



Province of Alberta

The 28th Legislature
First Session

Alberta Hansard

Monday evening, November 4, 2013

Issue 65e

The Honourable Gene Zwozdesky, Speaker

**Legislative Assembly of Alberta
The 28th Legislature**

First Session

Zwozdesky, Hon. Gene, Edmonton-Mill Creek (PC), Speaker
Rogers, George, Leduc-Beaumont (PC), Deputy Speaker and Chair of Committees
Jablonski, Mary Anne, Red Deer-North (PC), Deputy Chair of Committees

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Amery, Moe, Calgary-East (PC)
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Anglin, Joe, Rimbey-Rocky Mountain House-Sundre (W),
 Official Opposition Whip
Barnes, Drew, Cypress-Medicine Hat (W)
Bhardwaj, Naresh, Edmonton-Ellerslie (PC)
Bhullar, Hon. Manmeet Singh, Calgary-Greenway (PC)
Bikman, Gary, Cardston-Taber-Warner (W)
Bilous, Deron, Edmonton-Beverly-Clareview (ND)
Blakeman, Laurie, Edmonton-Centre (AL),
 Liberal Opposition House Leader
Brown, Dr. Neil, QC, Calgary-Mackay-Nose Hill (PC)
Calahasen, Pearl, Lesser Slave Lake (PC)
Campbell, Hon. Robin, West Yellowhead (PC),
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Cao, Wayne C.N., Calgary-Fort (PC)
Casey, Ron, Banff-Cochrane (PC)
Cusanelli, Christine, Calgary-Currie (PC)
Dallas, Hon. Cal, Red Deer-South (PC)
DeLong, Alana, Calgary-Bow (PC)
Denis, Hon. Jonathan, QC, Calgary-Acadia (PC),
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Donovan, Ian, Little Bow (W)
Dorward, David C., Edmonton-Gold Bar (PC),
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Eggen, David, Edmonton-Calder (ND),
 New Democrat Opposition Whip
Fawcett, Hon. Kyle, Calgary-Klein (PC)
Fenske, Jacquie, Fort Saskatchewan-Vegreville (PC)
Forsyth, Heather, Calgary-Fish Creek (W)
Fox, Rodney M., Lacombe-Ponoka (W)
Fraser, Hon. Rick, Calgary-South East (PC)
Fritz, Yvonne, Calgary-Cross (PC)
Goudreau, Hector G., Dunvegan-Central Peace-Notley (PC)
Griffiths, Hon. Doug, Battle River-Wainwright (PC)
Hale, Jason W., Strathmore-Brooks (W)
Hancock, Hon. Dave, QC, Edmonton-Whitemud (PC),
 Government House Leader
Hehr, Kent, Calgary-Buffalo (AL)
Horne, Hon. Fred, Edmonton-Rutherford (PC)
Horner, Hon. Doug, Spruce Grove-St. Albert (PC)
Hughes, Hon. Ken, Calgary-West (PC)
Jansen, Hon. Sandra, Calgary-North West (PC)
Jeneroux, Matt, Edmonton-South West (PC)
Johnson, Hon. Jeff, Athabasca-Sturgeon-Redwater (PC)
Johnson, Linda, Calgary-Glenmore (PC)
Kang, Darshan S., Calgary-McCall (AL),
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Khan, Stephen, St. Albert (PC)
Klimchuk, Hon. Heather, Edmonton-Glenora (PC)
Kubinec, Maureen, Barrhead-Morinville-Westlock (PC)
Lemke, Ken, Stony Plain (PC)
Leskiw, Genia, Bonnyville-Cold Lake (PC)
Luan, Jason, Calgary-Hawkwood (PC)
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McAllister, Bruce, Chestermere-Rocky View (W)
McDonald, Everett, Grande Prairie-Smoky (PC)
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McQueen, Hon. Diana, Drayton Valley-Devon (PC)
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Quadri, Sohail, Edmonton-Mill Woods (PC)
Quest, Dave, Strathcona-Sherwood Park (PC)
Redford, Hon. Alison M., QC, Calgary-Elbow (PC),
 Premier
Rodney, Hon. Dave, Calgary-Lougheed (PC)
Rowe, Bruce, Olds-Didsbury-Three Hills (W)
Sandhu, Peter, Edmonton-Manning (Ind)
Sarich, Janice, Edmonton-Decore (PC)
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Scott, Hon. Donald, QC, Fort McMurray-Conklin (PC)
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 Leader of the Liberal Opposition
Smith, Danielle, Highwood (W),
 Leader of the Official Opposition
Starke, Hon. Dr. Richard, Vermilion-Lloydminster (PC)
Stier, Pat, Livingstone-Macleod (W)
Strankman, Rick, Drumheller-Stettler (W)
Swann, Dr. David, Calgary-Mountain View (AL)
Towle, Kerry, Innisfail-Sylvan Lake (W),
 Official Opposition Deputy Whip
VanderBurg, Hon. George, Whitecourt-St. Anne (PC)
Weadick, Hon. Greg, Lethbridge-West (PC)
Webber, Len, Calgary-Foothills (PC)
Wilson, Jeff, Calgary-Shaw (W)
Woo-Paw, Hon. Teresa, Calgary-Northern Hills (PC)
Xiao, David H., Edmonton-McClung (PC)
Young, Steve, Edmonton-Riverview (PC),
 Government Whip

Party standings:

Progressive Conservative: 59 Wildrose: 17 Alberta Liberal: 5 New Democrat: 4 Independent: 2

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Jonathan Denis	Minister of Justice and Solicitor General
Wayne Drysdale	Minister of Infrastructure
Kyle Fawcett	Associate Minister of Regional Recovery and Reconstruction for Southwest Alberta
Rick Fraser	Associate Minister of Regional Recovery and Reconstruction for High River
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Teresa Woo-Paw	Associate Minister of International and Intergovernmental Relations

STANDING AND SPECIAL COMMITTEES OF THE LEGISLATIVE ASSEMBLY OF ALBERTA

Standing Committee on Alberta's Economic Future

Chair: Mr. Amery

Deputy Chair: Mr. Fox

Bhardwaj	Olesen
Cao	Pastoor
Donovan	Quadri
Dorward	Rogers
Eggen	Rowe
Hehr	Sarich
Luan	Strankman
McDonald	Xiao

Standing Committee on the Alberta Heritage Savings Trust Fund

Chair: Mr. Khan

Deputy Chair: Mrs. Jablonski

Amery	Eggen
Anderson	Kubinec
Casey	Sherman
Dorward	

Select Special Chief Electoral Officer Search Committee

Chair: Mr. Rogers

Deputy Chair: Mr. Quadri

Blakeman	Leskiw
Eggen	McDonald
Goudreau	Saskiw
Lemke	

Select Special Conflicts of Interest Act Review Committee

Chair: Mr. Luan

Deputy Chair: Mr. Dorward

Blakeman	Notley
Fenske	Saskiw
Johnson, L.	Wilson
Kubinec	Young
McDonald	

Standing Committee on Families and Communities

Chair: Mr. Quest

Deputy Chair: Mrs. Forsyth

Brown	Leskiw
Cusanelli	Notley
DeLong	Pedersen
Fritz	Swann
Goudreau	Towle
Jablonski	Wilson
Jeneroux	Xiao
Khan	Young

Standing Committee on Legislative Offices

Chair: Mr. Cao

Deputy Chair: Mr. McDonald

Bikman	Leskiw
Blakeman	Quadri
Brown	Rogers
DeLong	Wilson
Eggen	

Special Standing Committee on Members' Services

Chair: Mr. Zwozdesky

Deputy Chair: Mr. Young

Casey	Mason
Forsyth	McDonald
Fritz	Quest
Kennedy-Glans	Sherman
Glans	Smith

Standing Committee on Private Bills

Chair: Mr. Xiao

Deputy Chair: Ms L. Johnson

Allen	Goudreau
Barnes	Jablonski
Bhardwaj	Leskiw
Brown	Notley
Cusanelli	Olesen
DeLong	Rowe
Fox	Strankman
Fritz	Swann

Standing Committee on Privileges and Elections, Standing Orders and Printing

Chair: Ms Olesen

Deputy Chair: Mr. Lemke

Calahasen	Luan
Cao	McAllister
Casey	Notley
Fritz	Pedersen
Goudreau	Rogers
Hehr	Saskiw
Kennedy-Glans	Towle
Kubinec	Young

Standing Committee on Public Accounts

Chair: Mr. Anderson

Deputy Chair: Mr. Dorward

Amery	Khan
Anglin	Luan
Bilous	Pastoor
Donovan	Quadri
Fenske	Quest
Hale	Sarich
Hehr	Stier
Jeneroux	Webber

Standing Committee on Resource Stewardship

Chair: Ms Kennedy-Glans

Deputy Chair: Mr. Anglin

Allen	Hale
Barnes	Johnson, L.
Bikman	Khan
Bilous	Kubinec
Blakeman	Lemke
Calahasen	Sandhu
Casey	Stier
Fenske	Webber

Legislative Assembly of Alberta

7:30 p.m.

Monday, November 4, 2013

[Mrs. Jablonski in the chair]

The Acting Speaker: Good evening. Please be seated.

Before we begin, I've been asked to seek unanimous consent to revert to introductions as we have guests in the gallery.

[Unanimous consent granted]

Introduction of Guests

The Acting Speaker: The hon. Member for Edmonton-Mill Woods.

Mr. Quadri: Thank you, Madam Speaker. It is indeed my honour and privilege to rise today and introduce to you and through you to all members of this Assembly some wonderful friends of this community. They keep coming in. As you know, today we celebrated Eid al-Adha, and they are here to join this wonderful Assembly, to see how democracy works and how we celebrate different occasions. As I say your name, please rise and receive the traditional warm welcome of this Assembly. If I forget somebody's name, please forgive me. I'm going to start with Amer Allam, then Kashif Allam, Nawesh Perwar, Hamiz Khan, Ibram Saheb, Omar Abdullah, Sami Allam, Nushat Ali Akter, Mr. Saed and sister Kishwa Rani, and Shani Allam. Please give them the traditional warm welcome of this Assembly.

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

Mr. Amery: Thank you, Madam Speaker. The hon. Member for Edmonton-Mill Woods introduced his Edmonton friends and guests. I would like to introduce my Calgary guests, starting with our senior imam from Calgary, who recited this beautiful sura from the Quran, Jamal Hammoud and his wife, Rola Hammoud; Dr. Talib Muhammed; my brother Ali Amery; and the president of the Muslim Council of Calgary, Mr. Sohail Merhi; accompanied by my legislative assistant, Zack Ziolkowski. I would ask them to rise and receive the traditional warm welcome of the Assembly.

Thank you, Madam Speaker.

Government Motions

Committee Membership Changes

39. Mr. Hancock moved:

Be it resolved that the following changes to

- (a) the Standing Committee on Families and Communities be approved: that Mr. Allen replace hon. Mr. Fraser, that Mr. Khan replace Mr. Goudreau, that Ms Calahasen replace hon. Ms Jansen;
- (b) the Standing Committee on Resource Stewardship be approved: that Mr. Goudreau replace Mr. Allen;
- (c) the Select Special Conflicts of Interest Act Review Committee be approved: that Mr. Luan replace Mr. Allen as chair, that Mr. Dorward replace Mr. Luan as deputy chair, that Ms Kubinec replace Mr. Allen.

Mr. Dorward moved on behalf of Mr. Young that the motion be amended as follows.

- (a) clause (a) is struck out and the following is substituted:

the Standing Committee on Families and Communities be approved: that Mr. Khan replace hon. Mr. Fraser, that Mr. Xiao replace hon. Ms Jansen;

- (b) clause (b) is struck out.

[Adjourned debate on amendment October 29: Mr. Hancock]

Mr. Campbell: Madam Speaker, on behalf of the Government House Leader, I want to move that amendment A1 to Government Motion 39 be amended by striking out clause (b) and substituting the following:

- (b) the Standing Committee on Resource Stewardship be approved: that Mr. Allen fill the vacant position.

The Acting Speaker: Thank you.

Are we distributing that motion now? Okay. If you'd like to go ahead.

Once everybody has a copy of the amendment, then we'll call the question if there are no speakers.

This will be known as subamendment SA1. Are there any members who would like to speak to SA1?

Seeing none, I'll call the question.

[Motion on subamendment SA1 carried]

The Acting Speaker: The hon. Minister of Aboriginal Relations.

Mr. Campbell: Well, thank you, Madam Speaker. On behalf of Mr. Young I want to move that Government Motion 39 be amended as follows. Number one, clause (a) is struck out and the following is substituted:

- (a) the Standing Committee on Families and Communities be approved: that Mr. Khan replace hon. Mr. Fraser, that Mr. Xiao replace hon. Ms Jansen.

And, two, that clause (b) is struck out.

The Acting Speaker: Thank you.

It looks like we've already voted on that. No? It's been moved. Okay. You have a copy of it from last time. Are there any members who wish to speak on that motion?

Seeing none, I'll call the question.

[Motion on amendment A1 carried]

The Acting Speaker: The hon. Minister of Aboriginal Relations.

Mr. Campbell: Thank you, Madam Speaker. I would ask that we move Government Motion 39 with the changes that have been voted on tonight.

The Acting Speaker: Are there any members wishing to speak to that?

[Government Motion 39 as amended carried]

Government Bills and Orders Second Reading

Bill 31

Protecting Alberta's Environment Act

Mr. Bilous moved on behalf of Mr. Mason that the motion for second reading be amended to read that Bill 31, Protecting Alberta's Environment Act, be not now read a second time because the Legislative Assembly believes that the bill fails to provide for unbiased, effective, and accountable independent

monitoring in a comprehensive manner, which includes consultation with the full range of affected groups.

[Debate adjourned on the amendment October 31: Ms Blakeman speaking]

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

Ms Blakeman: Thank you very much. I'm very pleased to be able to stand and complete my time in speaking to the referral amendment, which is moved by the hon. leader of the fourth party, the Member for Edmonton-Highlands-Norwood, proposing that all the words after "that" be removed and that the bill be not read a second time because the Legislative Assembly believes that the bill fails to provide for unbiased, effective, and accountable independent monitoring in a comprehensive manner, which includes consultation with the full range of affected groups. That is a reasoned amendment, and that's the one that's still live. Okay.

When I had first started speaking, I'd said that, really, the acceptance of this whole bill is a question of credibility for the government, a measurement of the action that they've taken and trust going forward. I had run through quite a long list, three pages' worth in my notes, of where there had been credibility gaps with the performance of this government in environmental monitoring. I'd mentioned that, you know, we'd had that whole time where the government kept insisting it was the best monitoring program until that was completely disproved, and they had to admit it themselves. Then they started to develop another world-class one, part of which is included in this bill.

Credibility problems. With the RAMP program, with self-monitoring, with the whole concept of voluntary rather than mandatory monitoring, the lack of an accelerated groundwater mapping program, the industry is looking for certainty, and they cannot get it. Problems with the metrics of how, when, and where we measured various things; credibility problems with board appointments, who tended to be overwhelmingly friends of the government and not necessarily people with the qualifications; problems with conflict of interest; credibility around cumulative effects: again, we're still looking to a baseline. An interesting study was produced by Kevin Timoney in July of 2013, where he followed up on infractions on environmental orders and found that the follow-up was abysmal. So credibility problems there.

7:40

When we look into action, you know, what kind of action has been taken? Can we say that we really think this government has been active on this? My answer to that is no. They haven't been strong on taking action on the environmental file. I would say that they've been weak or have not taken advantage of opportunities to be vigorous. For example, we've had an extension on the coal-fired power plants in Alberta. They're allowed to operate for longer. There has been no incentive to shut them down faster and to move on to some other kind of fuel for running those power plants. The coal-fired generating plants are our single biggest emission issue under CO₂ at this point. The oil sands are our fastest growing problem, but coal use right now is the biggest problem.

Our carbon price is based on emission intensity, not on actual emissions and change in actual emissions. Someone explained that one to me as being on a diet. If you'd actually lost 10 pounds, well, that's 10 pounds, but if you're going to look at the amount of weight that you've lost as a percentage of your total weight, it looks much more impressive than it actually is. That's what we're doing here. We've had very weak support for alternative energy,

and over my time I've heard the most amazing excuses for the lack of support for alternative energy development.

The government keeps talking about the concept of balance, but we don't have a balance right now. We actually have a long way to go to achieve balance between industrial development and the environment. For example, we just appointed as the Alberta regulator a person that used to work for the Canadian Association of Petroleum Producers. Just a tad biased there. You know, even if we believed it here in Alberta, it sure isn't getting credibility and any kind of traction outside of the province. Again, problems with action not taken and credibility.

Weak, weak action on wildlife protection. I mean, for any kind of a wildlife corridor these animals will look like they're on drugs trying to follow what's possible to get through.

We've had repeatedly reduced funding on things like the water advisory panels, we've had repeated problems with enforcement, and, of course, we've just had our own Auditor General repeating his request that the government be able to show that it has made any progress whatsoever on climate change and meeting its targets because he has not been able to detect any proof of that given what the government is doing. So there's a lack of credibility, a lack of action taken.

Going forward, do we have trust? Well, can we see a larger plan in place with this agency as a piece of that plan? I can see where this agency fits into the plan, but the government has lost credibility with me that I can trust them to move ahead in any kind of vigorous way, that I can trust that they're actually going to reduce emissions, that they're going to work on the coal, you know, do something active and vigorous, muscular action, with coal-fired electricity plants, that any of these many things that I have already noted are actually going to get done.

I've been extremely fortunate to be able to travel outside of the province and outside of the country. Boy, when you do, you sure get a clear look back at the lack of credibility that we have. Where other populations, particularly in the European Common Market, are in their thinking, how they look at things like the development of bike lanes and mass transit and recycling and biomass and what they will accept from their government and how far they push their government to do things, they are light years ahead of us. So I can see why we're having trouble getting people outside of Canada to believe that the government is taking any kind of vigorous action because it's nothing compared to what's going on in other places.

I agree with this reasoned amendment. I think we have a problem here. As I've pointed out, this particular legislation has just about as many flaws as it has good points. I really wanted this to succeed. Don't misunderstand that I'm always looking for the government to fail on this. I want them to succeed. I live in Alberta. I want to have a wealthy province. I want to be doing well. I want to have international trade agreements. I want us to be reaping the benefits of living in a wealthy, wealthy province, to have wonderful schools, fabulous advanced education, amazing funding for arts and culture. I mean, there's so much opportunity in this province; it's just flowing over. I get right ticked off when I see that being jeopardized because of things like this.

You know, saying that we're going to have a panel and then saying that there are no qualifications and no specifications as to who gets appointed to the panel, and then to say that there's going to be a scientific panel but no instructions that the people on the scientific panel have a scientific background: oh, come on; how do you think that's going to read somewhere else or even here? We've raised a number of points already just in debate in second on what is lacking here.

So I support this reasoned amendment. I think we've got a long way to go on this bill. I will bring forward some amendments to strengthen it, and I hope that by working together, we are able to wrestle this bill into something that we can all be proud of and support.

Thank you very much, Madam Speaker.

The Acting Speaker: Thank you, hon. member.

Is there anyone else wishing to speak? The hon. Member for Chestermere-Rocky View.

Mr. McAllister: Thank you, Madam Speaker. I think I will support what the member from the fabulous constituency of Edmonton-Centre has brought forward. The first thing that I think we need to do is look at the name of this bill: Protecting Alberta's Environment Act. I just wonder what we're defending or guarding in this case, looking at the legislation itself, because that is what to protect implies, to defend or to guard. It seems more like monitoring when you look through it, and that is good. That is something the government needs to be doing. I certainly do support that because we're getting a bad reputation for what we do here when it comes to monitoring our environment.

I think it's worth pointing out, Madam Speaker, that an Alberta judge has recently accused the Alberta government of bias and gross unfairness in banning environmental groups from participating in a public oil sands hearing. It's been discussed at length in here. So when a bill like this is proposed, people are naturally skeptical when that is the track record in the last little while with the Alberta government. In fact – and I'm referring to OSEC, the Oil Sands Environmental Coalition, that was banned – the Alberta Court of Queen's Bench declared that ban illegal, and then the judge had some pretty scathing things to say about it.

To the member's motion, it does make sense to slow it down, I think, and talk about it at another level to make sure that we've got it right. When we don't want to hear from the other side, we do nothing but create problems for ourselves down the road. I think Bill 28 is a classic example of that. I don't think it's unreasonable to suggest that we do solicit a little more feedback and make sure that the proper stakeholders are consulted and we're able to have the conversations in here that we ought to be having. The judge in this case that I'm referring to, with what the province had to say or did on the environmental file, compared that to the authoritarian regime of Maurice Duplessis in Quebec during the 1950s. There is somebody else here – I forget who it was now – that made reference to this the other night when we were discussing this bill. The judge said: it is difficult to envision a more direct apprehension of bias unless it is the Premier of Quebec telling the Quebec Liquor Commission to revoke a restaurateur's liquor licence because the proprietor is a Jehovah's Witness, as happened in Roncarelli versus Duplessis.

To the member's point, it does warrant revisiting and more time. If that's what a judge fears we're doing with the Alberta environment file, then I think you understand where the member is coming from.

An arm's-length agency is good if it is, indeed, an arm's-length agency. Everybody has great cause to question whether or not that will be the case, an open and transparent manner, because sometimes the government suggests that's exactly what's going on and we know that it isn't. All we have to do is think of the events of earlier this session when we were talking about Bill 28. Obviously, the government wants you to believe that everybody's been consulted and there is no problem with what they're putting forward. That is not the case, and you have to convince them of it,

only to have them backtrack at the end and say: "You know what? We're getting so much feedback from the community that this is what we should have done initially."

7:50

That's a frustrating thing for anybody. Whether you've been here, like the member who raised the amendment has, for a couple of terms or whether you're one of the newer members like myself, I think you see that the point of opposition is to raise appropriate dialogue and points that need to be considered, and it is nice when the government will consider them without staying up until 2 in the morning to be convinced.

It is to be independent of government. We have to make sure that this is the case. I would applaud the fact that, reading through the bill, eventually it's going to get to a point where all the information on the projects in Alberta are posted online for all to see. The question that I would have is: is that written in stone, that all of the information on all of the projects will be posted online, or will it be by selection? In other words, if there is something going on that doesn't paint the government in a good light, will that be kept from that website? That would not be the intent if we're going to be open and transparent about it.

Protecting Alberta's Environment Act is one thing; protecting Alberta's environment and the Alberta government's reputation act is an entirely different thing. I'll wait for some more speakers on it tonight, but I applaud the member for bringing an amendment forward. I think it's in the best interest of improving what we're putting forward so that we can be good stewards of the land, develop economically and responsibly, and do what we ought to be doing as the government. We have international partners that expect nothing but the best from us, and we should change the reputation that, unfortunately, the government has been a part of developing for the province of Alberta. I'm hopeful that we are able to do that through this bill.

Thank you, Madam Speaker.

The Acting Speaker: Thank you, hon. member.

We have 29(2)(a) if there is anybody who would like to comment or question the hon. member.

Seeing none, I'll ask if there are any more members who wish to speak on RA1.

Hon. Members: Question.

[Motion on amendment to second reading of Bill 31 lost]

The Acting Speaker: We'll go back to debate on second reading. Are there any members who wish to speak to Bill 31 in second reading?

Seeing none, would the hon. minister of environment like to close?

Hon. Members: Question.

[Motion carried; Bill 31 read a second time]

The Acting Speaker: The hon. Deputy Government House Leader.

Mr. Campbell: We would appreciate it if we could go to Bill 29, Pharmacy and Drug Amendment Act, in Committee of the Whole.

Government Bills and Orders Committee of the Whole

[Mrs. Jablonski in the chair]

The Deputy Chair: I'd like to call the committee to order.

Bill 29
Pharmacy and Drug Amendment Act, 2013

The Deputy Chair: Are there any members who wish to speak to this bill in Committee of the Whole?

Seeing none, we'll call the question.

Hon. Members: Question.

[The clauses of Bill 29 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Deputy Chair: Opposed? It's carried.

Hon. Deputy Government House Leader, shall we have the committee rise and report?

Mr. Campbell: Yes. Madam Chair, I move that the committee rise and report.

[Motion carried]

[Mrs. Jablonski in the chair]

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

Ms Kennedy-Glans: Madam Speaker, the Committee of the Whole has had under consideration Bill 29. The committee reports the following bill: Bill 29.

The Acting Speaker: Thank you, hon. member.

Does the Assembly concur in the report?

Hon. Members: Concur.

The Acting Speaker: Opposed? So ordered.

Government Bills and Orders
Second Reading
(continued)

Bill 27
Flood Recovery and Reconstruction Act

[Adjourned debate October 30: Mr. Hancock]

The Acting Speaker: Are there any members who wish to speak on Bill 27? The hon. Member for Little Bow.

Mr. Donovan: Thank you, Madam Speaker. We can talk about process again, but I think I well indulged everybody on that the other night on what I thought of process. I do appreciate the government listening.

As I understand it, Bill 27 amends the Emergency Management Act to allow regulations to fund and how to fund to mitigate potential flood damages. One of the things in the bill allows for placement or removal of caveats on properties on flood fringes or floodways. I agree with part of that. The only problem I guess I'd caution the government on or like them to look into, at least, is to update the flood mapping so we have current flood mapping for what we're doing on that. In the last three floods I've seen, from 1995, 2005, and last summer, a lot of the rivers have changed direction, flows, everything else, which does change.

8:00

An Hon. Member: They change direction?

Mr. Donovan: Where they're flowing. They're still going in the same direction, I guess. Thank you, Statler. Every once in a while you keep me on the game. I appreciate that. The point is that it's definitely changed the location of the water and where it happens to be going in different years.

The declaration of passing the state of emergency from 14 to 28 days, I think, probably has some merit to it as we ran into that in this last flood. We ran into problems there, so that should do that.

One of the things in this bill that I do like: it gives powers to the municipality to handle the emergencies and the relief. In one of my counties that I represent as MLA, Vulcan county did a spectacular job of being able to help during the flooding around the Wyndham park area when the flood hit. They stepped up; they did lots of road work. Volker Stevin did a great job also of blocking off roads, sitting out there staffing the blockades there. I think people went above and beyond on that. Communication was also good from the county of Vulcan and also the county of Lethbridge, who didn't have as much flooding per se but had the chance of flooding where they were going to open up some dams to let the cubic metres per second get out of a dam.

Luckily, they didn't have to open them up to the state where they were going to do some road damage, which again gets into some things, I guess, which we need to address sometime with Environment, allowing how much flow goes in and out of a water reservoir. I know that right now policy from Alberta Environment states that they cannot let more out of the reservoir than what's coming into the reservoir. I think that at some point we could work on that. Maybe it's a policy change that the minister might want to look at for down the road when we know there's a large flood coming, to be able to let some of the water out earlier. It's just something, I think, that would help out quite a few people.

I think that this bill also cleans up some of the claim mechanisms for the municipalities to be reimbursed after the natural disasters hit. In 2005 or 1995, or I guess both, but in 2005 for sure, Vulcan county had a couple of bridges go out. As well, this last flood had some bridges go out. Some of the challenges are to be able to replace those in a timely fashion. I know that the MD of Willow Creek – and that would have been back in 2005 also, in that flood – had numerous roads where the bridges went out, and being able to get the funding and the okay on that became a challenge for them.

One of the things I do question in this bill is giving it to cabinet to decide where development can be. Some of that worries me a little bit if they haven't seen the exact flow of where water goes and how it may have changed a little bit on high and low marks, with different spots in the rivers washing out compared to other times. I wonder whether that should be a locally made decision or not. Again, I see on the AAMD and C convention that there is talk of whether the Minister of Municipal Affairs is going to open up the MGA again. I think it's been about 19 years since it was last done. This is also going to be modified in the MGA, so I guess making sure that this carried on in the new MGA as it's looked at and redone and with some of the things added to it, I think this could be a good time to also add a couple of other things in the MGA that need to be updated.

I think, in all honesty, this bill has a lot of merit, and I'd probably be supporting it with a couple of things that I'd like added to it. So I'll leave it at that.

Thank you, Madam Speaker.

The Acting Speaker: Thank you, hon. member.

Standing Order 29(2)(a). Are there any who would like to speak to him about that? The hon. Member for Drumheller-Stettler on 29(2)(a).

Mr. Strankman: Yes, Madam Speaker. I'd just like to ask the Member for Little Bow: he kind of glossed over the concerns about caveats, and I, too, in Drumheller have some concerns about floodway mapping and caveats, so I was wondering if he could just reiterate a little bit his concerns about those descriptions.

Mr. Donovan: Thank you for the question. My concern is that when you're starting to put that on, some towns have done some mitigating for flooding and have put a caveat on some of the titles. To me, for the towns that have already done the mitigation, it is a challenge in there. In some of the towns with the old flood mapping that has been done – I mean, for instance, in Vulcan county, where the floods went down through Wyndham park there, none of that is mapped still. So I guess I'd be concerned with being able to put the caveat on some of the titles. For instance, the town of Okotoks put quite a bit of money into flood mitigation last time, which proved very good this time, so they've done the right steps to take the caveat off. My opinion as a farmer on it: you'd hate to put a caveat on a title that is on an old flood map.

The biggest thing in my vision of that is to make sure that the flood mapping is up to date before we push through the caveats on the different homes because that could change some different areas, and if the flood mitigation that goes through that they actually do, with the flood symposium that they brought forward in Calgary, which I think has quite a bit of merit, it would change quite a few different things on what would be considered in the flood plain or the flood fringe.

The Acting Speaker: On 29(2)(a).

Ms Blakeman: One of the things that I noted in Bill 27 is that a great deal rides on the definition of floodway, yet the definition of floodway will be decided after the bill is passed under section (3) of the bill, modifying section 693.1(1) of the original MGA. Can you comment on the fact that we're doing something for a definition that we don't have yet?

Secondly, what's your opinion on the caveats being placed or the lack of definitude around neighbourhoods that already exist, communities that already exist in those flood plains? Can you explain why the act is not giving us a better definition of how that's supposed to proceed?

Mr. Donovan: It's like rehearsal for when we become a minister at some point. This is great.

First off, for the floodway and the mapping on that and doing it ahead of time, I give the government that they have to start somewhere on it. My thing is that I'd still like to see new flood maps so the floodway, flood fringe – I guess the question is where the caveats are on that. The parts of town that you asked about, High River for instance, where some developments are considered in the floodway or the flood fringe and whether the caveat is on it: some of that also goes back to the flood mitigation standard or what they're doing. I guess that as a property owner I wouldn't want a caveat put on my house if we've mitigated the damages that could be done the next time by totally diverting the water channel around or making sure that there's proper drainage from there so it couldn't flood again. I'd hate to put a caveat on a title that, to me, has shown that they've done the mitigation that should be done.

I guess I'm not going to say that I know the exact answer to this because depending on which city you're in – I know Calgary has some different challenges where the Elbow goes through. But I'm the most familiar with High River and with different communities in High River. For instance, probably the worst flooding was on the east side of town because there's no way for it to drain. Nobody ever saw the water going over there. So to put a caveat on those houses – they weren't even in the flood fringe or floodway, and it just happened to be the way the water backed into it. It became a basin. It would be pretty hard for anybody to tell that that would have happened until the events did happen. I went to high school in High River. It would have been the last place I would ever have thought of flooding. That's why, I think, people bought out there. They thought they were away from the river. They weren't near the golf course. They weren't along there. I worry a little bit about putting caveats on areas in town that could have got flooded without anybody knowing it was going to happen.

8:10

The Acting Speaker: Thank you, hon. member.

We have a number of speakers on Bill 27, the Flood Recovery and Reconstruction Act. The hon. Associate Minister of Regional Recovery and Reconstruction for Southwest Alberta, followed by the hon. Member for Rimbey-Rocky Mountain House-Sundre.

The hon. minister.

Ms Blakeman: There's a minister for recovery?

Mr. Fawcett: That there is.

Thank you, Madam Speaker. It's an honour to rise and speak to this particular bill, Bill 27, the Flood Recovery and Reconstruction Act, as a minister that has been very much involved in this from about 24 to 48 hours after the floods subsided. I do want to talk briefly about some of the stuff that's in this bill, particularly the policies that this bill is enacting around developments in floodways. I appreciate the last exchange, and I think that's good debate, but I do want to clarify a few things.

First of all, this bill provides regulation-making authority to the minister to restrict development in what's called a floodway. This is very distinct from what is the flood fringe. In fact, so much of what we heard in the aftermath of the flood – we talked about flood plains or flood hazards or all sorts of nomenclature that is good for public debate, but when it comes down to making policy decisions, what's in this particular bill, it actually just clouds the fact. What we do as a province is flood mapping, and I guess you could call the whole thing a sort of flood hazard.

There are two particular areas that we're really concerned about as a province within that flood hazard. One is a floodway and one is the flood fringe. What defines the floodway is that it's a particularly scientific way of looking at what happens during a flood event and how the water reacts. In a floodway, Madam Speaker, what you have is water that flows at a particularly high rate, at a particularly high volume, and there's a channel that it's usually geared towards. The water flows at such a high rate and such a high volume that it is very destructive. It will take out man-made structures, and the reason why we're bringing this forward and why our policy is to restrict any future development in those areas is twofold, and this is something that I wanted to bring up as part of this bill because I'm not sure this is widely understood.

The first thing is the obvious, the financial liability that exists when you have structures that are destroyed during a flood event: a house – we saw many of the pictures of houses floating down the river – other physical structures. Those were typically in the floodway, and like I

said, that's typically defined by waters that flow fast enough and strong enough that they'll destroy structures, and that's, you know, certainly financially damaging when you have to repair a whole structure instead of just maybe mopping up, cleaning up, and fixing a bit of drywall. So the financial liability is huge in this particular area, and I think most Albertans understand that.

The second part about the floodway, Madam Speaker, is that when you do have houses or structures move in a flood event, it becomes a public safety issue. We have first responders that are operating, trying to save life and limb, as they like to say, in a flood event, whether it's rescuing people, animals, trying to protect other infrastructure, and what you have is the potential of these structures now floating down the stream at them at a very high rate in the river because the water's flowing that way. This policy doesn't just make sense for limiting future financial liabilities; it's actually a public safety issue as well. That's a piece that actually gets lost in the debate around this particular policy.

The last thing I just want to touch on is that this is based off flood mapping, Madam Speaker, and those decisions we based off the maps that exist today, and there's no doubt that some of those maps need to be changed. One of the things that we need to remember is that those maps are mapped to a 1-in-100-year standard, and that's very important to remember. I know most people are concerned. They're confused. They're saying, "Well, it doesn't make sense. How come I got flooded but I'm not in a floodway or flood fringe?" and vice versa. The big challenge is that obviously, with many of the flood events that happened this past June in this province, much of it was actually over and above the 100-year standard. That's why you would have water in places that might not be mapped. It's over a 1-in-100-year standard.

Finally, Madam Speaker, the one thing about flood mapping that I think everybody should recognize is that in a flood event many, many different things happen, and they're happening on a very fast and rapid basis. It's very hard to predict, scientifically or nonscientifically, things that will happen during this event. Much of it is, frankly, man-made. A great example is Heart Creek in the hamlet of Lac des Arcs in the MD of Bighorn. What had happened was that the creek was flooding and was going one way, and a whole bunch debris came up against a guy's fence, clogged the fence, and redirected it a completely different way. Well, that might have been the natural way the creek wanted to go, but it ended up going a completely different way because of that fence sort of acting like a dam. That's something that is very difficult to predict ahead of time, and it's why some of these things are very unpredictable.

What we need to do is realize that what we're trying to do is not give an exact prediction of what's going to happen during a flood event but create a policy tool for planning. That's what flood mapping is about. It's a tool for planning. It's a tool for allowing us to identify some of these things like restricting development in floodways, those types of things, that are in this bill for us to make sure that we're better prepared for next time and that we look at challenges such as future financial liability and possible public safety issues.

Thank you, Madam Speaker.

The Acting Speaker: Thank you, hon. minister.

Standing Order 29(2)(a)? The hon. Member for Edmonton-Centre.

Ms Blakeman: Thank you very much to this – I'm sorry. I didn't know you were a minister now. I totally missed that. Thank you very much for getting up to say what you said, but I am still curious how we were supposed to know that from what's available in this bill, where in section 693.1(1) it's telling us that those definitions of floodways will come from the Lieutenant Governor

in Council, who may make these regulations, and that includes under (d): "defining, or respecting the meaning of, 'floodway' for the purposes of this section and the regulations made under this subsection." How, exactly, were we supposed to understand what you just told us, telling us all that we should understand it, when, in fact, the regulations haven't been made yet but will be made upon the passage of the bill? Do you see what I mean? We've got the cart before the horse here a little bit. So I'm asking how people were supposed to understand that.

Secondly, where you have communities that are already built in 1-in-100-year flood plains, there's total uncertainty for them here. We don't know whether there's going to be a caveat placed on their property. They were already allowed to develop under the blessing of the municipality of the time, so I don't know if it's possible to mitigate at this point. What are they supposed to do? Get higher? I don't know. Are you supposed to prop them up and stick another foundation under them? What's reasonable here? The bill is nothing but uncertain. I can't go back to the people that are asking me this question and answer it for them because there's nothing in the bill that tells me what they're going to do except for things like

controlling, regulating or prohibiting any use or development of land that is located in a floodway,

undefined, I'll note,

within a municipal authority, including, without limitation, regulations specifying the types of developments that are authorized in a floodway.

Okay. Fair enough. What am I supposed to tell these people? They're already there. They were blessed by the then municipality to be there. What are they supposed to do in the future? Do they always have this uncertainty hanging over them that at any point the government can decide to control, regulate, or prohibit because they're already in a flood plain? What are they supposed to do? There's no certainty for them. There's no certainty now, and there's no certainty in the future for them. So could you answer that?

Mr. Fawcett: Yeah. I'm glad that this hon. member has got caught up over the last year and a half. It's been that long since I've been an associate minister over here, Madam Speaker.

What I do want to say is that this, to restrict or prohibit development in floodways, in any policy that the government wants to bring in will be specifically in regard to any new or future developments. Those developments in place will be allowed to remain in place. We've been quite clear on what our policy intent is going to be, Madam Speaker, and that is that if you live in a floodway, you certainly will have access to the disaster recovery program for, one, a flood event, and if you are impacted by a flood, you will then have an option to go to the disaster recovery program and get your eligible recovery assistance through the program or work with the government through our floodway buyout program to get you moved out. That's all that this is doing.

8:20

Again, I don't know where this member has been, Madam Speaker, for the last – I don't know – four months, but we've been quite clear on these policies. We've been talking about it. We've been trying to make these policies in a timely manner so that people that have been impacted can make a decision. That's always a big challenge. You probably know that it takes a while to, you know, make sure you have all of your i's dotted and your t's crossed when it comes to making sound public policy. In the case of flood recovery that's always a challenge. How do you make sure that all of those details are taken care of while providing timely information to people?

That's something that we've tried to deal with over the last four months, and I believe that through that process – it has been a bit of an iterative process – we've come up with some very strong policies that are very much in line with the Groeneveld report that was done after the 2005 floods. We think that this is the right thing to do. This bill is going to allow us to do that, and it's pretty clear, Madam Speaker.

The Acting Speaker: There are four seconds left.

Ms Blakeman: Yeah. It's about as clear as mud. Where exactly are these policies written down? I am one of the few people that pays attention in this House.

The Acting Speaker: Hon. member, thank you.

The next speaker is the hon. Member for Rimbey-Rocky Mountain House-Sundre, and following him will be Edmonton-Beverly-Clareview, then Chestermere-Rocky View.

Mr. Anglin: Thank you, Madam Speaker. To the hon. minister. I know you've been a minister under a different title. You've now got a new title. Maybe you've doubled down. I want to make one comment before I even begin. I would disagree with the comment that the minister made about how much of this being man-made. It's called rain, and none of that is man-made, as much as I know. I will tell you that it's about volume and the speed of volume. The science behind it can actually project quite accurately based on the volume and the speed of the volume what a flood plain would be and what would be damaged or at least how to expand within that flood plain. That's not even new science; that's science that's been around a long time.

Now, the thing that bothers me about this is the definition. That's actually quite incredible. I had to actually go back because for quite a long time a floodway was the channel of the river and always has been, but it looks like we're going to change that now. I don't know why, but we're going to change that. It's going to be a different definition. That's all well and good. You can do that. A flood plain was the high water mark based on the speed and the volume of water coming down, and that could easily be mapped according to how much water was considered and the speed that it came down based on the floodway. So these definitions can possibly change as we add to the flood fringe, and we really don't know what they are just yet.

But I do know one thing. The mapping is not good. It needs to be updated. In the town of Sundre alone the river has moved over a mile from the original flood mapping that had taken place some years past, so now the riverbed has actually moved over a complete mile – and I mean almost exactly a mile – to the channel it once ran through back in 1954. So it changed the whole dynamics.

Now, this act is called the Flood Recovery and Reconstruction Act, but there's nothing in there that talks about spurs, berms, dredging, and dams, some things that are really constructive in how we're going to deal with these floodways and these flood fringes. In the management of future floods these are the tools that we have at our disposal, and they've been proven to work for centuries. It is something that the engineers engineer and we would apply. That would save significantly the amount of damage, whether it's a 100-year or 500-year flood, depending on how we engineer and how we plan for future floods. Now, there's nothing in here that really even leads to that.

The other thing is dealing with the issue of the cost that would be incurred by people who are living in these floodways or flood fringes, as they're also identified. What if you're there now with property? What is the process? Clearly, people are not going to all

agree on what this government offers for financial contribution, financial relief, whatever it is, whatever it's called. Some of these investments these people have made are significant. What is the process if the government comes in and says, "Now we're going to throw a caveat onto your title. Oh, by the way, the value of that land, the value of that property just dropped?"

What happens if we now put in the retaining dams or the retaining ponds or retaining lakes, whatever you want to call it, and we change the whole mapping of how we're managing floods going into the future? Do these caveats get removed? Under what conditions do they get removed? This is all part of the process that is empty. It's not here, and there's no mention of how to go about it. Again, there are some real issues here.

There are a number of other things that were never addressed. The hon. Minister of Justice did make mention of this, I believe, last week. In dealing with this type of emergency – the beginning of the bill talks about it when it talks about amending the Emergency Management Act. We've now learned yet again – and I learned when the hon. minister tabled a letter both from himself and from the deputy commissioner – that they didn't seize property. They were just doing search and rescue. Now, that's an interesting argument once again.

We've been around and around with the RCMP on that. There are some RCMP officers that are extremely upset. The RCMP detachment from Rocky Mountain House was dispatched down to High River during that flood. They're quite upset with what went on. We still don't have answers dealing with this. Alberta has some of the most experienced and qualified search and rescue people, who were not employed to do search and rescue. They were standing on the sidelines, waiting to be called, waiting to come in, yet I'm being told now that it was the RCMP that did it. It doesn't make sense. It doesn't make sense under this. The RCMP in one example knocked on the door, found a gentleman, and told him it was a mandatory evacuation. He left with the RCMP. The RCMP actually helped him secure his home. Only when he came back did he find out they kicked in the door. So the whole search and rescue concept doesn't make sense to me, and it certainly doesn't make sense to that gentleman.

There's nothing in the bill talking about these emergency powers. The bill says very little in detail about anything. It's just a "trust me" piece of legislation. But I will say this. Under the Emergency Management Act the RCMP does not have the ability to act on their own. It's not there. It's not in the act. The act specifically states that "if the Minister acquires or utilizes" property – it goes on; blah, blah, blah – in the end the government has to compensate for taking private property.

Now, where that comes from, the typical example given, is that if there's a forest fire and you have a bulldozer there available to be used to help suppress that fire, we'll talk compensation later, but we can take your property and use that to help suppress that fire. It doesn't matter.

The minister still has the ability to have that power, and that minister delegates that power to the RCMP. In order to do that, there needs to be a declaration, which there was in this case, and there needs to be a plan, and the minister has to file the plan. We haven't seen that plan. This bill says nothing to correct what went on down there. It's interesting because Sundre, like High River, is one of those amazingly high-risk areas for flooding. We've known this. We've known this for years. The 2005 flood proved it. Sundre went through another flood in 2010, and we escaped. I shouldn't say we escaped. We didn't have home damages, just a few relative to Calgary and High River. But the fact is that we had significant road damage, we had significant bridge damage, and the whole community was evacuated at one point. We just got

lucky. We just got lucky because the amount of rain that we got was just right at its peak before the river started to subside. That's all we got, lucky.

8:30

We're still waiting for flood mitigation. We're still waiting for measures, even on the whole recovery, and there's nothing in this bill that shows residents or the community of Sundre that this will help. It's not there. The mayor of that community, the reeve of the county are still struggling with this government to make sure that they do not fall victim this coming spring, which is usually the one that really causes the great consternation, the spring rains and the winter runoff, like any other community that's prone to flooding.

What is disturbing is the way that the search and rescue occurred. When I had a chance to interview and talk to the people who are involved in Alberta Search and Rescue, the first thing I asked them is – for decades, if not even longer, it was a standard practice of anybody doing search and rescue, whether it was police or whether it was Search and Rescue people, that if somebody refused to leave in a mandatory evacuation, you offer to take and save the life of their pet, and if you do that, you have a better chance of having them concede to giving you their pet. So you can save the life of their pet, and then they will follow their pet. That's standard practice.

Ironically or coincidentally or unfortunately, that didn't happen down in High River. It was just the opposite. They told people that they had to leave but to leave their pets behind. So they violated one of the very basic principles of search and rescue on how to get people out of a mandatory evacuation area, and then it went south from there.

The idea that they kicked in doors for search and rescue just doesn't hold water. It doesn't. No pun intended. But the fact is that they kicked in three doors to one home, and the lady said: "The first door got you in. Why did you have to kick in the other two?" It didn't make sense. It didn't make sense at all.

This idea that they were securing weapons. Boy, I tell you, that one is tough to believe. It's tough to believe that they just so-called stumbled upon it, given the testimony in the High River area of what happened.

Now, that didn't happen anywhere else. It didn't happen in Sundre. Sundre was evacuated. We had RCMP on guard there. I know parts of Calgary were evacuated. That's clear. Why it happened the way it happened in High River has never been explained satisfactorily to those people. I have to tell you that when the RCMP approach me saying that they are concerned because they don't like what happened – now, they did their duty. I want to be very clear. I have the greatest respect for the RCMP and the officers and their integrity. They did their duty, but someone well above them did not.

Somebody in a position – and it always comes down to one person. Legislation says it comes down to the minister. We don't know who the one person is who actually made that decision, but we know one thing: the plan was never tabled. We haven't seen the plan, but the law says that the minister has to file a plan. We haven't seen that. Rather than the letters, I would like to see where the plan was made public because the law says it should be made public. I will tell you that the same is approved for the feds.

Now, if you listen to the example given, the minister would have us believe that the RCMP made the decision. But when I asked the RCMP, "Does the RCMP have the authority to tell the army what to do?" they answered, completely honestly that, no, they do not. So the army was there. Who told the army to kick in doors? Somebody else other than the RCMP had to instruct the army. The authority has to come back to somebody.

I tell you this. I understand the laws well enough. The army cannot just sit on an army base one day and say: "Hey, they're having a disaster down in High River. Let's go." They don't. Somebody has to tell them.

There's a process. Under no circumstances in a democratic society – and ours is no different – does the civil authority allow the RCMP or the army to act arbitrarily, even under conditions of war. The Prime Minister is always in charge. In a natural disaster civil authority is always in charge, and it comes back to the minister. Clearly, something is missing. Somebody is passing the buck. It's not addressed in this bill, and it needs to be addressed. That was a tragedy down there. It went south. It is a terrible tragedy that lots of people suffered, and the excuses given are not adding up.

If it was a search and rescue, what I don't understand is: why didn't they just go ask the people with the keys to the homes? They were up the road at the evacuation centre. At least 80 per cent, 90 per cent of the information could have gleaned from the evacuees. Anyone who was missing from that, now you have cause to go on that search. But to save time and labour, just talk to the people who have congregated, who are waiting to get back in. Find out who's who, where the addresses were, and you could have saved a lot of time on the search and rescue. That wasn't done. Again, it doesn't add up.

You know, the RCMP that approached me made note of that. They said that if they were doing a search and rescue – because that's what good police work is. You go to the obvious and make sure you just start checking off those things that are so easily identifiable. There was nothing wrong with going up to the evac centre and saying: "Who lives where? Is there anyone left behind?" That would have given them the majority of the accounted-for residents. Again, that would have narrowed it down to where they really needed to look. They didn't have to go through kicking in 1,800 doors to 1,800 homes.

The Acting Speaker: Are there any members who would like to comment or question under Standing Order 29(2)(a)? The hon. Member for Little Bow.

Mr. Donovan: Thank you, Madam Speaker. I guess I'll end up tabling this letter. I wrote a letter to the Alberta Property Rights Advocate asking exactly what the member had been talking about, and it came back – my understanding from the people in the area is that the army actually never did do any of the search and rescue stuff. They were there to help, but they never did actually enter any of the buildings. This is right from Deputy Commissioner McGowan. "It should be clear that we did not take operational direction from any elected officials or public service employees to enter in private homes and remove personal property."

I think it needs to be clarified from their side. I have no reason to doubt the Property Rights Advocate on where he got his information. My understanding is that this was done through that. I guess, what's your thought – you had been a previous peace officer at one time in your jurisdiction – on whether you would have done the same thing if it had been put to you as an employee working as a peace officer, if you would have taken the direction from your commander or if you would have sat and had a second sober thought on it?

Mr. Anglin: Well, certainly, any military or paramilitary take their instructions and orders from their commander. They always do. Short of something that's so egregious that it violates their code of conduct, they would do that.

The member is correct in what he stated about the army. But the fact is that the army was there assisting the RCMP, and this testimony does contradict what that letter says. Now, that doesn't say it happened or didn't happen, but we know the army was there. We know they were assisting the RCMP. To say that we're taking property out of homes to secure it is an odd statement considering that that property was in locked homes in a flooded area – a moat, so to speak – guarded by the RCMP and guarded by the army. There was nothing more secure in all of Canada at that moment in time. So it made no sense to break into the homes.

There is a discovery going on right now, which is important. We need those findings. But I will tell you that the testimony coming from the good citizens of High River – many of them leave a lot of questions yet to be answered. They contradict both letters that have been tabled. They contradict what the hon. member just said about the Property Rights Advocate. Clearly, there needs to be a finding.

8:40

As I mentioned earlier, the RCMP approached me at Rocky Mountain House, and they were quite concerned because they didn't like what they were doing. They thought something was amiss, and at that time I said – of course, now it is being investigated, which is a good thing. But the fact is that it troubled them to the point that I was approached, and they said: "You guys need to look into this. This isn't right." And you know what? From what I can see, what I hear, and what I'm reading, clearly, there are more questions than there are answers. We have an opportunity in this bill to sort of lay out a little bit how we would deal with these issues, but there's nothing mentioned here. There's nothing mentioned here on how to prevent this from happening again.

When you talk about a flood recovery act, the damage done at High River by people who probably didn't have to do that damage is significant, and that's something that is absolutely avoidable. There's nothing in here about how to avoid it. Let's not forget that the RCMP said originally that they weren't going to pay for this, and the government originally said that they weren't going to pay for the damage, but the legislation clearly says that the minister has to compensate. So that would normally fall right on the government.

Now we've got all these questions. Did someone act outside their jurisdiction? Or if they were inside their jurisdiction, who made the decision to kick in that many doors? It's not logical. It's not logical, what was going on there. They could have done – it's such an easy job, finding all those people in those evac centres and eliminating many of the homes by identifying the people who were there and where their homes were. Was anyone left behind? Was anything left behind? They could have done that easily, and that would have saved them lots of time so they could have concentrated resources on what they could not account for. That's usually the case in any type of disaster zone. I think there was an evac centre in Nanton. There were various evac centres. That information was readily available.

There was a lady that did go public and say: why didn't you just come ask for my keys?

The Acting Speaker: Thank you, hon. member. That's the end of 29(2)(a).

Our next member who wishes to speak is Edmonton-Beverly-Clareview, followed by Chestermere-Rocky View.

Mr. Bilous: Thank you very much, Madam Speaker. I rise to speak to Bill 27, the Flood Recovery and Reconstruction Act, and

there are a few points that I would like to make. I mean, the first one is that I think the one thing this government does very well is come up with names for their bills. Unfortunately, that's usually where the good part stops. For example, the Flood Recovery and Reconstruction Act sounds wonderful, but it's thin. It's thin, and it's long overdue. So I'll speak to a few different things on this bill.

First and foremost, this bill, as many others that we've seen in the last 12 months – as opposed to ensuring that there is oversight and an arm's-length body that is making decisions, more and more in these bills cabinet ministers are being granted sweeping powers, sweeping authority to make decisions, which is a real cause for concern. Madam Speaker, again, concentrating too much power in the hands of a few actually works against our democratic process and ensures that should we have, maybe not now but in the future, a minister that decides that they want to wave their wand or run their ministry like a puppet show, well, they've got the authority to do that.

So that's a real cause for concern. It's not only in this bill, Madam Speaker, but in numerous other bills that we've seen. They are bills that are enabling the government to make decisions without consulting Albertans, without consulting experts. And that's very different, I've been told by my colleagues, from many of the bills in the past that were more prescriptive bills, legislation that addressed or dealt with specific issues and concerns, not ones that give carte blanche to the government.

Madam Speaker, this PC government has consistently been using language that, you know, this flood that we saw was unprecedented and one in a thousand years. I have a real cause for concern with that kind of language making it sound like it can't happen again. I mean, the irony here is that we've heard cabinet ministers, either of today or before, make comments about: we've had a natural disaster; we're going to be good now for the next number of years. You would think that any time that a natural disaster occurs, there would be a will to address it and preventative measures to ensure that if it does occur, we mitigate damage and minimize.

We'll walk through at least Alberta's history of floods here in a moment. It really makes one scratch one's head. There were clear indications that a flood like this was going to happen again. The government had reports, had documents from years past that they chose to ignore and to sit on. Honestly, Madam Speaker, what really is causing alarm is: why does it have to take a tragedy for this government get off its laurels and do something about it? Many Albertans are asking this question.

Madam Speaker, it's very dangerous to talk about an event like this one as once in a thousand years or once in a lifetime because it's contrary to reports going back as far as the 1983 flood hazard survey, which the PCs commissioned themselves. Going back even further, in 1973 there was a Montreal engineering report. As well, three years ago there was a hydrology study of the Bow and the Elbow rivers. Again, what we see from all of these reports that are commissioned is that this government has a process which goes: something happens as an incident, a report is commissioned, they sit on the report for years and years, finally release it, and then nothing happens. It's a process that leads to nowhere any time soon or where it needs to go.

Here we are, for example, with this bill, Bill 27, and it leaves out many crucial details, okay? The language is very, very vague, and again the government is asking for this House to approve a bill which gives the minister powers which we don't even know because they aren't defined. There isn't oversight. There isn't a limitation on those powers, such as other bills that were tabled in the last couple of weeks.

A major concern that many members of this house have brought up, Madam Speaker, is the fact that there's a lack of a desire of the government to define or tell us how they're defining floodways or flood fringe. Those crucial points are really what's at the heart of this bill or what should be at the heart of it. Let's keep in mind that this government ignored the 2006 recommendation to institute a continual map maintenance program, and instead they opted for a whenever-appropriate or "when we get around to it" model. That clearly wasn't maintained when appropriate.

Again, High River, for example, is a tragic example of this, and I'll get into that in a moment, Madam Speaker. I actually had a tour with the hon. Member for Highwood through High River after the flood, and I was really shocked to learn that the areas that got hit the hardest were areas that were not designated flood fringe zones. They were zones that never should have seen a drop of water.

Again, the irony of this is trying to pass legislation when we don't have all of the information. The opposition, the Alberta NDP, has been calling for an update on the flood maps for years now, which would have provided this government with more information to be able to mitigate some of the damage. The other thing that we helped bring to Albertans' attention was the fact that this PC government was the only government out of four provinces that failed to access federal dollars for flood mitigation.

8:50

You know, the minister says: "Well, the window was really short. There was only a two-month window. The restrictions were too tight." It really shows a lack of competency in this government when the governments of B.C., Saskatchewan, and Manitoba could all figure out how to apply for that funding, and they received federal dollars for flood mitigation. So Albertans are clearly disappointed that there was a pool of money that was left on the table. Was it negligence? Was it incompetence? These are questions that Albertans are asking.

Let's see here. As I've said, Madam Speaker, the government asks for us to trust them, to trust that they are going to do the right thing even though that commitment is, well, basically an empty, empty promise. I mean, as we've seen over and over again, there are promises made by this government and repeatedly broken. You know, it's challenging. It's kind of almost funny that the government says: "No, no, no. This time we're actually going to do something about this. Trust us just one more time even though we've continually fallen down when it comes to the issue of mitigating against floods, of being prepared, of looking forward, of being proactive." I think one of the issues that I'm hearing from folks around the province is the fact that, again, this government has to be dragged kicking and screaming or be pushed by all of the opposition to move on anything that is going to be proactive, preventative.

You know, in the short time that I've been a member in this House, Madam Speaker, I've seen a lot of knee-jerk reactions from this government, I've seen a lot of closing the barn door after the horses have escaped, and I've seen a lot of Band-Aids placed onto gaping wounds in the hopes that it'll stem the problem.

Unfortunately, what we could have and should have is a much more comprehensive bill. We need to look at a few different things, Madam Speaker. Let me just bring up what some of the other folks are saying. There are many experts who have weighed in on the issue of flood mapping and floodways. Let's see here. There are many studies that show that the damage that was sustained this year, 2013, could have been greatly reduced if this government had implemented recommendations from several earlier reports and had more updated flood maps. Again, as I

mentioned before, reports done in 1973 by Montreal engineering, in '83 by Alberta Environment, and in 2005 have been used by experts since to argue that a flood of the magnitude that we saw this year was predictable and not that rare. There was also a 2010 report that warned that Calgary would suffer more frequent and more severe floods. The report cost \$80,000 and was prepared by Golder Associates consultants in Calgary to guide emergency response planning and flood mapping.

Experts made many other recommendations. John Pomeroy, a Canada research chair in water resources and climate change who also is a professor at the University of Saskatchewan, says that integrated weather and water prediction models between the feds, the province, municipalities, municipal organizations, and even possibly universities need to give better warning but also assist in planning for future flood plains, safer reservoir management, and better forest and agricultural management for a long-term flood and drought mitigation plan and to have that concerted effort.

Let's see here, Madam Speaker. What's interesting is that it appears, yet again, that this PC government is looking out for their friends first and foremost while many Albertans are and have been suffering the consequences of this flood. The government did not restrict development in the flood zones despite the recommendation which came from several reports. They've also backtracked on their initial statement to restrict development, which initially sounded like they were envisioning a total prohibition, which is actually what the experts recommended.

In addition, there are Albertans and many people that feel that the government's response has been politically motivated. There are particular areas, particular groups, that are getting more responsive, more comprehensive relief, while other areas are not. I can tell you that there are many folks in High River who are feeling that way.

We have other experts, like Professor Ed Watt from Queen's, a civil engineer, telling us that we should be keeping the people from the water, not trying to keep the water from the people. Now, in some places, obviously, we can't help it. Obviously we're not going to be uprooting thousands and thousands of people from their homes, so we have to work around that. But what we can do at the very minimum, moving forward, Madam Speaker, is to ensure that no building on floodways will happen. Unfortunately, this piece of legislation stops short of that.

The other thing is that it says that the government gets to decide what happens and where it happens, which, again, is extremely dangerous when you've got a political party with the ability or with the temptation to make decisions that are politically charged and politically motivated as opposed to making decisions that are in the best interest of all Albertans.

The Acting Speaker: Thank you, hon. member.

Under Standing Order 29(2)(a) are there any members who wish to comment on or question the hon. member's presentation?

Ms Blakeman: I'm sorry. I was paying attention, but I kind of missed the very last bit of what the member said, so if he wouldn't mind just completing his thought process for the last section that he was talking about in his remarks.

Thank you.

Mr. Bilous: Thank you, hon. Member for Edmonton-Centre. I'll try to be brief, but as my students all knew when I used to teach English, when I'd say that, they'd all laugh and grab a chair.

Again, some big concerns here. It leaves all the power with the government. The concern is that the government has been ignoring previous reports, ignoring calls for mitigation.

You know what? I'm going to try to condense this very simply. We need updated flood maps in order to, first of all, understand how the landscape in Alberta, the weather, climate change have affected floodways. Coming up with legislation before first having an understanding of the landscape is putting the cart before the horse. Again, all opposition parties have been calling for the maps to be updated. All we've heard is excuse after excuse as to why they're not.

Once the maps are updated and consultation – this government does not understand that term although they love to use it – happens with different orders of government but also with different organizations and scientists who know better ideas than any of us in here about how to mitigate and how to move forward, we also need to understand that if we continue to build in places that are very likely to be flooded, then what are we asking for? And I'm talking about new places.

9:00

There are a bunch of questions, actually, that I do have for the bill sponsor, and we'll see if I can get through them fairly quickly. Considering that the government is planning to restrict development in floodways and designate where these zones will be, how does the government plan to ensure the maps and the information used to do so are up to date and accurate this time, unlike this past June? How will the minister plan to use existing reports, like those done by the sources I've mentioned in '73, '83, 2005, and 2010, or commission updated reports to assist in forming regulations which will determine flood zones and floodways and the appropriate uses of lands which may be at risk for future flooding?

Experts made several other recommendations for programs and plans to be put in place to better manage water resources, which would allow for better prediction, forecasting, and ongoing management. What other measures will the government pursue to prevent such huge losses besides restricting some development and providing some after-the-fact funding?

Madam Speaker, I think that the intention of this bill is good. I think it needs to be beefed up a little bit; it's a little thin. I think there needs to be more definition. There needs to be a bit of a curb on the powers that are being awarded to the minister.

I'm looking forward to discussion and debate in Committee of the Whole, and hopefully we can improve this bill and move forward and do everything within our power to ensure that we mitigate and prevent as much as possible damage from happening in future floods and future tragedies.

Thank you, Madam Speaker.

The Acting Speaker: Thank you.

There are still 58 seconds under Standing Order 29(2)(a). Are there any members wishing to speak?

Seeing none, I will recognize the hon. Member for Chestermere-Rocky View.

Mr. McAllister: Thank you, Madam Speaker. I don't see any reason to run the clock with my comments, and if I do, I will expect to be appropriately heckled. I would say, on that note, that with Bill 28, you know, you're getting to learn the process in here. Obviously, we did run the clock at every opportunity because we were passionately opposed to what was taking place.

I think that, in general, with this bill I would say to the associate minister of recovery and reconstruction for southwest Alberta and also to the Member for High River: I saw them everywhere during this crisis. Many of us were everywhere, too. I generally support in principle what's going on here. Obviously, I will leave the

critics on this side to go through it with a fine-tooth comb and also check with some of the stakeholders and the people of Redwood Meadows, which was heavily affected, as the minister well knows, in my constituency to see if there are amendments coming forward, and there very well may be.

Anything that better prepares and protects Albertans from what we went through this summer is a good thing. The tales that were told, the heartache that we saw first-hand travelling around, people losing their homes, you know, the history, their memories, stories of heroism: it was remarkable. I firmly believe that's what we're trying to do and what government is trying to do with this bill.

I believe the 2006 flood report has been mentioned several times, and when it is mentioned, it's either "It didn't matter what we would have done; everything would have been the same" from many members of the government, or from many members over here it's: if you would have done what you should have done, none of this would have happened. I would suggest that the reality is somewhere in the middle. There were certainly steps that should have and could have been taken to lessen the load of the flood that we went through. That said, we all acknowledge and ought to recognize that this was an extremely rare event of an unbelievable proportion and amount of water in a record amount of time at the levels that it was flowing. We would have had a mess in places regardless. Would it have been as much? That is up for debate.

I want to mention, Madam Speaker, as I talk about this bill and my tentative, likely, support for it with possible amendments, the story of Redwood Meadows. Madam Speaker, I don't know if you're familiar with where Redwood Meadows is as a community, but just to set the scene for you and anybody that cares to listen, Redwood Meadows is the true good-news story of this flood. Redwood Meadows is a community on the Tsuu T'ina First Nation. It's about 25 K or so just west of Calgary. It would be all of maybe three, four, or five kilometres from Bragg Creek, and somehow that community managed to avoid the utter devastation that just kilometres down the Elbow River was inflicted when it burst its banks in Bragg Creek, where homes literally floated down that river. Somehow in Redwood Meadows they managed to avoid that.

I think their story does need to be told as we look forward to approving and supporting this bill so that they're not in that situation again. If this happens again before what needs to be done is done in Redwood Meadows, they will not have the same luck or grace because the berm was significantly damaged in Redwood Meadows.

The mayor of that community, a man by the name of John Welsh; the fire chief, Chief Rob Evans; the rest of the council of the Tsuu T'ina First Nation; volunteers from the community and outside the community gathered and worked round the clock. They hauled I don't know how many loads of pit run nonstop. I believe they dropped 1,400 or 1,500 of those giant cement blocks on the berm. Somehow they managed to hold the water back. As the fire chief put it to me, at 2 o'clock in the morning they actually bugged out of the community from the fire hall. They went through the streets of the entire town and said: "We've got to go. The berm is breached. We're going to lose the town." So they went to the fire hall, they got all the equipment, they loaded everything up, and they left. By a miracle – somebody came back at 6 a.m. – the work that they had done by working round the clock was just enough, and it held.

Redwood Meadows is a true success story, and I think it can be attributed to all of the work that everybody did. I know there were areas in Calgary where people really worked hard as well. I don't want to take anything away from that. I'm just awfully proud of

the people in Redwood Meadows, that came through to save that town.

The reason we have to make sure that this bill goes through, with proper amendments if need be, is so that communities like that aren't at risk again. There are 351 homes in that community. Here's what's happened. The river has changed course on the north end, furthest from Bragg Creek. The river changed course, and now they're vulnerable. If this berm is breached again, they will lose their community. You know, I'll ask the minister to speak to it as we go along. I know this isn't the forum where we can go back and forth a little bit, but I'm sure he's aware of the file.

If in Redwood Meadows that river isn't pushed back to its initial place, to where it normally would have flowed, what's going to happen next time is that they're going to lose the community. It will be a \$2 million to \$5 million investment probably to fix that berm as opposed to 351 homes and \$150 million, \$175 million, \$200 million literally going down the drain if the work is not done. I guess I'm just passionately speaking for that community as we look at this bill and hoping that we do the proper flood mapping and that the mitigation infrastructure is put in place so that they don't suffer, you know, an even worse fate going ahead.

I said when I started that I wouldn't take all of the allotted time. I think far too often we think we need to speak until the bell rings, and that's not necessarily the case. The main points that I want to make here are that I attended many of those flood sessions with the associate minister, both he and the minister, in many areas that weren't in my riding. I did that because I don't think there was a more important story in the province of Alberta in quite some time.

You know, we're paid to know what's going on and how people are affected by it. I felt it was important to go and see what the government was doing. They had a million questions coming at them, some of them very legitimate, tough questions and some not so much. People were in a very emotional state, as you can appreciate, during those times. In Black Diamond, Turner Valley, Redwood Meadows, Bragg Creek, and High River people that lost their homes were justifiably right to ask tough questions, and those two ministers came and answered most of them from the sessions that I attended.

9:10

I'm wrapping by saying, you know – hoping that going forward we establish that the mapping is outdated in Alberta and we do the right thing and update it so that we're not in this situation again, that we put the proper mitigation infrastructure in place so that communities like Redwood Meadows, Bragg Creek, and everyone else that was affected are protected down the road. I think that anything that we can do, again, to protect Albertans and better prepare for a disaster like this: that's why we're here. So I hope that we can work together on it going forward. I'll look forward to supporting the bill, to any amendments that may come from this side of the House and my party once we've had a little more time to look at it.

Thank you, Madam Speaker.

The Acting Speaker: Thank you, hon. member.

Are there any members who wish to speak to Standing Order 29(2)(a)?

Seeing none, are there any other members who wish to speak in second reading to Bill 27? The hon. Member for Fort McMurray-Wood Buffalo.

Mr. Allen: I'll be very brief. Madam Speaker, thank you for the opportunity. I honestly wasn't going to speak to this bill at all because I thought that this was nothing more than a piece of housekeeping that needed to be done because of some items that were found that needed to be cleaned up during recent flooding here. But I think it's important to note just a couple of things. I mean, when we read this, the bill is just talking about amending the Emergency Management Act and the Municipal Government Act in order to clean up the jurisdictions of authority where they belong. I believe that's truly with the municipalities in most cases for response.

Madam Speaker, I can tell you from personal experience that Wood Buffalo was one of the first areas that was hit by flooding early in June, and I was on the ground to deal with it, as was the hon. Member for Fort McMurray-Conklin, to see the effects and to see some of the devastation. I can honestly say that I have never seen a stronger response or a more appropriate response to any kind of disaster than I saw from this current government, and that is to be commended.

As an example, we had a situation pending where we had the side of a hill about to collapse and cause additional flooding, and it was one quick phone call to the Minister of Environment and Sustainable Resource Development that led to a telephone conference about 15 minutes later, and we had the correct and the proper authorities in place very shortly thereafter. That type of response was very helpful. But really where the work happened was in the municipality.

Madam Speaker, I think what happens is that as we get into levels of government, we become less and less nimble, and for us to burden down a bill like this with all kinds of detail is going to make us even less nimble when it comes time to dealing with another potential flood or another emergency.

Flood mapping. I think it's important for people to know that there is GIS data available online for anyone to view at any time, which was last revised on August 9, 2013, and it's actually very accurate data. But really it's the municipalities that are dealing with their own land-use jurisdiction there.

So I would encourage my colleagues to, instead of developing amendments for this act, actually perhaps look at motions to add that type of detail to the regulations. This bill is really only allowing for regulation to be developed to get into that level of detail, and that's really where that conversation belongs. If we continue to burden it down, we will not be able to respond as well as we did in this particular disaster.

Thank you, Madam Speaker.

The Acting Speaker: Thank you, hon. member.

Are there any members that wish to speak to 29(2)(a)?

Seeing none, are there any members who wish to speak in second reading to Bill 27?

Hon. Members: Question.

The Acting Speaker: The question has been called.

[Motion carried; Bill 27 read a second time]

The Acting Speaker: The hon. Minister for Aboriginal Relations.

Mr. Campbell: Thank you, Madam Speaker. Seeing that it's about a quarter after 9 and we've made pretty good progress, I would move that we adjourn the House until 1:30 tomorrow afternoon.

[Motion carried; the Assembly adjourned at 9:16 p.m. to Tuesday at 1:30 p.m.]

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