



**Submission to the Standing Committee on Families and Communities  
Regarding Private Members Bill 203**

Dear Committee Members:

I am pleased to submit my comments to the Committee as a citizen of Alberta who has been involved in the Automotive Industry for over 45 years, and also as a past member of the Legislative Assembly of Alberta.

In 1997 when I was first elected as the MDA for Bonnyville - Cold Lake, the Minister of Municipal Affairs asked if I would be a member of her team from Consumer Affairs tasked to develop the Fair Trading Act. Two long years of meetings, consultations, debates and drafting took place with experts for every section of the bill.

In 1999 I had the honor of sponsoring the Fair Trading Act through all the stages of the legislative process. In future years I also sponsored various amendments to the Fair Trade Act. To date, I have nearly 28 years' experience with the Fair Trading Act - four more years than the age of the sponsor of Bill 203.

My review of Bill 203 clearly indicates that this bill is a cut and paste attempt at creating legislation from Manitoba and Ontario laws with no regard to any of Alberta's existing laws and regulations. It saddens me that the thousands of hours of consultation with industry experts, planning and debate by dozens of Consumer Affairs staff in developing the Fair Trading Act, could be viewed as a waste of time in the development of Bill 203.

The Fair Trading Act was regarded by all the MLA's of the day as a comprehensive piece of law in protecting Alberta businesses and families in fair business practices. The regulations established the delegated authority known as the Alberta Motor Vehicle Industry Council (AMVIC) charged to enforce the laws and regulations of the Fair Trading Act.

We are all now aware that the sponsor of Bill 203 did not consult with Service Alberta, AMVIC, nor the auto repair industry before tabling his private members bill.

A private members bill as defined on page 13 of the Guide to the Legislative Process - Acts and Regulations is as follows;

***"These bills are also of general application to the public but they are proposed by an MLA (Government Party or Opposition Party). However, these bills do not represent Government Policy."***

The reason I include this definition to the Committee is because I question the validity of Bill 203 being truly a Private Members Bill. When I first met with MLA Carson following first reading of Bill 203, I was also greeted at his office with the ND Communications and Policy Directors. Their presence at this meeting concerned me that Bill 203 may in fact be government policy masked within a private members bill.

Another issue that concerns me is feedback I've received from one member of the automobile industry. As he lobbied an ND caucus member to discuss his concerns regarding Bill 203, the ND member clearly stated that he didn't really care too much about the industry and our viewpoints.

He was of the opinion that Bill 203 would provide stronger oversight of AMVIC. The passing of Bill 8 in the spring session provided oversight to the Minister of Service Alberta over AMVIC.

The third party review of AMVIC presently being conducted will hopefully provide recommendations that will make AMVIC more balanced as an enforcer of the Fair Trading Act. Bill 203 as presented will not provide more AMVIC oversight. In fact, some of the clauses are unenforceable and will only create confusion.

I'm aware that the opposition party committee members oppose Bill 203 and are of the opinion the bill should not proceed any further. After reviewing the bios of ND committee members who have the majority on the committee - not one of you have any business experience in the field of the automobile repair industry. Please consider that your decision will possibly impact the livelihood of many of your constituents by regulating the business procedures and processes that they do every day for Alberta businesses and families. I'm certain as you review the other submissions you will realize that Albertans have been well served and protected by the rules and regulations of the Fair Trading Act and Automotive Business Regulations since 1999, and that Bill 203 is not necessary.

I urge all the committee members' wise reflection in deciding the future of Bill 203.

Sincerely,



Denis Ducharme  
Former Alberta MLA (1997-2008)