



Legislative Assembly of Alberta

The 30th Legislature
First Session

Standing Committee
on
Alberta's Economic Future

Office of the Property Rights Advocate

Tuesday, September 24, 2019
9 a.m.

Transcript No. 30-1-3

**Legislative Assembly of Alberta
The 30th Legislature
First Session**

Standing Committee on Alberta's Economic Future

van Dijken, Glenn, Athabasca-Barrhead-Westlock (UCP), Chair
Gochring, Nicole, Edmonton-Castle Downs (NDP), Deputy Chair

Allard, Tracy L., Grande Prairie (UCP)
Barnes, Drew, Cypress-Medicine Hat (UCP)
Bilous, Deron, Edmonton-Beverly-Clareview (NDP)
Dach, Lorne, Edmonton-McClung (NDP)
Dang, Thomas, Edmonton-South (NDP)
Gray, Christina, Edmonton-Mill Woods (NDP)
Horner, Nate S., Drumheller-Stettler (UCP)
Issik, Whitney, Calgary-Glenmore (UCP)
Jones, Matt, Calgary-South East (UCP)
Reid, Roger W., Livingstone-Macleod (UCP)
Rowswell, Garth, Vermilion-Lloydminster-Wainwright (UCP)
Stephan, Jason, Red Deer-South (UCP)
Sweet, Heather, Edmonton-Manning (NDP)*
Toor, Devinder, Calgary-Falconridge (UCP)

* substitution for Deron Bilous

Support Staff

Shannon Dean	Clerk
Stephanie LeBlanc	Clerk Assistant and Senior Parliamentary Counsel
Teri Cherkewich	Law Clerk
Trafton Koenig	Parliamentary Counsel
Philip Massolin	Clerk of Committees and Research Services
Sarah Amato	Research Officer
Nancy Robert	Research Officer
Michael Kulicki	Committee Clerk
Jody Rempel	Committee Clerk
Aaron Roth	Committee Clerk
Karen Sawchuk	Committee Clerk
Rhonda Sorensen	Manager of Corporate Communications
Jeanette Dotimas	Communications Consultant
Tracey Sales	Communications Consultant
Janet Schwegel	Managing Editor of <i>Alberta Hansard</i>

Standing Committee on Alberta's Economic Future

Participants

Ministry of Justice and Solicitor General	EF-21
David Peace, Assistant Deputy Minister, Justice Services	
Ministry of Environment and Parks	EF-23
Ronda Goulden, Assistant Deputy Minister, Policy and Planning	
Amanda Tse, Director, Integrated Policy and Legislation	
Ministry of Municipal Affairs.....	EF-26
Gary Sandberg, Assistant Deputy Minister, Municipal Services and Legislation	
Ministry of Agriculture and Forestry	EF-27
Freda Molenkamp-Oudman, Assistant Deputy Minister, Strategy, Planning and Governance	
Ministry of Service Alberta	EF-28
Brandy Cox, Assistant Deputy Minister, Strategic and Consumer Services	

9 a.m.

Tuesday, September 24, 2019

[Mr. van Dijken in the chair]

The Chair: Okay. I would like to call the meeting to order. The meeting of the Standing Committee on Alberta's Economic Future is called to order, and welcome to members and staff that are in attendance.

I am Glenn van Dijken, MLA for Athabasca-Barrhead-Westlock and chair of this committee. To begin, I am going to ask that members and those joining the committee at the table introduce themselves for the record, and then I will address members on the phone. I will begin to my right.

Ms Goehring: Good morning. Nicole Goehring, MLA for Edmonton-Castle Downs.

Mr. Rowswell: Garth Rowswell, MLA, Vermilion-Lloydminster-Wainwright.

Mr. Jones: Matt Jones, MLA, Calgary-South East.

Mr. Horner: Nate Horner, MLA, Drumheller-Stettler.

Mrs. Allard: Good morning. Tracy Allard, MLA for Grande Prairie.

Ms Issik: Good morning. Whitney Issik, Calgary-Glenmore.

Mr. Reid: Good morning. Roger Reid, MLA, Livingstone-Macleod.

Mr. Stephan: Good morning. Jason Stephan, Red Deer-South.

Mr. Peace: Good morning. My name is David Peace. I'm with Justice and Solicitor General.

Mr. Dach: Good morning. Lorne Dach, Edmonton-McClung.

Ms Sweet: Good morning. Heather Sweet, MLA for Edmonton-Manning.

Dr. Amato: Good morning. Sarah Amato. I'm a research officer.

Mr. Koenig: Good morning. I'm Trafton Koenig with the Parliamentary Counsel office.

Dr. Massolin: Hello. Philip Massolin, clerk of committees and research services.

Mr. Roth: Good morning. Aaron Roth, committee clerk.

The Chair: And on the phones? Mr. Toor.

Mr. Toor: Yeah. Good morning. Devinder Toor, Calgary-Falconridge.

The Chair: Mr. Barnes.

Mr. Barnes: Thank you, Chair. Drew Barnes, MLA, Cypress-Medicine Hat.

The Chair: And Mr. Dang, are you there?

Mr. Dang: Yeah. Good morning. Thomas Dang, MLA for Edmonton-South.

The Chair: Okay. And one more at the desk.

Ms Gray: Christina Gray, MLA for Edmonton-Mill Woods. Thank you, Mr. Chair.

The Chair: Good. Thank you.

Note a substitution for the record: Ms Sweet is filling in for Mr. Bilous.

A few housekeeping items to address before we turn to the business at hand. Please note that the microphones are operated by *Hansard*. Committee proceedings are being live streamed on the Internet and broadcast on Alberta Assembly TV. Please set your cellphones and other devices to silent for the duration of the meeting.

Item 2. We have an agenda prepared for us. Does anyone have any changes to make?

If not, I would look to a member to please move a motion to approve our agenda. Moved by MLA Allard that the agenda for the September 24, 2019, meeting of the Standing Committee on Alberta's Economic Future be adopted as distributed. All those in favour? Opposed? The motion is carried.

Next are the minutes from our last meeting. Are there any errors or omissions to note with the draft minutes?

If not, would a member move adoption of the minutes? Moved by MLA Goehring that the minutes of the July 23, 2019, meeting of the Standing Committee on Alberta's Economic Future be adopted as circulated. All those in favour? Any opposed? Carried.

Okay. Now we get to the meat of our meeting, oral presentations with regard to the Property Rights Advocate office 2017 annual report. As members are aware, at our July 23, 2019, meeting the committee invited the ministries of Justice and Solicitor General, Environment and Parks, Municipal Affairs, Energy, Agriculture and Forestry, and Service Alberta to make oral presentations in regard to the 2017 annual report of the Property Rights Advocate office. Today we are joined by officials from each of these ministries.

First on the agenda are the officials from the Ministry of Justice and Solicitor General. I would invite you to make a five-minute presentation, which will be followed by a 20-minute question-and-answer period with committee members. Mr. Peace, please proceed.

Ministry of Justice and Solicitor General

Mr. Peace: Thank you, sir. My name is David Peace. I'm the assistant deputy minister of the justice services division within Justice and Solicitor General. My division is responsible for supporting the Property Rights Advocate office. I'd like to thank you for the opportunity to address you today, and I'd introduce Kelly Hillier from the legal services division, who will support me in any questions pertaining to the legal aspects of the file.

I'd also like to thank the Property Rights Advocate for her thoughtful recommendations and observations. Karen Johnson is a great advocate, and we enjoy working with her very much.

The committee raised a number of questions in its last session. My colleagues from the other departments and I have prepared answers to all of those, and I'll address the ones that pertain to the justice services division as well as updates on the recommendations from previous annual reports.

The first question that we saw that you asked was with respect to the budget for the Property Rights Advocate. While the advocate herself is appointed and independent of government, her office falls within my division, which means that Justice and Solicitor General reports on her budget in the ministry's annual reports. The budget for her office last year was \$492,000, of which \$24,000 was allocated for travel within the province. The branch structure consists of an advocate; a deputy advocate, who is a senior member of the public service; a vacant research office; and an administrative position. The future budget for the office, including the vacant

research office, is still under analysis as we work through the department's budget as well as the PRAO review, which I'll speak to in a minute. In the meantime we are committed to assisting the advocate's office to support their research needs as they arise.

The committee also raised two questions that relate to the relationship between the Farmers' Advocate office and the Property Rights Advocate office. I will address those questions as part of a brief update on the status of previous recommendations. Of the seven previous recommendations for Justice and Solicitor General which were endorsed by the Standing Committee on Resource Stewardship, 2015.02 has been implemented, that spoke to providing updates on the recommendations of the advocate, and 2012.01 was investigated but will not proceed. That was with respect to beneficiary deeds as an estate planning tool. The standing committee did not recommend it. The department had analyzed it and decided that it wasn't fit for proceeding.

The remaining five recommendations are in various states of investigation or implementation: 2014.01, which is a recommendation to repeal section 4 of the Property Rights Advocate Act, is pending the property rights review that's under way; 2014.03, which was a recommendation to abolish adverse possession, is under consideration by legal services and various other ministries; 2015.01, which is a recommendation for property rights modernization, is under consideration in the context of the proposed property rights protection act by government; 2016.01, which is a recommendation for a dispute resolution process for property rights, is pending the property rights review and relates to 2014.01 with respect to section 4; 2016.02 is a review of the Property Rights Advocate Act and the Property Rights Advocate office which is under way right now in the department. New for 2017 is 2017.03, compensable takings, and we're awaiting the committee's assessment and then likely a period of departmental analysis in a few different departments.

The advocate's 2016 annual report recommended a review of the Property Rights Advocate Act and the Property Rights Advocate office. That's recommendation 2016.02. The justice services division is leading that review with support from other ministries, including Agriculture and Forestry and Environment and Parks. A key outcome of that review will be a final report, with recommendations to ministers on the ongoing role of the Property Rights Advocate. The review will consider a number of elements. These include the existence of similar offices within government, specifically the Farmers' Advocate office; how an effective advocate's office would operate within the broader scope of property rights in Alberta – and this will include an understanding of the different areas of responsibility between the two advocates, the Farmers' Advocate and the Property Rights Advocate – and the project will also include a cross-jurisdictional review, with a focus on property rights advocacy in other provinces and territories.

In 2017 the government requested expert analysis from the Alberta Law Reform Institute to review whether adverse possession continues to serve a valid purpose in Alberta, recommendation 2014.03. The Law Reform Institute published the report in July 2019. It is open for discussion until October 1, 2019, and the department will have more information after that.

The Chair: That's five minutes, but if you can continue and finish within the next couple of minutes, that would be appreciated.

Mr. Peace: Absolutely. Thanks.

Previous reports recommended a committee to look at modernizing property rights legislation in Alberta, 2015.01, and reviewing whether the complaints mechanism under section 4 of

the Property Rights Advocate Act should be repealed. This work will be included in the above-mentioned review.

Lastly, the property rights protection act. The government is committed to developing property rights protection legislation to further entrench the right to not be deprived of the enjoyment or use of property without due process of law. The department is conducting work in connection with this commitment to advise the minister and obtain instructions.

From reviewing your committee's questions with the Property Rights Advocate in your last meeting, I believe that that covers the outstanding questions that pertain to Justice and Solicitor General.

9:10

The Chair: Good. Thank you, Mr. Peace.

I will now open the floor for questions from committee members. Do we have any questions from committee members? MLA Dach.

Mr. Dach: Yeah. I had a quick question. Mr. Peace, you had indicated in your presentation – thank you for that presentation, by the way – that, of course, we have in the province of Alberta a couple of advocates who are responsible for land, let's say, and properly informing those who own land about their rights and jurisdictional responsibilities, those two bodies being the Property Rights Advocate, as you mentioned, plus the Farmers' Advocate office. I was wondering if you might just inform the committee a little bit as to how they may overlap or how they might collaborate and if, in fact, there is some duplication between those two different bodies.

Mr. Peace: I would say that they have always collaborated. The Property Rights Advocate was created in 2012, the Farmers' Advocate much earlier, I believe 1973, but you would have to confer with my colleague from Agriculture and Forestry. They work closely together to serve Albertans today. Sometimes they run into the same clients, and they both have the common role of hearing concerns from Albertans. The review that we're doing is going through the specifics of where there's overlap and where there might be gaps along with other entities in government, like the various boards and agencies and commissions that are in Alberta, as well as the department services that have grown since both of those entities were created. When the review is complete, we'll have a detailed analysis of where those gaps and overlap are for government to consider.

Mr. Dach: If I may, would it be fair to say that the Farmers' Advocate office gets involved less often in actual negotiations involving disputes that farmers may have with respect to land versus the Property Rights Advocate office?

Mr. Peace: I couldn't answer for the Farmers' Advocate – you'd have to ask Agriculture and Forestry – but the Property Rights Advocate does not get involved in any sorts of negotiations. Their job is to hear the concerns of Albertans and convey that to the Legislature so that you're informed of what Albertans are thinking through her annual report each year. In the process of doing that, she can inform Albertans on where they might seek some redress or seek some additional information, but her role is not to broker negotiations.

Mr. Dach: Thank you, sir.

The Chair: Any further questions?

Ms Gray: Thank you very much for the update, especially with recommendations across multiple years and lots going on. I just want to clarify my understanding of the review that you're engaged

in and some of those considerations. Those are essentially internal to government, so there won't necessarily be a public report at the end, or will there be? You're making recommendations to the minister, correct?

Mr. Peace: I think it's too early to tell, ma'am, but I think it's fair to assume that if we're making significant change, there will be a communication element along with those changes.

Ms Gray: That makes sense. Thank you very much.

The Chair: Thank you.

Any further questions? Any on the phone that would have questions?

Hearing none, I would like to thank the Ministry of Justice and Solicitor General and Mr. Peace for attending today. Thank you to your other officials that have been able to attend with us.

I would now invite officials from the Ministry of Environment and Parks to come to the table.

Good. Thank you, Ms Goulden, for attending today. I invite you to make a five-minute presentation, at which time we will open the floor for questions from committee members for about 20 minutes.

Ministry of Environment and Parks

Ms Goulden: Thank you. Ronda Goulden from the Department of Environment and Parks. I'm the assistant deputy minister of policy and planning. Thank you for your invitation for Alberta Environment and Parks to provide comments on recommendations from the Property Rights Advocate's 2017 annual report. I will also provide a brief update on progress relating to past committee-endorsed recommendations.

Two of the three recommendations in the 2017 annual report were directed to Environment and Parks recommending the department develop policy and legislative options to promote greater fairness in the treatment of landowners by operators who lease private property for renewable energy development and also increase access to justice through processes external to the courts that are designed to promote resolution of disputes between property owners and developers.

The first recommendation creates a related consideration for us, that is: to what extent should government be involved in privately negotiated agreements? Unlike with oil and gas operations, there are no right-of-entry provisions for renewable energy projects, and the Surface Rights Act, of course, does not apply. This means that landowners are in full control of whether they wish to allow renewable energy development on their property. The renewable energy industry relies on contractual agreements with landowners for access and project development on private land. We must respect that these are private and mutually beneficial contract agreements that are negotiated between landowners and renewable energy operators. We do, however, recognize that there are opportunities for us to provide supports that can assist. We encourage landowners to contact the Farmers' Advocate office, which has developed useful resources and lists of factors landowners may wish to consider if negotiating such agreements, and we have developed requirements for conservation and reclamation of renewable energy projects.

In June 2018 Environment and Parks amended the conservation and reclamation regulation to explicitly define renewable energy operations as "specified land", which then enabled us to develop a conservation and reclamation program for renewable energy projects. This provides regulation clarity for landowners and standard conservation and reclamation requirements for renewable energy operators so there is clarity in the system.

Regarding the second recommendation, that of increasing access to dispute resolution opportunities external to court processes, I will provide some comments and note that my colleagues in Justice and Solicitor General may also wish to comment. As I'd mentioned, the Surface Rights Act does not apply to renewable energy development operations, so the dispute resolution process under the Surface Rights Board is not applicable for renewable energy. In order for Environment and Parks to enable an alternative dispute resolution process, we'd create or amend legislation. There is, however, already opportunity for dispute resolution processes to be negotiated and outlined in the contractual agreement, and we encourage landowners to do so.

There were some questions that arose out of the July 23 standing committee meeting which I can briefly respond to here and provide additional details should you wish. There was a question on whether wind energy development is currently permitted on Crown land. At this time the parameters have not yet been determined for when and where wind energy will be allowed on public land. Wind energy development is not allowed on public land or not approvable on public land at the moment, although exploration is possible to test for resource potential.

There were also some questions around whether financial security is required for renewable energy operations, whether any renewable projects have been abandoned in Alberta, and what the estimated decommissioning costs might be for wind and solar projects. There has been no renewable energy infrastructure abandoned in Alberta, so we don't have examples of that. Only one facility has been decommissioned to date; TransAlta's Cowley Ridge wind energy facility was decommissioned in 2016. In terms of estimated decommissioning costs for wind and solar projects, staff in my department completed a jurisdictional scan in 2017 and '18, and the costs were wide-ranging because there were varying different assumptions and different levels of size of operation. We do not have any regulatory requirements for financial security of renewable energy projects because landowners can negotiate some form of security or financial assurance as part of their contractual agreement.

Finally, I would like to provide a few highlights of department progress on recommendations endorsed by a previous standing committee. Over the past year staff across several departments and agencies have met regularly to share issues and trends related to the energy industry, which allows departments to more proactively address issues and impacts. In 2018 Alberta Environment and Parks worked with Energy, Municipal Affairs, the Surface Rights Board, and others to undertake an internal review of the surface rights regime, which resulted in a number of operational efficiencies to administration of surface rights. We also worked with Alberta Energy on the 2018 liability management review to help address concerns around oil and gas liability, and we put in place new measures to encourage timely reclamation and other opportunities to proactively address liabilities.

That concludes my presentation, but I would be pleased to address any questions you may have.

9:20

The Chair: Thank you very much, Ms Goulden.

Do we have any questions from members with regard to the report from Environment and Parks? MLA Sweet.

Ms Sweet: Thank you, Mr. Chair. Just a point of clarity around disputes, specifically around guiding and outfitting for wildlife permitting. Now that we've seen the announcement by the current government last week around opening up the ability for guiding and outfitting and wildlife hunting across the country, do you see this

becoming an issue or something that will be – like, is there going to be a mechanism in place for Albertans to be able to discuss and/or potentially challenge if they're not able to access the same permitting as people from outside of the province?

Ms Goulden: I'm struggling just slightly to connect in with the property rights connection. Maybe I'm not understanding your question. Are you just asking about outfitters and their ability to access, like, recreational access on land?

Ms Sweet: Well, as we see, the public lands are to be opened up for sale to Albertans . . .

Ms Goulden: Yes.

Ms Sweet: . . . plus outside of Alberta, to other jurisdictions. This may impact the ability for permitting and/or Albertans to access those land agreements. I'm just curious if you have any thoughts around how the Property Rights Advocate may be involved or have increased concerns or issues that they may have to address now that we've seen this open up across the country and not just specifically to Alberta.

Ms Goulden: At the moment I don't have any concerns about that.

Ms Sweet: Thank you.

The Chair: Any further questions from committee members?

Mr. Horner: Can I ask?

The Chair: Go ahead, MLA Horner.

Mr. Horner: Yes. Thank you. The wind farm that was decommissioned in 2016: do you have the costs on it specifically?

Ms Goulden: No, we don't have those costs. I don't have that cost available. I could provide a written response on that if you would wish.

Mr. Horner: Sure.

The Chair: That would be appreciated. If you could provide that to our clerk, and then he will distribute it amongst the committee members.

Any further questions?

Mr. Barnes: Mr. Chair, if I could, please.

The Chair: Go ahead, MLA Barnes.

Mr. Barnes: Thank you. Just a question, please. Thanks for your presentation. I just want to clarify. I understand on renewables it was said that the landowner could negotiate directly with the provider of the renewable infrastructure for cleanup after. I wonder if your department did a review or a comparison between the difference with the oil and gas industry, why it was felt that for one industry it wasn't applicable and for the other industry it's okay for the seller and the provider of the infrastructure to work it out directly. Did I understand that correctly?

Thank you.

Ms Goulden: Yes, you did understand that correctly, and, yes, I can explain the difference between the two industries. There's a fundamental policy difference between the oil and gas operator's interaction with the landowner and a renewable project proponent's interaction with the landowner. With renewables a landowner has full and a hundred per cent control over whether or not the

renewable project should happen on their land. They have the full property right in that sense to say no to development, and if they don't want to deal with security or reclamation, or they don't want the hassle of the project, or whatever their reasons are, they can say no. There's nobody forcing them to have the renewable energy project.

Oil and gas is different because it's a subsurface lease that the government gives out, so there is a role for government in determining where oil and gas operations would happen. The landowner owns the surface property right, but the subsurface is owned by the Crown, and when the Crown gives out the subsurface lease, it comes with it that that lease is useless unless the operator can access from the surface. So there's an impact on the landowner. The landowner doesn't have any control over whether the Crown gives the subsurface lease. Policies were put in place like the Surface Rights Act to ensure that the property rights of the landowner were taken into consideration. So you have a different role of government for different policy reasons, and that's because there's a role of the Crown in that negotiation. There is not the role of the Crown in the negotiation on renewable energy.

Mr. Barnes: Okay. Thank you for that. Just as the follow-up. In some of the hearings in southern Alberta I am not absolutely sure in my mind that all the landowners, you know, who maybe are one windmill in a project of 40 or more – I don't believe that they all know that they have the option of saying no. Whether that's just, you know, pressure to fit in or whatever, I'm not sure. I guess my question to you would be: do you feel that individual landowners are adequately made aware of all of their options on renewable projects?

Thank you.

Ms Goulden: Yeah. Great question. I'm not sure whether I personally know whether all landowners are aware, but we definitely have done things, some through the Property Rights Advocate office, some through the Farmers' Advocate. There are places where landowners can come to find out their rights, and what we find is that as companies are knocking on doors of landowners, the word does actually spread quite quickly around neighbours. That is part of the role and the service that those two offices have and do provide for Albertans.

Mr. Barnes: Thank you.

The Chair: Okay. Thank you, MLA Barnes.

Any further questions? Yes, MLA Horner.

Mr. Horner: If you could comment on the differences between – say we're comparing to gas wells or the oil and gas industry. A 600-foot tower may be right beside your property, where you're not the one that's dealing with the contract. I wonder if you could maybe speak to that as property rights of an adjacent landowner, if you see any role.

Ms Goulden: Yeah. Certainly, the impact on neighbours is something that is alive in the renewable energy space. It's actually not unique to renewable energy, but there are unique considerations because of the height of the towers, as you've talked about. That opportunity for that other landowner to speak to the situation happened through the public consultation that the regulator – who's the Alberta Utilities Commission, the AUC – has. If one landowner, landowner A, is negotiating with a wind company, that project still has to go through a regulatory process, and neighbours have the ability to raise statements of concern within that regulatory process. That is the decision that the regulator makes: is this project in the

public interest given the concerns of neighbours, as well? So that is the mechanism for solving those kinds of disputes.

The Chair: Any further? MLA Issik.

Ms Issik: Could you please comment on the directives to the Environmental Protection and Enhancement Act and the conservation and reclamation regulation? Could you just comment on how that works with respect to public hearings and what those directives require?

Ms Goulden: Sure. Some of the protections that we have put in place from an environmental perspective are to say that any projects over one megawatt may have to actually do an environmental impact assessment. So it's not mandatory, but the AUC as the regulator has the ability to say: this project might need an environmental impact assessment. So there are some controls for environmental issues to be considered in that context.

There's also another piece that has happened, where the AUC does what are called wildlife referrals into the Department of Environment and Parks. A project comes into the regulatory process with the AUC; the AUC then comes to Alberta Environment and Parks and says: "Tell us about birds and bats in this area. Are these high-risk areas? Are these low-risk areas? What is the recommendation from Environment and Parks about what mitigations might need to be put on this project?" The kinds of mitigations that arise are things like: how often do they have to do bird and bat monitoring; how long do they have to do that for? Mortality counting. Like, what's the mortality rate? So if a project is starting to have high mortalities, what do they have to do? There are different ways that the wind operators can adjust their operations. All those things are considered in the regulatory process, but it is through the Department of Environment and Parks that we provide that information to the AUC.

9:30

Part of what we've done to help both landowners and project developers is that we put out a map where the higher sensitivity areas are, so we know what the migratory bird pathway is. Those are on what we call a wildlife sensitivity map. We haven't actually said that there are no-go zones, but what we've said to operators is: if you pick an area, a geography, where there's high bird or high bat traffic, you are likely going to have more expensive monitoring and mitigations that are attached to your project, so you'll want to consider that in the economics of your project when you're considering where to locate it. So we've tried to provide those tools to help both landowners and operators.

The Chair: A follow-up?

Ms Issik: Specifically, can you comment on the requirements around reclamation and remediation at the end of life of a project?

Ms Goulden: Yes. What we put in place in 2018 was that we amended the regulation in order to say: there are requirements that have to happen on reclamation; here are your standards for reclamation. That gives the landowner something that they can use in their negotiation. They might actually want higher standards. They could try and negotiate that into the contract, but it at least gives a standardized base for what reclamation needs to happen.

Ms Issik: Through the hearings at AUC, can a project be turned down on the premise of reclamation or remediation that's been proposed by the company?

Ms Goulden: What will happen usually is that the company has to provide a reclamation plan, and that plan is assessed for sort of adequacy, or there's conversation about it. Whether or not the project is turned down has a range of other factors, but it can be raised to say, "No, you've got to tighten up your reclamation plan," or "You've got to do something different here," or "That's not meeting the standard." There are lots of different things that can happen through the regulatory process.

Ms Issik: And the landowner has input into that discussion?

Ms Goulden: Yes, at two different spaces. The most powerful space is in the contractual relationship with the company to begin with. I don't know what the status is with negotiations, but theoretically it is possible for a landowner to say: I want a higher level of reclamation than what the regulation requires. Obviously, there's a cost conversation with it, but that's a private negotiation. In the contract it depends on how badly the developer wants access to that land.

The Chair: Okay. Thank you.

Mr. Rowswell: If the contract is negotiated and there's a reclamation agreement and the company goes bankrupt, what happens then? How do we know that the property owner doesn't have to clean it up?

Ms Goulden: That's another thing that the property owner can negotiate into the contract, what forms of security. When we talk about liability management, security is something that can either be negotiated at the front end or the back end. Usually on a one-to-one basis like that it would be negotiated on the front end. So the landowner might say: all right; once you're up and running and you're actually making the money, what are you putting in place for security so that I know that I won't have this thing on my land?

What we have found, though, is that the salvage costs of a wind tower – the kinds of metals that are used in the wind towers are highly valuable. Even if, worst-case scenario, a landowner doesn't negotiate anything about security into their agreement and the operator has to walk away because they're bankrupt, the salvage costs of a wind tower – roughly, we're estimating at about, let's say, \$5.6 million for reclamation costs, and the estimates right now are that the salvage would bring in about \$5 million, so at the moment it's different from an oil and gas well because of the salvage quality of the metals used in the wind tower.

Mr. Rowswell: By definition, then, if a company goes bankrupt, the money from a reclamation doesn't go to a creditor; it goes to a landowner?

Ms Goulden: Well, when you say, "The money for reclamation," you are standing in line with other creditors, for sure. That's part of the business. Like, it is a business – right? – so the landowner has to be considering that when they're entering into the negotiation in the first place.

Mr. Horner: Just for clarification . . .

The Chair: Just a minute.
MLA Stephan.

Mr. Stephan: I have two quick questions. One is relating to just follow up on Member Issik's question. We have certain regulations in relation to the reclamation standard. I just want to confirm. I know that some laws cannot be contracted out of, that are in statute.

I assume that these minimum standards are ones that cannot be contracted out of. Is that correct?

Ms Goulden: That is definitely my understanding. Just one sec. Yes.

Mr. Stephan: Okay. Thank you.

Then the other question that I had is in relation to a wind company that becomes insolvent. Of course, one of their assets, being a wind tower, is on the landowner's property. What is the priority for recovery of these valuable materials vis-à-vis, say, a secured creditor that has loaned money to the wind company? Does the landowner hold priority over the rights of a secured creditor?

Ms Goulden: I'm not totally in the position to be giving sort of legal advice about rights priorities, but in general the secured creditor stands ahead of the unsecured creditor. It's part, again, of what the landowner needs to be considering in how they negotiate with the operator at the front end.

Mr. Stephan: Thank you.

Mr. Horner: Just for clarification, you'd said: \$5.6 million and \$5 million. Just a little clarification around those numbers.

Ms Goulden: Like, because we don't actually have a lot of decommissioned projects at the moment, there's not a lot of data. That was a project that we looked at to try to get at least a sense of it. It's also a part of what we're hearing from wind companies themselves and from what they're saying the values of those metals are, so it's information – it is a rough estimate, for sure, because we don't have a lot of decommissioned projects on the land.

Mr. Horner: But that would have been per an entire farm?

Ms Goulden: That's what I'm not sure of.

Mr. Horner: Okay.

Ms Goulden: I can try and provide a written response on that. Because the data isn't super solid, these are just ideas, but we can provide a short answer on that for you.

Mr. Horner: Yeah. Thank you. I would just comment that there's more than just the towers as well. There are roads and underground cable and other development involved in these projects, so it's beyond just the salvage of the metal for the tower.

Ms Goulden: Yeah. Like, over time the farmer, often on the agricultural land, is actually farming right up to a very narrow – I was at one wind project where the corn was actually growing up through the road itself. The reclamation of the road is not as complicated or as significant as the reclamation of the actual tower spot itself.

Mr. Horner: Thank you.

The Chair: Okay. We have about a minute left. Any further questions?

Any further comment, Ms Goulden?

Ms Goulden: None from me. Thank you.

The Chair: Good. Thank you for participating today and for the information that you've presented for us.

Next up on the agenda is Municipal Affairs. We'll give them time to come to the table and set up.

Good morning, Mr. Sandberg. We'll have a five-minute presentation from yourself and then up to 20 minutes of questions and answers from the committee members. You may proceed.

Ministry of Municipal Affairs

Mr. Sandberg: Thank you, Mr. Chair, and good morning, hon. members. Thanks very much for the opportunity to be here. My name is Gary Sandberg. I'm the assistant deputy minister for municipal services and legislation with Municipal Affairs. I'm pleased to share with you this morning our ministry's response to a small number of recommendations that the Property Rights Advocate has given over the years with respect to Municipal Affairs.

Just for some brief context for you, we have been fortunate over the years to actually have an ongoing dialogue with the Property Rights Advocate, in particular dating back to about 2013 and 2014, when we were just launching a very comprehensive review of the Municipal Government Act. We had the opportunity to meet with the Property Rights Advocate's office at that time and hear from them about a number of concerns that they were hearing about property rights issues, in particular in relation to municipal activities. We were very pleased at that time that the concerns and issues that the Property Rights Advocate was hearing were, in fact, very similar to some of the concerns that we were hearing from Albertans, and that fed very nicely into the review of the legislation that we undertook from 2013 to 2017.

9:40

In particular, one of the concerns that came through quite loudly was concern about the ability to hold municipal governments accountable for decisions that they were making that had impact on individuals' properties, so I'll circle back to that when I get to one of the particular recommendations. As we progressed through the MGA review, because we had this intelligence from the Property Rights Advocate as well as the feedback from the public, we actually found a number of opportunities to try to address those concerns. Hopefully, as I talk to you about these specific recommendations from the Property Rights Advocate, you'll see that we did try to close the loop on some of those things.

The first recommendation I'll talk about is recommendation 2013.04, which centred on deleting a section within the Municipal Government Act that allows municipalities to expropriate for the purpose of selling building sites. That's section 14(2)(d) of the MGA. Our understanding is that that recommendation was referred by the standing committee to the Alberta Urban Municipalities Association and the Rural Municipalities association of Alberta. To our knowledge, that recommendation was never approved by the committee, so the ministry has not taken any specific action on that recommendation.

Similarly, on recommendation 2013.05, which speaks to the deference to private property rights during times of emergencies and natural disasters, that recommendation was ultimately not accepted by the committee, so again Municipal Affairs has not taken any action on that particular recommendation.

The final recommendation is recommendation 2014.02, which called for the implementation of an administrative or quasi-judicial dispute resolution process to address landowner concerns with municipal land-use decisions. On this item we brought forward two separate streams of recommendations that ultimately led to amendments to the Municipal Government Act to try and address those concerns. The first stream of amendments related to subdivision and development appeal boards, which are, in fact, a

local dispute mechanism to allow landowners and affected parties to challenge local land-use decisions.

The amendments we made were intended to create greater confidence in those local boards, so two things: firstly, we introduced a requirement for mandatory training for members of subdivision and development appeal boards and for the clerks of those boards, with a particular focus on administrative law and due process; second, changes were to prohibit municipal councillors from forming a majority on any municipal appeal board, so either an SDAB or an assessment review board. Again, that was intended to remove any perception of bias that the individuals who had made the original decision would form a majority of the appeal board that was hearing an appeal.

The second major change in the MGA was to provide an additional avenue for landowners to hold municipal councils accountable for their decisions, so the amendment to the MGA in that case was to expand the mandate of the provincial Ombudsman's office to allow the Ombudsman to hear complaints about municipal decisions. The focus of the Ombudsman is on administrative fairness, not necessarily on a policy decision of a municipality. That was viewed as an important opportunity to respect the policy-making role of elected officials while also providing the public with access to a mechanism if they felt they had been treated unfairly or if rules or policies had not been followed, without having to go to the courts to follow through that process.

Those legislative amendments were unanimously approved in the Legislative Assembly in 2017. The SDAB amendments came into effect at that time. The Ombudsman came into effect on April 1, 2018, and since that time I know the Ombudsman's office has been dealing with a number of complaints raised on a variety of fronts, of course, from the public. Based on those two changes, we believe as a ministry that we've addressed that particular recommendation from the Property Rights Advocate.

Mr. Chair, those are my comments. I'd be happy to try to answer any questions folks might have.

The Chair: Good. Thank you, Mr. Sandberg.

Now I'll open the floor for questions from committee members. Any questions from committee members on the phone?

Hearing none, thank you, Mr. Sandberg, for your time and for presenting on behalf of the Ministry of Municipal Affairs.

The committee will now adjourn for five minutes, and we will next hear from officials from the Ministry of Agriculture and Forestry.

[The committee adjourned from 9:45 a.m. to 9:50 a.m.]

The Chair: Good. Thank you.

I would now like to invite officials from the Ministry of Agriculture and Forestry to make a five-minute presentation, which will be followed by a 20-minute question-and-answer period for committee members. Thank you for joining us, Ms Molenkamp-Oudman. You may please proceed.

Ministry of Agriculture and Forestry

Ms Molenkamp-Oudman: Great. Thank you. Thank you, first off, for having me. My name is Freda Molenkamp-Oudman. I am an assistant deputy minister with the department of agriculture in our strategy, planning, and governance division. I'm here to speak on behalf of Minister Dreeshen with the Department of Agriculture and Forestry. He does send his regards as well this morning.

The Farmers' Advocate office, or the FAO, does what its name suggests; it advocates for the interests of Alberta's farmers. As was

mentioned earlier, it was formed in 1973. During its 47-year history the FAO's role has expanded beyond advising farmers of their legal rights related to surface rights and statutes, including expropriation. It's evolved into a resource for farmers on a variety of agricultural issues, including other land impacts, farm dealership and machinery issues, information dissemination, dispute resolution, and more. In addition, the office helps to create stronger linkages between Alberta's farmers, ranchers, and decision-makers. While it is a part of the Ministry of Agriculture and Forestry, the FAO reports directly to the Minister of Agriculture and Forestry. The Farmer's Advocate is currently Peter Dobbie, and he is appointed by the Minister of Agriculture and Forestry.

Today the FAO continues to bring forward common issues to help address concerns and interests of rural Albertans and provides process advocacy, helping farmers and ranchers navigate government systems and programs. Our colleagues at Alberta Justice and Solicitor General, with support from other ministries, have started a review of the Farmers' Advocate office and the Property Rights Advocate office. This is part of our government's commitment to strengthening property rights by pursuing the constitutional entrenchment of property rights. Government is also committed to reducing duplication of roles and operations of the advocate office to provide more support for Albertans. We appreciate the hard work and careful thought required to undertake such a review, and we look forward to the results.

At this point, I'm happy to answer any questions that you may have.

The Chair: Good. Thank you for your presentation.

Any questions from committee members? MLA Sweet.

Ms Sweet: Thank you, Mr. Chair. Thank you for the presentation. I just want to go back again to the property rights over leases and extended tenures based on good stewardship when it comes to lease agreements. How do we know that upholding the public interest, now that we're allowing out-of-province people to have lease agreements, is going to be in the best interests of Alberta ranchers towards good stewardship and not undercut them when external people are coming into the province trying to get those lease agreements? What is the advocate's responsibility, then, to ensure that Alberta ranchers have access to that lease agreement over outside jurisdictions?

Ms Molenkamp-Oudman: Yeah. The role of the Farmers' Advocate is to hear from farmers and ranchers about some of those issues and bring those issues forward to policy-makers. At this point, that would be their role in that.

Ms Sweet: Okay. Just in a follow-up, then, I guess the concern here is the issue of relaxing the exception to allow people outside of Alberta and corporations to hold grazing leases, that once the person or the corporation is holding a lease residing outside of the community, it may become more difficult to maintain regular contact for management, compliance, and stewardship actions. For example, if we're talking about cows and fish interactions with local communities, it's relatively easy to have those meetings, field tours, workshops, et cetera. How do you see the farm advocate then ensuring that these communications with the local community are going to be able to continue and not have adverse reactions on the cow and fishery industries?

Ms Molenkamp-Oudman: Yeah. The Farmers' Advocate office is very active in working with rural landowners and so would definitely have opportunity to hear from them and provide

information and bring those concerns forward to policy decision-makers.

Ms Sweet: Okay. Thank you.

The Chair: Thank you.

Any further questions from committee members? Any questions from members on the phone?

Hearing and seeing none, I want to thank you, Ms Molenkamp-Oudman, for your presentation.

We will now invite officials from Service Alberta to the table.

Ministry of Service Alberta

Ms Cox: Good morning. My name is Brandy Cox, and I'm assistant deputy minister for the strategic and consumer services division at Service Alberta. Service Alberta is responsible for a number of important programs aimed at improving the lives of Albertans. These include consumer protection in kind of an increasingly complex economic environment, modernizing the delivery of current programs and services to meet emerging needs while removing unnecessary administrative burden, developing innovations to prepare the government to meet future needs, leading the development of a provincial broadband strategy, protecting and maintaining the government's information technology infrastructure, and overseeing registry activities like vehicle, business, and land registrations. It's on this note that I think that Service Alberta was invited to this table.

In terms of the annual report from 2017 of the Property Rights Advocate office, pages 28 and 29 talk about kind of the merits around surface lease agreement registration. That's something where there's an interplay with Service Alberta. All land registrations on privately owned lands are done through the land titles and surveys branch within Service Alberta. Issues pertaining to public lands fall under Alberta Environment and Parks. As Service Alberta's land titles and surveys branch is only accountable for those privately owned lands, I'm not able to speak to anything that does fall under the Public Lands Act. In terms of surface lease agreements, these are things that are currently being registered through our SPIN 2 system although it's not statutorily required, which means that, certainly, they're not always done as a practice.

In addition, we do things like registration of utility and pipeline right-of-way plans.

But there are limitations with respect to how the surface lease agreements that are registered on SPIN 2 can be searched. For the committee's understanding, there are no survey plans associated with those registrations. We're registering the documents only, and that does limit the searchability. If we wanted a system that would allow for ease of search, we would need to make modifications to our current system, although we would recommend that some collaboration would be required between us, Alberta Energy, and Alberta Environment and Parks as there are different systems that do offer the registration of these documents currently, so we'd want to see which one of these would be most appropriate and best if the committee was interested in endorsing that kind of piece around the registration of surface lease agreements.

We would also need to look at, with respect to SPIN 2, some of the privacy concerns that were outlined on pages 28 and 29. Because this is a public land registry, it does mean that if you are going in and you are a registered user of the system, when you pull up those lease agreements, you are seeing the full contents of the lease agreements. There isn't a redaction. That's an important sort of piece to keep in mind.

The annual report also includes a recommendation – that's 2017.02 – with respect to looking at alternative dispute resolution mechanisms outside of the courts. Service Alberta, as I understand from your July meeting, was invited to provide some insights into a system that we have through the residential tenancy dispute resolution service, or RTDRS. This essentially involves resolution for disputes between landlords and tenants outside of the courts. I will note, because page 28 specifically references the opportunity for mediation services in reference to the RTDRS, that we do not offer mediation through this mechanism. The mechanism is for dispute resolution with a direction made by the tenancy dispute officer.

10:00

The RTDRS did begin as a pilot in 2006 and was officially implemented in 2007. Like the provincial court, the RTDRS may accept applications for claims of up to \$50,000, but it is faster and more affordable. The application fee charged by the RTDRS is \$75 whereas a provincial court charges \$100 for claims up to \$7,500 and \$200 for claims that go between \$7,500 and \$50,000. Residential tenancy dispute resolution service applications are heard by tenancy dispute officers located in either Edmonton or Calgary, and these TDOs, as we call them, are government employees. Since its inception the RTDRS has been a great success. They currently receive and hear over 10,000 applications per year. Once a hearing is complete, a TDO issues an order that can be filed with the Court of Queen's Bench and enforces a judgment of that court.

That's what I have to offer the committee, and I'm happy to hear any questions that you have.

The Chair: Thank you very much. Very timely. One second left on the clock. Thank you, Ms Cox.

Any questions from the members? MLA Dach.

Mr. Dach: Thank you, Chair, and thank you, Madam Cox, for your presentation. I have questions particularly around the registration of surface rights leases. You indicated in your presentation that they are not statutorily required. I'm just interested, first of all, in knowing, if you could glean that from your statistics, what percentage of the surface rights leases for renewables are actually registered.

Ms Cox: I could not answer that. Honestly, I'm not sure that even a written response is something I could provide. I'll need to consult with my colleagues in other ministries to know, you know, their understanding of the number of surface lease agreements that are out there because, as I've mentioned, SPIN 2 doesn't offer huge searchability. We can't just go in and type in "surface lease agreements" and pull them all up. We actually have to look individually for each of the documents, so it would be quite cumbersome. Once we do know the number that exists for all of Alberta, we could with great effort go in and search for the documents to see what the percentage is.

Mr. Dach: Okay. Well, you indicated that it wasn't statutorily required, so I was just wondering, you know, in general, if there's any estimation that could be made as to the uptake on the right to actually register. I can't imagine why somebody who had a surface rights lease in place, as I say, a wind energy developer, would not want to register because an unregistered lease on land that's not encumbered by a lease by way of registration raises enforceability issues. The strength of that lease, particularly, say, in the event of the sale of that land: that registration doesn't exist and doesn't encumber the title of that land. Does that lease transfer then and you

end up with, potentially, litigation between former owner, new owner, leaseholder because of the questions around the viability of that lease during a subsequent sale? Can you comment on that at all?

Ms Cox: What I can say is that my understanding, although I would look to potentially other colleagues in the room, in terms of the sale of the land, is that then the contract is no longer with that registered landowner, so I would anticipate that there would be conversations between the new landowner and the person with whom they would like to be holding the agreement with. If the contract speaks to transferability, that would be something that would be part of the conversation around the sale so that the new landowner understands that that's a piece that goes with it.

I look to anyone in the room. I'm seeing nodding. So that's my understanding of the process.

Mr. Dach: Right. I understand what you're saying; however, as a former real estate agent for 30 years it seems to be a little messier of a proposition, trying to acquire a piece of land which has an unregistered lease, versus where, you know, you have visibility of the lease on the title if indeed they were registered. Now, is there any thought to making the registration of these leases mandatory? Has that been considered as an option?

Ms Cox: Not within Service Alberta, and, as I've mentioned, I think that if the committee, because this is sort of one piece of the annual report, was interested in endorsing a recommendation around that, we'd want to do further collaboration with Alberta Energy and Environment and Parks to understand even whose legislation would compel the registration of those lease agreements and then on which system it makes sense that we would do that.

Mr. Dach: It seems to me that it might be worth investigating anyway because it certainly provides a greater degree of certainty to both parties on any surface rights agreement that might be in place. I'd be interested in pursuing an investigation of that, but we'll leave it to the rest of the committee to comment. I'd be interested in hearing what their views might be.

Ms Cox: Thank you.

The Chair: Any further questions from committee members for Ms Cox from Service Alberta?

Ms Sweet: Just going back to the system for registration, for clarity for myself: at this point you don't actually have the searchability where you can say, "This is the overall amount of leases that are registered in Alberta and/or where they live"?

Ms Cox: We don't have a survey plan associated with the document, so we'd have to search by document number. SPIN 2 is a system that would require investment in terms of the IT infrastructure in order to support that increased searchability.

Ms Sweet: Is there an ability to search under organization, corporation, or name?

Ms Cox: No. In fact, we do have a name search regulation that prohibits searching by the name, and that's for privacy considerations. You can't, as an example, go in and search for – if you want to know, you know, how much your neighbour's house sold for, you can't go in and put your neighbour's name in and pull up the consideration. You would need to go in and search for it through the mapping system.

Ms Sweet: Do you know: has Service Alberta researched the cost analysis of what it would require for an IT upgrade to be able to actually do the data analysis, like, around how many leases exist in the province and things like that?

Ms Cox: We have been looking at modernization of SPIN 2. It would require modernization of a different platform that it's tied to, called ALTA. We're currently on a platform that's called ALTA. We've been looking at modernization to an ALTA 2 system that would allow us to make adjustments to that interface with SPIN 2. I don't have the exact number for the dollar investment that would be required to complete that work but could get back to you on that.

Ms Sweet: Okay. Just one more question.

The Chair: Go ahead.

Ms Sweet: When we're looking at the fact that there's no, like, requirement under the statute for registration, is there a dispute mechanism, then, if a corporation doesn't want to be registered?

Ms Cox: Well, there's nothing that compels them to register it. You know, I think that the advice would be that as part of those contractual conversations that happen between property owners and the person with whom they're making the agreement, if the landowner wants the agreement to be registered, that would be part of the contractual obligation that they have at the outset.

The Chair: Go ahead.

Ms Sweet: Okay. Then just a point of clarity. If we're looking at outside the Alberta jurisdiction, like, in other areas in Canada now that these have been opened, is there potential, then, that someone in B.C. can say, "Well, there's no legal requirement, so therefore I'm not registering my corporation," and we have no idea, then, if there is an external, an outside-of-Alberta resident owner of a lease?

Ms Cox: Sorry. To be clear, are you talking about registration of a corporation, or registration of the agreement?

Ms Sweet: The agreement. Sorry.

Ms Cox: Oh. Well, there is nothing that requires that registration. You know, from a land titles perspective – and maybe my colleagues would have more information about who these people are that property owners have the leases with – we do not have line of sight around what we don't know. Because the registration isn't required, we wouldn't have that information.

Ms Sweet: Thank you.

The Chair: Thank you.

MLA Stephan, and then MLA Dach.

Mr. Stephan: I'm just thinking about land titles, of course, land titles based on the curtain principle, which means that if someone searches on a land title, if the interest is not known or disclosed, they can assume there is no interest. My sense would be that because – and, of course, as it relates to leasehold interests, leases that have a duration of more than three years are registerable interests. Given the large investment that the wind companies are making on land and the fact that these leases exist for more than three years, generally speaking, is it your experience that generally the wind tower owners or lessees of the land would in fact register their interest to actually protect their economic investment, that they in fact have an incentive as rational actors to actually register their interests on the land?

10:10

Ms Cox: Again, I don't know what volume of those particular companies are registering although I understand your point in terms of their interest in doing that. To MLA Dach's question earlier – at least I think it was MLA Dach; perhaps it wasn't – it may be easier for us to look at the wind companies specifically. Those would probably be an easier thing to kind of chew off in terms of searching for those documents against the number of agreements that are out there to see what the proportion is.

Mr. Stephan: Yeah. I mean, I guess, as a follow-up comment, I would expect that generally they would register. You know, they are making a very large investment, and to protect the enforceability of their investment, they would in fact register.

The Chair: Thank you.

MLA Dach, you have a question.

Mr. Dach: A bit of a follow-up to clarify on the topic of what registrations are actually required. You indicated that surface rights are not required statutorily to be registered. To your knowledge, are there any instruments that have to be registered? I'm talking about in mortgages and so forth. They're probably an option as well. But are there any that actually have to be registered by statute?

Ms Cox: I would have to get back to you with a written response.

Mr. Dach: Okay. Thanks.

Ms Gray: Thank you for your presentation. My question was just around the need for modernization of the IT systems, the ALTA system and SPIN 2. I was just looking at the FAQs and trying to get a sense of that. You had mentioned a couple of times looking at which systems would be best. You've got ALTA and SPIN 2 now. What else is being considered, or what else is in this space that Alberta is already using?

Ms Cox: I believe that it's with Environment and Parks although it could be with Energy. There's a system called GLIMPS that does offer this capability.

Ms Gray: Okay. What is GLIMPS being used for right now?

Ms Cox: I would need to defer to my colleagues in those ministries.

Ms Gray: Oh. Fair enough. Okay. GLIMPS is a piece that's entirely in Environment and Parks; Service Alberta is not.

Ms Cox: It is Environment and Parks, again, because of the distinction between private and public land.

Ms Gray: Yeah. Okay. That makes sense. Thank you for clarifying that for me, and thank you for your presentation.

The Chair: If there's anyone from Environment and Parks or Energy that would want to comment, there is a microphone that is live to give clarification. It's not necessary.

Please state your name for the record. Yes. Thank you.

Ms Tse: I'm Amanda Tse with Environment and Parks. To respond to the question about GLIMPS, GLIMPS is really an IT system that manages the dispositions on public land. It wouldn't contain information with respect to private land. It's not as rich in data when it comes to private land, and for the most part we're respecting landowners' desires to have some privacy with respect to how and what they use their private land for.

The Chair: Thank you very much for the input.

Any further questions from members? Members on the phone, any questions?

Hearing and seeing none, I would like to thank Ms Cox for joining us today from Service Alberta.

This concludes our oral presentations for today.

We will move on to item 4(b), committee research. Hon. members, at the July 23, 2019, meeting the committee directed research services to prepare a crossjurisdictional review on compensable losses and quasi-judicial boards across Canada and select U.S. jurisdictions. The crossjurisdictional report was posted to the committee's internal website on September 19, 2019.

Dr. Amato with the Legislative Assembly Office, research and committee services, is here. I invite her to make comments on the document, and then I will open the floor to questions from committee members.

Dr. Amato: Good morning. I'll try to be brief. I hope you all have a copy of the crossjurisdictional. The crossjurisdictional was written in response to the research request that came at the last committee meeting, which was on July 23.

Accordingly, the crossjurisdictional comprises three main parts. The first part, which is actually section 2.0, discusses compensable takings and notes that Alberta is the only jurisdiction in Canada which employs the term "compensable takings" in legislation on property rights. There are no frameworks and policies with respect to compensable takings and property rights in other jurisdictions in Canada. The document then turns to a discussion of the expropriation acts in Alberta, Saskatchewan, British Columbia, and Ontario because there may be a correlation between the terms "compensable taking" and "expropriation." That's explained in the details in the document.

The next section surveys the powers and mandates of the Surface Rights Board or equivalent in each province and territory across Canada and notes whether each board has jurisdiction with respect to disputes between property owners and renewable energy developers. I'll just provide the briefest overview of the findings there. What we found was that every jurisdiction except four – that is, Quebec, Nova Scotia, Newfoundland and Labrador, and Prince Edward Island – has an equivalent to Alberta's Surface Rights Board. However, when it comes to disputes related to renewable energy projects, the picture is mixed. Boards or tribunals in British Columbia, Saskatchewan, Manitoba, New Brunswick, and Yukon have no jurisdiction with respect to disputes related to renewable energy projects. Then the answers we received in terms of boards or tribunals in Alberta, Ontario, and Newfoundland were that they have no experience with such disputes thus far. So that's a slightly different answer.

The final section, which is the longest I think, examines policies and frameworks in the jurisdictions of Alberta, British Columbia, Ontario, Quebec, California, Colorado, Montana, North Dakota, Texas, and Wyoming that refer to the decommissioning of renewable energy installations on and reclamation of private land, if any exist, as well as the mandate and powers of the United States Bureau of Land Management and the United States Bureau of Reclamation.

The discussion begins with the conservation and reclamation directive for renewable energy operations, issued by the government of Alberta in September 2018, and provides a very general overview of some of the main conservation and reclamation plan requirements by that directive. Overall, I note that the directive outlines a set of procedures, technical practices, and standards with the aim of improving final reclamation outcomes, decreasing final reclamation costs, and reducing ongoing liability to the operator

and the province. The directive does not, however, create a fund similar to that which exists for oil and gas wells to reclaim sites if a company goes bankrupt.

Turning to the jurisdictions of British Columbia, Ontario, and Quebec, one point to note is that most of these jurisdictions indeed have some liability insurance with respect to wind energy development but particularly on Crown lands. Even in Quebec the point of such policies as they exist appears to be to protect the Crown in particular from financial loss.

With respect to the American jurisdictions surveyed, the picture is very complicated, and it's very difficult to make any particular generalizations. Each state that was surveyed has very particular decommissioning requirements and statutes, where they exist, but I will make maybe two very general comments. The first is that most of the policies and statutes that exist are, in fact, quite new. Some of them are coming into force currently, in the month of September 2019, and some indeed are under consideration as bills currently, in September 2019.

10:20

So if we were to take as one example – and this is just one of the final examples, and it's just simply one example; I'm emphasizing that – those in Texas with respect to wind energy, it came into effect at the beginning of this month. This legislation appears to provide some financial insurance to landowners. In Texas, solar power facility decommissioning also appears to be a current concern, especially as it relates to, in this case, protecting the taxpayer from potential liability for decommissioning, and there is a bill under consideration that makes the landowner responsible for decommissioning.

Again, the jurisdictions that I looked at in the United States presented a patchwork of legislation, and that is described in the document. Thank you.

The Chair: Thank you, Dr. Amato.

Do we have any questions with regard to the cross-jurisdictional report? MLA Rowswell.

Mr. Rowswell: Yeah. So the government sees fit that they need protection, but there is no protection for the property owners, then. They don't see, like, private property?

Dr. Amato: Sorry. For which jurisdiction?

Mr. Rowswell: I'm sorry. In the American jurisdiction, the American examples you were dictating there, what I took from your thing is that on Crown land they took measures to . . .

Dr. Amato: Oh. Are we talking about Texas in particular?

Mr. Rowswell: Yeah.

. . . protect themselves from financial loss.

Dr. Amato: No. Sorry.

Mr. Rowswell: Okay.

Dr. Amato: Let me clarify.

Mr. Rowswell: Okay.

Dr. Amato: What I was saying was that in the case of the bill that's under consideration or the thoughts that are considered with respect to solar panel decommissioning in particular, the bill that's under consideration protects taxpayers but, again, has not passed.

Mr. Rowswell: Oh. Okay.

The Chair: Any further questions? On the phones, any questions for Dr. Amato?

Yes. Go ahead, Dr. Amato.

Dr. Amato: Just in response to that question, the picture was very different in Colorado, it's very different in Wyoming, it's very different in California, it's very different in North Dakota and very different again in Montana. Again, a patchwork: it's very difficult for me to make any generalizations.

Mr. Rowswell: Yeah. I just assumed – like, I took from what you were saying that they were interested in protecting themselves from a taxpayer and a government Crown land type thing, but the responsibility to protect individuals is on the individual?

Dr. Amato: That is the case in some jurisdictions, and in other jurisdictions there are protections in place for landowners in particular.

Mr. Rowswell: Oh. Okay. All right.

The Chair: Seeing no further questions, thank you, Dr. Amato, for your work and your report. Very well done.

We'll move on to item 4(c), deliberations. We have a little bit of set-up to do in the room. We're going to take a five-minute break, and then we will reconvene after five minutes.

[The committee adjourned from 10:23 a.m. to 10:28 a.m.]

The Chair: Okay. We will continue.

Committee members, the committee has now arrived at the point in its review of the 2017 annual report of the Property Rights Advocate office where the committee begins its deliberations in making recommendations. As this is the first review the committee has undertaken during the 30th Legislature, a brief overview of the process might be helpful.

The committee was tasked with this review by the Assembly, and therefore it may make recommendations on matters discussed in the annual report of the Property Rights Advocate and on the recommendations it contains. The process of making recommendations is done by resolutions passed by the committee. If a member wishes to make a recommendation with respect to the annual report, please remember that Parliamentary Counsel is available to assist in the crafting of motions. Please also remember that the committee may discuss the general premise of the recommendation prior to formally moving a motion. Members would propose an idea for a motion or a draft motion, and the committee clerk can post it on the screens and the committee's internal website. Once the motion is crafted to the proposing member's satisfaction, the member would then formally move that.

Are there any comments, questions, or recommendations that members would like to make before the committee begins its deliberations?

Seeing none, we will proceed with our deliberations. Are there any other comments, questions, or recommendations?

If not, the committee's deliberations have concluded.

Next we will need to consider drafting a report back to the Legislative Assembly. Are there any comments, questions, or motions to be made with respect to drafting a report back to the Assembly? We do have a possible motion that's been suggested. The clerk has drafted a possible motion, that

the Standing Committee on Alberta's Economic Future direct research services to prepare a report regarding its review of the 2017 annual report of the Property Rights Advocate office in accordance with the committee's recommendations and authorize

the chair and the deputy chair to approve the committee's final report to the Legislative Assembly on or before October 4, 2019.

We have very little to put into this report if we have no comments or any deliberations with regard to recommendations to move forward on.

Ms Sweet: Mr. Chair, I just want a point of clarity. We're going to make a report with no recommendations from the committee?

The Chair: At this point in time we are. I believe that we still have opportunity for discussion. I do believe we have opportunity for motions. I would encourage members to consider that and put forward motions that would help our legislative research services to draft a report to bring back to the Legislative Assembly.

Anyone on the phone?

MLA Gray.

Ms Gray: Thank you very much, Mr. Chair. Just to start discussion of the annual report, recommendation 01 was around the recommendation that "Alberta Energy and Alberta Environment and Parks develop policy and legislative options to promote greater fairness in the treatment of landowners by operators who lease private property for renewable energy development." We've heard many excellent presentations, so my question to committee members would be: should we be endorsing that recommendation?

Mr. Stephan: We are an economic committee, and I appreciate the great work done by research services. I would suggest that as we consider the recommendations of the Property Rights Advocate, they be looked at through the lens of best practices adopted in other jurisdictions and in a way that enhances and supports the economic competitiveness of this industry in Alberta.

The Chair: Thank you, MLA Stephan.

Do we have any members that would propose a motion to accept the recommendations?

Ms Sweet: Just maybe a point of clarity on the comment around the economic competitiveness of Alberta. I just would like some clarity from the government side around how ensuring that landowners in Alberta are having protections by the Property Rights Advocate is not as sufficient or as important as economic diversification in the province. Should property ownership and property owners in Alberta not have the right to an advocate, or is the economic drive of the government the priority overall?

10:35

Mr. Stephan: I'm not the government, of course, but obviously, if there are no reasonable commercial protections for landowners, you will in fact not have economic competitiveness. I appreciate the good work done in looking at other jurisdictions that have attempted to craft a balanced approach. I think we should take, from their experiences, the best parts of other jurisdictions, develop best practices in Alberta, ones that, of course, balance between the protection of landowners and, again, enhance our competitive position in Alberta as it relates to this industry.

The Chair: Thank you, MLA Stephan.

MLA Toor, were you wanting to chime in?

Mr. Toor: Yeah. If you want, I could move the motion to adopt this.

The Chair: Move a motion to adopt . . .

Mr. Toor: The recommendations.

The Chair: The recommendations? Okay. We will work on drafting that motion.

Mr. Toor: Sure.

The Chair: MLA Toor, we need clarification. Are you moving to adopt all three recommendations or recommendation 1?

Mr. Toor: All three.

The Chair: All three? Thank you.

Okay. We will be moving them separately, but we will work on drafting a motion and then read it out to you to see if it works within your intentions.

Mr. Toor: Sure.

The Chair: Okay. MLA Toor, we're prepared with recommendation 2017.01. The motion would read: moved by Mr. Toor that the Standing Committee on Alberta's Economic Future endorse recommendation 2017.01, that Alberta Energy and Alberta Environment and Parks develop policy and legislative options to promote greater fairness in the treatment of landowners by operators who lease private property for renewable energy development.

Does that fit with your intent, Mr. Toor?

Mr. Toor: Yeah.

The Chair: Thank you.

Is everybody clear on the motion before us? Any discussion with regard to the motion by Mr. Toor? MLA Allard.

Mrs. Allard: Yes. Thank you, Mr. Chair. I just wanted to comment that while I'm comfortable with the wording of the motion as presented by the advocate, I would like to just make a comment that, particularly after the presentations we heard today from the multiple ministries, at least from my perspective, it seems apparent that there are sufficient processes and protections in place currently, so with the wording "to promote greater fairness", I just wanted to clarify that there is no supposition at this time that there's a lack of fairness in our system as it stands.

Thank you.

The Chair: Thank you, MLA Allard.

Mr. Dach: I'd just counter that comment with, I think, the fairly common knowledge that the level of sophistication between the landowners as one party versus the wind energy developers as another is somewhat imbalanced and that the level of fairness that this motion seeks to address is reflective of that imbalance in sophistication and access to resources. I think the greater fairness that we need to ensure is that for the landowners, who would not have the similar amount of resources and information at their disposal, it should be balanced against the developers' greater resource level.

The Chair: Thank you, MLA Dach.

Mr. Stephan: The motion as is: again, I would just like to look at it through the lens of best practices. We actually tasked our research committee to look into that, and they did an excellent job in quite a detailed report. Again, I mean, this recommendation, if it's looked at through the lens of best practices and the economic competitiveness of Alberta as a jurisdiction – I think it's just important that all of these recommendations be looked at through that lens, being the best that we can be in terms of our policy and,

in particular, making sure that we as a jurisdiction are a competitive jurisdiction for investment in Alberta. I think that would include a proper balance, of course, an incentive for landowners to in fact have this resource developed on their lands. I think that's covered in the best practices and, again, through the lens of maintaining economic competitiveness.

Mr. Rowswell: These statements that are being made: will that be attached to the report? That's what will happen, right?

The Chair: Absolutely. The motion that's being put forward will be part of a report that we bring back to the Legislative Assembly, and it will . . .

Mr. Rowswell: But the comments with regard to – I'm sorry. Go ahead.

The Chair: Okay. Individual comments: research services will take a look at individual comments and decipher the relevance and the need for that. It's all publicly recorded. *Hansard* is publicly recorded documentation. Research services will prepare a report based on input that the committee has provided. The chair and the deputy chair will take a look at that final report to approve it before it goes towards the Legislative Assembly if that's the will of the committee.

Mr. Stephan: I mean, I trust that the government departments, as part of their stewardship, would already look at it through this lens, but if we wish to consider – not that I have really strong feelings, because I think it's implicit and apparent. At the end of the recommendation – and we could do it with all of them – you could put in at the end of that period the phrase “with reference to best practices and economic competitiveness.” Through that lens it may already occur, in any event. Again, sort of one of the mandates of our committee is to ensure that Alberta is a competitive jurisdiction for attracting investment, including this really important industry.

The Chair: MLA Toor, for clarification, the wording that we had prepared for you with regard to the motion: do you formally move that or have you formally moved that? We are uncertain if that has occurred.

Mr. Toor: We are certain that we moved it.

The Chair: Okay. Thank you. Now we're certain.

MLA Stephan, are you proposing an amendment to the wording of the motion?

10:45

Mr. Stephan: I guess I don't necessarily need to change the wording as long as with our report, if we, in fact, adopt these recommendations, we would recommend that the ministries look at all the recommendations through a lens of the best practices from other jurisdictions and maintaining Alberta as a competitive jurisdiction to make these types of investments. I don't know if that needs to be in every single particular recommendation, if it needs to be modified, but an overarching direction, I think, is that we look at best practices and maintaining the economic competitiveness of Alberta in this industry.

The Chair: Okay. If it's the general will of the committee that research services include that in the report as an overarching comment, is that generally the will of the committee? MLA Dach.

Mr. Dach: Yeah. I'm not necessarily married to that idea. I know that MLA Stephan suggested he wasn't totally concerned with it

one way or the other, and I think his comments about the economic imperative being implicit in the motions is well taken, and I don't know if we need to give overarching direction to the recommendations. I think they're already spoken within the recommendations, and it's unnecessary to try to tilt the flavour of the recommendations one way or the other.

The Chair: Thank you, MLA Dach.

Any other comments with regard to the suggestion from MLA Stephan? Go ahead, MLA Dang.

Mr. Dang: Thank you, Mr. Chair. Just for clarity's sake, is this suggestion, then, for an overarching theme, I guess, as it were, really to say that in the balance of these recommendations we need to take the economic interests over the landowners? Or what's the intention here?

The Chair: MLA Stephan, would you like to comment?

Mr. Stephan: No, I'm not saying that at all. I'm just saying that there's a proper balance, looking at the best practices from other jurisdictions and the overall requirement that Alberta be a competitive jurisdiction to invest in and develop and grow this industry, which I expect is the shared interest of all members of this committee.

The Chair: Thank you.

MLA Issik.

Ms Issik: Thank you, Mr. Chairman. I want to congratulate the research committee on the work that they've done in this report. It was excellent. I just want to state for the record that as an Albertan I have full confidence in Albertans, in landowners and farmers and ranchers, to negotiate good contracts in their own interest. I think that they are all incredibly able to negotiate what is in their best interests, and in fact we do have a process that is fulsome, through the AUC, that was augmented in 2018, to ensure that our environment in Alberta is well looked after. We have hearings that are fulsome, and I wonder how much duplication these recommendations are offering on that front. But I want to make sure that I'm on record as stating that I believe that Albertan landowners are competent and responsible people who are able to negotiate good contracts in their own best interests for their land.

The Chair: Thank you, MLA Issik.

I guess I'll seek the will of the committee with regard to the overarching statement that's being suggested to be included in the report by MLA Stephan. Is there any further discussion on that?

Mr. Stephan: Actually, I just have one comment, as well, as it relates to economic competitiveness. The creation of unnecessary low-utility red tape would impede the economic competitiveness of Alberta as a jurisdiction to grow this industry as well.

The Chair: Thank you, MLA Stephan.

MLA Horner, go ahead.

Mr. Horner: Yeah. Just while we're commenting, I would just like to add that I think that the ministries gave very good presentations, answered most of the questions. I think a lot of this comes down to communication and understanding for the landowners out there.

Saying that, the common theme in the crossjurisdictional analysis seems to be that many jurisdictions were doing something; however, it seemed to fit their own parameters. I think that supporting this will just allow the ministries to take another look. Maybe we are covering all our bases and it's a communication

issue. But I think that for a new industry that's just in its infancy, to have another look and ensure Alberta's landowners that we're taking our considerations at this level, I think that's why I can support this.

The Chair: MLA Dang.

Mr. Dang: Thank you, Mr. Chair. I just have a question for Mr. Stephan there. You had just mentioned low-utility red tape. Could I just delve into that a bit more and say: what does that mean? Like, what counts as low-utility red tape in terms of: are we going back, then, or not interested in certain regulatory protections or systems that are in place as protections for landowners? How would you define that?

The Chair: Anyone wish to respond?

Mr. Stephan: I could try. I mean, I said: low-utility regulations. Again, this is just a committee member's opinion, but we don't want to have regulations that are lower utility and, in fact, create a cost greater than the perceived benefit of the regulation, you know, so excessive government regulation. There's a diminishing return when we have excessive regulation where there's low utility. When there's low utility, I would suggest that that is red tape.

The Chair: Thank you.

I think that as chair I'm just going to rule that we should move ahead with the motion that's on the floor and maybe move ahead with the motions that Mr. Toor was speaking towards, and we'll swing back to this discussion at the end of those motions. Mr. Toor was hoping to get these motions put forward. This overarching statement or a statement at the end of the report: I think that we'll discuss this after we're able to deal with MLA Toor's motions at hand.

Any further discussion with regard to the motion that we have put before us at this time? Yes, MLA Gray.

Ms Gray: Thank you very much, Mr. Chair. I think I'll just take a moment to speak in favour of the motion, based on the presentations we've had from departments, the work that research has done, and then going back to the source document, our Property Rights Advocate office annual report, which I think contains really important recommendations based on that Property Rights Advocate office, what they've seen, heard. So I would just like to speak in support of Mr. Toor's motion.

The Chair: Any further discussion or comments?

Seeing none, I will call the question on the motion moved by Mr. Toor that

the Standing Committee on Alberta's Economic Future endorse recommendation 2017.01, that Alberta Energy and Alberta Environment and Parks develop policy and legislation options to promote greater fairness in the treatment of landowners by operators who lease private property for renewable energy development.

All those in favour? Those opposed? On the phone, any opposed?

That motion carries.

Thank you.

Moving on to recommendation 2, MLA Sweet.

10:55

Ms Sweet: Mr. Chair, just on a point of clarity, is there a way to get a recorded vote?

The Chair: Absolutely. Yeah.

A recorded vote has been requested. I think what we'll do is that I'll ask each member to identify themselves and either be in favour

or opposed to the motion. The committee clerk has informed me that abstentions are allowed also.

We're going to go with raising the hands. I will ask the question, and raising the hands will identify those in favour when I ask the question for those in favour and also, then, for those opposed, and abstentions are allowed.

Mr. Dach: Just a question about this hand-raising technique. Will the member's actual vote be recorded rather than a spoken vote?

The Chair: Yes.

Mr. Dach: It will be recorded?

The Chair: I identify. Okay. I will identify those that have raised their hands in favour, and then I will identify those who oppose.

Mr. Dach: To my experience, it's the first time we've done it this way. What would prevent us from just simply doing it the way we've always done it and go around and record the vote as per usual?

The Chair: I think it's the changing in the standing orders in the allowance for abstentions. So I will identify those that vote in favour, and I will identify those that vote opposed.

Okay. Calling the vote, all those in favour, please raise your hand at this time. I have Vice-chair Goehring, MLA Rowswell, MLA Jones, MLA Horner, MLA Allard, MLA Stephan, MLA Gray, MLA Dach, MLA Sweet.

I don't know how to see the hands on the phone. I haven't come to that. Any in favour on the phones, identify yourself, please.

Mr. Dang: Thomas Dang.

The Chair: Thomas Dang in favour.

Those opposed? I have MLA Issik, MLA Reid. Any on the phones?

Thank you.

We have 10 in favour and two opposed.

The motion is carried.

Thank you.

Mr. Dach: Is it incumbent upon you to call for abstentions, or just by the factor of arithmetic you've learned there have been none? If there were missing votes, would that . . .

The Chair: For clarification on the new standing orders I will ask Trafton Koenig to help us in that regard.

Mr. Koenig: Thank you, Mr. Chair. This is a result of the change to the standing orders in which abstentions are not recorded. So members who don't wish to vote are no longer compelled to vote. The only records that are kept are people voting for the motion or against the motion.

The Chair: Okay. Now we can move on. Further comments, motions, suggestions with regard to recommendations 02, 03? What are the wishes of the committee?

MLA Gray.

Ms Gray: Thank you very much, Mr. Chair. I will just lead off the discussion by expressing my support for both motions moved by Mr. Toor, motion 2 as well as motion 3, although I believe we're dealing with them separately, endorsing that recommendation from the Property Rights Advocate office that policy and legislative options be explored by the appropriate ministries.

Thank you.

The Chair: Thank you, MLA Gray.

There is no motion formally on the table at this time. I look towards if a member would – MLA Gray.

Ms Gray: Thank you very much, Mr. Chair. My apologies. I think I misunderstood the intention of Mr. Toor earlier. Let me move that: the Standing Committee on Alberta's Economic Future endorse the recommendation that Alberta Energy and Alberta Environment and Parks develop policy and legislative options to increase access to justice through processes external to the courts that are designed to promote resolution of disputes between property owners and developers.

Having said that, I will also say my intention is to endorse the recommendation from the Property Rights Advocate, so friendly amendments to make sure that intention is withheld either by Legislative Counsel or other members are welcome.

The Chair: Thank you, MLA Gray.

Our clerk is ensuring that the wording comes before you. Essentially, moved by Ms Gray that

the Standing Committee on Alberta's Economic Future endorse recommendation 2017.02, that the Property Rights Advocate office recommends Alberta Energy and Alberta Environment and Parks develop policy and legislative options to increase access to justice through processes external to the courts that are designed to promote resolution of disputes between property owners and developers.

Any discussion, comments with regard to the motion? Anyone on the phones wishing to speak to the motion?

Hearing none, I will call the vote. All those in favour of the motion as moved by Ms Gray? Okay. Thank you. On the phones? Thank you. Any opposed? Seeing none,

I call that motion carried.

Any further discussion with regard to the Property Rights Advocate report? Any further motions? MLA Dach.

Mr. Dach: I believe there's another motion that I would like to propose. It's basically in support of the Property Rights Advocate's findings. I would like to move, sir, recommendation 2017.03, that: the Standing Committee on Alberta's Economic Future endorse the recommendation that Alberta Justice and Solicitor General develop policy and legislative options to promote a greater sense of understanding by Albertans on what compensable takings are and how appropriate compensation is determined; options to be considered include whether to create a real property bill of rights or public education initiatives.

The Chair: Thank you, MLA Dach. I think it's pretty clear what's been proposed through the motion, essentially that the Standing Committee on Alberta's Economic Future endorse recommendation 2017.03. Any discussion with regards to this motion? On the phones?

Hearing none, I will call the question on the motion as moved by Mr. Dach, that

the Standing Committee on Alberta's Economic Future endorse recommendation 2017.03, that Alberta Justice and Solicitor General develop policy and legislative options to promote a greater sense of understanding by Albertans on what compensable takings are and how appropriate compensation is determined; options to be considered include whether to create a real property bill of rights or public education initiatives.

11:05

All those in favour? Any opposed? On the phones, in favour? Any opposed on the phones?

That motion is carried.

Any further discussion with regard to the report that we will develop for the Legislative Assembly?

Mr. Rowswell: Is it assumed, then, that MLA Stephan's overarching thing will be in the report, or do we have to . . .

The Chair: I think we have that to determine at this time.

Mr. Rowswell: Okay. Fair enough.

The Chair: If that's the wish of the committee, legislative services, research services will include that in the report. That's for the committee to direct on. Is there a wish to include that in the report? Parliamentary Counsel Koenig.

Mr. Koenig: Thank you, Mr. Chair. If it's helpful for committee members, there is a differentiation between a note and a report indicating that discussion occurred on a certain point and an observation or a recommendation of the committee that's going to the Assembly. If the committee wishes to make a formal recommendation on a certain issue or point, that would typically occur through a motion. If the committee just wishes to have a note in the report that something was discussed and there's, you know, no formal sort of recommendation going forward, then no motion would be required.

Ms Sweet: Mr. Chair, maybe it would be for the benefit of the committee to maybe walk through the process of the report being written and then what happens in the Legislature and whether it's debatable or not because then the members will understand if they have the opportunity to speak to the report in the House or if it's just a motion that occurs in the House.

The Chair: Okay. I am going to refer to our Parliamentary Counsel to give some clarification on that.

Dr. Massolin: Thank you, Mr. Chair. I'll talk about the report because research services, I think, will be directed by the committee to prepare the report. In the past the Standing Committee on Resource Stewardship has taken this on, and now it's a different committee. I'll just give you a little bit of a sense of what's happened in the past. It doesn't mean, of course, that the committee can't direct us in research services to deviate from what's happened in the past.

The past reports have included an introductory section which basically indicates how the matter was referred by the Assembly to the committee, pretty straightforward. The second section is an executive summary, basically summarizing the recommendations. The third section talks about committee activities, explaining the committee's meetings and so forth, and then including a little bit of contextual information that informs the committee recommendations. I think this is the point at which you're finding yourselves here: what to include in terms of informing those recommendations. That's the big portion of the report, so in sections 3 and 4. That's basically it. Thank you.

Sorry. I've just been kindly reminded by your committee clerk, Aaron, that the process at this point would be for us to prepare a draft, you know, assuming that that's the format the committee wanted – you can deviate from it, as I said – pending a motion that comes forward. What has traditionally happened in the past is that the motion comes forward, approved by the committee that the chair and deputy chair approve the report. After, of course, the committee reviews the draft report and provides any feedback, and then it goes to the chair, deputy chair for approval, at which time the report would be ready for tabling in the Assembly.

At this point I'll defer to my colleague Mr. Koenig to explain what happens in the Assembly.

Mr. Koenig: I don't have much more to add. Typically during the daily Routine under Presenting Reports by Standing and Special Committees the chair of the committee would offer that to the Assembly at that point.

The Chair: Question for clarification: is it debatable at that point in time?

Mr. Koenig: I believe that there would not be a debate at that point during the daily Routine because it's just presenting the report to the Assembly, so I don't believe there would be a discussion at that point.

The Chair: Okay. Thank you for that clarification. Anything further?

Ms Sweet: Thank you for the clarification. I think that in saying that, then, if there is a will of the committee that they feel that something should be in the report, they should decide if they would like that in the report as there's no opportunity past this point except for the review of the draft report to have any comment further.

Mr. Stephan: Just a point of clarification. So we will have the draft report, and we will be able at that point to suggest any, I guess, comments as well before it goes into, you know, being presented. Is that right?

The Chair: Typically what will happen – now, this is typical, but it's still the will of the committee to decide – is that the content for the report would be suggested by the committee at this point in time, and then a draft report would be drawn up by leg. services, research services, and then the chair and the deputy chair would have opportunity to approve that prior to being introduced to the Legislative Assembly. Am I correct?

Dr. Massolin: Yes, you are correct. I would just add, on the part where it's circulated to committee, that I don't think there's an opportunity for, you know, a free flow of additional sort of information for the committee report but, rather, just basically looking at it and endorsing it more or less. I mean, obviously, there are certain concerns that can be raised, but I don't think it's a renewed opportunity for committee members to contribute to the report.

Thank you.

The Chair: The role of the chair and the deputy chair at that time would be to essentially take into consideration the committee's desire for what would be contained in the report and to see that research services has contained all of those aspects within the report.

At this point in time I see that we have three motions that will be included in that report that the committee would recommend at the time and really not anything further than that a healthy discussion has taken place.

The committee clerk has made me aware that if there was a will of the committee to have the committee review the report and have another meeting to review the report, there's potential for that also if the committee so wishes.

MLA Gray.

Ms Gray: Thank you, Mr. Chair. Based off the meetings and discussions and deliberations to this point, I suspect, should all

committee members have been given the opportunity to review the report – I think it's unlikely that we would need another meeting.

Perhaps, if we could have the draft report circulated and if someone had at that point a critical issue or something that needs another meeting at that point, then we can deal with it at that time. I don't anticipate that that is likely to happen, but as meetings are called at the chair's discretion, should a member feel that they need to re-express something or clarify something, we could address it at that time. But I'm hearing from members an interest in the draft report, so perhaps we could circulate the draft report to all members, and members can communicate to you, the chair, any feedback that they have if other members are in agreement.

11:15

The Chair: What I'm gathering from the committee is that the report will be a very simple reflection on the recommendations that are before us and the motions that we've passed at this time. I don't see that there's anything that would negate another meeting. We do have to recognize that we are under certain time constraints, to be prepared to report back to the Legislative Assembly within, I believe, 15 sitting days, so we have limited opportunity to meet again if required. So I really encourage members, if they have something that they believe should be included in the report, to speak at this time and to ensure that the committee has opportunity to deliberate on that and to decide whether it should be included in the report.

Mr. Stephan: I mean, I don't have much to say about the report. I'm sure it will be excellent. One suggestion is that, you know, we could put in the sentence: the committee recommends that the advocate's recommendations be considered with reference to best practices in other jurisdictions and economic competitiveness, including red tape reduction considerations.

The Chair: Are you moving a motion to include that in the report?

Mr. Stephan: Sure.

The Chair: Okay. We'll try and get a draft up here for you.

Ms Goehring: Do you have it written down so you can just send it?

Mr. Stephan: No. It's just one sentence.

The Chair: Okay. We'll work with you.

Mr. Stephan: Do you want me to – and it can be: the committee recommends that the advocate's recommendations be considered with reference to best practices in other jurisdictions and economic competitiveness, including red tape reduction considerations.

The Chair: Okay. Does what the clerk has before you reflect your intentions, MLA Stephan?

Mr. Stephan: Yeah. It's good.

The Chair: Okay. I open the floor to discussion with regard to this motion. MLA Allard.

Mrs. Allard: Yes. Thank you, Mr. Chair. I'm prepared to support this motion as presented. I think that it underscores the discussion that we've had in committee today and the balance of the two interests with respect to property rights.

The Chair: Thank you.

Any other comments or suggestions?

I would suggest also that the report will contain some of the work that we've done, the meetings that we had, the work that research services has done for the committee. Some of those will also be highlighted to identify some of the process that we went through.

Any further discussion on this motion? On the phones? We have a motion before us. Moved by Mr. Stephan that

the Standing Committee on Alberta's Economic Future recommend that the advocate's recommendations be considered with reference to best practices in other jurisdictions and economic competitiveness, including red tape reduction considerations.

Seeing no further discussion, I would call the question. All those in favour of the motion by Mr. Stephan, please say aye. Any opposed? On the phones, those in favour? Any opposed?

That motion is carried.

Thank you.

Any further discussion from the committee with regard to the content within a report from the committee?

Mrs. Allard: Just a point of clarification. With respect to the research that was provided to us, will that be provided as an addendum to the report? We referenced the best practices in other jurisdictions. That's why I'm asking.

The Chair: Okay. Research services, Dr. Massolin.

Dr. Massolin: Thank you, Mr. Chair. Typically this type of research would not be included as an addendum or an appendix, but it could be upon the committee's direction.

The Chair: Okay. Thank you, Dr. Massolin.

Mr. Stephan: I think the research – you know, they put a lot of hard work into it. I think it can help inform reference to other best practices as the various departments consider how they can best create the best framework for Alberta in respect of this important industry. It would help them to not reinvent the wheel in finding out some of those best practices.

The Chair: Okay. Thank you, MLA Stephan.

MLA Horner and then MLA Goehring.

Mr. Horner: Well, that was basically my comment.

Ms Goehring: My understanding is that because it's available online, that would be something that they would automatically review because there's a statement in our motion indicating that it should be reviewed. It's already available. I would suggest that we're just repeating documents.

The Chair: Okay. Thank you, Deputy Chair Goehring. That is correct. It will be attached to the minutes of the proceedings of our meeting, so it is available for those who need to see that information and to see that research.

Ms Sweet: Can I see the motion again, please? Just a point of clarity.

The Chair: The motion is passed.

Ms Sweet: I know. I'm just asking to read it.

The Chair: Oh. Sorry. Okay.

Ms Sweet: Just a point of clarity: when we recommend that the advocate's recommendations be referenced for best practice, who are we assigning that to?

The Chair: I would suggest that the ministries that are being charged with regard to the recommendations would take under consideration best practices in other jurisdictions and economic competitiveness, including red tape reduction. I think it essentially moves into the ministry's hands after our report is completed and accepted, and then the ministry will need to take those recommendations from the advocate under consideration with this in mind.

Ms Sweet: Thank you.

Dr. Massolin: Can I just add something?

The Chair: Yes, Dr. Massolin.

Dr. Massolin: Just for completeness in our discussion here so the committee is aware as to what happens to this report, as Mr. Koenig said, the report is tabled in the Assembly, and then, as you suggested, it would go to the appropriate ministries. But then I would also refer the committee members to Standing Order 52.09. In there it indicates, under suborder (1), that the government has 150 days from the date on which the committee reports to respond, and in the past the government has responded. Those letters have been included in the advocate's report as well.

Thank you.

11:25

The Chair: Thank you for that clarification, Dr. Massolin.

Any further discussion at this time?

If not, we need a motion essentially directing research services to prepare a report. We've had some discussion about whether or not that should be a report that's approved by the chair and deputy chair or distributed amongst all members and then approved through the mechanisms of chair, deputy chair. We have options available to us. We also have the option of calling another meeting, but we do have some time constraints with regard to that.

A possible motion that has been suggested is: moved by a member that the Standing Committee on Alberta's Economic Future direct research services to prepare a report regarding its review of the 2017 annual report of the Property Rights Advocate office in accordance with the committee's recommendations and authorize the chair and deputy chair to approve the committee's final report to the Legislative Assembly on or before October 4, 2019. I have MLA Allard and then MLA Dach.

Mrs. Allard: I was just going to say: so moved.

The Chair: Okay. MLA Allard moves. We'll get the motion up, and then you can speak to it.

Okay. Thank you, committee clerk.

MLA Allard, would you wish to speak to your motion?

Mrs. Allard: Thank you, Mr. Chair. I believe that the report will be fairly simple in that we're using the exact language from the advocate's report and then just adding Mr. Stephan's recommendation. Barring something unforeseen, I don't think that there will be a reason to meet again, and I would support the motion as presented.

The Chair: Thank you.

MLA Dach.

Mr. Dach: I actually was going to offer to pose the motion, so I will speak in favour.

The Chair: Okay. Thank you.

Any other comments? Any other discussion?

Okay. The committee clerk has asked, if there was any appetite, if they wanted to have the research services' crossjurisdictional report included in this report. If there's an appetite for that, that could be done. MLA Allard.

Mrs. Allard: Thank you. Since I asked the question and there was clarification that it'll already be provided, I don't think it's necessary. Thank you.

The Chair: Thank you.
Any other discussion?

Mr. Dach: What was the input from research services?

The Chair: Earlier we had discussion with regard to including the crossjurisdictional report in our report to the Legislative Assembly, and it's been clarified that that report is available to those wishing to see it. It's part of our minutes, so there is transparency available and opportunity for people that are interested to access that report.

Mr. Dach: Thank you for clarifying that.

The Chair: Thank you.
Seeing no more discussion – on the phones, any further discussion on the motion?

An Hon. Member: No.

The Chair: Okay. Thank you.

Then I will call the question. Moved by Mrs. Allard that the Standing Committee on Alberta's Economic Future direct research services to prepare a report regarding its review of the 2017 annual report of the Property Rights Advocate office in accordance with the committee's recommendations and authorize the chair and the deputy chair to approve the committee's final report to the Legislative Assembly on or before October 4, 2019.

All those in favour, say aye. Any opposed? Those on the phone, in favour? Any opposed on the phone? Thank you.

That motion is carried.

Okay. That brings us to a conclusion on our agenda item 4(c).
Okay. Dr. Massolin, a comment?

Dr. Massolin: Thank you, Mr. Chair. Maybe the committee are going to get frustrated with me because I'm going to go back to that report that we just talked about, the crossjurisdictional. Just for complete clarification on that, as was indicated, the report will become public upon approval of the minutes. It's attached to the minutes. You might ask: when are those minutes going to be approved? Well, they're going to be approved at the next meeting of this committee, which is probably going to be for estimates – right? – so in the meantime you won't have that report. I would suggest that if the committee wants to make it public – in other words, post it to the public website of this committee – you move a motion to that effect right away.

The Chair: Okay. Having heard the suggestions from Dr. Massolin, is that time delay of concern to committee members? MLA Reid.

Mr. Reid: Yes.
I'll make that motion.

The Chair: Okay. While the clerk is getting the motion up onto the screen, any comments? MLA Reid, would you have any comments with regard to the motion?

Mr. Reid: I think that just in terms of having the information available prior for information purposes, it is essential.

The Chair: Thank you.
Any further discussion or comments? Are we complete?
MLA Reid, does the wording as presented reflect your intent?

Mr. Reid: Yes.

The Chair: Thank you.

Mr. Dach: Since we're speaking in terms of time being of the essence, perhaps it should be noted in the motion when it will be posted. I'm just not assuming it will be immediate, or is that inherent in the motion?

Dr. Massolin: We could do it today.

The Chair: Okay. Would you like that included?

Mr. Dach: If it's the will of the committee.

The Chair: Research services has informed us that they're able to do it today.

Mr. Dach: Yeah. Well, that's fine. Just leave it as is, then, if it's clear that it will be done right away.

The Chair: Okay. Thank you.
Any further discussion?
All those in favour, please say aye. Any opposed? On the phones, in favour? Any opposed?
That motion is carried.

Thank you.

Okay. We have completed our 4(c), deliberations and report.

11:35

We'll move on to other business. Hon. members, on September 18, 2019, the committee clerk had posted a letter received from the Canadian Wind Energy Association to the committee's internal website. Does any member have comments or questions in regard to this letter? You have access to that letter on the committee's website. I wish to thank the Canadian Wind Energy Association for their input and thank them for giving us that information.

With that, the date of the next meeting. I would suggest that it be at the call of the chair if that's acceptable to members, likely before estimates.

Okay. We have come to the end of our agenda. Anything further?
A motion to adjourn would be acceptable. Moved by MLA Allard. All in favour? Any opposed? Carried.

Thank you, members.

[The committee adjourned at 11:36 a.m.]

