



Legislative Assembly of Alberta

The 29th Legislature
Second Session

Standing Committee
on
Resource Stewardship

Office of the Property Rights Advocate

Monday, January 9, 2017
10 a.m.

Transcript No. 29-2-9

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The 29th Legislature
Second Session**

Standing Committee on Resource Stewardship

Loyola, Rod, Edmonton-Ellerslie (ND), Chair
Hunter, Grant R., Cardston-Taber-Warner (W), Deputy Chair

Babcock, Erin D., Stony Plain (ND)
Clark, Greg, Calgary-Elbow (AP)
Dang, Thomas, Edmonton-South West (ND)
Drysdale, Wayne, Grande Prairie-Wapiti (PC)
Hanson, David B., Lac La Biche-St. Paul-Two Hills (W)
Kazim, Anam, Calgary-Glenmore (ND)
Kleinstauber, Jamie, Calgary-Northern Hills (ND)
Loewen, Todd, Grande Prairie-Smoky (W)
MacIntyre, Donald, Innisfail-Sylvan Lake (W)
Malkinson, Brian, Calgary-Currie (ND)
Nielsen, Christian E., Edmonton-Decore (ND)
Rosendahl, Eric, West Yellowhead (ND)
Turner, Dr. A. Robert, Edmonton-Whitemud (ND)*
Woollard, Denise, Edmonton-Mill Creek (ND)

* substitution for Jamie Kleinstauber

Also in Attendance

Strankman, Rick, Drumheller-Stettler (W)

Support Staff

Robert H. Reynolds, QC	Clerk
Shannon Dean	Law Clerk and Director of House Services
Trafton Koenig	Parliamentary Counsel
Stephanie LeBlanc	Parliamentary Counsel
Philip Massolin	Manager of Research and Committee Services
Sarah Amato	Research Officer
Nancy Robert	Research Officer
Corinne Dacyshyn	Committee Clerk
Jody Rempel	Committee Clerk
Aaron Roth	Committee Clerk
Karen Sawchuk	Committee Clerk
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Tracey Sales	Communications Consultant
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Standing Committee on Resource Stewardship

Participant

Office of the Property Rights Advocate
Karen Johnson, Acting Property Rights Advocate

10 a.m.**Monday, January 9, 2017**

[Loyola in the chair]

The Chair: Good morning and Happy New Year to everyone. I'd like to call this meeting of the Standing Committee on Resource Stewardship to order. Welcome to the members and staff in attendance.

To begin, I'm 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.

Mr. Hunter: Thank you. Happy New Year to everyone. Grant Hunter, Cardston-Taber-Warner, deputy chair.

Mr. MacIntyre: Don MacIntyre, Innisfail-Sylvan Lake.

Mr. Hanson: David Hanson, MLA, Lac La Biche-St. Paul-Two Hills.

Mr. Drysdale: Wayne Drysdale, MLA, Grande Prairie-Wapiti.

Ms Johnson: Karen Johnson, Property Rights Advocate office.

Mr. Nielsen: Chris Nielsen, MLA, Edmonton-Decore.

Ms Babcock: Erin Babcock, Stony Plain.

Dr. Turner: Bob Turner, Edmonton-Whitemud.

Mr. Dang: Thomas Dang, Edmonton-South West.

Ms Woollard: Denise Woollard, Edmonton-Mill Creek.

Mr. Malkinson: Brian Malkinson, MLA for Calgary-Currie.

Mr. Rosendahl: Eric Rosendahl, West Yellowhead.

Dr. Massolin: Good morning. Philip Massolin, manager of research and committee services.

Mr. Roth: Aaron Roth, committee clerk.

The Chair: I'd just like to note that Dr. Turner is substituting for Mr. Kleinsteuber.

A few housekeeping items to address before we turn to the business at hand. A reminder, again, that the microphone consoles are operated by *Hansard* staff, so there's no need for members to touch them. Please keep cellphones, iPhones, BlackBerrys off the table as these may interfere with the audiofeed. Audio of committee proceedings is streamed live on the Internet and recorded by *Hansard*. Audio access and meeting transcripts are obtained via the Legislative Assembly website.

Oh, I forgot the members who are on the phone. If you'd please state your name for the record.

Mr. Clark: Good morning. Greg Clark, MLA, Calgary-Elbow.

Mr. Strankman: Happy New Year. Rick Strankman, MLA, Drumheller-Stettler.

Mr. Loewen: Todd Loewen, MLA, Grande Prairie-Smoky.

Ms Kazim: Hi. Good morning. Anam Kazim, MLA for Calgary-Glenmore.

The Chair: Perfect. Thank you very much.

We're going to move on next to approval of the agenda. Does anyone have any changes to make? If not, would a member please

move a motion to approve our agenda? MLA Malkinson – thank you – moves. All in favour? Anyone opposed? On the phones? Okay. That is carried.

Next are the minutes from our last meeting. I hope everyone has had an opportunity to review them. Are there any errors or omissions to note in the draft minutes? If not, would a member move adoption of the minutes, please? Mr. Rosendahl moves. All in favour? Any opposed? On the phones? Okay. That motion is carried.

As members know, the Assembly passed Government Motion 25 on November 22, 2016, which referred the 2015 annual report of the Property Rights Advocate office to the Standing Committee on Resource Stewardship. The committee has 60 days to report from the date that the annual report was referred, which would put the reporting date at January 22, 2017.

Hon. members, today we have with us Ms Karen Johnson, Acting Property Rights Advocate, to speak about the report from her office and the recommendations it contains.

I would like to welcome you, Ms Johnson, and would now invite you to make a presentation in regard to the annual report, please.

Office of the Property Rights Advocate

Ms Johnson: Thank you. Good morning, Chair Rod Loyola, Deputy Chair Grant Hunter, Manager of Research and Committee Services Dr. Philip Massolin, Parliamentary Counsel Shannon Dean, Committee Clerk Aaron Roth, and all members of the Standing Committee on Resource Stewardship. Thank you for the opportunity to appear before you to discuss the Property Rights Advocate's 2015 annual report.

As Alberta's Property Rights Advocate I listen and document the stories that people tell me about their property rights. My office is a place that facilitates a conversation with government on the topic of property rights. I share what I've heard with government ministries and with you, our province's lawmakers. I work to provide an evidence-based, unbiased voice to government and to this committee, which ultimately can positively influence how future property rights laws and policies are developed.

People who connect with my office have told me that sometimes when they contact government, they feel like their issue wasn't fully considered. After four years of listening to people from all walks of life who share a broad range of property rights concerns, the role of the office has evolved. In essence, the office acts as a conduit for Albertans so that they can connect with government about their property rights. It's a place to have their property rights concerns heard and understood and advanced.

The recommendations I present to you each year in my annual report can help to facilitate a meaningful conversation about property rights between Albertans and government. This conversation is important because people can actually see how their concerns are brought forward to this committee. People observe how their issues are heard, deliberated on, and actioned by government. People recognize how the members of this committee, through its report back to the Legislature, advise government on what actions it should take, after reviewing the recommendations from the annual report. I believe that it is helpful to government, too, because by communicating to government about how Albertans are experiencing injustices in property rights as they relate to issues and existing policies, better policies can be shaped for tomorrow.

In my role as the advocate I've learned that property rights are highly personal and often regarded as fundamental human rights that are represented in concrete things like homes and land and livelihoods. The calls received by the office help to piece together

the property rights picture, and individually each property rights description acts as a signal about what Albertan families are experiencing. The relevance or importance of a property rights issue is not about the number of calls received about a specific issue or how many calls about one issue compares to the number of calls about other issues. It isn't about how many individuals are affected; it's about right and wrong and about fundamental justice. If an injustice goes unaddressed to even one Albertan, there is a risk that it could happen to anyone: to you, to me, to someone you care about.

I've heard from people whose families find themselves feeling unfairly burdened with a disproportionate share of financial losses and unmitigated risks through the unintended consequences of how some government policies and laws operate in this province. An example of what this might look like is a rental agreement on a condominium, say, or with a lease. As a tenant you would have certain expectations that your rights would be honoured within the terms of your contract. If those terms are broken, in this example, say, by your landlord, your property rights are affected. You would want some form of remedy that is fair, some process that is balanced, accessible, and cost-effective. If the system was not working as it should to address your concerns, you could call the Property Rights Advocate office. The office would not mediate your issue but would share your concerns so that in future processes might be improved.

When it comes to property rights, I detect a growing dissatisfaction from some groups and individuals, many of which express concern that they are running out of meaningful avenues for justice and fairness. These Albertans are reaching out to be heard and seek meaningful responses that are helpful in addressing their issues, and I see risk in continuing to operate under the same time-worn thinking that property rights can be addressed without thoughtful consideration on how policies and laws can be better coordinated to resolve some of the ongoing property rights concerns I hear about.

As Alberta moves forward toward development of new sustainable forms of energy, I recognize the importance for government to understand and become more fully aware of the impact that government policies related to traditional energy development have on property rights of Albertans. The current property rights system is complicated and needs changes to make it more responsive and accessible to Albertans. This is the thinking which guided me in developing the two recommendations that appear in the office's 2015 annual report.

10:10

The first recommendation asks for government to establish a crossdepartmental committee for the purpose of discussing how government should go about systematically modernizing property rights legislation and policies. I seek your support for implementing this recommendation by inviting government to take this initial step toward building a framework through conversation intended to provide greater clarity about existing policies related to property rights, their intended purpose, and their impact.

I want to inspire a thoughtful conversation about what needs to be done, what is reasonable and achievable, to reposition property rights and laws as an interrelated system and to identify ways to achieve the desired impacts for Albertans. Thoughtful reflection and information sharing by ministries whose mandates touch upon property rights is a necessary first step toward government developing greater understanding of how its property rights policies and laws function together so that work toward integration can begin.

I believe that when government develops that greater understanding of how property rights policies and laws operate today and fully understands the cumulative impacts that existing policies have on Albertans, government will be in a position to demonstrate to Albertans its understanding of the importance Albertans place on their property rights, and it is hoped that government will become better prepared to modernize existing property rights policies and laws in an orderly manner so that they can be more effective. Albertans may then come to understand how new sustainable forms of energy development will be implemented by government through property rights policies that are balanced and equitable, and government will be able to ensure that future policies and laws function together to meet intended goals in a fair and equitable manner that preserves the property rights of Albertans.

My second recommendation is for government to develop a process to ensure that recommendations made by the office are followed up on after they are endorsed by this committee of the Legislature or where this committee has requested additional action. Currently two recommendations made by the Property Rights Advocate office have been endorsed by this committee, with an additional seven recommendations requiring follow-up such as additional research and information. For your reference there's a chart on page 19 of my report outlining past annual report recommendations.

When this committee endorses a recommendation, there should be a way to determine if the committee's advice was reviewed or acted on. Without a clearly defined process for follow-up, there is a risk that the work of the Property Rights Advocate office and the deliberations and recommendations of this committee will simply pile up and not go anywhere. I believe that a formal process is needed to report back to this committee and to me to make the connection between actions and recommendations clearer. The committee's findings and recommendations to government may encourage action by a ministry, but endorsement by this committee does not compel action.

The decision for how a specific recommendation will be managed should remain, as it does now, with the appropriate ministry. That is why I'm recommending that a follow-up process be created to identify how action or additional information requested by this committee should be reported back to the committee and also to me. By receiving this information, I can recognize and report on progress being made where it's appropriate to do so and also focus my efforts more effectively to provide the unbiased evidence and information that government is seeking.

In closing, I want to thank you for the opportunity to discuss my report's recommendations with you. I will continue to be available to the committee during this review process. I'm also looking forward to reading your report and learning what directions this committee thinks government should take in regard to the recommendations that I have discussed here today.

Before I take questions about my recommendations, let me conclude with this point. By moving forward with my recommendations, Alberta can lead the way and explore better ways of assembling and amending existing policies and laws into a more easily navigated system that is mindful of Alberta's property rights, that compensates fairly, and that fosters economic prosperity.

Thank you.

The Chair: Thank you very much, Ms Johnson.

Before we go to questions, I just want to encourage members who are on the phone to make themselves heard, and I'll try my best to

acknowledge you repeatedly throughout the conversation to make sure that we're not forgetting about you.

With that being said, I'll open the floor to questions for Ms Johnson regarding the annual report and the recommendations contained therein.

Mr. Rosendahl: Well, thank you for the report, and I've reviewed it quite thoroughly. In the case of property rights – we know it's a complicated issue in Alberta for sure, and I think that the report expresses that in detail – I was wondering if you could explain how other jurisdictions resolve disputes between landowners and operators when we look at this issue.

Ms Johnson: It isn't the role of the Property Rights Advocate's office to do a crossjurisdictional study. We don't have the resources to do that, so I really can't speak to what other jurisdictions are doing.

Mr. Rosendahl: So there's nothing, really, that we can compare to, then?

Ms Johnson: Pardon?

Mr. Rosendahl: Is what you're saying that we don't compare what we're doing in Alberta to other jurisdictions, then?

Ms Johnson: Our role is more to bring forward the information that we hear to government for consideration.

Mr. Rosendahl: Okay. Do you think the Alberta situation with this issue, then, is unique, and if so, how is it? How has Alberta's situation evolved over time, then, when you look at the issue of landowner rights versus, say, oil and gas or any of these other issues? How has that evolved over time, then? Can you add more to that issue?

Ms Johnson: Again, the role of the office is to listen to what's being shared with us, not to comment or judge on what's being told. We simply report back.

Mr. Rosendahl: All right. If we look, for example, on page 11, you state, "Legislation impacting industry and landowners should be reviewed to identify gaps" and overlaps, fragmentation, and those kinds of issues. Do you have an idea or would you be able to give examples of what these gaps or overlaps could possibly be, referencing your report?

Ms Johnson: Uh-huh. I'm just going to look. As you know, the issues can be complex. From the landowner's perspective, when there is oil and gas on their property, in addition to having to manage the lease, there are several issues that can happen with that oil well, and the landowner needs to know who to go to, when, and about what. For instance, there may be an environmental incident, and that could involve the company, Environment and Parks, the regulator, the Surface Rights Board, the Orphan Well Association, any number of groups or any combination of those, and sometimes even bringing all of those groups together doesn't necessarily result in a satisfactory solution to the problem. That's just one example of the kinds of things that can happen when different areas have different pieces of the jurisdiction.

Mr. Rosendahl: Okay. Also, can you elaborate on a particular challenge facing farmers and ranchers in Alberta?

Ms Johnson: Pardon?

Mr. Rosendahl: Can you elaborate on that?

Ms Johnson: On this particular issue?

Mr. Rosendahl: Challenges, yeah, that Alberta farmers and ranchers face with the current system or whatever.

Ms Johnson: Uh-huh. One thing that comes to mind is property that has an abandoned well or abandoned wells on it that are exempt from requiring certification or requiring a reclamation certificate and that are polluting the land. There are cases where neither the Orphan Well Association can deal with the bankrupted prior oil and gas operator, nor can the regulator, so the landowner is left in the no man's land of: who's going to deal with this?

Mr. Rosendahl: Okay. Thank you.

The Chair: We'll go to Mr. MacIntyre.

Mr. MacIntyre: Thank you, Ms Johnson, for your report. Excellent job. Have you heard concerns yet from anyone about the notification requirements under the Alberta Energy Regulator act for energy companies accessing their land?

Ms Johnson: In regard to the notification specifically, no, I haven't.

Mr. MacIntyre: The notification process, the requirements for notification.

Ms Johnson: Not as of late, no.

Mr. MacIntyre: All right. Have you heard yet from or do you anticipate having landowners concerned about wind and solar siting?

10:20

Ms Johnson: I don't anticipate – as I say, I listen, and I share what I hear. I can see where any new development on land could have an impact on landowners, and if they have concerns, we would hope to hear from those people.

Mr. MacIntyre: All right. Thank you.

The Chair: Okay. We have a few people on the list. I just want to go to the people on the phone to see if they'd like to ask any questions before we carry on.

Mr. Strankman: Yes, Mr. Chair, if an opportunity arises.

The Chair: Okay. We have you on the list, sir.
We're going to go to Ms Babcock, please.

Ms Babcock: Thank you. On page 6 of your report you indicate that "inequalities in property rights continue to exist as a source of frustration for Albertans." Can you maybe better explain: what are these inequalities that you're talking about, and why do you think that is the case?

Ms Johnson: What I'm hearing from landowners is that sometimes, for instance, a municipal decision that's made – it's not necessarily clear how that decision was made. So there's an inequity between, say, two landowners making a similar application to a municipality and each coming back, one with a yes, one with a no, and there's no clarity as to why.

Other situations for landowners: where there's a pipeline required to be installed or an oil well going to be put in place, the landowner can't say no. It creates an uneven playing field for the negotiations to take place when you have a landowner negotiating with a large company that maybe has a bank of lawyers to work out

a deal as to how that works. Ultimately, if they can't come to an agreement, the Surface Rights Board can grant a right of entry to the oil company.

Ms Babcock: On page 11 of your report it states, "There appears to be a disconnection between the intentions of the current legislation and policies and the actual impacts to landowners." Why do you think this is the case, and could you maybe explain this disconnection that you've seen?

Ms Johnson: Okay. There's a perception and an understanding by many landowners that I'm hearing that the Surface Rights Act in particular was designed to make landowners whole so that landowners hosting these oil and gas developments were not unfairly burdened and were compensated for any risks or any damages that they incurred. Sometimes what's happening is that not all of that is able to be enforced. So when the landowner reaches a private agreement with the operating company as to how they're going to operate on the landowner's land, it's not clear that the terms of an addendum that the landowner may attach to the standard agreement will actually be enforced, and if so, by whom. That's one case where I think the intention was quite likely to make a more level playing field but it's not always functioning that way. It's a question of having that conversation and seeing what's working, what isn't working, and how we can improve this so that's an easier system for all.

Ms Babcock: And are there any other examples you can think of that have actual impacts to our landowners?

Ms Johnson: How do you mean "actual impacts"? I mean, to me, that is an actual impact.

Ms Babcock: No, no. Any more, any different examples.

Ms Johnson: A different example?

Ms Babcock: Yeah. More, if you have more.

Ms Johnson: Sure. Again, municipal is quite common. We hear from landowners that in the belief that they can do a particular development – one case that comes to mind is a fellow that had a gravel pit. For family reasons – there was illness and whatnot – he could not operate that pit for a while, so it was idle. When he went back to go and operate it, he was told, "No, you cannot reinstate its former use as a gravel pit" while his neighbour meanwhile was allowed to expand his pit. It becomes a question of: how did you arrive at that decision? It's just a matter of making that decision process more transparent and clear.

Ms Babcock: Thank you.

The Chair: Okay. We're going to go to Mr. Drysdale.

Mr. Drysdale: Thank you for your presentation. I'm just wondering. I mean, you deal with the landowner cases in Alberta quite a bit. Have you ever seen a case when property was taken from a landowner by government without being fairly compensated?

Ms Johnson: I have heard from landowners who have felt that that's happened, yes, particularly at the municipal level.

Mr. Drysdale: So you've heard that. You know, I mean, there's always a disagreement. Somebody thinks his land is worth a million bucks, but it's really only worth \$500,000, so he says – but do you know of a case where it was actually taken and not fairly compensated? To me, that sounds like hearsay.

Ms Johnson: Okay. Not where the land was specifically taken but where the value of the land was impacted by – in the case that's popped into my mind, a municipal development, there was recognition that there had been some losses or an effect on the market value as a result of that development. But to date I don't believe that's been settled.

Mr. Drysdale: Because they always – always – have access to the courts if they feel that, correct?

Ms Johnson: Or the Surface Rights Board. But in this case the landowner feels that the costs are too high.

Mr. Drysdale: To take it to the courts?

Ms Johnson: To take it to the Surface Rights Board. Actually – sorry – the Land Compensation Board.

Mr. Drysdale: But they're reimbursed if they win the case, right?

Ms Johnson: But they have to come up with the money up front.

Mr. Drysdale: Well, I won't argue that one.

Ms Johnson: Yes. But that's . . .

Mr. Drysdale: But you don't have a specific case where land was taken by the government and not fairly compensated?

Ms Johnson: Where land was physically taken and not compensated? Not that I'm aware of.

Mr. Drysdale: Okay. Thank you.

I was just curious. Earlier you stated that, you know, there were orphan wells that are polluting the land, and nobody is doing anything about it, and the landowner was concerned. I have a hard time – like, AER isn't concerned or doing something about it? I don't think the government would sit idle knowing that land is being polluted and nobody is doing anything about it. Is there a case where that's happening?

Ms Johnson: I haven't, you know, investigated the case, but that has been reported to me, yes. In this particular situation there were five wells, three of which were voluntarily cleaned up by a company that has inherited those wells. But two of them were a very long-defunct oil and gas company, no longer in business, has no assets, so they would normally fall under the Orphan Well Association, but because they're exempt – at this point in time I've seen e-mails from both organizations, both the regulator and the Orphan Well Association, stating that they've gone as far as they can go, as far as legislation will let them go.

Mr. Drysdale: Like, the well is there, but it's not polluting . . .

Ms Johnson: Two of them are, yes.

Mr. Drysdale: It's not polluting the environment?

Ms Johnson: Yes. Two do have issues.

Mr. Drysdale: They're leaking stuff into the environment?

Ms Johnson: Pardon?

Mr. Drysdale: They're leaking stuff into the environment?

Ms Johnson: I don't know the extent or degree of the pollution, but, yes, there is an environmental concern.

Mr. Drysdale: Okay. Hopefully, you could report to the committee the specifics. I'd like to know that so that I can talk to the AER about it because I'd be quite alarmed if there's something polluting and nobody is doing anything about it. So I'd like to see the specifics.

Ms Johnson: I can talk to the landlord and see if he's . . .

Mr. Drysdale: I mean, I get it that there are orphan wells that aren't being reclaimed, but hopefully they're not out there polluting into the atmosphere and AER is not doing anything about it. So if you could report that specifically to the committee.

Okay. That's all I have.

The Chair: Thank you, Mr. Drysdale.

Before we carry on with the speakers list, I just want to double-check with those on the phone if they have any questions.

Ms Kazim: Yes, I would like to be on the list.

The Chair: Okay. Thank you.

We're going to continue with Mr. Strankman.

Mr. Strankman: Thanks, Mr. Chair, and thanks, Ms Johnson, for your presentation. Were you involved when the previous advocate was involved, Mr. Cutforth?

Ms Johnson: I was for a period of time.

Mr. Strankman: Oh, so you have some good background to some of the situations. At one point I talked to Mr. Cutforth about the actual name of your office, that says that you are the Property Rights Advocate. At that time Mr. Cutforth said that he didn't view that it was the role of the office to advocate for property rights, and that's some of my understanding of your presentation. Do you have another opinion on that? I understand you have a significant office staff there of approximately five people. Do you feel that that would be beneficial for Albertans, if this office were actually to advocate for property rights of Albertans?

10:30

Ms Johnson: Well, first of all, the office is three people, and I feel that we do have a role somewhat in advocating for property rights, but it depends on how you define "advocate." Hearing and listening to Albertans and sharing their stories and pointing to areas that need to be looked at by government, in my mind, is a form of advocacy. So it isn't necessarily saying that you must do this particular thing in order for it to be correct; I'm looking more at pointing to areas that need to be studied and looked at and improved.

Mr. Strankman: I appreciate that. Thanks for that. I was not trying to be diminutive to your office's position; I was trying to be positive about the position and the opportunity that the title presents for Albertans.

Previous to Christmastime, December 20, I had approximately 15 people in my Stettler office concerned about the defunctness of an energy oil company in the area, and they weren't aware of the opportunities that your office would provide. So could you give me some idea of how you make Albertans aware of the presence of your office?

Ms Johnson: Well, I go out and attend events, and I do speaking engagements. We take calls. We encourage people any way that we can find. We have a Twitter account. We have a website. We don't actively go out and solicit on specific questions although we have started to ask . . .

Mr. Strankman: That's what I was getting at, Ms Johnson. You don't really advocate in a broad-based pattern. You don't have an advertising budget, unlike our government does, for example, for its climate change action advertising.

Ms Johnson: Well, I'm sorry; I don't quite understand what you're asking with that last comment.

Mr. Strankman: Well, you're not broadly – like, for the 15 people in my office, they didn't even know what I was talking about. They'd never heard of it. They'd heard about the Surface Rights Board. They'd heard about the Surface Rights Federation, which is a private organization. No government point of contact: that's why they were in my office.

Ms Johnson: Well, it's a challenge always . . .

Mr. Strankman: So I'm at a loss to understand how, you know, other than referring and interacting with the people that do know and are aware of how to access a particular website and a Twitter account – as you know, in many of those cases, if you don't specifically know what to ask for, you're not going to get the right answer. It's frustrating for the citizenry.

Ms Johnson: Well, I'm open to suggestions on how we might get our name out there more.

Mr. Strankman: Well, I guess that's possibly for some of the members of the committee to come forward with something like that.

One other follow-up question that I'd like to ask is: Mr. MacIntyre made mention of energy renewables, and going forward, the legislation, the AUC surface rights regulation, doesn't particularly properly pertain to the development of renewable resources, i.e., wind and solar, in some cases. That's left to the developmental discretion of local municipalities and councils. Can you give me any ideas of potential benefits or inputs that we could make to government to change legislation that might help in those specific instances?

Ms Johnson: I haven't heard from any landowners at this point in time with any specific concerns about those developments. If I heard from landowners, I would be able to share that information, but because I haven't, anything that I said would be pure speculation.

Mr. Strankman: I'll take you at your word there. There's lots of disgruntlement in the surface rights area over the development of renewable energies and their various presentations to landowners.

Finally, I'd just like to thank you for your presentation of the information here. I think it's unfortunate, though, also, that a lot of this discussion comes down to what some may determine as the dirt side of it or the soil side of it, when actually even our chair there has a property right in the driver's licence that he owns. This discussion doesn't roll over to those kinds of understandings. That's rolling back to my initial question of the advocacy of a further, complete understanding of exactly what property rights are and mean. It doesn't necessarily mean simply back to the control or management of soil or of the surface land. It includes the energy of minerals and everything below that and includes, you know, the ownership of a member's driver's licence, for example. There are concerns of lack of knowledge of the broad interpretation of property rights. I'll leave it at that.

Thank you again, Ms Johnson, for your presentation.

Ms Johnson: Thank you.

The Chair: Thank you very much.

We're now going to move on to Mr. Hanson.

Mr. Hanson: Thank you very much for your report as well.

I guess I share Mr. Strankman's concerns about the title of office. You know, just a quick search there, it says that advocate means a person who speaks for or on behalf of another. I'm just wondering if rather than just listening and reporting back to government, whether you've actually, you know, stepped in and stood up to help a landowner through a situation at all?

Ms Johnson: As a representative in a specific case?

Mr. Hanson: Yeah.

Ms Johnson: No, we don't do that.

Mr. Hanson: Okay. Second question, then: being that a lot of the problems between landowners and municipalities do exist and being that the Municipal Government Act has been under review for the last year or so, have you made any specific recommendations to the government to be added into or initiated in with the MGA?

Ms Johnson: Yes. We participated in some of the review panels. We also participated in some of the public events, and I believe it was in the 2014 annual report that we made a recommendation for an ombudsman-type role, and that is actually reflecting some of the proposed changes to the act.

Mr. Hanson: Okay. Thank you. That's all.

The Chair: Before we carry on, I just want to make sure that those on the phone are having an opportunity to interject, so I just want to ask if anyone on the phone would like to be on the speakers list.

Mr. Loewen: Yeah. If you could you put me on, that would be great.

The Chair: Sure.

Mr. Clark, we haven't heard from you. I just want to double-check if you're still with us and if you'd like to ask a question.

Mr. Clark: I'm here and listening intently. No questions at this time. Thank you.

The Chair: Okay. Thank you very much. Just wanted to double-check.

Now we're going to go on to Mr. Hunter, followed by Ms Woollard.

Mr. Hunter: Thank you, Mr. Chair, and thank you, Ms Johnson, for your presentation. I guess I just need some clarity, if I could. In your first recommendation you talk about: suggested partner ministries on this team should include Agriculture, Energy, Environment and Parks, Indigenous Relations, Infrastructure, Justice and Solicitor General, Labour, Municipal Affairs, Service Alberta, and Transportation. Yet your first recommendation says that you recommend that "Alberta Environment and Parks be asked to establish a cross-departmental committee." Why did you decide or choose Environment and Parks?

Ms Johnson: I felt it was important to at least indicate a potential leader for the group, and I chose Environment and Parks because they have two of the larger pieces of legislation – well, not necessarily larger but one of the more commonly referred to pieces of legislation, which is the Expropriation Act and the Surface

Rights Act. So because they have those two within their mandate, it just made sense, in my mind, to have them lead the conversation, but it wouldn't be just those acts discussed.

Mr. Hunter: Okay. Thank you.

That was the only question I had, Mr. Chair.

The Chair: Okay. Thank you.

Go ahead, Ms Woollard.

Ms Woollard: Thank you. Thank you, Ms Johnson, for your report. Regarding property rights in Alberta how does your office relate to other government agencies? We've talked about them a bit, but the farmers' rights advocate, the Surface Rights Board, and the Alberta Energy Regulator: how does your office work with them?

Ms Johnson: Well, we keep in touch with them. We learn from one another and often are at the same events, but the role of our office, as we have it defined today or as it operates today, is that we listen to what Albertans have to tell us. We document their concerns. We look for patterns and trends within those discussions, and then we make recommendations from that, and we share that information with government and with you, our lawmakers.

10:40

Ms Woollard: Okay. Thank you.

On to the next one?

The Chair: Sure.

Ms Woollard: Okay. On page 15 you note that

there appears to be a willingness to move toward better cooperation between operators and landowners, however the regulatory system is not nimble enough or comprehensive enough to manage these relationships effectively.

First off, why do you think that is? Why is there that, again, disconnect, as you mentioned in another context?

Ms Johnson: Again, I think it's the way that the acts are individually written and how they are meant to function together. So sometimes there are gaps that appear where one agency can only go so far and another agency has to pick it up and maybe can't pick it up right from the same drop-off point.

Ms Woollard: Uh-huh.

Ms Johnson: As with anything, there are always organizations or groups out there that like to find loopholes, and if they find a loophole, they'll take advantage of it. So the synergy groups that are trying to build better relationships are working toward having those positive relationships with landowners, but when certain groups can take advantage and do take advantage, it damages that relationship for all parties.

Ms Woollard: Okay. Well, thank you very much. It's a very complex relationship, and it sounds like it's evolving. Okay. Thank you.

The Chair: Okay. Now we're going to go to the phones.

Ms Kazim, feel free to begin your line of questioning for Ms Johnson.

Ms Kazim: Sure. Thank you, Mr. Chair. Thank you, Ms Johnson, for your time today and for the presentation. I have a couple of questions to ask. The first, after reviewing the report, it was found in the report that in 2014 your office received 232 service requests, and in 2015 the report states that you received 127 inquiries. That's

about a hundred fewer inquiries. Do you think there was a specific reason for this decrease in the number of inquiries that happened?

Ms Johnson: I don't know the reason for the decrease. I can say that our calls for 2016 are up significantly over the year. Just preliminarily looking at the numbers, it looks as though our numbers are up 50 per cent over the year. In the last quarter – October, November, December 2016 – versus the same time period in December 2015, our calls are up 250 per cent, two and a half times more calls in the last quarter of 2016 than in the last quarter of 2015. So our name is getting out there slowly, but it's building.

Ms Kazim: Okay. Yeah. Just to see if you saw any relationship of any specific situation that has an impact on the number of inquiries that are received from time to time, do you think there could be, like, specific factors that could have an influence on the number of inquiries?

Ms Johnson: We've been working really hard lately to get word out as to what our office does and does not do. I think that that message is finally resonating and that's why the numbers are up. As to whether there are other factors involved, I don't know.

Ms Kazim: Oh, okay. My other question is – on page 6 of the report there is a chart that breaks down in percentages the different types of concerns that the office receives. Are these numbers similar to previous years, like, the breakdowns, or is it kind of pretty much the same even though the number of inquiries are changing?

Ms Johnson: You're talking about the pie chart?

Ms Kazim: Yes.

Ms Johnson: The short answer is yes, but it requires some clarification. The categories that we used at the time that we produced this chart for 2015 are not the same categories that we use now. We found, in looking back, that the categories we were using in the past – there were some very broad categories, and they weren't descriptive enough. If we revisit the information from the 2015 data, the actual categories would look differently on the pie chart and there would actually be about 18 per cent of calls about energy development. In 2016 we're looking at about 30 per cent of the calls that would be about energy development, roughly 65 per cent more calls on that particular topic. I think that bears out with current economic circumstances.

Ms Kazim: Okay. All right. That's good to know.

My last question. On page 8 of the report it states, "The focus of our office does not include settling or refereeing intermittent property rights conflicts. This office cannot provide legal advice or represent someone in court." I was interested in knowing how often your office refers individuals to different government agencies such as the Surface Rights Board, for example.

Ms Johnson: To represent a landowner?

Ms Kazim: To represent Albertans who come for different types of inquiries, for example.

Ms Johnson: We don't make appearances before the board, nor do we act for any one specific landowner.

Ms Kazim: Do you do references? Like, do you refer individuals to certain boards if they need to get certain issues resolved or anything like that? Do you refer them at all to any kind of board or agency?

Ms Johnson: If there's an agency that can assist that we're aware of, absolutely we do, yes.

Ms Kazim: Okay. Is it very frequently? Like, is it very often, the reference that is made?

Ms Johnson: I don't have those numbers in front of me. If you want, I can go back and give this a little more thought and maybe provide a more thorough answer later.

Ms Kazim: Okay. Sure. Yeah, that would be very helpful. Perfect. Thank you so much, once again, for joining us today. I appreciate your answers to the questions. Thank you.

Ms Johnson: Thank you.

The Chair: Okay. Thank you.

We're now going to move on to Mr. Malkinson.

Mr. Malkinson: Thank you very much, Chair. I just want to sort of start off with, you know, kind of following up a little bit on a question Mr. Hunter had regarding your recommendation on page 16. You've mentioned a lot through this conversation about the various systematic modernizations that you think might be needed, and I was wondering if you could elaborate, sort of in your opinion, how that first recommendation that you have on page 16 would help to solve a lot of difficulties we've heard discussed today in committee.

Ms Johnson: Policy objectives over time: I think it's reasonable to assume that policy objectives change, so as things evolve – we have acts and various laws that have been in place over the years, some of which have not been revisited for a long period of time. By having a conversation and looking at what are the current policy objectives and how are these laws and policies either contributing to or detracting from or working together to help create – perhaps there's friction between different ones – or in order to reach the policy objective, what I'm basically pointing out is that the intention of the policies together may not always be achieving the intended purpose.

We need to look at the policies, how they're drafted, and then the actual impact that they're having on landowners versus the impact that was intended for them to have on the landowner. That takes a conversation among the various government departments to decide who should be taking care of what and what are the ultimate principles that we're going to be working with when we design our property rights laws.

Mr. Malkinson: That would go back to those examples that you mentioned in your opening as well, where there are conflicts between, like, landowners and, you know, when there happens to be an orphan well on their site or between a landowner and a municipality, for example. As a holistic part, what would be some of the things you think would come out of this by kind of doing a review of all the pieces of legislation?

Ms Johnson: I'm sorry. I'm having a hard time hearing you.

Mr. Malkinson: Oh, sorry. I'll talk into the microphone here a little bit more. There we go. What I was saying is that an example of that would be like what you talked about in your opening, where you had things like conflicts between landowners and owners of wells that may or may not have been orphaned, between landowners and municipalities, you know, landowners and, like I said, inconsistency in development. That would serve as an example that with this recommendation you would imagine going through and

looking at the whole legislation, where, I guess, the end goal would be to make sure that since some of this legislation may be quite old, it would be sort of modernized, with modern situations. I'm sure some of this stuff might be – I'm not sure how old some of these laws would be, but I imagine things like oil and gas development and solar and wind and other technological advances maybe weren't considered when these particular laws came forward. Would that be sort of a correct summarization?

10:50

Ms Johnson: Absolutely.

Mr. Malkinson: Perfect. Okay.

Switching gears then, Mr. Chair, I have one more question if that's acceptable.

The Chair: Sure. Please go ahead.

Mr. Malkinson: This sort of had come up – I can't remember who asked it. There was talk of what remedies generally come up in property rights disputes. Now, I mean, your office, of course, is not able to impose a settlement, but from what you're hearing, is compensation in the form of cash, whether it be for, like I said, conflict between municipalities and landowners or between oil and gas resource development and landowners, a common remedy for these sorts of disputes? And potentially have you seen or have you any other suggestions of what could possibly be other remedies, perhaps penalties or something like that?

Ms Johnson: I'd be happy to participate in a discussion about what other possible remedies there are – money does often seem to be the default – but I don't see the role of our office as being one that prescribes a particular response. I see more benefit in a conversation with the government departments and ministries to explore those ideas. We would certainly put our share of ideas on the table but also have government bring forward their own ideas as to how else we might deal with property rights issues and inequities.

Mr. Malkinson: Perfect. Awesome. Well, thank you so much for your questions. I very much appreciate it.

That's it for me for the moment.

Ms Johnson: Thank you.

The Chair: Thank you very much. We're going to move on to the phones, to Mr. Loewen, please.

Mr. Loewen: Thank you very much. On page 9 of the report it says, "The office contributed to the achievement of many of the government's strategic directions for building strong families, strong communities, and a healthy environment." I was wondering if you could expand a little bit on how the office contributed to the achievement of these strategic directions, you know, on strong families, strong communities, and a healthy environment.

Ms Johnson: Sorry. I'm just looking for that particular – you said page 9?

The Chair: Mr. Loewen, Ms Johnson is confirming that you said page 9. Dr. Massolin is telling me that it's on page 8.

Mr. Loewen: Yeah. Sorry. Page 9 on my computer but page 8 in the document.

Ms Johnson: I took my glasses off. Strong families, strong communities, and healthy environments I see as being – property rights are one of the inherent rights that families have. Particularly

for things like surface rights there are potential issues of contamination, so it certainly would help with the environment to improve property rights laws in that area, perhaps to create ways that those issues can be dealt with more quickly. Again, as I say, families and communities: if they're confident that their property rights will be protected and upheld, it allows them to continue on with their lives with a lot less concern that something could be taken away from them.

Mr. Loewen: Okay. Great. Thanks.

I wanted to go on to page 13. It says here that there's an anticipation that

the Energy Efficiency Advisory Panel will provide recommendations to government in 2016 about energy efficiency and small-scale power generation options.

It goes on to suggest:

These developments have the potential to directly affect not only the host property [but] adjoining properties.

There's discussion on that here in your document. It says here towards the end of that paragraph:

Where impacts to property rights are unavoidable, there need to be strong tools for recognizing, managing and adequately compensating owners for the impacts they endure.

Now, I just wanted to find out what your recommendations are for this situation when it comes to these recommendations from the Energy Efficiency Advisory Panel as far as how it's going to impact property rights and what tools that you'd see to be put in place to recognize, manage, and adequately compensate owners for the impacts they endure.

Ms Johnson: Well, again, that speaks to the first recommendation I make in the annual report, which is that we need to have a government conversation and a conscious discussion about the impacts that we want to have versus the impacts that perhaps we are having. It's going back to that first recommendation, which is that we need to have that first basic discussion and that first basic understanding of what our intent is and then what the actual results are.

Mr. Loewen: Okay. Great. Thanks.

There's just one final question here. It talks about – you mentioned earlier here that in the last quarter of 2016 the calls were up 250 per cent. What I'm wondering is: is there any change in the line of questioning when it comes to the concerns that people are calling you about? Now, you talked about how there is a possibility that it increased, you know, that energy development questions were up from 18 to 30 per cent. Now, those energy development questions: are they related to the oil and gas sector specifically, or is there a change more towards the renewable energy questions and that sort of thing? I just wondered if there has been any change in the line of questioning, and if so, in what direction.

Ms Johnson: I don't have that information in front of me, so I'd like to go back and study that a little bit further and provide a more detailed answer. I can send that later.

Mr. Loewen: That'd be great.

Ms Johnson: Okay.

Mr. Loewen: Yeah. That's great. Thanks.

The Chair: Those are all the questions that you have, Mr. Loewen?

Mr. Loewen: Yes, for now. Thanks.

The Chair: Okay. Thank you.

We are now going to move on to Mr. MacIntyre.

Mr. MacIntyre: Mr. Loewen covered it off.

The Chair: Okay. Thank you.

Next on the list I have MLA Dang.

Mr. Dang: Thank you, Mr. Chair. Thank you so much for your comments. I think that the report is going to be very valuable for the members of this committee moving forward. I do just have a single question for you. I was wondering: since you had spoken about some pre-existing property rights issues that have arisen and with respect to the Alberta economy today – we know that lower commodity prices and, in particular, lower oil prices have been having an adverse effect – could you speak at all to how those lower commodity prices may be impacting pre-existing property rights issues?

Ms Johnson: I don't think that it's necessarily creating new property rights issues, but what it's doing is highlighting some of the weaknesses that exist between how the policies work today. Having companies that are going bankrupt and not paying their lease payments, not paying their taxes, sometimes leaving the landowner with the energy bills for their operations: those kinds of things are coming up more frequently simply because of the nature of oil and gas companies becoming bankrupt.

Mr. Dang: Thank you.

The Chair: Okay. Next on the list – ah. Before we carry on, I just want to make sure, go back to the phones, and see if anybody would like to be put on the speakers list.

Okay. Hearing none, we'll go on to Mr. Hanson.

Mr. Hanson: Thank you. Yeah. Just a quick question regarding recommendation 2. I was reading the recommendation on page 18, where it says, "to develop a process to ensure recommendations made by the Property Rights Advocate Office are followed up on after they are endorsed by a Standing Committee of the Legislature." Referring to the standing orders – and, Parliamentary Counsel, you can correct me if I'm wrong – if I'm not mistaken, Standing Order 52.09 suggests that the government was required to respond to the committee's previous reports. Has this been done, and if not, would that help with some of your concerns?

Ms Johnson: I'm sorry. Do you mind rephrasing that?

Mr. Hanson: Sorry. Well, you're basically asking for follow-up and accountability from the government ministries on your recommendations or the committee's recommendations, and under Standing Order 52.09 it already suggests that the government was required to do this within 150 days. Has this been done? And if not, if the government actually did follow the standing orders, would that help with some of the concerns that you had in your recommendation?

11:00

Ms Johnson: Well, that's where the lack of clarity is for our office. If those things are happening, they're just not being reported back to our office. I don't know if anyone here at the committee has that information. What we're asking for is a clarification as to how we get feedback that those recommendations have actually been acted on or considered.

Mr. Hanson: Okay. Then, what if we were to invite those ministries in? They could come in and update the committee while we're doing the review of this report this year. Would that be helpful as well? You know, if they've got reports that they're sitting

on that you haven't received, that might be a good time for them to present.

Ms Johnson: That's a potential suggestion this committee might want to make.

Mr. Hanson: Sure. Okay. Thank you.

The Chair: Okay. Is that all, Mr. Hanson?

We do have another question from Dr. Turner.

Dr. Turner: Thank you, and thank you, Ms Johnson. It's been an interesting morning. I think you're doing very important work, and we congratulate you on the work you're doing. It was reassuring to hear that there's been an uptick, actually, in, quote, unquote, complaints to your office because I think that speaks to your getting the word out that you're there.

I have a series of questions, but the first one I want to deal with relates to comments that you made earlier about difficulties that might arise between municipalities and landowners. You specifically mentioned that this was one of these sort of insoluble situations sometimes. Of course, people get concerned about expropriation and those sorts of things. I was wondering if you've had a chance to review the new Municipal Government Act and if you had looked in that Municipal Government Act, the new one, to see if some of these issues might be better cared for in the new arrangements.

Ms Johnson: I haven't looked at it in great review. I am following with interest the suggestion that the Ombudsman through regulations will eventually have the power to review some of the decisions of municipalities, but I haven't looked at it in great review. Again, I'd be looking at the comments that are coming back from Albertans as to how it's functioning.

Dr. Turner: Maybe you could just give us some examples of the sort of thing that you have been hearing that maybe the municipal Ombudsman – and that's not quite the right term – office is going to be able to help with.

Ms Johnson: Sure. Sometimes when a landowner makes an application to a municipality to do some type of development, whether it's putting a deck on their house or building an outbuilding or what have you, they go through a lot of expense to satisfy various needs of the municipality for studies and whatnot to prove that it's a viable development, and at the end of the day they don't get the approval. So the question becomes: was it viable at any point to get the approval, or was it the result of the studies? They are being asked to do a study, the study seems to support the application, but they're not getting the end result.

My thought would be that we need a more transparent system that says, "These are the criteria that we will rate your application against; this is what we look for when we're rating your application," so there's some understanding as to why one person gets yes and another person gets no. I mean, that's one example. There are examples where the neighbour can do something. "Why can't I do the same thing?" Those kinds of questions come up. Again, it comes down to clarity.

Dr. Turner: It sounds as though there just is not an arbiter that could review those sorts of situations. Just natural justice doesn't seem to be served in that.

Ms Johnson: And those are the comments that I'm hearing.

Dr. Turner: Yeah. Okay. On a different tack here, your report references grassroot organizations formed in Alberta to address

recurring issues. All of us are very eager to make sure that those people, like the folks that were in MLA Strankman's office, actually can get their concerns dealt with. Some of these groups have long-standing issues that have gone back for decades. They must be frustrated because for decades they've been trying to deal with this, and here we're in 2017. Maybe you could highlight some of those concerns and how your recommendations might help actually resolve some of these.

Ms Johnson: I think my recommendation helps to not necessarily specifically resolve those issues, but it brings government together to have a conscious discussion as to what it wants to achieve in property rights. I'm not suggesting that the solutions are necessarily going to be everything that everyone hopes they will be but that government has a conscious understanding of what choices they're making in terms of property rights so that when it comes to things like surface rights, groups that have concerns with things that are happening on their farm operations due to oil and gas, government can consciously state, "These are the things we're dealing with; these are the things that will have to go to court or that we're not dealing with," that it's very clear to Albertans that they understand the rules of the game and that government understands what it's trying to achieve and the impact that it's actually having.

So while the surface rights groups contact government and make various recommendations, our office is trying to highlight that by bringing those issues here to this committee so that we can begin to have a conscious discussion within government about what laws are actually doing versus what we would like them to achieve.

Dr. Turner: Thank you for that.

Actually, that leads into my last question. You know, property rights, as you've been illustrating, is a very complex issue. We've heard some complaints from other members of this committee that perhaps the government is using too much advertising in certain situations. Wouldn't this be a good situation for the government to be doing some advertising to our citizens to tell them about your office but also about what this concept really is?

Ms Johnson: I think that might be something for this committee to consider, whether or not they want to make a recommendation in that direction.

Dr. Turner: Okay. Well, thank you very much.

The Chair: Okay. Next on the list I have Mr. Malkinson.

Mr. Malkinson: Thank you very much, Chair. My question revolves around the types of inquiries you get and sort of what the differences in topics would be between inquiries coming from an urban setting, whether it be from large cities like Calgary, Edmonton, or from, you know, smaller townsites in the province, let's just say, like Olds or Wetaskiwin or those sorts of places. Can you give me some examples of sort of what differences and sort of concerns or inquiries you're getting between rural property owners versus urban property owners?

Ms Johnson: Often the underlying concerns are very similar. For instance, oil and gas is a common concern for both urban and rural areas; however, the impacts are different. In a rural setting generally we're hearing from the landowner on whose property the pipeline or the well site is located. So they have certain processes, certain legislation that they can look to in having their issues dealt with, which may or may not be to their satisfaction, but it exists. In the cities we're looking more at people who are in proximity. It's not on their land, but it's nearby, and they have, perhaps, health

concerns or environmental concerns, or sometimes it affects their development. They have different mechanisms. It's a little less clear as to what their rights are and who they go to and how they get them dealt with. That's oil and gas, the difference between urban and rural.

In municipal conflict it's generally uses. In the more rural areas you might hear more about things like gravel pits. In cities it's more often about development of a type of building or an addition to a building or that sort of thing. Those are just two examples that come to mind.

11:10

Mr. Malkinson: Perfect. Well, as we were talking, I was just sort of thinking about – you know, we seem to be talking about oil and gas a lot, and I was just wondering what the splits might be from a more rural-urban divide. Thank you so much for that clarification.

The Chair: Okay. I currently have no one on the speakers list.

Ms Kazim: Sorry, Mr. Chair. I would like to ask another question.

The Chair: Okay. Sounds good. We're going to go to Mr. Nielsen, and then we'll go with MLA Kazim.

Mr. Nielsen: Thank you, Mr. Chair, and thank you, of course, for spending your time today with us. It's very much appreciated. I also appreciate the fact of all the work that your office has done putting this report together. It's clearly a lot of information. It's very complex, and, you know, for, I guess, new folks like myself it can be definitely a lot to try to digest in one sitting, so bear with me if it seems that way.

I know that through some of our discussions here today we can sometimes really focus on the things that are going wrong or could be getting done better, as we should, of course, but I guess I'm also curious, with regard to your office, if you might be able to tell us a little bit about the things that have gone right in your office, the things that, you know, you would highlight that your office has been able to accomplish with great satisfaction and exceeding your expectations. I was wondering if you might be able to expand a little bit on maybe some of those things.

Ms Johnson: Well, we've had some success in that we're getting other ministries to come and talk to us now. We're being recognized that we're here and that we're here to provide an unbiased voice. We have made some suggestions that have been considered or at least are reflected in some of the changes. For instance, in the Municipal Government Act the idea of an ombudsman was in – let me just double-check – I think it was 2014. I'm right; it was 2014. In 2014 we suggested an ombudsman, and now it looks like that's going to be happening.

Surface rights we have raised in a couple of different annual reports, and we've talked to the ministry. We know that those concerns have been noted. It takes time for change within government processes. We're quite pleased with the progress we're making. We also feel that we're hitting our stride now that our message is getting out, that we don't mediate individual, specific, certain circumstances. What we do is that we take a global approach, and we take a balanced approach at sharing what we're hearing from landowners.

Mr. Nielsen: Great. Thank you so much for that.

Ms Johnson: Thank you.

The Chair: Thank you.

We'll go on to Ms Kazim.

Ms Kazim: Thank you, Mr. Chair. My question for Ms Johnson is on indigenous communities. I would like to know if you have seen any specific issues that have been reported by the indigenous communities. What are those common issues that you have come across?

Ms Johnson: Common issues from a committee? I'm sorry, I don't quite follow.

Ms Kazim: Indigenous communities.

Ms Johnson: Oh, indigenous. Thank you. Thank you. Okay. Well, we haven't been asked to follow up on any issues for self-identified indigenous concerns. Does that answer your question?

Ms Kazim: Okay. So you said that there has not been much interaction between the office and indigenous communities at this point?

Ms Johnson: It's not always clear when we're on the phone whether we're talking to someone who's a member of an indigenous community or not, but the issues that have been shared with us: we haven't had any that were identified, self-identified by the caller as being an indigenous issue.

Ms Kazim: Okay. No problem. Thank you very much.

The Chair: Okay. We're coming to the end of the speakers list, but I just want to offer the opportunity to anybody who wants to be put on the speakers list at this time. Okay. I'll add Mr. Hunter to the list. Anybody else would like to be added to the speakers list at this time? Those on the phone? Just double-checking with you on the phone.

Okay. Hearing none, we're going to continue with Mr. MacIntyre, followed by Mr. Hunter.

Mr. MacIntyre: Thank you, Ms Johnson. Just a question for you regarding where your office currently sits. Would you see any advantage to becoming an officer of the Legislature rather than remaining under the ministry, to be more effective?

Ms Johnson: I don't believe that it's our role to comment on the structure of our office. I think that's for government to decide. So we would look for suggestions to come from government and/or from some of the landowners that may be calling.

Mr. MacIntyre: All right. Thank you.

The Chair: Okay. Mr. Hunter.

Mr. Hunter: Thank you, Mr. Chair. I guess following up on Mr. MacIntyre's question. Ms Johnson, you know, as politicians we are generalists, so we rely upon people like yourself who live this daily to be able to give recommendations. I would say that for myself I would personally like to have your thoughts on some of these questions and concerns that we have as you are a professional in your field. I think that it would have been helpful for us to have that today.

You made a comment earlier about approaching things on a global scale versus, I guess, what the opposite would be, on an individual scale. Would you see it being more beneficial to be able to approach these issues as people come to you on an individual scale in terms of being able to help them come to a conclusion?

Ms Johnson: I don't see that as being the role of our office simply because if we resolve the issues, we might become more tied to what that solution looks like. In other words, by listening to what

our landowners are telling us, listening to what property rights holders are telling us, we can tease out patterns and trends that are happening within property rights and address those and bring those to the attention of government and to lawmakers. We don't necessarily want to instill a specific response because it makes it that much more difficult for the person or persons that are affected by those decisions to come back and say: this isn't working for us. We prefer to keep that an arm's length away from what those decisions or what those solutions are. Whether or not there should be a ministry or a mechanism for doing that, that's a question that's worthy of debate, but it's not something that our office is involved in.

Mr. Hunter: All right. Thank you.

The Chair: Mr. Drysdale, please go ahead.

Mr. Drysdale: Maybe just one quick one because I've been listening here trying to get a sense of direction. I'm lost for the word – I just can't think of the word – but it seems to me that you're more of a traffic director. Like, when a landowner comes to you, you don't give them advice and you don't go with them, but you make sure that they know where to go, whether you send them to property rights or to the AER. So you're kind of a traffic director. I'll use that word. That's not the word I'm looking for. I'm not sure why I can't come up with it. But it seems that you just give them information and let them know their options, where they can go, but you don't give them advice or you don't go and represent them at these different organizations. Am I missing something here?

Ms Johnson: Well, it's actually a little different than that. When we know of an area where we can send a landowner for additional information, we do refer them, and we do make whatever information we have available to them. But our main role is to listen and understand and document their concerns. That's where the gold is for us. It tells us what's happening in property rights, what the actual impacts of the policies and laws are as they're being applied. We don't necessarily get into deep analysis – neither do the landowners – as to whether the issue is within the policy, within the way it's being employed, or if it's within the legislation itself. We're simply looking at what the issues are and then bringing them forward for discussion so that they can be looked at.

So we do what we can to assist a landowner when they call, but our main role is to listen and to document those concerns, to look for the trends, make recommendations, and bring them forward.

The Chair: Thank you very much.

I just want to give one last opportunity for people if they want to ask any more questions. Would any of the members around the table like to ask another question? Okay.

Hearing none, I want to thank all the hon. members for the questions that they've asked.

11:20

Thank you also to Ms Johnson for attending today's committee meeting. I'd like to give you the opportunity to stay if you'd like or feel free to leave if you'd like. It's up to you.

Hon. members, the next step in our review is to commence deliberations on the annual report and the recommendations that it contains. We're currently scheduled to meet this Thursday, January 12, 2017, to begin that process. The committee deliberations will allow members to propose recommendations based on the annual report of the Property Rights Advocate to be included in the report of the committee to the Assembly. If I could, I would suggest that if members have any recommendations that they would like the committee to consider, they should bring them to the Thursday

meeting. Parliamentary Counsel is also available to assist with the crafting of motions.

Okay. We'll move on now to the next item, which is other business. Mr. Hanson.

Mr. Hanson: Yeah. Thank you very much. You know, just based on the questions and what we found here today, I'd like to make a motion if I might.

The Chair: Go ahead, Mr. Hanson.

Mr. Hanson: I move that the Standing Committee on Resource Stewardship invite the following departments to appear before the committee to provide a status report on the past recommendations of the Alberta Property Rights Advocate, those being Environment and Parks, Justice and Solicitor General, and Municipal Affairs.

Thank you.

The Chair: Okay. So everyone has heard Mr. Hanson's motion.

Mr. Drysdale: I might add a friendly amendment. As it seems that most of the questions today were about oil and gas, could we add Energy to this? That's what most of the questions and concerns seemed to be about today, oil and gas. It's up to you. I mean, if you don't want to, that's fine. But that seems to be where the concerns are.

Mr. MacIntyre: I get what you're saying. I think the motion is focused on those issues listed under 52.09 that haven't been addressed by these particular ministries, but I do understand what you're saying. That might make for another motion, to have them come and address that specifically.

The Chair: Okay. I'm just going to interject here. The committee clerk is asking if you could read the motion once again so that we can get it recorded.

Mr. Hanson: Sure. I would move that the Standing Committee on Resource Stewardship invite the following departments to appear before the committee to provide a status report on the past recommendations of the Alberta Property Rights Advocate: Environment and Parks, Justice and Solicitor General, and Municipal Affairs.

The Chair: Would you like to stress a particular date for the motion?

Mr. Hanson: Well, it may be a little early to ask for it on Thursday, but that would be the ideal time. I guess it would be at our next scheduled meeting or whenever we schedule a meeting, at the earliest opportunity, being that in 2014 they were basically asked to do this.

The Chair: Okay. Mr. Nielsen.

Mr. Nielsen: Thanks, Mr. Chair. I was wondering if you could just clarify here. I don't actually want to say, because I don't think it is, but I'll use the words just in case, just so that we can be absolutely clear: I don't know if we're out of scope on that. Based on what our committee is tasked to do, yeah, maybe it's not out of scope, but I'm wondering if we have to get through the Lobbyists Act before we can jump onto that. If somebody, maybe Parliamentary Counsel, might be able to help with that.

The Chair: Please go ahead, Ms Dean.

Ms Dean: It's certainly within the committee's prerogative to invite department officials. I think this appears to be germane to the deliberations on the report that the committee would be making.

Mr. Hanson: It's going to help us complete the review. Like I say, if we look at page 19, past annual report recommendations, under 2014, it's been under review by Municipal Affairs, under review by Justice, and under review by Environment and Parks. According to the advocate nobody has reported back to her. Now, under Standing Order 52.09 they're required within 150 days. So going back to 2014 – we're now into 2017 – I think we've gone over that 150 days, and I think it would be prudent for us to get a report back from them on the recommendations.

The Chair: Go ahead, Mr. Nielsen.

Mr. Nielsen: Yeah. Maybe I wasn't clear on my question. I guess in a way this would kind of be taking on some extra work, but I was wondering if we have to do the work on the Lobbyists Act first, and then get to what you were suggesting.

The Chair: Are you requesting an answer from Parliamentary Counsel?

Mr. Nielsen: Please, or clarification, yeah. I guess it falls under the timeline. What are we required to get done first? Can we go ahead and get this information, invite these people? Or are we looking at having to do the Lobbyists Act first, before that?

Ms Dean: I believe this particular motion pertains to deliberations in connection with a report this committee might give that is tied with the deadline that the committee is up against, of January 22, 2017. So that's the deadline that would precede your work on the Lobbyists Act review.

Mr. Nielsen: Yeah. Great. That was the answer I was looking for. Thanks.

Mr. Malkinson: Just going along with the timelines, I mean, January 22 is basically a little under two weeks from now. I'm looking at the report there on that last page, on page 19. You know, we're trying to invite Environment and Parks, and it seems like a lot of their stuff that's outstanding, as noted in the report – for example, from 2014 Environment and Parks is to amend section 36 of the Surface Rights Act. It says that it's "under review by Environment and Parks as part of a potential review of the Surface Rights Act." It seems like a lot of the parts that are missing, at least mentioned in this report, are actually parts of other reviews.

There's another recommendation that is part of the Municipal Government Act review. I feel that in such a short timeline, if we had reports come forward, it would seem to me, on a cursory glance, that perhaps we would essentially end up with the exact same information again.

Considering our tight timeline, I think it would perhaps make sense to follow through with the two recommendations that were actually put forward in the report, you know, which included things like going through and looking at the full modernization of all the various acts that the Property Rights Advocate touches. I feel like this might be – although valuable, in such a short timeline, at a cursory glance, I don't see what extra information we'd get out of that because it seems like a lot of it relates to reviews of other acts, which would be the recommendation that actually came through in the report.

So it sort of feels like maybe debating the recommendations and getting that moving forward might be a better course of action. That

would sort of be my initial reading of this. Again, I haven't looked into it in depth, but I'm thinking that with our tight timelines I'm not sure what extra information we might get.

11:30

The Chair: Okay.

Mr. MacIntyre: I think there may be a misunderstanding on the part of the hon. members opposite as to what it is that 52.09 is asking for. They're not asking for the government to come up with a solution or a resolution; it's a response. Under 52.09, which is a standing order of this Legislature, the government must within 150 days provide a response, and they haven't done that in three years. I don't believe that even a January 22 timeline is difficult. If they're doing their job, they ought to know what their status is on each one of these recommendations. If they're under review and they're in a process, someone is going to be tracking that process. This committee, under 52.09, deserves to have a response. The government is overdue.

The Chair: I have on the list Mr. Hanson, followed by Mr. Drysdale, and then we'll go to – you want to make a point of clarification, Mr. Malkinson?

Mr. Malkinson: Yeah. I just would make sure that I'm understanding this fully. We're talking about the intention of the motion, that they're specifically looking for responses from the aforementioned ministries, for status updates, as mentioned on page 19 of the property advocate's report. Is that correct, hon. member?

Mr. Hanson: That's correct.

Mr. Malkinson: Okay.

The Chair: We'll go on to Mr. Hanson, followed by Mr. Drysdale.

Mr. Hanson: I'd just like to point out – and I understand that it's going to be a little extra work, but we're all up for it – that January is fairly open. I don't think it's unreasonable to ask three departments that have had since 2014 to work on these recommendations. It's not like we're asking them to do anything brand new today. It was asked for back in 2014, so there should be some paperwork somewhere, a report somewhere that someone can dig up and bring to us.

I'd just like also to point out that this task was referred to this committee on November 22, so we have had the time. These three departments, you know: if they haven't reported to the advocate's office, we could have added extra time today even and had them in here today. So I don't think it's unreasonable to ask this. It's doing our job. It's asking the government to do their job. It's asking those three ministries to do their job, and I don't think it's an unreasonable request. I think that in order to complete our report and to have all of the information, we need to hear from these three departments, you know, however briefly it may be required.

The Chair: Mr. Drysdale.

Mr. Drysdale: Mr. Chair, thanks. You know, I don't see a problem where we can't do the Lobbyists Act on Thursday, like we were going to. We've got the report here from the property advocate. We can accept this report. It's not going to change it. But then we can do a follow-up from the report and have the responses from it. So I think we can do the Lobbyists Act, accept this report, and then do a follow-up on the responses. I don't see what the hurry is. We should be able to do all three of them.

The Chair: Okay.

Mr. Drysdale: We don't need to have the follow-ups to accept the report. She gave her report. We can accept it. Now let's hear the response from the departments.

The Chair: Okay. Would anybody else like to interject at this point?

Mr. Loewen: Yeah.

The Chair: Okay. Go ahead, Mr. Loewen.

Mr. Loewen: Yeah. I just want to kind of echo some of the same comments that have already been made, that these ministries had 150 days. Some of the stuff actually goes back to 2013 even, and to expect them in the next week or so to come up with a response to these things that they've had under review for three or four years is not unreasonable at all.

There was the suggestion that some of them are waiting for other information from other departments, but that's not the majority of them. There are only two of them that are looking for, you know, information from other departments. But, of course, they've been looking for this information for years now, so I think that now it's time for these ministries to come forward and give this committee the information that they're supposed to give us.

I don't think there is any use in delaying this any further. There's no good excuse for that at all. We need to bring these ministries before this committee and hear what their answers are to these suggestions by the Property Rights Advocate.

The Chair: Thank you, Mr. Loewen.

Before I go to Mr. MacIntyre, I just want to check with others on the phone if they would like to interject in the conversation.

We'll go on to Mr. MacIntyre right now.

Mr. Strankman: Mr. Chair, I'll follow Mr. MacIntyre.

The Chair: Okay. Thank you.

Mr. MacIntyre: Thank you. I just want to bring to the members' attention that when Ms Johnson was giving her presentation, she was talking about the increased number of calls from concerned Albertans specifically over adverse possession in our province. There was a recommendation made by her back in 2014 – you'll see it on page 19 – to “abolish the law of adverse possession in Alberta.” Now, adverse possession has been a property rights issue in this province going way back before 2014, and I think any of us that are older – there are a few of us – know that it's been a long-standing thorn in the side of Albertans for a very, very long time.

In 2014 this was referred to Justice and Solicitor General for review, and we've heard nothing. If Justice and Solicitor General had obeyed the rules and given a response within the 150 days to this committee at that time, it's quite probable that Ms Johnson's department would not have been receiving nearly the number of calls and issues from concerned Albertans if it had been handled at that time, if a recommendation had come from this committee to the Legislature and the Legislature had acted upon that recommendation from this committee to deal with adverse possession.

But here we are in 2017. Justice and Solicitor General haven't done their job. They've contravened section 52.09. This is a serious issue, that 52.09 is not being adhered to by these various departments. I believe on the behalf of Albertans that we have a responsibility as their representatives to bring these departments in and ask them: what's going on here? You were given 150 days to

respond. You know the rules. What's the status of these issues under review? Then based on what they tell us, I believe we need to then deal with that issue and make sure that these issues are indeed looked after on behalf of the people of Alberta.

As we were told by Ms Johnson, she's received a 250 per cent increase in the number of calls coming in in the last quarter. That ought to be an alarm bell for each and every one of us that we have a systemic problem. This isn't a blip on the radar screen. This is a systemic problem that is getting worse. This committee is tasked with the responsibility of exploring why and making recommendations to the Legislature. I believe this is a larger issue than what maybe some of us think about.

I can assure you that rural Albertans, businesses outside of urban areas understand property rights very much because they are being stomped on constantly, and I would guesstimate that if Ms Johnson was to categorize calls from rural Alberta versus urban Alberta – I can't even guess – I'll bet you it's 9 to 1, 10 to 1. These are serious issues. Albertans expect us to deal with it, and I would very much like to hear these three departments in this committee explain where these things are at and why they haven't been adhering to 52.09. That thing has been on the books a long time.

Thank you.

The Chair: We'll go on to Mr. Strankman on the phones.

Mr. Strankman: Yes. Thank you, Mr. Chair. I shouldn't have let Mr. MacIntyre go ahead of me there. He took a lot of my points. But it is a serious and significant concern for Albertans. One point I would just like to bring up is the delegation of people that were in my office, that there is another significant number of landowners that have come to me with concerns that they have been approached by organizations who are amalgamating sites, surface sites, for solar and/or wind power generation.

11:40

These organizations are only doing that as amalgamating firms, and then they resell off all these permissions that they received from surface landowners in that regard. Those agreements are under a form of abuse in some situations, and there is no way that the landowners can get compensation for or adjudication to some of the things that have taken place there.

There's a whole other thing that's bubbling under the surface here that needs to be addressed. I believe that the buck stops with this committee. The accountability buck stops with this committee. This is the only mechanism that we as representatives get to hold the government departments accountable for Albertans, to do their jobs. They've had 150 days or more to present a form of a report. I don't even detect from this conversation that there's been any movement to even create any interim reports of any fashion.

I would wholly support the motion of Mr. Hanson there that these agencies be brought forward to the accountable body of the government, of the parliament, of the province's Legislature to do their duty, to do their job. Thank you.

The Chair: Okay. Mr. Malkinson.

Mr. Malkinson: Thank you very much, Mr. Chair. You know, I've heard a lot of these points. I mean, you know, these issues are important to Albertans, and of course these sorts of – we've been speaking about property rights as a party for a very long time, at least the New Democratic Party has as well. So I think we have some commonality on wanting to make sure that we do get this right. I think members of the opposition – you know, we agree on that point.

I just want to take a moment to go back to a suggestion that Mr. Drysdale had. You had mentioned earlier, Mr. Drysdale, that you would perhaps want to move ahead with the two recommendations from this report and then have the ministers report back at a later date with their reports. Did I hear that suggestion correctly?

Mr. Drysdale: Yeah. Well, our task is to, you know, have the report from the property advocate. We had that and we can accept that, but coming out of that, you know, we can do follow-up with responses from the – I don't think we have to do that before we accept the report because we have a timeline crunch to accept this report. I don't think it's something that we need to do in a hurry. I'd sooner take our time and do it right and accept the report as is and then bring the departments in as follow-up and get responses for it. That's all.

I just don't want to rush into this and try to get an answer in a week. You know, let's accept the report and do our business and also the Lobbyists Act and then follow up with responses from the department when we've got time to do that, I mean, over the next month or whatever. I'm not saying that we should leave it; I think we need to get at it. But we don't need to do it all in the next week because I think our deadline is the 21st or something like that. You know, we don't have to have it done before then is all I'm saying, but we need to do it.

Mr. Malkinson: I think that sounds like a good idea.

The Chair: Thank you.

Next on the list I have Mr. Nielsen, followed by Mr. Hanson.

Mr. Nielsen: Yeah. Thanks, Mr. Chair. I'm definitely going to wholeheartedly agree. I don't think that needs to slow us down. We can get these two recommendations moving and on the books. Like you said, at the same time let's not drag our feet on this. We need to get some answers here about those outstanding recommendations and where they're at. You know, let's not take our time on that, but it allows us to get moving on other things while these answers are getting back to us and to make sure that we get them in a timely fashion.

The Chair: Okay. Mr. Hanson.

Mr. Hanson: Yeah. I just have to disagree, guys. I think that we've given these departments plenty of time. Accepting a report that isn't complete, without three very significant portions of the recommendations being fulfilled, would be a mistake – you know, hearing back from Justice and Municipal Affairs and Environment and Parks.

I mean, it's, like Mr. Strankman and Mr. MacIntyre said, probably 10 to 1, the reports to the advocate's office from rural people. I'm hearing of people that have been approached by windmill companies from Ontario, where if the farmer signs the agreement, he's going to have to ask for permission and give prior announcements or get prior permission from the windmill company to hunt on his own property. Like, these are issues that are going to come up. If you think you're getting phone calls now, you're going to be getting a lot more when these things come through.

I think it's very important in order for us to fulfill our job here as a committee that before we can deal with the Lobbyists Act, we complete this report, and part of the recommendations is to complete this report before we can deal with that. And if we have to, you know, schedule another meeting and get these reports from these three ministries, which should be already there according to the standing orders – they should have had this done 150 days after the recommendations. We're now into 2017. As I said, the

recommendations were made in 2014. I don't think it's unreasonable to schedule these people and bring them in and get this before we can accept this report, have the report completed, in my opinion.

Thank you.

The Chair: Okay.
Mr. Hunter.

Mr. Hunter: Thank you, Mr. Chair. I guess maybe the question I have is: Mr. Hanson, are you just asking these ministries to present the reports that they already have to the committee?

Mr. Hanson: They should.

Mr. Hunter: Okay. If that's the case, then I don't know if we have to – they don't have to prepare anything. It's something that's already been done, so for them to be able to provide that information for us to be able to make sure that we have a fulsome report – I'm not sure why we wouldn't ask them for that prior to. It's not like they have to prepare anything if they've already done their jobs.

The Chair: Any more questions, comments? Mr. Malkinson.

Mr. Malkinson: Thank you very much. You know, thinking on Mr. Drysdale's recommendation, which I agree with and it sounds like a couple of the other members here agree with as well, I would like to propose an amendment to the original motion – I mean, by all means, Parliamentary Counsel, please help me out on this one – to the effect that we have them come in, that we approve the recommendations, the two recommendations, and then have the aforementioned ministries come in and report back to the committee at a later date. I don't know if that needs to be a separate motion or an amendment with the effect of basically making an amendment so it's in the spirit of what Mr. Drysdale pointed out earlier.

I feel, thinking of Public Accounts, where we often give ministries quite a bit of notice in order to come forward and do their presentations even when often they have all the information there right away, that we give them appropriate notice. I think it makes sense to have the recommendations come forward so we can complete that business and then have the various ministries come forward and present, as, you know, would be the requirement of this motion, at a later date.

Ms Dean: Mr. Chair, if I may?

The Chair: Yes. Please go ahead.

Ms Dean: I believe that's a different substantive question, Mr. Malkinson, in the sense that it sounds like there's a suggestion that the committee is making a decision or deliberating on the content of the report, and that's what's scheduled for consideration at Thursday's meeting.

The Chair: Indeed it is.

Ms Dean: I think that's a different substantive question rather than amending this motion, and it would tie in with the order of business for Thursday's meeting.

11:50

Mr. Malkinson: Just a question then. Obviously, I don't have the wording of the motion in front of me. Would the motion that we have on the floor as currently written – if I remember correctly, I believe it would compel the ministries to come forward before the 22nd. Am I remembering that correctly?

The Chair: Could you clarify that, please?

Mr. Roth: I can read the motion as I have it here. Moved by Mr. Hanson that

the Standing Committee on Resource Stewardship invite the following departments to appear before the committee to provide a status report on the past recommendations from the Property Rights Advocate – Environment and Parks, Justice and Solicitor General, and Municipal Affairs – at the earliest opportunity.

The Chair: Did you have a comment to add, Mr. Malkinson?

Mr. Malkinson: Not at this time, no.

Mr. Drysdale: I don't want to belabour that point, and I'm glad there's no timeline. You know, we need to get it done, but I thought we had to have the recommendation by the 21st. What happens if we don't, then? I guess if we don't have to have the recommendation by the 21st, I'm okay with this.

The Chair: Would you like to direct that in the form of a question to Parliamentary Counsel?

Mr. Drysdale: It's a question to you or to legal: do we have to have a rule on this recommendation before the 21st or not?

Ms Dean: Well, I think the intent in terms of Thursday's meeting is for the committee to make decisions on the report in order to meet that timeline. The debate that's unfolding here appears to be whether or not you invite department officials before or after that deadline, and that's a decision for the committee.

Mr. Clark: Mr. Chair, can I be on the list, please?

The Chair: Go ahead, Mr. Clark.

Mr. Clark: Thank you very much. Yeah. Just a brief comment. You know, this is not the first committee I've sat on where we find ourselves up against a time crunch, and that's certainly challenging as a committee member and, I have to say, not just a little bit frustrating. I don't think that it's an unreasonable request to ask, so I certainly speak in favour of this motion. It is the baseline, I think, of what we should be expecting of these departments, and I don't think that it should be an overwhelming request to ask them to come in in short order to provide this committee and all Albertans with this information. I would hope that we can do that as quickly as possible, and I don't think that puts an undue burden on the departments.

The Chair: Mr. Malkinson, please go ahead.

Mr. Malkinson: Just to clarify, the motion as we have it currently written doesn't conflict with any of our standing orders and our review of the Lobbyists Act as it currently exists. The motion as it currently exists shouldn't be in conflict with that. Would that be correct?

The Chair: You're referring your question to Parliamentary Counsel, of course, yes?

Please go ahead, Ms Dean.

Ms Dean: Thank you, Mr. Chair. Obviously, this committee has had two different matters referred to it, and you've got one timeline that's ahead of another. So I don't see any problem with the form of the motion as it's been presented.

The Chair: Okay. Any further discussion? Any comments, questions?

Mr. Strankman: Mr. Chair, is it parliamentary protocol to have recorded votes for these events?

The Chair: It can be requested, sir.

Okay. Are there any other questions, comments at this time? Mr. Nielsen, please go ahead.

Mr. Nielsen: Thanks, Mr. Chair. I guess from what I'm hearing, I mean, we are scheduled to deliberate on Thursday. Maybe we should between now and then ask the ministries: can they present within the timeline? If so, get them in as soon as possible. Otherwise, then, at Thursday's meeting we can move forward. So I'll move to

adjourn to find that information out.

The Chair: Okay. There is a motion, ladies and gentlemen, to adjourn debate. If I understand you clearly, sir, yours is a motion to adjourn debate on the motion that's on the floor.

Mr. Nielsen: Correct. Till Thursday.

Mr. MacIntyre: I want to comment on that. Can we discuss it?

The Chair: It's not debatable, sir.

Okay. There's a motion to adjourn debate, and I'll ask all members to vote. All in favour? Those opposed? On the phones?

Mr. Hanson: A recorded vote, please.

The Chair: A recorded vote has been requested, but before we do, ladies and gentlemen, it's 11:56, so I'm just cautious of the fact that we may go past 12. I believe I need consent of the committee to go past 12 o'clock in order to complete the meeting. Do I have consent of the committee members to go past 12 o'clock? I'm seeing nods. Yes? All in favour? Okay. We will carry on.

I'll ask members to state their names and then how they're voting on the motion to adjourn. I'll start here to my right.

Mr. Hunter: Grant Hunter, MLA, Cardston-Taber-Warner. No.

Mr. MacIntyre: Don MacIntyre. No.

Mr. Hanson: David Hanson. No.

Mr. Drysdale: Wayne Drysdale. No.

Mr. Nielsen: MLA Chris Nielsen, Edmonton-Decore. Yes.

Ms Babcock: Erin Babcock. Yes.

Dr. Turner: Bob Turner. Yes.

Mr. Dang: Thomas Dang. Yes.

Ms Woollard: Denise Woollard. Yes.

Mr. Malkinson: Brian Malkinson. Yes.

Mr. Rosendahl: Eric Rosendahl. Yes.

The Chair: Okay. We'll go to the phones now.

Ms Kazim: MLA for Calgary-Glenmore. Yes.

The Chair: Okay.

Mr. Clark: Greg Clark. No.

The Chair: Okay.

Mr. Loewen: Todd Loewen. No.

The Chair: Those in favour of the motion, eight, and six noes. The motion is carried.

We're still under other business.

Mr. Drysdale: I guess I'm a little confused here. I'm not sure: are we going to deal with this report on Thursday, then, in our agenda?

The Chair: We will be deliberating on the report on Thursday morning, yes.

Mr. Drysdale: Okay. Thanks.

The Chair: Any further questions?

Any items under other business?

Hearing none, we'll go on. Hon. members, the committee is scheduled to meet this Thursday, January 12, at 9 a.m.

With that, if there's nothing else for the committee's consideration, I'll call for a motion to adjourn the meeting.

Mr. Nielsen: So moved.

The Chair: Okay. Mr. Nielsen, thank you. All in favour? Any opposed? On the phone, all in favour? Any opposed? Thank you. That motion is carried.

Thank you very much. We'll see you all on Thursday morning.

[The committee adjourned at 11:59 a.m.]

