



Legislative Assembly of Alberta

The 30th Legislature  
Second Session

Select Special  
Committee on  
Real Property Rights

Monday, May 17, 2021  
10 a.m.

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The 30th Legislature  
Second Session**

**Select Special Committee on Real Property Rights**

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**10 a.m.****Monday, May 17, 2021**

[Mr. Sigurdson in the chair]

**The Chair:** Good morning, everyone. I'd like to call the first meeting of the Select Special Committee on Real Property Rights to order and welcome everyone in attendance.

My name is R.J. Sigurdson, MLA for Highwood and chair of this committee. I'd ask that members and those joining the committee at the table introduce themselves for the record, and then I will call on those joining in by videoconference. I will begin to my right.

**Mr. Rutherford:** Thank you. Brad Rutherford, MLA, Leduc-Beaumont.

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

**Mr. Orr:** Ron Orr, MLA for Lacombe-Ponoka.

**Mr. Milliken:** Nicholas Milliken, MLA for Calgary-Currie.

**Mr. Schmidt:** Marlin Schmidt, Edmonton-Gold Bar.

**Mr. Nielsen:** Good morning, everyone. Chris Nielsen, MLA for Edmonton-Decore.

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

**Ms Govindarajan:** Vani Govindarajan, office of Parliamentary Counsel.

**Mr. Kulicki:** Good morning. Michael Kulicki, clerk of committees and research services.

**Mr. Huffman:** Good morning. Warren Huffman, committee clerk.

**The Chair:** Joining us by videoconference, we have Ms Ganley. Can you please introduce yourself?

**Ms Ganley:** Good morning. Kathleen Ganley, MLA for Calgary-Mountain View.

**The Chair:** As well, we have Ms Glasgo. Please introduce yourself.

**Ms Glasgo:** Good morning. Michaela Glasgo, MLA, Brooks-Medicine Hat.

**The Chair:** As well, we have Ms Goodridge.

**Ms Goodridge:** Good morning. Laila Goodridge, MLA for Fort McMurray-Lac La Biche.

**The Chair:** And finally, Mr. Hanson.

**Mr. Hanson:** Good morning. Dave Hanson, MLA, Bonnyville-Cold Lake-St. Paul.

**The Chair:** A few housekeeping items to address before we turn to the business at hand. Pursuant to the February 22, 2021, memo from the hon. Speaker Cooper I would remind everyone of the updated committee room protocols, which encourage members to wear masks in committee rooms and while seated except when speaking, at which time they may choose not to wear a face covering. Based on the recommendations from the chief medical officer of health regarding physical distancing, attendees at today's meeting are

reminded to leave the appropriate distance between themselves and other meeting participants.

Please note that the microphones are operated by *Hansard* staff. Committee proceedings are live streamed on the Internet and broadcast on Alberta Assembly TV. The audio- and videostream and transcripts of the meeting can be accessed via the Legislative Assembly website. Those participating by videoconference are asked to please turn on your camera while speaking and mute your microphone when you are not speaking. Members participating virtually who wish to be placed on a speakers list are asked to e-mail or send a message in the group chat to the committee clerk, and members in the room are asked to please signal to the chair. Please set your cellphones and all other devices to silent for the duration of the meeting.

Hon. members, section 6 of the Legislative Assembly Act authorizes members of the committees of the Legislative Assembly to participate by teleconference or other methods of communication if unanimous consent is granted. As members are aware, the committee rooms are equipped to facilitate meeting participation by teleconference and videoconference. For members to participate at this meeting using one of these methods, the committee either must pass a motion unanimously to allow for teleconferencing and videoconferencing today, or members may instead pass a motion to approve attendance by teleconference or videoconference for the duration of the committee's mandate. This would not preclude the committee from determining that members' attendance in person at specific committee meetings is required.

Do members have any questions about this issue? If not, would there be a member willing to move a motion to authorize participation by teleconference or videoconference? I recognize Mr. Orr.

**Mr. Orr:** Mr. Chair, I do have a question. Oh, you know what? Never mind. I'll save it for later.

Thank you.

**The Chair:** If there are no other questions, is there anyone that would wish to move a motion for this?

**Mr. Nielsen:** So moved, Chair.

**The Chair:** Motion moved by Mr. Nielsen. I do believe that for the purpose of those on – we will get it up on the screen here quickly.

**Mr. Nielsen:** For the duration.

**The Chair:** For the duration? Thank you, Mr. Nielsen.

Okay. So I'll read it out. Moved by Mr. Nielsen that for the duration of its mandate the Select Special Committee on Real Property Rights permit Members of the Legislative Assembly to participate in committee meetings by teleconference or videoconference subject to the proviso that the committee may require members' attendance in person at a particular meeting upon passage of a motion to that effect.

Mr. Nielsen, does that reflect the intention of your motion?

**Mr. Nielsen:** Yeah. You took the words right out of my mouth.

**The Chair:** Excellent.

All those in favour? All those opposed? Seeing none, that motion is carried.

Moving on to agenda item 3, now, of course, we are involving those on videoconference for votes for the rest of the meeting. Are there any changes or additions to the draft agenda?

If not, would somebody like to make a motion to approve the agenda?

**Mr. Milliken:** I make a motion to approve.

**The Chair:** Yeah. Thank you, Mr. Milliken. Moved by Mr. Milliken that the agenda for the May 17, 2021, meeting of the Select Special Committee on Real Property Rights be adopted as distributed. All those in favour? On videoconference? Thank you. All those opposed? Those on videoconference? That motion is carried.

Moving on to item 4 on the agenda, committee orientation, (a) mandate, hon. members, on March 22, 2021, the Legislative Assembly approved Government Motion 69, which sets out this committee's mandate. For members' reference, a copy of Government Motion 69 is available on the committee's internal website. As members will appreciate, this committee has been given a broad mandate to review issues related to real property rights in Alberta, and we are required to report our recommendations to the Assembly by December 15, 2021.

In accordance with Government Motion 69 this committee may consider:

- (a) whether the legal remedies available to a real property owner who is deprived of the use of their real property are adequate;
- (b) whether the real property rights should be expanded, or in the case of an individual, constitutionally protected;
- (c) whether the law of adverse possession should be abolished;
- (d) whether the expropriation processes provided under the Expropriation Act are adequate;
- (e) any other matter that the committee decides is necessary to ensure the completeness of its review;

Additionally,

3. The committee may, if it considers it relevant to its mandate, review any part of the following acts, including any regulation made under that act:

- (a) Alberta Bill of Rights;
- (b) Alberta Land Stewardship Act;
- (c) Expropriation Act;
- (d) Land Titles Act;
- (e) Law of Property Act;
- (f) Limitations Act;
- (g) Responsible Energy Development Act;
- (h) any other act, a review of which the committee [deems] necessary to ensure completeness of its review.

Furthermore, on April 12, 2021, Bill 206, Property Rights Statutes Amendment Act, 2020, was referred to this committee in accordance with Standing Order 78.1. As this is a bill that has received second reading, this committee is required to report to the Assembly in accordance with Standing Order 78.3(1) on whether this bill should proceed as is, proceed with amendments, or else not proceed.

That is a brief overview of the committee's mandate. Do members have any comments or questions specifically about our mandate?

**Mr. Nielsen:** Mr. Chair, I believe that maybe our mandate might be a little bit short in its scope. I do have a motion that I can submit here and then speak to it, or would you like me to speak and then make the motion?

**The Chair:** I apologize; one second, Mr. Nielsen.

**Mr. Nielsen:** Yeah. That's all right.

**The Chair:** We're still going through, of course, the committee explanation.

**Mr. Nielsen:** We'll figure it out.

**The Chair:** Yeah. Thank you. Mr. Nielsen, I would think that the appropriate time for motions at this time would be under 5(b) of the agenda as submitted.

**Mr. Nielsen:** Okay.

**10:10**

**The Chair:** Under item (b) I will explain the committee support that this committee has at this time. As we conduct our review, we have the nonpartisan support of the Legislative Assembly Office, including Michael Kulicki, clerk of committees and research services, who oversees committee operations and attends meetings to receive research assignments from the committee and co-ordinate the work of the research team to ensure completion of research requests. Warren Huffman is the committee clerk assigned to the committee and is available to provide administrative and procedural assistance. Vani Govindarajan is legal counsel with the office of Parliamentary Counsel and will be available to provide the committee with legal advice if necessary. Dr. Sarah Amato and Dr. Melanie Niemi-Bohun are the LAO research officers assigned to this committee. We can also request assistance from corporate communications if we need their expertise.

In addition to the staff that often join us at the table, there are staff from other Legislative Assembly Office branches who support our meetings, which include committee operations staff; members of the Legislative Assembly security services; the *Alberta Hansard* staff, who record and transcribe the proceedings; and we have the experts from ITS, who are working hard for us behind the scenes.

Agenda item 5, determination of scope of review, (a) subcommittee on committee business. Given the breadth of this committee's mandate, one of the first tasks facing members will be to determine the scope of the committee's review and the issues within the committee's mandate that members would like to focus on. But before the committee proceeds with this task, members should first consider what sort of process they would like to use to facilitate this work.

As members will be aware, Standing Order 52.011(1) provides this committee with the power to appoint a subcommittee. Although we are not required to establish a subcommittee on committee business, members may find it beneficial to create one to help us define the scope of our review and, more generally, to ensure that we set out an efficient review process. In most cases, unless otherwise directed by the committee, subcommittees meet off the record with the support of the committee clerk, research and committee services, and Parliamentary Counsel as required.

As substantive motions were required to be filed in advance for this meeting, my understanding is that members may be interested in establishing a subcommittee. At this time I would look for a member who would wish to put forward a motion. Go ahead, Ms Ganley.

**Ms Ganley:** Sorry. Apologies. I am not the person moving the motion. I perhaps put that in the chat a tiny bit prematurely.

**The Chair:** Thank you.

Mr. Orr.

**Mr. Orr:** Yeah. I would like to move a motion in this regard, and I think it was presubmitted, as required. I believe it's motion 1. Does the clerk want me to read it into the record?

**Mr. Huffman:** Yeah. You can read it.

**Mr. Orr:** Okay. I move that  
the Select Special Committee on Real Property Rights

- (a) establish a subcommittee on committee business to meet from time to time at the call of the chair of the subcommittee to, among other things,
  - (i) develop recommendations on the scope of the committee's review and how to organize the review process,
  - (ii) develop recommendations on any other matter that the committee refers to the subcommittee for review, and
  - (iii) present to the committee from time to time its recommendations, and
- (b) approve the following requirements that apply to the subcommittee and its membership:
  - (i) the presence of two-thirds of the subcommittee is necessary to constitute a quorum;
  - (ii) the subcommittee is to be composed of (a) a chair, being the deputy chair of the committee, (b) three additional members of the government caucus, and (c) two members of the Official Opposition;
  - (iii) substitutions from the membership of the committee are to be permitted on the subcommittee.

Mr. Chair, I think that this is important and that it will expedite the committee's work. The overall mandate of the committee is quite robust, and subcommittees are an effective way to have discussions and to establish recommendations for the main committee, so I think that that will be helpful. Of course, the main committee retains authority to accept or reject any of those recommendations from the subcommittee. If there are members that want to be noted on the record for something specific, they'll certainly have that right and opportunity to do so at that time with the full committee.

I think, of course, that it's understood that the subcommittee meetings will be scheduled sort of as these meetings, by trying to find a time when all members are able to attend.

That's my motion. I think it's important, and I'll leave it at that. Thank you.

**The Chair:** Thank you.

Are there any questions or comments? Ms Ganley, please go ahead.

**Ms Ganley:** Yes. I think some of my colleagues have some motions coming with respect to this, but I would just like to state in the strongest possible terms my objection to the way this subcommittee is set up. In my view, I mean, first of all, the way the numbers are set up, the committee can meet entirely absent of the presence of any member of the Official Opposition, so it can be just government MLAs.

In addition to that, it essentially takes what is potentially the substantive work of the committee and moves it off the record. I think that that is a serious blow to transparency, and I think that, for me, it is a serious concern. Subcommittees in this Legislature have generally been, you know, two or three members who deal with issues of procedure, so things like scheduling, and that makes a lot of sense, but this sort of new move to try to move the substantive work of the committee off the record I think is a significant blow to both transparency and democracy.

I will leave it there, but that is my objection.

**The Chair:** Are there any further questions or comments? Ms Sweet.

**Ms Sweet:** Well, thank you, Mr. Chair. I do have an amendment to the motion, which I believe is 01(1), how it's listed online. I'll speak a little bit to it before I get to the actual wording of the amendment. I've sat on a few of these committees already in the past that have been set up in this format, whether it be looking at democracy and

some of the bills that were associated with that committee as well as a few of the other committees that have been ad hoc'd by the government. What has come out of those meetings specifically has been that, as my hon. colleague just mentioned, a lot of work that should be done in the public eye and should be something that the public is aware we're discussing – to be able to hear both sides of the debate has been halted, and what has been happening with these changes to the mandates of these subcommittees is that decisions are being made, brought to committee on the record with basically the votes already decided.

I'm uncomfortable with that given the scope of this committee and the overall impact that it will have on Albertans' livelihoods, whether it be farmers and ranchers, whether it be the forestry industry, looking at coal, and just the overall mandate of this legislation. I think Albertans have a right to know what we're saying, what should be on the record, and how the decisions are being made.

With that, my amendment basically speaks to:

(a)(i) striking out "develop recommendations on the scope of the committee's review and how to"; in (b)(i) adding ", which must include a member of the Official Opposition" after "two-thirds of the subcommittee"; and adding (c): "Notwithstanding subsections (a) and (b), the committee cannot refer issues that comprise the substantive work of the committee to the subcommittee for recommendation."

Basically, what this amendment will do is ensure that any time the subcommittee meets, there is at least a member of the opposition present during those discussions. The subcommittee would not be able to meet without a member of the opposition. In addition to that, the substantive work – so if we are dealing directly with pieces of legislation and making recommendations that will go to the Legislature, those decisions cannot be made in subcommittee and, in fact, should be made on the record with the committee of the whole.

**The Chair:** Thank you.

Currently we have an amendment on the floor. Is there anyone else wishing to speak? Mr. Milliken.

**Mr. Milliken:** Thank you, Mr. Chair. I appreciate all the work that's been done already at this point. I think that one thing that's always important to remember is that these committees are struck courtesy of the Legislature as a whole, and they operate under the standing orders. A lot of it is quite similar to the operations in the Legislature, and there is, of course, nothing in the Legislature that stops business from being done if an opposition member doesn't show up in the Leg. I think that having a similar logic from that to here makes sense, especially because of the fact that we've already stated that, of course, all meetings with regard to the subcommittee would be made in good faith.

**10:20**

I also have sat on a previous subcommittee, and I think that it was a great opportunity for all members, from all sides, to discuss matters that were important to the subcommittee. Then, especially in this case, what we've got is a situation where, if there are recommendations from the subcommittee, those recommendations, of course, come back to the full committee, which allows that if there are issues that people really want to have on the record, that opportunity would be there.

I think that with that, the original motion, in my view, is capable of ensuring that this committee and therefore the subcommittee can act in a very effective way. As such, I will be voting against the amendment.

**The Chair:** Thank you.

Next we have Ms Ganley.

**Ms Ganley:** Thank you. I'd like to speak in support of the amendment. I think it's important to ensure that members from both sides are able to participate in the subcommittee. While I recognize the points made, that the Legislature is able to conduct its business whether the opposition comes or not, the difference between this subcommittee and the Legislature is that the time at which the Legislature sits is known to all, so it's very easy to work into one's schedule. Meanwhile meetings of the subcommittee could be called at the last minute, with very little notice, when members are on the road or otherwise engaged in such a way that they simply can't attend. That is my concern.

I recognize Mr. Milliken's statement, "Oh, trust us," but I don't think anyone will be surprised to discover that, you know, the best predictor of future behaviour is past behaviour. I would prefer to have a rule in place that ensures fairness rather than simply being asked to trust that that will be the case, so I will be voting in favour of the amendment.

**The Chair:** Are there any further comments or questions? Mr. Nielsen.

**Mr. Nielsen:** Thank you, Mr. Chair. I certainly would like to see this amendment pass. I think that requiring a member of the opposition to be present is not unprecedented. That actually exists in language with the subcommittee on private members' business. It's worked just fine. There have never been any issues around that. It just ensures that at least one member is present to represent the Official Opposition or members of the opposition, so in this case – you know, again, as I've always said in the House, it always comes down to language.

Right now the motion that's proposed simply says: "two-thirds of the subcommittee." If for some reason notices aren't sent out and members of the opposition don't get them, they don't know about the meeting. As long as two-thirds of the committee show up, quorum is met and business can be done. I think it would be prudent for us to put this in. Again, it's not unprecedented. It's working just fine in private members' business.

In terms of the substantive business being done, you know, we are talking about a subject that is very, very real and front and centre for Albertans. I think that to conduct discussions with regard to their property rights that are not on the record, where they can't listen in, where they're not able to necessarily reach out to their local MLAs about things that are discussed at the time is a disservice to Albertans, and it seems like it will be taken as the committee trying to hide things.

So I'm certainly voting in support of the amendment. I would urge members of the committee to very seriously consider this and the Albertans that they represent and to just put on the record what's going on so that they're able to get feedback from their constituents on what's going forward, any potential changes that might be made because of those discussions.

**The Chair:** Next we have Ms Goodridge.

**Ms Goodridge:** Thank you, Mr. Chair. First of all, I just wanted to – the comments made by Mr. Nielsen suggest that perhaps the opposition wouldn't receive the alert for a meeting. Those are generally sent out, if not always, by the committee clerk, so I'm not sure how that would even go about happening. I was just wondering if the committee clerk can clarify: is a subcommittee doing substantive work on scope standard?

**Mr. Huffman:** Thank you, Mr. Chair. It depends on the motion set to put out the mandate of the subcommittee, what the committee grants to the subcommittee as their powers. You know, it would depend on what the committee wanted to do.

**Ms Goodridge:** Then it's not abnormal?

**Mr. Huffman:** No, I don't believe so. I think it's been done in the past.

**The Chair:** Thank you.

Mr. Orr.

**Mr. Orr:** Yeah. Thank you, Chair. I would just like to point out, in the interests of fairness on both sides here, that the opposition members do have the full right and opportunity, if they are travelling or whatever, not able to attend – members of the subcommittee do have the full right of substitution from their other members of the committee to fill in and cover for them.

Secondly, quite frankly, I think that they're probably as aware as we are that, especially in a situation where the members of the opposition don't necessarily even want the subcommittee to do its work but want it all on the main committee, it would be possible for them to actually just not show up for subcommittee meetings and thereby scuttle any opportunity of the subcommittee to function, which would be a concern of trust either way. I think they should have worded their motion somewhat differently if they were really serious about this. I mean, this cuts both ways: are we going to trust each other or not? I won't vote for the amendment for that reason.

Thank you.

**The Chair:** Thank you.

I'm starting to see a similar theme here happening with the debate back and forth, but I will go to Ms Sweet. Please go ahead.

**Ms Sweet:** Well, thank you, Mr. Chair. I'll just hopefully summarize, and then maybe we can move to a vote on the amendment. I think the fact that we're spending time on this conversation alone should speak to the fact that this is why it's so important that the language is in place to say that the subcommittee will have members representative of both sides. You know, meetings can be called and then cancelled for a variety of different reasons. We've already seen that happen within this committee just because of COVID and just because of the reality of what's been going on, and I don't believe there's any ill will in that context of a meeting being called and then having to be moved and things like that.

What I do think is that, on both sides, the fact that there isn't an agreement that an opposition member needs to be at the subcommittee before a meeting can go forward should just speak to the climate of the context of what we're trying to talk about right now. The fact that we have to debate that the government be willing to make sure that an opposition member is present before a subcommittee has a meeting and the fact that the government isn't willing to just say, "You know what? Actually, that is pretty common sense. We should just make sure that that language exists" – it exists in many other committees such as PAC, as my member spoke to – does set up an environment that speaks to a lack of trust.

All I would like to say, in summary, is that a show of goodwill from the government would be to ensure that this motion is passed so that we do know that we can work collaboratively together, that there will be a member of the opposition at all subcommittee meetings, and that, of course, the work that we do do is not used within the subcommittee to talk about really substantive pieces of legislation that will have a direct impact.

I think the one that I will highlight right now: when we're looking at the fact that, you know, there are pieces of legislation that allow for the government to expropriate people's land – wow; I need more coffee this morning – that is a huge issue for our agricultural industry. We're seeing sprawl within many of our major centres that is impacting our farming community, and to have those conversations off the record at a time when farmers and ranchers are very concerned about access to their land and knowing that they have a future is a huge issue. That, to me, is just one example of why we shouldn't be having these conversations off the record.

But, again, I'll leave it at that. I just think that it would be a nice demonstration of goodwill by the government to not try to stop this amendment from going forward.

**10:30**

**The Chair:** Are there any other further comments or questions?

Seeing none, with respect to the amendment that is up on the screen and on the floor right now, all those in favour of the amendment? On videoconference? All those opposed? Those on videoconference?

That amendment is defeated.

**Ms Sweet:** A recorded vote, please, Chair.

**The Chair:** A recorded vote has been asked for, on which I will proceed starting on my right, and then I will move to online. All in favour? First, those in the room, please raise your hand. We have Mr. Schmidt, Mr. Nielsen, Ms Sweet. On videoconference, those in favour? We have Ms Ganley. Of those in the room, all opposed, please raise your hand. Mr. Rutherford, Mr. Rowswell, Mr. Orr, Mr. Milliken. On videoconference, those opposed?

**Mr. Hanson:** Opposed.

**Ms Glasgo:** Opposed.

**Ms Goodridge:** Opposed.

**Mr. Huffman:** Mr. Chair, for the amendment, four; against, seven.

**The Chair:**

The amendment is defeated.

We are now back on the original motion. Are there any further questions or comments about the original motion?

Seeing none, on the original motion, all those in favour of the motion? On videoconference? All those opposed? Those on videoconference?

That motion is carried.

Moving on to agenda item 5(b), with the committee having created a subcommittee on committee business, it is anticipated that the subcommittee will meet as soon as possible to develop some recommendations with respect to the scope of the review and organizing the review process. The committee itself will then meet as soon as possible after the subcommittee has completed its report to review the subcommittee's recommendations and decide whether to proceed with them. However, a number of motions related to the scope of the committee's mandate were filed in advance of this meeting, so I would put the question to members whether they would wish to consider any of these motions at this time or whether they would prefer for the subcommittee to consider these issues and report back to the committee.

**Ms Sweet:** Well, Mr. Chair, I believe that because we're here, we should be dealing with the amendments that were submitted at your request within the appropriate time. Those motions that are

currently on the floor in regard to scope should be discussed today since we're all here.

**The Chair:** Thank you, Ms Sweet.

Mr. Rutherford.

**Mr. Rutherford:** Thank you, Mr. Chair. I agree. Let's deal with the remaining motions that we have here, and if I have the opportunity, I'd like to move a motion.

**The Chair:** Thank you. Go ahead, Mr. Rutherford.

**Mr. Rutherford:** It's motion 3, to get it up on the screen. I move that

the Select Special Committee on Real Property Rights request that officials from the ministries of Justice, Energy, and Environment and Parks work in conjunction with Legislative Assembly Office staff as requested to support the committee during the course of the committee's work and that officials attend committee meetings and participate when requested in order to provide technical expertise.

**The Chair:** Thank you, Mr. Rutherford. They're just going to bring that up onto the screen for the benefit of those on videoconference.

Are there any current questions or comments about the motion that is on the floor? Ms Sweet.

**Ms Sweet:** Well, thank you, Mr. Chair. I appreciate the motion by the member in regard to looking at having support from committee officials or having officials at the committee to talk about specific technical issues; however, what I see here is only the ministries of Justice, Energy, and Environment and Parks being named in the motion. I do believe that when we're talking about real property rights – and I believe my hon. member will have an amendment to this motion – there are ministries that are actually missing out of this motion that I would like to highlight. Again, Agriculture and Forestry, I believe, will be substantially impacted by any changes that this committee may choose to make when it comes to the legislations we are reviewing, and I would like to hear from that ministry specifically around any technical recommendations that they may have in relation to how it may impact other pieces of legislation that are already existing.

In addition, Indigenous Relations. As we know, even when we look at the forestry act and property rights in relation to the fact that the government has already made decisions around being able to harvest more fibre at 13 per cent, there have been conversations with indigenous communities around that fibre allotment and, of course, how that is impacting our First Nations communities and what those partnerships look like.

Then, of course, looking at Energy and the fact that, you know, as we move forward around property rights, water allocation, and the impact on our farmers and ranchers as well as our small municipalities and the impact of coal, it would be also an important conversation to have Energy at the table, to be able to hear from them about any changes that may be made in relation to these pieces of legislation and how some of the rules that are existing within the AER may be impacted by these pieces of legislation.

Again, although I appreciate and I do believe that we should have some technical expertise from the ministries that were already identified by Mr. Rutherford, I do believe that there were three that we should also be looking at calling as well. Those are my comments, and I do believe that one of my colleagues has an amendment.

**The Chair:** Mr. Nielsen.

**Mr. Nielsen:** Well, thank you, Mr. Chair. I guess that with that, maybe I'll just move straight to the subamendment I'd like to add by adding the words "Agriculture and Forestry, Indigenous Relations" after "Energy."

**The Chair:** Thank you, Mr. Nielsen. The committee clerk is just working to bring that amendment up.  
Please go ahead, Mr. Orr.

**Mr. Orr:** Thank you, Mr. Chair. I do think these committees sometimes do struggle to stay on mandate. I think we have a fairly clear mandate here, so we do need to be careful about creep. The temptation to talk about many things arises because we all have very creative and active minds, and much of that is legitimate. I think we do need to be careful about that, and I hope, Chair, that you'll keep us within the limits of the mandate.

Having said that, I do think that these two additions probably have significant relevance, particularly the agricultural piece. In my riding agricultural property rights are probably one of the biggest issues I hear about. I can't really speak to the forestry piece because I don't really have much forest in my riding, but certainly the agricultural piece is legitimate there. Quite honestly, I have many indigenous folk arrive in my riding because Maskwacis borders me, and they come to Ponoka to shop and to school and everything else, so I think I could actually speak in support of this amendment for those reasons and would be prepared to support it.

Thank you.

**Ms Ganley:** I will just echo the support on that. Having reviewed the bill and seen sort of what all is impacted, I think that these additions are important, particularly – I mean, one of the alterations that's made is in the Responsible Energy Development Act, having to do with notice and process around an individual's and individual landowner's ability to make comments with respect to basically any project which will have direct impact on them, so I think those ministries are important to consider.

10:40

I also think it's important to consider how this sort of process aligns with the process provided in traditional territory for indigenous people. I think all of that information – as Mr. Orr said, I don't think that that information does in fact expand the mandate of the committee, and I think it would be very useful.

I'll just leave it there.

**The Chair:** Are there any further comments or questions to the amendment moved by Mr. Nielsen?

Seeing none, on the amendment proposed by Mr. Nielsen, all those in favour? On videoconference? All those opposed? On videoconference? Thank you.

That motion is carried.

We are now back on the main motion as amended. Are there any further comments or questions?

Seeing none, all those in favour of the motion? On videoconference? All those opposed? On videoconference? Thank you.

That motion is carried.

Now moving on to agenda item 6, other business, are there any other issues or discussion before we . . .

**Ms Sweet:** Mr. Chair.

**The Chair:** Oh, sorry. I apologize. Under 5(b), is there anything further? I'm getting way ahead of myself here. Efficiency. Anything further under 5(b)? I apologize.

Mr. Nielsen, go ahead.

**Mr. Nielsen:** Yes. Thanks, Mr. Chair. I think one of the things the committee very seriously needs to consider, especially what we've seen over the course of about the last year, is the outcry from Albertans around coal, how it affects the environment, how it affects their property rights, their ability to do business. I think we would be remiss in our duties as a committee around not looking at this, so I do have a motion to propose, and then I can speak a little bit further to that. I believe you've already got a copy of that.

**The Chair:** Yes. Please proceed, Mr. Nielsen. The committee clerk will work to bring it up on the screen for those on videoconference.

**Mr. Nielsen:** Perfect. Yeah. As I mentioned, it's been almost a year since we've been hearing from Albertans. You know, there were changes around exploration of coal, leases being given out, and the considerable push-back that we've seen from them. I think it's a topic that's well worth studying. I think we need to study. We need to do our due diligence as a committee. I think there are some concerns particularly around the Minister of Energy and, I guess, the lack of scope around, for instance, water use.

We've recently seen a company that was fined significant dollars for some of the pollution that was caused in regard to their work. Quite frankly, you know, digging up some of the most pristine landscapes, I think, in North America, contaminating water supply with selenium very, very, clearly has impacts to landowners, so I think we must consider the Coal Conservation Act as part of our mandate to review and hear back from Albertans about how they feel around those things. We would be very, very remiss in our duties by not doing that.

I would certainly urge members of the committee to accept this motion and take into consideration the gravity that it proposes.

**The Chair:** Sorry, Mr. Nielsen. Just one second. I'm just going to check with the committee clerk to clarify which motion. Just one sec, Mr. Nielsen. We're just working to get that brought up.

**Mr. Nielsen:** Yeah. No worries.

**The Chair:** Thank you.

We now have the motion up on the screen. Are there any further questions or comments to the motion moved by Mr. Nielsen?

**Mr. Schmidt:** First of all, I want to thank my colleague Mr. Nielsen for bringing forward this motion for consideration by the committee. I do want to say that a broad interpretation of Bill 206, that was referred to this committee, looks at property rights not just of individual landowners but also, potentially, of energy companies and the approvals and permits that they're given to explore for and develop minerals in the province of Alberta, and that includes approvals related to the development of coal. I think, considering that the legislation that was referred to this committee has a potential to impact the regime for approving those mineral rights, it's incumbent upon this committee to look at things like the Coal Conservation Act and what potential changes this may have around the whole regime around mineral rights and coal. I think it would be wise of this committee to vote in favour of this amendment.

I know that, certainly, all members of this committee are getting an earful from their constituents about the framework under which coal mining and coal development is conducted, and I think that this would be a good opportunity to understand how the changes that are being considered and proposed in the legislation could impact coal. You know, we've heard from members opposite for years and years about the unintended consequences of potential legislative changes that have been considered, and I think that some of the changes that are considered in Bill 206 might have unintended



consequences in the realm of coal development in Alberta. I think that we want to be aware of what those consequences might be so that they aren't unintended.

**The Chair:** Thank you.  
Mr. Rutherford.

**Mr. Rutherford:** Thank you, Mr. Chair and for the comments already to the motion. I'd like to move an amendment if I could.

**The Chair:** Sorry. I apologize, Mr. Rutherford. Please go ahead.

**Mr. Rutherford:** Oh. I'd just like to move an amendment if I could.

**The Chair:** Yes, please.

**Mr. Rutherford:** Was that the "go ahead" part?

**The Chair:** Yes. Please go ahead, Mr. Rutherford.

**Mr. Rutherford:** It's been a long day, I guess.  
If we could

strike out "consider the Coal Conservation Act as relevant to its mandate" and substitute "consider the following acts as relevant to its mandate: Surface Rights Act, Water Act, Coal Conservation Act, mineral rights act, Forests Act, Environmental Protection and Enhancement Act, Oil and Gas Conservation Act, and Pipeline Act."

**The Chair:** Thank you, Mr. Rutherford. The committee clerk will work to bring that up on the screen, but you can please proceed with any further comments.

**Mr. Rutherford:** Thank you. I just want to make sure that we're maintaining focus on what the committee has been asked to do from the government motion and through Bill 206. I don't think that conversations that have been brought up previously would be hindered given the six acts that we've been asked to potentially review, including the Responsible Energy Development Act, which, again, I think provides some latitude to make sure that these conversations are happening. But I want to make sure that given the already large questions that we've been asked to deal with, we are maintaining focus in this committee and that we are not getting to a point where we are taking on so much that we wouldn't be able to complete our work.

There's already a coal consultation that is occurring at the same time. I guess, you know, that at some point maybe I'd like to know why six category 2 leases were approved by the NDP. We'll save that for a later date to find out. We know that that coal consultation is ongoing to make determinations as to how the categories are going to be handled. But, at the same time, I want us to stay focused on the question from the government motion as well as covering Bill 206.

**The Chair:** Thank you, Mr. Rutherford.

The committee clerk has brought to my attention that under the amendment that you have proposed, you have the "mineral rights act." He has suggested a clarification to the name "Mines and Minerals Act." I do believe that we would have to bring a subamendment to change that.

**Mr. Schmidt:** I'm happy to move that subamendment. I just want to grind an axe here in saying that we can't possibly deal with that, actually, because of the rules of the committee. I think that we need to request unanimous consent to move a subamendment. Is that correct?

10:50

**The Chair:** Please go ahead, committee clerk.

**Mr. Huffman:** Yeah. Thank you, Mr. Chair. Subamendments don't need notice prior to the meetings, so they can be brought up at the meeting without requiring approval.

Thank you.

**Mr. Schmidt:** Thank you.

Yeah. Then I move the subamendment that "mineral rights act" be struck out in this amendment and replaced with "Mines and Minerals Act."

**The Chair:** Thank you, Mr. Schmidt.

On the subamendment, are there any questions or comments?

Seeing none, all those in favour of the subamendment, please say aye. On videoconference? All those opposed? On videoconference? Hearing none,

that subamendment is carried.

We are back on the amendment moved by Mr. Rutherford. Are there any further questions or comments to the amendment?

**Ms Ganley:** I have one. Sorry. I put it in the list, but maybe it didn't get caught.

**The Chair:** Sorry. Please proceed, Ms Ganley.

**Ms Ganley:** Yeah. The reason I object to this particular amendment is sort of precisely the reason I object to the subcommittee, which is to say that I don't think we should be dealing with issues of substance off the record. I think most of the work of the Legislative Assembly, whether in committee or whether in the Assembly, is on the record, and I think that that is important for transparency to our constituents. I think that that is a significant concern.

**The Chair:** Thank you.

Are there any further comments or questions to the amendment?

Seeing none, all those in favour of the amendment moved by Mr. Rutherford, please say aye. On videoconference? All those opposed to the amendment? Those on videoconference?

That motion is carried.

We are back on the original motion. Are there any further questions or comments to the original motion?

Seeing none, all those in favour of the original motion, please say aye. On videoconference? All those opposed to the motion? On videoconference?

That motion is defeated.

**Ms Sweet:** Mr. Chair, could I just get clarity? Are we not voting on the motion that was moved by Mr. Rutherford in regard to just adding these acts?

**The Chair:** We voted on the subamendment, which changed the determination of the Mines and Minerals Act. Then we voted on the amendment, which was pushed through, and we just voted on the main motion.

**Ms Sweet:** Right. Okay. I'm just checking.

**The Chair:** Okay.

**Mr. Schmidt:** Just for my own clarity, Mr. Chair, my colleague Mr. Nielsen brought forward a motion that said that in addition to the acts outlined in section 3, we would look at the Coal Conservation Act. Then Mr. Rutherford amended the motion to say that, yes, we would look at the Coal Conservation Act and all of these other acts.

Now, we went back to the amended motion, and then the government members voted it down. Is that what they intended to do?

**Some Hon. Members:** Yes.

**Mr. Schmidt:** Okay. So we went through the process of amending the motion. The government obviously wanted to bring forward a review of a bunch of additional acts, and then they voted that down. That's my understanding of what just happened here. Is that correct?

**The Chair:** I do believe the committee has voted it down. Yes, Mr. Schmidt.

**Mr. Schmidt:** Okay. I guess I challenge any members of the government caucus to help us understand why they went through the process of amending the motion and then voting down their own amendment.

**Mr. Milliken:** I think we're on the next level of business, aren't we?

**The Chair:** We are on the next level of business.

**Ms Sweet:** Can we get a recorded vote, please?

**Mr. Schmidt:** We want a recorded vote on the motion as amended.

**The Chair:** Sorry. Just one sec, Mr. Schmidt.

Mr. Schmidt, it is too late for a recorded vote considering the time. You had that period to call for a recorded vote immediately after the vote, but we have moved on to the next order of business.

We are now into the next order of business, which is agenda item 6. Yes, Mr. Nielsen. Please go ahead.

**Mr. Nielsen:** Mr. Chair, just all of a sudden we seem to have hopped to the next step of business. Have we completed 5(b) yet?

**The Chair:** Sorry. I didn't hear anybody speak up with any further business in 5(b), but if you do have something . . .

**Mr. Nielsen:** You didn't ask.

**The Chair:** I apologize. Please go ahead, Mr. Nielsen.

**Mr. Nielsen:** Yeah. I guess there would be further amendments, then, to look at here.

**Ms Sweet:** Mr. Chair, can I speak to my amendment?

**The Chair:** Your amendment to which? Sorry, Ms Sweet.

**Ms Sweet:** Can I go, Member?

**Mr. Nielsen:** Go ahead. I'll allow Ms Sweet to proceed.

**The Chair:** Sorry. I couldn't hear you, Mr. Nielsen.

**Ms Sweet:** Mr. Chair, I have a motion that we haven't addressed yet, that

the Select Special Committee on Real Property Rights should, in addition to the acts allowed in section 3 of Government Motion 69, consider the Water Act as relevant to its mandate.

**The Chair:** The committee clerk has advised me that this motion is out of order due to the relevant previous motion that was defeated.

**Ms Sweet:** I see. Okay.

Well, Mr. Chair, can I just get clarity on motion 02(2), that hasn't been moved by the hon. member. I had a subamendment to motion 02(2), but because it hasn't been moved, am I able to just move the motion myself?

**The Chair:** I will check with the committee clerk. One sec, Ms Sweet.

**Ms Sweet:** Thank you.

**The Chair:** I apologize, Ms Sweet. The original motion would have to be moved in order for you to submit the amendment.

**Ms Sweet:** Mr. Chair, can I just get clarity for the committee, then? If a motion is drafted and submitted with the new rules – I'm still learning the new rules – and I put in a subamendment, would it be the recommendation, then, from the table officers or the clerk that we would look at doing our own amendments every single time even if they align with other motions that have been submitted, or would those be deemed out of order? Like, if I had one that was exactly the same as motion 02(2), that was submitted by a government member, and now it's not being moved, which does not give me the ability to amend it, would it be the recommendation that in the future I should just draft my own so that I can speak to them in the future?

**The Chair:** Please go ahead. Thank you.

**Mr. Huffman:** Thank you, Mr. Chair. Thank you, Ms Sweet. If the motion doesn't get moved in the meeting, the amendment can't come forward. So if you wanted to move your amendment at the meeting, it would make sense that you'd move a motion as well for it, just under these rules.

Thank you.

**The Chair:** Seeing as how we have nothing further for business under 5(b), we are moving on to 6, other business. Are there any other issues for discussion before we wrap up today's meeting?

Seeing none, the date of the next meeting will be at the call of the chair.

If there's nothing else for the committee's consideration, I'll call for a motion to adjourn. Moved by Mr. Rutherford. All those in favour, please say aye. On videoconference? All those opposed? On videoconference? That motion is carried.

Thank you, everyone. For the health and safety of LAO staff, please remember to take any drinks and other items with you as you leave. This meeting is adjourned.

[The committee adjourned at 10:59 a.m.]



