's a big, big issue.

THE CHAIRMAN: The hon. Member for Leduc.

MR. KLAPSTEIN: Thank you, Mr. Chairman. I think it's probably appropriate to do a little bit of a review as to how we got to where we are today, if it will help to put some things in perspective. The three-year time frame is one that I think needs to be recognized. There was a Livestock Regulations Stakeholder Advisory Group which had participation from a number of producer groups but also had participation from the two municipal associations, the Environmental Law Centre, and the provincial health authorities. This committee had the benefit of an expert committee which developed with them the standards document which will accompany this legislation. Just so there's an understanding as to how wide ranging . . . Pardon me, Mr. Chairman?

THE CHAIRMAN: Hon. member, I think we might be able to hear you better if you took off that machine or whatever it is that's covering the microphone. Thank you.

MR. KLAPSTEIN: Okay. I had my binder flipped up against it. Okay? Good.

Anyway, I was just saying that there was a stakeholder advisory group made up of municipal associations, producer associations, as well as the Environmental Law Centre and the public health authorities. This stakeholder group had the benefit of an expert committee working with them to develop a standards document, which is part of this legislation. That expert committee included the Alberta Chicken Producers, the University of Alberta hydrology and applied soil physics department of renewable resources, Keystone Environmental Ltd., regional director of Chinook health authority, University of Alberta environmental risk assessment, University of Alberta department of biological sciences, University of Calgary microbiology and infectious diseases, University of Alberta agriculture, soil fertility management, University of Calgary department of geology and geophysics, Sunterra Farms, Thiessen Farms, and the chief administrative officer of Willow Creek MD. I'm mentioning that so you understand that the standards that accompany this legislation were done by an expert committee which included a wide range of interest groups. So it's not something somebody just picked out of a hat.

There has been a concern expressed about why there is movement of the decision-making in the absolute sense from municipalities to the NRCB when it comes to siting an operation. Well, up until 1994 the municipalities didn't have the final say. The Alberta Planning

Board did. So it's only since 1994 that they've had natural person powers, and our experience, when this has been dealt with by municipalities, hasn't been the greatest. To be fair about it, I don't know if it's reasonable to expect locally elected councillors, when they are dealing with their friends and neighbours and relatives, to make impartial and objective decisions.

When we looked at putting the decision-making process within the department of agriculture, then the environmental interests were really concerned that the department of agriculture was in conflict. They are the promoters and advocates of agriculture, so how could they be unbiased? If you move it over to environment, then the concern of the industry is that the environmental concerns will be met but that they do not understand the needs of the industry.

I have to point out to you that four of the five members of the committee that made this recommendation to government have municipal experience. I spent 15 years at it myself, and the past president of the AAMDC was on that committee. We unanimously recommended that there be an independent, quasi-judicial, arm's-length body that would deal with this issue and make these decisions so that it could be done on an impartial, objective basis. Now, that's the rationale behind it.

Mention has been made that, you know, we should allow municipalities to have a number of different categories for agriculture within their general municipal land use bylaw. Well, they've always had that opportunity. There's no restriction on how many categories a municipality can put into their land use bylaw. If they had wanted to do that, they could have done it. In the end municipalities wanted the government to be responsible for establishing the standards, doing the monitoring, and doing the compliance enforcement.

So what's left? Just siting it. We decided that it was better to have a one-window approach, where an applicant would go to one place and get an answer. Recognizing the role of municipalities, we gave municipalities status in the decision-making process, which they do not have in the AEUB or other processes. So the NRCB, when considering an application, has to take into account the municipality – the municipality automatically has input into that process – and they have to consider the general municipal plan, the land use bylaw of the municipality.

What is true is that in the end, when push comes to shove, the NRCB can decide and can in fact overrule a municipality's position if they see fit, but they have to consider the municipality, and they will take into account – and this is a very significant change for the industry too – that the voluntary code of practice and all the regulations that this expert committee brought into being will become law, and they'll have to live by it. It will be enforceable in ways that municipalities have not, could not enforce them. So I think it's a very positive step to move it into this NRCB quasi-judicial, arm's-length body. I look forward to having a better decision-making process that will be based on science and on fact rather than having emotion and political expediency get into the mix of making the decision.

THE CHAIRMAN: The hon. Member for Edmonton-Highlands.

MR. MASON: Well, thank you very much, Mr. Chairman. I'd like to just maybe address a few comments in connection with the comments made by the previous speaker. You know, I find it surprising, quite frankly, that a former head of a municipal government in this province would question the competence of local municipalities to make decisions around these sorts of things.

I guess maybe they'd like to get my amendment distributed first, so I'll do that, but just some general comments.

8:40

Local municipal government in this province and across Canada has always been responsible for land use and has discharged that responsibility, in my view, competently in the vast majority of cases. Certainly I think they've done as well in that jurisdiction as provincial governments or the federal government have done in many of their jurisdictions. So I don't think we should be dismissive or patronizing towards the people that work in municipal government.

Municipal governments' control deals with many things, not just agricultural operations. They deal with industrial operations. They decide where large-scale petrochemical plants are going to go. They decide where great big shopping centres are going to go. They deal with rendering plants. They deal with all kinds of land uses that may or may not be compatible with adjacent land uses. That in fact is probably one of their best areas of competence. So it's not, in our view, right to say that their friends and neighbours may get in the way of an objective decision. It is precisely the local people that are affected by an offensive land use who need to be represented in that land use decision, and it is precisely the local jurisdiction that is set up to do that. The friends and neighbours and their quality of life and their wishes for their home and for the place where they may farm are critical to the decision. To say that some quasi-judicial body in Edmonton at a provincial level is going to take those kinds of things into account is absurd, in my view. They won't. Quite frankly, in our view that's exactly the objective of the bill here: to make sure that local people do not have the capacity to stop an obnoxious and offensive use immediately adjacent to their property which may affect their enjoyment of their property and may in fact affect their health.

I was just looking on the Internet, Mr. Chairman, and there are a number of sites where studies have been cited with respect to the impact on people's health of hog operations where there is a great deal of manure produced. The studies have shown that while cattle intensive feedlot operations do not particularly affect the health or the enjoyment of people's property, swine operations do, particularly those on a large scale, and there is an increased incidence of respiratory infection and a number of other indicators of poor health as a result of people living near large-scale hog operations, where there is a considerable amount of manure that might be present. So to say that local jurisdictions are not the appropriate people to deal with this I think is really an insult to the many, many thousands of fine Albertans that take their responsibilities in this respect very, very seriously.

I happened to have a conversation the other day with the president of the AAMDC, and I wouldn't want their position on this matter to be misrepresented either, because they're clearly opposed to the loss of jurisdiction by rural municipalities over these kinds of operations. They are, however, fully in agreement, as we are in the New Democrat opposition, that there needs to be strong and uniform regulation by the province of these kinds of operations. That does not mean the loss of local jurisdiction over permitting and the introduction of negative-option zoning authority with respect to these kinds of operations. I just wanted to make it clear that this bill does not apparently have the support of Alberta's rural municipalities or at least of their association. So I think that's a difficult thing.

Now, I've been quite interested in the Premier's comments that we need to increase the number of hogs in the province. I happened to be actually personally present this time at the news conference in which he indicated that there was a strong feeling that the capacity of Alberta to produce hogs was underutilized and that we could in fact accommodate up to 10 million additional hogs in this province.

AN HON. MEMBER: Ten million?

MR. MASON: Yes, 10 million additional hogs. I think we're somewhere between 2 million and 3 million at the present time, so you have an enormous increase in hog production for which this bill is the foundation. This bill clears the way for this enormous increase in hog production, which evidently is in the back of the minds of some people in the government. It's interesting, Mr. Chairman, just how much manure 12 million hogs can actually produce.

DR. TAYLOR: About as much as one NDP member.

MR. MASON: Well, I wouldn't flatter myself, hon. member, to think that I could come anywhere near your capacity.

We've done a little bit of calculation here, and according to the best information that we've been able to do – and admittedly this is our own calculation. We're not quoting anyone, so you may feel free to completely dismiss it. Even if it were in a learned study, I'm sure some members opposite would do the same thing. We calculate that 12 million pigs can produce 32.3 billion litres of pig poop per year. Say that three times really fast. That, Mr. Chairman, is enough to put the entire province ankle deep in the stuff. So we have a very, very serious problem. It's not only unpleasant; it is a proven hazard to the health of human beings – and there's plenty of evidence to show that – if not properly disposed of and treated. Obviously, the more that's produced, the more difficult it is to treat adequately. It has also been proven repeatedly to be a serious threat to groundwater and in runoff can actually kill fish and aquatic plants in streams and rivers. It is in fact a very, very serious problem.

Now, I said the other night that I appreciated the Deputy Premier and minister of agriculture's commitment to bring forward the regulations, but we haven't seen them yet. I had really hoped that we would have an opportunity to look at the draft regulations, recognizing that they need to be draft regulations, in the committee stage so that if we felt there were serious inadequacies in what the government had in mind, we might be in a position to propose amendments to the bill to cover that off, since we cannot of course amend regulations, or at least to make suggestions in this stage for the government in terms of what changes they might want to make in their regulations. So I regret that we have not yet seen those, but I can certainly say that as it now stands, the environmental protection afforded by any regulations with respect to agricultural manure are far, far less stringent than any regulations that apply to the disposal of treated human sewage, which is imposed on urban municipalities in their sewage treatment plants.

8:50

So I am very, very concerned that not only are we going to have an enormous increase in the nuisance factor, an enormous increase in the volume of manure, a threat to human health, a threat to the environment, a threat to fish and to plant life in lakes and streams, but we don't have the proper rules around the treatment, containment, and disposal of the up to 32.3 billion litres of pig manure that could potentially be produced in this province if the government plan proceeds as it's presently set out.

Mr. Chairman, I would like to now propose an amendment to the bill, and that is that Bill 28, Agricultural Operation Practices Amendment Act, 2001, be amended by striking out section 8. Section 8 states that it is an amendment to the Municipal Government Act, and it adds the following in section 618 of the Municipal Government Act:

This Part and the regulations and bylaws under this Part respecting development permits do not apply to a confined feeding operation

or manure storage facility within the meaning of the Agricultural Operation Practices Act if the confined feeding operation or manure storage facility is the subject of an approval, registration or authorization under Part 2 of the Agricultural Operation Practices Act.

What this does in effect, Mr. Chairman, is strip from municipalities the authority to provide permits for the use of these confined livestock operations. Right now the things that the MGA does not apply to currently – in other words, the things that can be imposed on a municipality – are a highway or road, a well or battery within the meaning of the Oil and Gas Conservation Act, or a pipeline or an installation or structure incidental to the operation of a pipeline. So in other words, we are elevating these confined livestock operations to the same level in legislation as pipelines. Pipelines and roads are virtually the only things that the municipal government does not have control over in terms of land use planning and permitting. This amendment would delete the addition of confined livestock operations to this portion of the Municipal Government Act. So in other words, what section 8 of the act does is add to the activities which are exempted from local jurisdiction. It adds ILOs or CFOs, and what we're saying is we're going to take it back out again. We think this is the critical piece of the act.

There are a number of good things about the act. Certainly standardized provincial regulations are important and are widely supported not only by the agricultural industry and farmers but also by municipalities, and certainly I think every party in this House has indicated that they support strong and uniform provincial regulations with respect to this matter.

MS CARLSON: Which section 8 are you amending?

MR. MASON: The question is which section 8 I am amending. It is towards the end of Bill 28, which is on page 26 of the act. Are you with me now, Mr. Chairman?

THE CHAIRMAN: I think maybe for greater clarification we need to identify that the section 8 you're talking about is the part that refers to "Municipal Government Act is amended."

MR. MASON: Yes.

THE CHAIRMAN: Okay, that's in part 3.

MR. MASON: Yes, it is. On page 26 of Bill 28.

THE CHAIRMAN: So that we're all on the same thing, this is amendment A1 as moved by the hon. Member for Edmonton-Highlands. The section 8 that he is talking about is in the back part of the bill, the part which amends the Municipal Government Act.

MR. MASON: Yes.

THE CHAIRMAN: Okay. We're with you.

MR. MASON: As I understand it, section 8 of this act before us would basically add confined livestock operations to the list of things over which local municipalities do not have control. Our amendment is to take this out of this bill so that the Municipal Government Act is not changed, and the net effect of that is to retain control by municipal governments over the siting of confined livestock operations. I'm sorry if it's a bit convoluted, but we were looking for the key section of the act that stripped municipal governments of their authority over confined livestock operations,

and this is it. So we want this part taken out of the bill. That's what the amendment is about, and if the amendment were to pass, we believe municipal governments, rural municipalities in particular, would retain control over permitting of confined livestock operations, as they should be, in our view.

All the rest of this is just fine, Mr. Chairman, but I don't think it's right or proper that we should be taking away this authority from municipal governments. The government ministers go to AAMD and C or to AUMA and make speeches about partnership with municipalities. I was able to attend the speech at AUMA by the Minister of Municipal Affairs last week in which he proposed a partnership with municipalities, but it really seems that whenever municipalities exercise the limited jurisdiction they do have in a way that doesn't please the government, the government will step in in a paternalistic way and take away that authority from local authorities. That's no partnership, and it ought not to form part of this legislation.

Local authorities, if they're given the right resources and particularly if there are strong requirements for preparing environmental, health, and land use compatibility information on the part of the applicants – and this is supported and checked with research by the provincial government and provided to those local decision-makers – can make uniform, I believe, and competent decisions about these matters. But the problem is that nobody wants to live beside one, and is the government then going to force Albertans throughout rural Alberta to live next door to these hog operations, which destroy their quality of life? That's the question that needs to be decided in this Legislature, Mr. Chairman, and our party is coming down very clearly – and unfortunately it seems to be the only party that's coming down very clearly – in favour of the people in rural Alberta.

Thank you, Mr. Chairman.

THE CHAIRMAN: The hon. Minister of Agriculture, Food and Rural Development.

9:00

MRS. McCLELLAN: Mr. Chairman, I'd like to just make a few comments and to encourage the House not to support the amendment that the Member for Edmonton-Highlands has proposed. To do that, I think we have to talk just a little bit about what we have now, why we need this legislation, and why it's important that the responsibility for siting, monitoring, auditing, and compliance rests where we believe this bill places it.

First of all, this is a very valuable industry to the province. There is no question. I don't think there's any argument. There may be some debate on the numbers the Premier laid out, because he might suggest that this was reported a little bit differently. But the fact is that this industry will grow, can grow, and should grow. Agriculture contributes on the value-added side \$9.2 billion to this province's economy in agriculture and food. Food and beverage processing: about 4 and a half billion dollars of that today is in the livestock industry. We're not talking about some little operation that has no potential or no contribution. So it should, could, and will grow, but it must grow in an environment that protects the soil, water, and air in this province.

How are you going to do that? Well, we've done a number of things. One, this government, as I indicated a few days ago in this House, initiated a groundwater study on intensive farming in this province some dozen years ago in southern Alberta. Why? People said: "Why are you doing this? This is kind of a risky thing to do." No, it isn't; it's the right thing to do. You monitor your water levels in your soil and your groundwater before you have a problem, not after. That way, you can identify if there is an emerging problem

and you can deal with it. We know that in parts of this province we have intensive farming. You have irrigation, you have applications of herbicides and pesticides, and you have application of waste. We don't call it waste anymore; it's manure. It's a very valuable commodity; it's no longer waste. So you should know what's happening, and we do. Today we continue to monitor about 23 sites to ensure that there is not an impact on our groundwater. That's important. That's why we should do this.

Well, if it were working so well today, we would not have Bill 28 in this Legislature. If you accept the amendment the hon. member put forward, you have to some extent what we have today except that we're going to take it a step further rather than having a voluntary code of practice, which we put out a year ago and which some municipalities accepted, put in place, some went further in their regulations, and some ignored totally. Now, I don't think that is a good, responsible way for this government to accept the protection of our air, water, and soil.

What's wrong with the picture we have today? We have one body responsible for siting. Then what happens? I talked to the municipalities and said, "Would you consider taking the responsibility for auditing, monitoring, and compliance?" They didn't feel that was possible, and I didn't disagree with them. They don't have the expertise or the resources to do that. So what you have today is one body that sites, and when something goes wrong, another body is expected to come in. I get phone calls today from municipalities saying, "Minister, you've got to do something about this operation." I said: "I didn't site it. Go to the municipality." "Well, we did." I say, "Well, go back." They say, "Well, we did." I'm still getting the phone calls, folks, and we didn't site it. Yet we're in there today using resources of the province to try and correct an issue.

Now, maybe the municipality that sited that operation isn't the recipient of the problem. It could be the town that's a few miles down the road that wasn't really consulted on the siting. Under this legislation today anyone who is directly affected or could be will be involved before a permit is given. Before. This process, if you examine it carefully, is very broad at the bottom and narrow at the top. Today what we have is something that's very narrow at the bottom.

Believe me, I live in rural Alberta, and in fact I live one and a half, one and a quarter miles upwind of a hog barn, a very large one. I can tell you that you can do it quite successfully if manure management occurs. So you can do it. But if you don't have somebody with authority to deal with these, you have the potential for all of the bad things that the Member for Edmonton-Ellerslie was talking about and you come in after the fact and start trying to remediate them.

We had a conversation with the Leader of the Official Opposition on a remediation, and I think he understood quite clearly after that that the difficulty was that we could offer technical advice, but until something went awry and Environment would step in and try and remediate it, we didn't have the authority. We have a responsibility as legislators, I believe, to protect the air, soil, and water quality of this province. I believe we're prepared to take on that responsibility, but to do that, you have got to have the authority.

Now, to suggest that the municipal governments are not involved in a meaningful way I think is wrong. We have clearly asked municipalities to forward their agricultural land use plans, which they told me they had, and to designate in those plans areas where they would say that confined feeding operations should not occur and the reasons for that. It could be future residential development. It could be another type of industrial development. It could be because they want a park or there's one close, or there's a lake or a stream or something that they don't think should be impacted.

The NRCB will look at that when they have an application come

in. The next thing the NRCB will do is send the application to the municipality for their comment immediately. That is very meaningful. But somebody has to make the final decision. If you live in a rural area and you've been at one of these meetings where there are a thousand people – neighbours, friends, and family members – discussing one of these, it can be very unpleasant.

What we would prefer to do is to hear from the people who have concerns before the permit is given, address the issues they raise, eliminate as many of those as possible, and then come to an approval. If at the approval process the decision is made for approval, there is still an avenue of appeal. If it's the nuisance factor, which it sometimes is, as has been indicated – and I may disagree on which odour is the worst: a cattle feedlot or a hog barn – we'll ask the Farmers' Advocate, with a panel, to deal with that because the Farmers' Advocate has proven over the years to be a very good vehicle for dialogue between industry, producers, and community and has had very great success in resolving those issues.

9:10

Agriculture is a viable business in this province. It is considered a very important industry. We have land in this province that's considered for agriculture use. But when you ask a municipality if an agricultural activity is a permitted or a discretionary use and if you ask them if a country residence is a permitted or a discretionary use and you find out that in an agricultural community an agricultural activity is discretionary and a country residence is permitted, it is no wonder that the issue of land use and the use of agricultural land was one of the main topics at every ag summit meeting that was held in this province. Every one. So somebody needs to step up to the plate and take responsibility, and I think that in the interests of protection of the environment, of the soil, of the water, and of the air quality in this province, this process will do it.

The NRCB has the ability, with the expertise they will have in their cadre of people, to make sound, scientific decisions, and I think that is critical to this process. They are not Agriculture. They are not Environment. They are under sustainable development, Mr. Chairman, where I believe this fits very well, so you could look at it as a neutral body.

The one thing I totally agree with in a couple of comments, at least, from the Liberal opposition is that this is a matter of concern to the public, and rightfully so. It's a matter of concern to this government. I don't think we want to wait until we do have a wreck before we take an initiative and a responsibility. This is not something that we entered into lightly. It took several years of consultation and study. We had environmental groups working with us. We had industry groups working with us. We had people from the AAMDC and AUMA.

I fully understand and accept the concerns the AAMDC have over the loss of autonomy, but I believe that as we work through this system, they will see that indeed they are very much involved. We've had a discussion with them – I've had many – and they've talked to me about liability, if they could provide us input. I would suggest that they carry a huge liability today on potential problems on siting. So I don't think that's an issue that we should take lightly, but we should use as a reason not to go this route and to use their very valuable input.

I guess I have to come back to my first comment, Mr. Chairman, and I say, "What's wrong with this picture?" You have one group that sites. Who audits? That's a question today. Who is responsible for compliance? Somebody else? I don't think there are very many areas that you would say, "Well, you go ahead and you choose the place, but when something goes wrong, we'll come in and straighten it out." I think your chances of not having an incident are better if

those decisions are made with sound science, good information, and the best technology we have and if the flow-through is continuous.

The desire of this government in this issue is to protect the air, soil, and water quality in this province for all its citizens. Anyone who thinks that anybody who has one of these practices would intentionally pollute the soil or groundwater should go and live out there for a while and realize that they drink that water; they don't have an urban water system with water treatment plants. They drink that water and they make their living on that soil, so it's in their best interests to protect it as well.

Mr. Chairman, to ensure that we do the right thing, I urge members to reject this amendment. Thank you.

THE CHAIRMAN: The hon. Leader of Her Majesty's Loyal Opposition on amendment A1.

DR. NICOL: Thank you, Mr. Chairman. As much on the minister's comments as on amendment A1.

I guess the issue that we really have to deal with here – and the minister has talked about it but hasn't really answered it in the sense that she talks about the issues of siting, monitoring, and compliance. I don't think there's anybody in Alberta right now that would not recognize that this bill does create a process that facilitates that in terms of the environment and the environmental issues of intensive livestock operations. Pardon me; confined feeding operations. I have to get this term. I just can't understand confined feeding. Intensive livestock means a lot more to me.

What we end up with here, the issue that comes up, is the idea that within a particular local municipality the municipality is supposed to submit land use plans and designate what they want to see or do not want to see. My major contention in connection with reading this bill – and we have not seen the regulations yet, even though a few days ago the minister promised they would be here before this bill was in committee stage. [interjection] This is getting to be a dialogue, Mr. Chairman, but it helps to make the discussion complete.

When we're talking about how to make this bill functional, if we don't know what the regulations are, it either limits or expands the opportunity that we need to have to make amendments to the bill. It would be much better to have the regulations so that we can see how they work together with the operational parts of this bill, so that we can make it work without having to amend the bill if the regulations handle it. Without the regulations we may be amending the bill in areas that would be dealt with.

The whole issue comes down to: how do we make sure that the flexibility is there for the local municipality to say, "We don't want an intensive livestock operation at this point"? Under the current rules, where all they have is the option to deal with agricultural land either as a permitted or as a discretionary use of that agricultural land, what we're going to see them doing is going through and under the discretionary part defining intensive livestock out of certain areas. Mr. Chairman, I made a suggestion the other day: give them broader land use classification under the Municipal Government Act so that they can do it in terms of their land use classification, just the way urban areas do when they develop different industrial levels. This would be creating equality among our municipalities, because in the end the practice or the experience, the track record of land classification by intensity of use, whether it's industrial or commercial, has been proven to work very effectively in zoning. We should give the local rural municipalities that same kind of opportunity here under this act rather than deal with some new process where we don't yet know how it's going to work.

The other issue that I wanted to address is in the context of how the minister was explaining the working of this. She talked about the base of consultation. She talked about it coming together up here with a good decision. I guess the concern that I've heard from a lot of the rural municipalities and rural residents is: how broad is that base? This comes to defining what constitutes an affected person or an affected body. That's where the regulations at this point would truly help us understand the degree to which the community would be brought in. The example the minister gave when she started talking was about the town that was three or four miles away. Under the current definition of an affected party, that town would have no say. Is she telling us that under the new regulations a town three or four miles away will have a say, that they would be an affected party? Can they count on that, that if they are three or four miles away from one of these, they will have input in the process of dealing with the NRCB approval? What about a farm family three or four miles away? Are they going to have that same say?

So, in essence, if we're going to talk about how functional this bill is as we pass it, we need to know that kind of thing so that we can make the comments, go out and talk to people. When I have to answer my phone calls at this point in time, I can't tell anybody. Under our current practice, affected persons or affected bodies are only those who fall within the minimum distance requirements. Is that what I tell someone? I guess what I'm saying is that we want to make this work, because it's got to work for the safety, the environmental protection, and for the livability of our rural communities. If the current situation continues, chaos will rule, and we can't have that. We've got to have a comfort level in those rural communities that will, in effect, give those communities a sense that we've got to have a plan they can feel part of.

So with those comments, just in direct response to the things the minister said in connection with the amendment, this is, I guess, one way we can look at making sure that local communities still have a chance to have a say by not taking the decision-making away from them, but if that decision-making is going to compromise our environment, we've got to have provincewide environmental standards, Mr. Chairman. We've got to have a process built into this that will allow for compliance, for monitoring, and, in the occasional case when it effectively doesn't work, some kind of penalty.

We have to support this bill, and I hope we don't pass the amendment. Thank you.

9:20

THE CHAIRMAN: The hon. Member for Edmonton-Highlands on amendment A1.

MR. MASON: Thank you very much, Mr. Chairman. I'd just like to, in closing, respond to some of the comments made by the hon. Deputy Premier and minister of agriculture. I think one of her major points was dealing with the difference between the power of siting such an operation and then the authority to set regulations for environmental quality for health and agricultural purposes and the enforcement of those regulations. I think the history of government in Canada and this province is replete with examples of these types of jurisdictions being divided and shared between different orders of government. Certainly for environmental regulation with respect to urban land uses, which I guess I know a little better than I know about agricultural land uses, those powers to regulate are in the jurisdiction of the provincial government and the enforcement thereof is with the provincial government, but certainly the land use and the permitting of industrial operations lies with the city, and these are not incompatible. They work just fine. As long as you

have a strong and effective protection on the environment side and it's enforced, the city is competent to make decisions about which land uses are compatible.

Now, I know the province has struggled with some of these operations that have not been well sited, but who is in the best position to make sure that one of these things is not sited in a way that creates a nuisance or a hazard even for surrounding residents? Is it in fact the bureaucrats in Edmonton, or is it best left with local people, who are responsible and accountable to their neighbours and their friends?

The hon. Deputy Premier also talked about the unpleasant public meetings that sometimes occur when these things are to be sited. Well, that's part of the democratic process that those of us who have served at the local level know very well. I've also had to face those kinds of meetings for the siting of shopping centres. The women's prison comes to mind and a number of other very, very hot and very large public meetings in my old ward, ward 3 in northeast Edmonton. I can tell you, Mr. Chairman, that in northeast Edmonton people take their politics very seriously. They don't take any prisoners. They let you know exactly where they stand on issues, and that's the way it should be. That is exactly what local municipal democracy is all about. If the people don't want it, who is going to say that they're wrong and they should be overruled? I think that seems to be what's being suggested here.

In terms of incompatible land uses between jurisdictions, I know that the hon. Member for Leduc and I originally served on the Edmonton regional planning commission. These planning commissions existed throughout the province and were very effective. Mr. Chairman, in harmonizing land use between municipalities and making sure that urban uses took place in urban areas and agriculture and rural uses took place in rural areas. It was the then minister of Municipal Affairs, Dr. West, who abolished these bodies and has created a real dog's breakfast when it comes to incompatibilities of land use as between jurisdictions. The system that was put in place subsequently has failed miserably, in our view, to ensure that harmonization of land uses between jurisdictions takes place and that we have good neighbours in place.

I don't think there's anything the hon. Deputy Premier has said to change our view that local municipal democracy and jurisdiction need to be respected by this government. You either believe in it or you don't.

Thank you, Mr. Chairman.

[Motion on amendment A1 lost]

THE CHAIRMAN: The hon. Member for Edmonton-Centre.

MS BLAKEMAN: Thanks very much, Mr. Chairman. I am glad to get the opportunity to speak in Committee of the Whole to Bill 28, the Agricultural Operation Practices Amendment Act, 2001. I was trying to speak in second this afternoon, and after the hoist proposal of course it got voted on and I wasn't able to speak. I've listened carefully to the speakers tonight, and I've read through some of the other speakers that came before me in second, and it strikes me that this debate is really about: is the glass half full or half empty? Is a compromise acceptable?

In this case we're talking about: does the province taking control of this intensive livestock process and offering environmental controls trump the fact that this legislation will take away a municipal government's ability to decide what their community looks like and what's in their community? That's why I'm struggling with this legislation. It's, you know, an A plus and a D minus. Is it acceptable that that averages out to sort of a B, or do I say no because I just

can't accept that it's too flawed and you need more work on it? In my experience with legislation it's not a good idea to pass something that's really flawed, because it takes a long time to get it back up on the boards again, and in the meantime you've condemned a whole bunch of people to probably 10 years of living with pretty flawed legislation.

Now, I'm back to the beginning of the argument again. I think that the environmental controls offered in this legislation are really important. It is a good solution to the problems we've been experiencing around intensive livestock operations, and that's important to me. It's really important to the people I represent in Edmonton-Centre. Environmental issues consistently come in at number 3 anytime they've been asked what their top three priorities are. Environment comes a consistent third no matter what. They're very environmentally aware in Edmonton-Centre. My second largest e-mailing list to people who have indicated that they want to receive information from me is the environment list that I've got, and they're all constituents. They pay attention, they read a lot, they think about things, and they're right on top of it. So when I'm standing in here representing them and scrutinizing this bill, I have to take very seriously the environmental solutions that are being offered by the government in this bill, and it carries a lot of weight. At the same time, I am really distressed by the loss of authority, the loss of control, the loss of sovereignty, if you want to put it that way, of municipalities to control the community around them, and I don't know that I'm willing to sacrifice one for the other here. [interjection] I did. You weren't paying attention. [interjection] Thank you.

So let me go back and look at this. We're in Committee of the Whole, so when we look at a sectional analysis, in section 2 we've got the definitions happening. You know, right away there are words that start to jump off the page at me, and it brings back many other discussions about legislation in this Assembly and, frankly, bad memories, because once again we've got that things will be decided by regulations. Regulations, regulations, regulations. This act is filled with: it'll all be decided by regulation. Frankly, I don't believe this government anymore, and I don't trust this government anymore, because nothing's been done here to make me believe that you're going to follow through on this. You can shake your heads sadly to me. I'm shaking my head sadly at you. I don't believe you. I don't trust you.

You know, the regulations that we were supposed to get for Bill 11 – just pick any bill that we've debated in here; we don't get the regulations. You refuse to send the regulations through to be reviewed by the Law and Regulations Committee even though we keep asking for it, and that would be a good way to review things. The regulations are not available to the public easily and sometimes not at all, whereas you can get legislation on-line now. Excellent idea; good transparent government. That's what I really mean by transparent government, but you can't get the regulations. My colleague the Member for Lethbridge-East has mentioned a number of times – I mean, how can we make decisions on this bill when we don't know what these regulations look like? Now, evidently there's been some discussion here or some agreement – and I hope I'm not putting words in people's mouths – from ministers on the other side to provide these regulations. Well, we're in Committee of the Whole. How much longer do we debate this bill without seeing the regulations?

AN HON. MEMBER: Third reading. That's their answer.

MS BLAKEMAN: Yeah, if we get them by third reading. No, that's not soon enough for me, and my experience in five years in here has

been to not give the benefit of the doubt, because it is not the best thing for the people in my riding and, frankly, I don't think it's often in the best interests of the people in Alberta.

Sectional analysis. That was the very first section, and I went off on a . . . The regulations in here – and the government keeps doing this. You know, the proposal is – now, this has got more substance to it than many of the other bills – “trust us; we'll do it all in regulations.” Well, I don't trust you.

Okay; moving on. When we look at what's available in those first couple of sections, in section 2 one of the things I think we need to note is that municipalities with a population of less than 3,500 are not required to have land use plans. There are other kinds of settlements, summer villages and stuff, that are also too small to have them. They fall below the cutoff for a land use plan, so some of the stuff that's in here that's supposed to protect doesn't apply. I think that there are a fair number of communities that are of that size in Alberta and need to be considered in this.

I find section (b.8) contradictory, frankly. What the heck is this? I'm still in section 2(c)(b.8). “‘Generally accepted agricultural practice’ means a practice that is conducted” and then it goes on to say “accepted customs and standards as established” and then jumps forward to saying “without restricting the generality of the foregoing includes the use of innovative technology used with advanced management practices.” Huh? Sorry; that contradicts itself, that we're supposed to go on age-old agricultural practices except we're gonna mix technology in with it. That doesn't give us anything.

Now, moving on. Oh, the nuisance provision in section 4. This is interesting. It provides limits to liability for the agricultural operator if the land use bylaws are not contravened and where the NRCB process approves them and generally accepted agricultural practices are followed. So as long as what the NRCB is saying is followed or their processes are followed, then nobody can complain about what the operator has decided to do or the agricultural operator is not liable, if I'm going to use the correct language there. So when the NRCB gives approval, then the NRCB prevails over the land use bylaw. Well, we were just looking at the land use bylaw and where it takes precedence, and here is the NRCB taking precedence again.

I've got in my notes here that the original press release said that the Farmers' Advocate would have the authority to establish the agricultural practice review committees, and I'm wondering what happened to that, because I don't think I've seen it in anything recent, and I haven't heard it talked about tonight. It looks like the minister is keeping control of that grievance process. That strikes me as curious.

This legislation does seem to be a struggle between authority of levels of government, and you've got the larger or the higher level of authority overriding with concerns about the greater good for the greater number. Then you have a lower or a local level of government, a smaller level of government, which is allowing for people to make decisions about their own life and what's around them.

Now, I think it's not too hard to look at the parallels between what happens between the federal government and the province and in this case the province and the municipalities. I note that this government acts in an absolutely contradictory manner. They believe, when they're in the argument and they're the smaller one, that everything should go their way, but then when they are on the higher level compared to the municipalities, they again think it should go their way. Maybe they're being entirely consistent. They just want their way all the time.

I think what's also contained in the discussions around this legislation – and there's been a lot of discussion about it. This has been out there for nine or 10 years and has come around a couple of

times on the committee circuit, with a number of people being involved in that. I think there are larger issues there that we've never really had the opportunity to discuss, issues like: what kind of a province do we want, are we willing to do anything for development, and are we willing to sacrifice anything for development and to make money? That's certainly where this government seems to come from many times, yet in this legislation there are some pretty good environmental controls being put into place.

9:40

In Alberta we've moved from being a rural agrarian society to being an urban society. Two-thirds of Alberta's population now lives in Edmonton or Calgary, so populationwise we're certainly the greater number. Does that give us the right to be dictating what's happening in the rural areas? I think that's a good point to be argued. I'd be interested in hearing what others have to say about it.

Then we get into some fairness factors. If we're willing to say, "No; we want rural Alberta exactly as it was; we want to protect the family farm," then we're into a lot of subsidies and insurance schemes and a lot of other ways to keep the family farm operating, because it's not terribly viable right now. The changes, what's happening with our rural centres as well, and how much money the urban dwellers really want to invest in rural Alberta: I think this would be an interesting discussion to have, because I think there's a lot of sympathy for people living in the rural areas and in rural centres and a lot of strong feelings about supporting a family farm as compared to moving to a corporate farm. This is what we're talking about in this legislation, corporate farming, in essence.

How much and how far are we willing to go with foreign ownership or ownership from outside of Alberta? As soon as we get into corporate farming, we've got shareholders or owners who could easily come from other places, and it's not easy for us to detect that or track it down. Do we have any laws about that? We don't. You know, all of Alberta could belong to somebody else and we wouldn't necessarily be paying attention or know. I think that, again, is part of that larger discussion about: what do we want Alberta to look like? What are our priorities? What's our criteria ranking to make decisions about what's happening in our province?

Now, when I look at the environmental controls, I think especially around water there are two issues that are paramount for me. One is safety and the other is quality. If we don't have safe drinking water, then we have failed miserably, and we certainly have to protect safe drinking water above all else. We need water to live. We don't have a choice about that.

Certainly when I look at pre-eminent scientists like Dr. Schindler, who just recently was in the paper, he has concerns about what's being proposed in this bill because he thinks that water quality could be impacted when we start talking about going from 2 million hogs to 12 million hogs. The size of that alone, to contemplate how much that is going to affect our province – how much manure can be produced, and how much can be safely composted or integrated or used in some other way? What's the likelihood that our water system could get tainted by that amount of manure being generated in the province or being generated in a small area in the province? That carries a lot of weight with me.

I'm back to the original argument: do you go for the environmental controls that are being offered, balanced against the loss of the autonomy or the sovereignty of the municipal areas? I was uneasy about that to begin with. When I start looking at respected scientists

and scientists that have spent a lot of time in this area and, frankly, have won some honking big awards for their expertise in this area and they have questions about what's being proposed in this bill, I hesitate even further.

This bill is just not good enough. It's not covering enough bases. It could be better. I look back to my constituents and their expectations of what I will do on their behalf and how I will carry their wishes forward. Environmental concerns are really important to them. For all of the sympathy and interest that's been expressed about overall Alberta and protecting our non-urban lands, the environmental concerns come first. In this case I think that what's being proposed is not good enough. For me the glass is half empty on this one.

It's been very interesting in this debate that in fact we've had two members, the Member for Leduc who's sponsoring the bill and the Minister of Agriculture, Food and Rural Development, get up and actually give information and debate in a way that I don't see very often here. It wasn't delivered to be cute. It was genuinely supporting their argument and their side of the argument with good information and valid arguments, I think. I'm struggling to remember, but I don't think I've ever seen that happen in here before. So this bill must be something pretty special, and I hope that everybody's paying attention to it because I think its impact or its potential impact is huge.

My time is up. Thank you.

THE CHAIRMAN: The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Chairman. Given the hour, I'd move that the committee rise and report progress on Bill 28 and report bills 27 and 29.

[Motion carried]

[The Deputy Speaker in the chair]

THE DEPUTY SPEAKER: The hon. Member for Whitecourt-Ste. Anne.

MR. VANDERBURG: Mr. Speaker, the Committee of the Whole has had under consideration certain bills. The committee reports the following: bills 27 and 29. The committee reports progress on Bill 28. 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 DEPUTY SPEAKER: Does the Assembly concur in this report?

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? So ordered.

MR. HANCOCK: Mr. Speaker, I would move that we adjourn until 1:30 p.m. tomorrow.

[Motion carried; at 9:50 p.m. the Assembly adjourned to Wednesday at 1:30 p.m.]

