



Legislative Assembly of Alberta

The 30th Legislature
Second Session

Select Special
Committee on
Real Property Rights

Thursday, July 8, 2021
9 a.m.

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Select Special Committee on Real Property Rights

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Rutherford, Brad, Leduc-Beaumont (UC), Deputy Chair

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[Mr. Sigurdson in the chair]

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

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

Mr. Rutherford: Good morning. Brad Rutherford, MLA, Leduc-Beaumont.

Mr. Milliken: Good morning, everybody. Nicholas Milliken, MLA, Calgary-Currie.

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

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

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

Ms Govindarajan: Vani Govindarajan, office of Parliamentary Counsel.

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

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

The Chair: We will now go to those joining virtually to introduce themselves, starting with MLA Glasgo. We don't seem to be able to hear MLA Glasgo. We'll come back to her.

Next we have MLA Reid. Oh for two. We seem to be having some audio problems.

Next can we try MLA Hanson?

We're just going to pause for a sec and see if we can get some of these technical issues fixed with our videoconferencing just to make sure that we can get our MLAs heard here. We're just going to pause for a quick couple of minutes here. I apologize for the inconvenience.

Mr. Hanson: They usually do a sound check before we start the meeting. Can you hear me okay?

The Chair: We can hear you now. Maybe we'll start again. We'll see if the problem has been corrected. We'll go right back to MLA Glasgo.

MLA Glasgo, can you introduce yourself?

Ms Glasgo: Good morning. MLA Michaela Glasgo, Brooks-Medicine Hat. Nice to see you and hear you now.

The Chair: Excellent. Perfect.

Next MLA Reid.

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

The Chair: Next we have MLA Hanson.

Mr. Hanson: Hi. Dave Hanson, Bonnyville-Cold Lake-St. Paul.

The Chair: And next we have MLA Rowswell.

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

The Chair: Excellent.

For the record I will note the following substitution: we have MLA Reid for MLA Goodridge.

A few housekeeping items to address before we turn to the business at hand. Pursuant to the June 30, 2021, memo from the hon. Speaker Cooper I would remind members that pandemic restrictions on Assembly committees have now been lifted. Masks are now optional for those attending committee meetings in person, but members may continue to participate in meetings by videoconference.

Please note that the microphones are operated by *Hansard* staff. Committee proceedings are live streamed on the Internet and broadcast on Alberta Assembly TV. The audio- and videostream and transcripts of meetings can be accessed via the Legislative Assembly website.

Those participating by videoconference are asked to please turn on your camera while speaking and to mute your microphone when not speaking. Members participating virtually who wish to be placed on a speakers list are asked to e-mail or send a message in the group chat to the committee clerk, and members in the room are asked to please signal the chair. Please set your cellphones and other devices to silent for the duration of the meeting.

Approval of the agenda. Are there any changes or additions to the draft agenda?

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

Mr. Milliken: Motion to approve.

The Chair: Moved by MLA Milliken that the agenda for the July 8, 2021, meeting of the Select Special Committee on Real Property Rights be adopted as distributed. All those in person in favour, say aye. All those opposed in person? All those in favour on videoconference? All opposed on videoconference? Hearing none, thank you. That motion is carried.

Approval of minutes. Next we have the draft minutes of our June 24, 2021, meeting. Are there any errors or omissions to note?

If not, would a member like to make a motion to approve the minutes? MLA Nielsen. Moved by MLA Nielsen that the minutes of the June 24, 2021, meeting of the Select Special Committee on Real Property Rights be approved as distributed. All those in person in favour, say aye. All those in person opposed, say nay. All those on videoconference in favour? All those on videoconference opposed? Hearing none, thank you. That motion is carried.

Next we have business arising from the report of the subcommittee on committee business. Going to (a), recommendations on stakeholder lists and written submissions, hon. members, the subcommittee on committee business met on June 29 to discuss a number of issues, including stakeholder lists, written submissions from stakeholders, and public meetings. The report on the subcommittee's recommendations to the committee was made available to members on July 5. The subcommittee's report provides the stakeholder lists that were received from both parties, and the subcommittee recommends that the committee invite these stakeholders to provide written submissions to the committee, with a two-week submission period. The report also recommends that the subcommittee evaluate the written submissions and recommend which stakeholders to invite for oral presentations and that only stakeholders who have provided a written submission be considered to provide an oral presentation.

At this time do members have any comments on the subcommittee's recommendations relating to the stakeholder lists and written submissions from stakeholders? MLA Sweet.

Ms Sweet: Thank you, Mr. Chair. I think I'm looking for some clarity. Obviously, I'm not on the subcommittee, so I'm not sure I have all the information about the conversations that have occurred when it relates to this topic. Part of the questions and thoughts that I have are that when the subcommittee made the recommendation that only those who have provided a written submission will then be able to present orally, I feel like that's a little bit counter to the fact that we have been discussing in this committee about touring and going around to different locations and hearing from Albertans and being able to have a fulsome consultation. I guess, for me, the part that doesn't make sense is: why, then, all of a sudden would there be a limitation on who gets to present to the committee if you haven't presented a written submission? I mean, that's one question that I have when, you know, we're supposed to be open and transparent and making sure that Albertans feel like they can participate. I just have a question around that.

The other piece that I think I want to make sure about. Being on some of the other committees that have talked about creating stakeholder lists, we've always done it at committee and not at subcommittee. Part of the reason for that is that the public has a right to understand why some people are being invited and maybe some people are not or why we disagree with some individuals being on a list and why other individuals are being removed from a list of recommended stakeholders, because I believe that that should also be public. We did this in the Democratic Accountability Committee, where we didn't agree on both sides. The government had their lists, the opposition had their lists, and we negotiated back and forth around who was asked to present. I think it was very amicable and respectful, and in the end we came up with a great list. The government lost some people on their list, and the opposition lost some people on their list, but we came together and still had a really good list. But it was done openly, it was done transparently, and Albertans understood why the conversation was happening and what that looked like.

This is all now being done in subcommittee in this committee, and I'm a little concerned about the transparency and the willingness to be public about that information. Because of that, I have a motion, motion 57, which I would like to put on the floor. I'll just wait until the clerk is ready.

The Chair: Thank you, Member Sweet.

We'll just pause here for a second and allow them to bring that motion up onto the screen for those joining us on videoconference.

We now have the motion up on the screen. Member Sweet, if you would like to state your motion and then please proceed.

Ms Sweet: Thank you, Mr. Chair. The motion reads that the Select Special Committee on Real Property Rights adopt recommendation 3.2, set out in the subcommittee on committee business report dated June 29, 2021, with the following amendments to be recommended: (a) in clause (b) by striking out "subcommittee" and substituting "committee" and (b) by adding the following after clause (a): "(a.1) that all written submissions be made publicly available."

Again, I think I've already provided my rationale, Mr. Chair, so I won't get into it again.

9:10

The Chair: Thank you, Member Sweet.

Next on the speakers list we have MLA Milliken. Please go ahead.

Mr. Milliken: Thank you, Mr. Chair. I guess what I just want to say is that I happen to be on the subcommittee, and I, personally, really enjoyed the time that we spent here under the subcommittee. It was an opportunity for all sides to work amicably together.

If anything, I'm just slightly disheartened that it took us T minus three minutes of talking for the canned lines to come from the opposition about "open and transparent." I think that they're worried about things like asking for written submissions prior to getting oral submissions so that we as a committee can make sure that we stay on track and do things very, very effectively along with the fact that they're saying that they have a problem with the fact that the subcommittee heard from the opposition with regard to a fulsome list of stakeholders that they wanted to hear from. What did the draconian subcommittee go and do? They accepted your whole list. We accepted the whole list.

What we're doing in an open and transparent manner is making sure that everybody that you want to hear from gets that opportunity. The easiest way to do that and the best way to do that, to ensure that we actually use our time here appropriately, is to ensure that we hear from them from written perspectives first, and that gives us the opportunity to make sure: "Hey, you know what? These people are saying something really, really important that we need to hear about with regard to the mandate of this committee."

To say that things aren't open and transparent is literally the opposite, but that's what I'm starting to find out. When it comes to the opposition, sometimes they take it a little bit too strictly, and instead of just acting to try to make sure that the government is held to account, they literally just take opposition and they say: "You know what? Opposition means opposite." Then they go and they just do the opposite. I'm sometimes frustrated.

If anything, I'll probably just stop there.

The Chair: Thank you.

Next we have on the list MLA Rutherford. MLA Rutherford, please go ahead.

Mr. Rutherford: Thank you, Mr. Chair, and I appreciate the comments from both MLAs Sweet and Milliken. I would just like to move an amendment to this motion if I could, please.

The Chair: If you want to just pause for a second, we'll allow the committee clerk to bring that amendment up onto the screen for the members both on videoconference and those attending in person.

There we go. The amendment is now up on the screen.

Please proceed, Member Rutherford.

Mr. Rutherford: Thank you, Mr. Chair. It's a motion (a) to strike out clause (a) in the main motion and (b) to add "stakeholder" after the word "written" in the main motion as well.

Pretty simply for the subcommittee – I think MLA Milliken touched on this as well – the entire stakeholder list was, I think, adopted on both sides, at least to come back to this main committee to be approved. I think that that system worked well and that we're going to have an opportunity to hear from, really, a wide array of people on this and to get a lot of different perspectives for this committee. In coming back to what the subcommittee had put forward within clause 3.2, "that the subcommittee evaluate the written submissions and recommend which stakeholders to invite for oral presentations," from what I recall in the subcommittee, that is sort of what the committee had overall decided on.

It's not to hide from Albertans who we pick. I mean, who we pick is going to be made public from the oral presentations, so there's no hiding that. The list has been fully adopted, so we'll be able to see those lists as well and get those written submissions at the same

time. I think this just cleans up the main motion a little bit and, I think, stays with what the subcommittee has decided.

The Chair: Thank you.

Next we have Member Sweet. Member Sweet, please go ahead. Oh, sorry. I apologize. Member Nielsen, go ahead.

Mr. Nielsen: Thank you, Mr. Chair. Let's just say that I appreciate some of the comments I've heard thus far. I'm not in support of the subamendment. The reason being that even though we're getting written submissions from the public, there's nothing at this moment in time, right now, that says that those submissions will be made public to everybody. So we don't know what's happening there. What we're waiting for is for written submissions to come in, and then from those the subcommittee, which will then be off the record, will decide which of the written submissions may be invited for oral presentations.

The whole point is to make it on the record so that people can see how these decisions are made; thus, the original motion is that the committee as a whole would decide from those written submissions which stakeholders may be invited for an oral presentation, and people will be able to see or listen or read how that decision was made, who was invited, who wasn't invited, and why. The subcommittee is not on the record, which means it's not being transparent to the public. Unfortunately, I can't support the subamendment today, and I really think that the committee just needs to be open and on the record. What transpires transpires, and if we agree, great; if we don't agree, that's great, too. But at least the public can then see, read, or listen how that came about.

Hopefully, some members will reconsider potentially their position on how they're going to be voting on these motions.

The Chair: Next we have MLA Hanson. MLA Hanson, please go ahead.

Mr. Hanson: Yeah. Good morning, and thanks for the opportunity, Chair. You know, the members of the opposition have been on numerous committees over the last four or five years. This is pretty standard procedure, to ask for written submissions from the public, put deadlines on when you can receive those. We just finished the whistle-blowers act, that went very well. But you have to put some limitations on it and then pick your people that you want to present, and not everybody gets picked because some of them are just not really interested. They just write a submission just to make some noise, and you have to filter those out. I think that's very good work for the subcommittee to do. I don't see any issue with this. This is not setting a new precedent. This is pretty standard practice.

The Chair: Thank you.

Next we have on the speakers list MLA Milliken. Please go ahead.

Mr. Milliken: Thank you, Mr. Chair. I guess what I'd just do – I wasn't sure if there was going to be a speaker before me – is that I would just underline for everybody that it seems like the opposition continually asks people to go back and read *Hansard* to ensure that everything is open and transparent. I'd just say that they can go back and underline exactly what MLA Hanson just said because I think he put it pretty cleanly.

What I would just say, just to remind everybody, is that the goal of the subcommittee . . . [interjection] I know that there is some talking going on on the other side for some reason right there on that one. The goal of the subcommittee has always been to make sure that, you know, all parties get that opportunity to work together and maybe take their jackets off and just have a chance to work

collaboratively without the cameras on so that everybody can just make sure that it's no longer this situation that we constantly see from the opposition with regard to it being a politicization and a show. I think that it would be nice – I, personally, as a member of the subcommittee would like to see the same kind of activity that goes on on the subcommittee happen on the committee, but it just seems like there's just too much grandstanding that seems to go on from the opposition. It's this idea of fearmongering that, oh, it's not open and transparent.

That's not it, okay? This is something that happens in virtually every single committee. It's precedent since the beginning of time literally, but every single time if we have a subcommittee – and I've been on a couple of committees now – it's always: oh, well, you know, that's happening in the shadows and in the dark. That is literally just this idea of: don't trust, don't trust, all this kind of stuff. Guess what. We've accepted the whole stakeholder list. We want to hear from everybody with regard to written submissions. We want all of that. Then, on top of that, we want to take the opportunity to listen to as many as we possibly can that have good and useful things to say, and then we can all work together in order to try to make sure that the mandate of this committee is well taken care of and well moved forward.

I think that it would just be nice, if anything, just for us to continue the same kind of character that the subcommittee has. And being on the subcommittee, I can tell the committee that, of course, the subcommittee works so well together that it's just another opportunity for people to say: "You know what? Maybe without the cameras it's an opportunity for us to no longer try to, again, grandstand or anything like that." It gives us an opportunity to work together. That's all we're trying to do. It's what committees since essentially the beginning of time have done, too. I don't know why there's such an issue here. For that, I'm obviously going to support this amendment then.

9:20

The Chair: Thank you.

I'm starting to hear a little bit of repetition on the argument right now. I do not have anybody further on the speakers list at this time. I will allow just a brief second. If any members wish to continue the discussion on this, please speak now.

Hearing none, on the amendment moved by Mr. Rutherford that the motion be amended by (a) striking out clause (a), and (b) adding "stakeholder" after "written."

All those in person who are in favour of the amendment, please say aye. All those in person opposed to the amendment, say nay. All those on videoconference in favour of the amendment, please say aye. All those on videoconference opposed, say nay.

The amendment is carried.

We are now back on the original motion as amended by Mr. Rutherford. Is there any further discussion on the original motion as amended?

Hearing none, all those in person in favour of the motion as amended, say aye. All those in person opposed to the motion, say nay. All those on videoconference in favour of the motion as amended, say aye. All those on videoconference opposed to the motion as amended, say nay.

That motion is carried.

Is there any further discussion in this area?

Seeing none, we are now on to item (b) public meetings, cost information. The subcommittee has also recommended that the LAO provide the committee with cost estimate information for holding public meetings at locations around the province as well as cost estimates for having videostreaming on location. Additionally, as background information for the committee, documents outlining

these expenses from the last time a committee held public meetings, in 2017, were made available to members on the internal committee website.

At this time I would like to ask Mr. Kulicki to provide a brief overview of the cost information and to explain the next steps for the committee with respect to holding public meetings. Please go ahead, Mr. Kulicki.

Mr. Kulicki: Thank you, Mr. Chair. Based on direction provided at today's meeting, LAO staff will be working on developing some updated cost estimates related to potential locations for public meetings that the committee may wish to have in the fall. For the information of the committee, cost information from the last set of public meetings, in 2017, has been made available.

At this time I would just note that the actual costs of public meetings can vary considerably from the estimates as the actual costs would, of course, usually depend on decisions made by the committee based on the estimates. For example, in 2017 estimates were prepared based on all members of a 15-member committee travelling; however, that committee ultimately decided to send a five-member subcommittee on the road rather than the full committee. Additionally, that committee decided to hold only four public meetings although estimates were prepared based on holding between seven and 10 meetings. Since that committee decided to hold fewer meetings, that resulted in overall reduced costs, including for travel, meals, and accommodation.

Additionally, advertising costs, particularly in larger markets, can be a significant line item in the budget for a public meeting. So the actual cost of a public meeting would in part depend on how much the committee decided to spend on its advertising. LAO communications will be able to put together a tailored communications plan once the committee has decided on locations.

As the committee may be interested in the possibility of videostreaming its meetings in remote locations, I would just note that you would be the first Assembly committee to do so. It's certainly the case that technology has advanced considerably since 2017, so our technical support team will need to carefully analyze exactly what equipment would be needed on the road and assess how many technical staff would be necessary on site.

Of course, in general we would expect that the cost of videostreaming would be greater than the cost of audiostreaming given, you know, that additional equipment and staff would be required. We can certainly provide the committee with estimates that show the cost difference between videostreaming versus audiostreaming.

With that, Mr. Chair, I'll conclude my general remarks, but I'm happy to respond to any questions that members may have.

Thank you.

The Chair: Thank you, Mr. Kulicki.

I will now open up the floor to questions and comments from the members. Is there anybody wishing to speak?

Seeing none at this time, thank you, Mr. Kulicki, for your presentation and information on that.

Next we have dates, locations, and format. With the committee expecting to receive additional . . .

Mr. Milliken: Sorry. I didn't know that we actually had moved to – pardon me. If I could?

The Chair: I apologize. Please.

Mr. Milliken: Are we still on cost information, or are we moving on into dates, locations, and format?

The Chair: We were on cost information. At that time . . .

Mr. Milliken: Just for clarity, it was my understanding that there was a motion that was put forward within the relevant time frame and all that kind of stuff from the opposition. Just clarifying with – I mean, obviously, you can put a motion forward and give notice and all that kind of stuff, and that doesn't necessarily mean that you have to actually do it in committee. Just for clarity, perhaps from Mr. Kulicki, was there a motion that was put forward by the opposition during cost information?

Mr. Kulicki: There is a motion on notice, but, as Mr. Milliken notes, the member is not required to move a motion that has been put on notice.

Mr. Milliken: Okay. Just one sec. I just want to make sure that we all use the time here as effectively as possible.

The Chair: Are there comments that you have at this time, Member Milliken?

Mr. Milliken: Just taking a look at what I think, perhaps, was going to be the motion, and I'm just taking a look at what we probably would've done with it. According to, I think – from what I've gathered, it seems like the motion that was originally put on notice was, I guess, not needed. I guess that's it. If the opposition is going to put forward motions and then not actually – or put them on notice and not actually bring them forward, then that's fine with us, I guess. Okay. I guess we move on if that's the will.

The Chair: Thank you, Member Milliken.

Is there anybody else wishing to speak?

Hearing none, moving on to dates, locations, and format, item (b)(ii). With the committee expecting to receive additional cost information later this month, the committee will likely wish to defer making decisions on dates, locations, and the format of public meetings. However, if members have any other questions or comments about the public meetings, I'll open the floor at this time for further discussion.

Go ahead, Member Sweet.

Ms Sweet: Thank you, Mr. Chair. I'm not sure if I can do this under this section or under other business, but I was wondering if we could have a conversation around indigenous invitations and having a potential look at locations and seeing if there would be any opportunity for us to work with indigenous communities to have consultations on location there.

For part of that, I did put a motion forward, but I'm not sure if I can move it under this section or if I need to move it under other business. But the idea is that we've most recently just seen a decision come out of B.C. when it comes to indigenous property rights, that the Crown had to respond to. Part of that treaty agreement also extends into Alberta. So I think it would be important that we are ensuring that we have an indigenous consultation component, but I'm not sure if it would be something where the clerk would be able to request if an invitation would be offered to us to attend. Obviously, we recognize that we should be invited onto land and not just invite ourselves. I don't know if this is in order right now or if we should wait.

The Chair: Thank you, Member Sweet. Under dates, locations, and format, I would say that the notice you have given on your motion would fit into this section. If you'd like to proceed with that motion, this would be the correct area for it. So please proceed.

9:30

Ms Sweet: Thank you, Mr. Chair. If we could please bring up motion 59. Thank you. I'll read it into the record. That

the Select Special Committee on Real Property Rights direct Legislative Assembly Office staff to work with the aboriginal consultation office to contact the First Nation consultation contacts of treaties 6, 7, and 8 as well as Métis consultation contacts provided by the Ministry of Indigenous Relations to inquire about any interested contacts about hosting a public meeting for the committee.

Again, Mr. Chair, I just want to highlight that that is not meaning that the committee would be going to any of the treaty areas unless we, obviously, are invited by the First Nations communities, but I think, again, just going back to the recent court decision that was made even just earlier this week, I believe, for Treaty 8, we should be very aware that there is now some legal precedent that could impact the Alberta jurisdiction as well.

The Chair: Thank you, Member Sweet.

We do now have a motion moved by Ms Sweet on the screen. Is there any further discussion on this motion at this time?

Hearing and seeing none, I will put the motion as moved by Ms Sweet, and the motion is on the screen for both those on videoconference and those in person. All in favour of this motion in person, please say aye. All those opposed in person, say nay. On videoconference, all those in favour of this motion, say aye. On videoconference, all those opposed, say nay. Hearing none,

that motion is carried.

If there is anything further for this part of the agenda on dates, locations, and format.

Hearing none, we are now into agenda item 5, other business. Is there any other business to be discussed? We have Mr. Schmidt. Please go ahead.

Mr. Schmidt: Thank you very much, Mr. Chair. This is related to – I'd like to bring forward a motion on behalf of my friend from Calgary-Mountain View, Member Ganley, motion 56. I believe that was submitted ahead of time.

The Chair: Yes, it was. We'll just wait for the committee clerk to bring that up on the screen, and then you can proceed, Mr. Schmidt. Just one second.

That motion is now up on the screen. Please proceed, Member Schmidt.

Mr. Schmidt: I'm moving that

pursuant to Government Motion 69 the Select Special Committee on Real Property Rights review the following additional acts: the Surface Rights Act; the Water Act; the Coal Conservation Act; the Oil and Gas Conservation Act; the Pipeline Act; the public lands modernization, grazing leases, and obsolete provisions amendment act; the Environmental Protection and Enhancement Act; the Irrigation Districts Act; and the Mines and Minerals Act.

I know that the committee has issued some opinions on what the mandate should be, but I would just remind all members that during the legislative session we asked members of Executive Council whether or not the committee should review the Surface Rights Act in particular, and I think we have an exchange on record in *Hansard*. At the time I believe that it was the Government House Leader who expressed his desire that the Surface Rights Act absolutely be considered and certainly implied that that was well within the mandate of the committee. You know, I think any fair reading of his comments would lead to suggest that he understood that this committee would at least look at the Surface Rights Act.

You know, I think that this is a motion that brings in line the expectations of the committee with what the expectations of the larger government caucus are with respect to the work that we're doing but, more importantly, the expectations that Albertans expect this committee to do when it comes to dealing with issues around

people's ability to use their property as they see fit. I think that it makes sense to include these acts in the review.

The Chair: Thank you, Member Schmidt.

Just before we proceed, I do want to comment on this a little bit. As chair of this committee I just want to note page 1065 of the third edition of *House of Commons Procedure and Practice*, stating:

A motion that is the same in substance as one already decided in the same session is inadmissible; however, a member may move a motion which, although similar, is sufficiently different as to constitute a new question.

There has been a previous decision by this committee, Member Schmidt, as you are aware. This motion that you've put is very close and very similar to that. Having said that, there seem to be slight differences in this motion, but it's becoming dangerously close to revisiting areas that have already been predecided by this committee.

Having said that, I think that it is different enough in substance that it warrants a further discussion, but I would say that in the future let's not try to continue to go down the path of revisiting decisions that have already been made by this committee.

At this time I do find this motion in order, and I'll proceed to discussion on this. Are there any members wishing to speak on this motion? Member Nielsen, please proceed.

Mr. Nielsen: Well, thank you, Mr. Chair. I'll just supplement what Member Schmidt had mentioned about the discussions that took place within the House. Some of the recent changes that we've seen in one of the red tape reduction acts do have direct impacts on landowners, and during debate and questioning the Associate Minister of Red Tape Reduction also referenced that there will be work done around that through this committee. So we essentially now have two ministers on the record, I guess, expecting that this committee at least take a look at how these changes in the Red Tape Reduction Act will impact owners as well as the minister, as was mentioned earlier.

I think we do need to revisit this, at the very least take a look at them so that, you know, at the end of the day, if anything, we can throw our hands up and say: we at least looked; we did our due diligence, and we didn't find anything. I would urge members of the committee to accept this motion.

The Chair: Thank you.

Next on the speakers list we have MLA Rutherford. Please go ahead.

Mr. Rutherford: Thank you, Chair, and for the clarification just after the motion was presented. Obviously, this is very close to a previous motion that did not pass, but as we're talking about the scope of this committee, we have the Alberta Bill of Rights, the Alberta Land Stewardship Act, the Expropriation Act, the Land Titles Act, the Law of Property Act, the Limitations Act, the Responsible Energy Development Act.

I know that within the committee's mandate it does list, you know, "any other matter that the committee decides is necessary to ensure the completeness of its review," so I can appreciate where the mover of the motion is coming from on this, but we haven't heard from stakeholders yet. We don't have the written submissions or the oral presentations, and we haven't heard from the public in general on this, so we have a really robust mandate and a lot of work to do, and prior to hearing from Albertans, there's pressure to increase the scope already.

I'm concerned that, one, we're dealing with something we've dealt with before. Is this motion going to come back, you know, next meeting with just two more acts added to it and we'll just see

how many acts we can add? Maybe the Libraries Act will be next. Somehow that ties in. I'm sure the NDP can try to squeeze that in. Let's hear from Albertans first and then look at the perspective of whether or not any other matter needs to be brought into this review.

I think we're just getting ahead of ourselves here and that we need to make sure that – well, we have to vote on this now, but I want to hear from Albertans and then look at a decision on whether or not additional acts need to be brought in.

The Chair: Thank you.

Are there any additional wishing to speak? MLA Schmidt, please go ahead.

Mr. Schmidt: Thank you, and I want to thank Member Rutherford for his comments. Mr. Chair, I guess just a question for clarification from you, then. I mean, you've already given us warning about voting on motions that have already been decided. Now, I, you know, will take Member Rutherford at his word that he is willing to revisit this issue if we hear from Albertans that the issues contained in these acts are of concern to the people of this province, but my fear is that then the rules of the committee will have prohibited us from revisiting this issue. If you could provide us some clarification as to how the committee should proceed with dealing with these things if they do come up in consultations with the people of Alberta, I would appreciate that clarification.

Thank you.

9:40

The Chair: One sec. Actually, while we just discuss this briefly, please go ahead, Member Milliken.

Mr. Milliken: Chair, thank you very much. This is just, I think, another example of the opposition putting the cart before the horse. What we have here is that we have a motion put forward by the opposition, and then the chair has ruled that it is in order; therefore, the committee can move forward on it. Therefore, if there are any issues or worries about all that kind of stuff that might come up in the future, I think that those are all things for the future. As of right now we've got a motion that is on the floor that's perfectly acceptable to be decided on, so I just don't understand why we're even going down this road. This is, again, putting the cart before the horse.

The Chair: Next to speak I first saw Member Schmidt. Please go ahead, Member Schmidt.

Mr. Schmidt: Well, thank you. You know, the reason that I'm concerned – and, by all means, if the members of the government caucus want to vote in favour of this, then I don't think we would have an issue, right? All that I have to say is that I think we create a wide funnel and then we narrow it down because that's probably a more responsible approach to take with respect to defining the mandate of this committee, but more importantly it's also easier within the rules. We've already seen today how frustrating the rules under which this committee operates can be. That's, I guess, the argument that I'm going to make to the members of the government caucus who are on this committee. Vote in favour of this motion. Then we don't have to decide whether or not similar motions that come forward in the future are in order or not in order.

But I would still appreciate the clarification from the chair as to how we would proceed should the government, you know, in my view, make a grave error and vote against this motion.

The Chair: Just a clarification for that, because I have discussed with Parliamentary Counsel as you guys have been having this

discussion back and forth. First of all, you know, as stated on page 1065, as I stated, the third edition of *House of Commons Procedure and Practice*, I will state again that

a motion that is the same in substance as one already decided in the same session is inadmissible; however, a member may move a motion, which, although similar, is sufficiently different as to constitute a new question.

I think what I've displayed today with this motion being brought and then being allowed would be similar to the decisions I would make in the future for being able to have this discussion and continue to have this discussion. That would be my clarification at that time, Member Schmidt.

Is there any further discussion on this motion that is on the screen? Go ahead, Member Sweet.

Ms Sweet: Thank you, Mr. Chair. You know, I'll be quick. I've been hearing the arguments from the government side about what we haven't heard yet from the public about whether or not these acts should be considered, that this is putting the cart before the horse, these different arguments. I guess my concern with that is that the whole reason that this committee was created was because it was at the will of the Legislature. A private member's bill was put forward. Everybody within the Legislature, both government and opposition, agreed that this issue was important enough that it needed to come to committee.

Since that discussion has happened and since this issue has been brought forward as a committee issue and created its own committee, we have heard from two separate ministers that they recognize that surface rights should be discussed. Now, I trust that those two ministers have been talking to Albertans. I don't think that they just willy-nilly would go into the Legislature during a debate, one being the Associate Minister of Red Tape Reduction during a debate on Bill 56 and one being the environment minister, to say: well, of course, I would expect that the committee would be dealing with these issues; they make sense. For the government members now to say, "Well, we're putting the cart before the horse, and we need to hear from the public," well, we have two members of the Crown whose sole job is to talk to Albertans and to make sure that they're creating policy and addressing issues that Albertans are bringing forward in relation to their portfolios, environment being one of them, which has a direct relation to the Surface Rights Act and many of the other acts that are listed here today. I don't believe that this motion being put forward by the opposition is not addressing those very issues, hasn't provided enough consultation, isn't responding to a very key conversation that is obviously happening, that two ministers have already identified as being key issues.

This isn't about putting the cart before the horse. This isn't about not consulting with Albertans. This is in fact listening to the members of the Crown, who have been doing this job now for two and a half years, who obviously have information that indicates that the Surface Rights Act should be something that should be reviewed. I'm actually very reluctantly going to listen to the minister of environment and the Associate Minister of Red Tape Reduction. We don't tend to agree on everything very often, but I agree on this, which is that if they say that the Surface Rights Act should be at this committee, then I support the minister.

The Chair: Thank you.

Next on the list we have Member Milliken. Please go ahead.

Mr. Milliken: Thank you, Mr. Chair. Just for the purposes of everybody listening at home and for those here right now, I think it's really important to remember that it's the Assembly that gives, essentially, the mandate down to the committee for the committee

to do its work. I know that under this government, when a committee gets a mandate, it's not about just doing what a minister wants or anything like that. Perhaps that was the case in the previous government. It seems like perhaps that was the modus operandi of what had obviously been acceptable to members opposite in a previous administration. However, in this one, yes, of course, the will of the Assembly gives us the mandate, and then the committee is free to do its work. In this case the committee is free to listen to Albertans, to listen to Albertans as to what they think is important. I think that that's really, really important.

I would also just say that there's been some talk about, oh, frustrating rules with regard to how the committee works. That's not the case at all. In fact, in this exact circumstance we have direction from the chair to be a little bit careful with making the same motion over and over. That's not supposed to be frustrating. What it's supposed to frustrate is frivolous motions being made over and over. Frivolous opposition is what would be the point of the rules in regard to "frustrating."

We want to make sure that the rules are there, in place, in order to make sure that this committee can do great work and move forward effectively and then get to the point where we're listening to Albertans in order to make sure that those Albertans, the people that we're here to serve, are the ones that tell us what's really important to them instead of having politicians making motions about what they think should be considered by those Albertans before we've even had a chance to listen to them. For that reason, I think that it's pretty clear that I will probably be voting against this motion.

The Chair: Thank you.

At this time is there any further discussion on this motion?

Hearing none, the motion as moved by Mr. Schmidt is up on the screen right now. All those in person in favour of this motion, please say aye. All those in person opposed, please say nay. On videoconference, all those in favour of the motion, please say aye. On videoconference, all those opposed to this motion, please say no.

Mr. Schmidt: Could we have a recorded vote, Mr. Chair?

The Chair: A recorded vote has been requested by Member Schmidt. We will proceed with those in person, and then we will move to those on videoconference. Starting in person, all those in

favour of the motion, please raise your hand: Member Sweet, Member Schmidt, Member Nielsen. In person, all those opposed to the motion, please raise your hand: Member Rutherford, Member Milliken.

On videoconference. Just to advise those on videoconference, of course, I cannot call or see, so you will have to unmute your mic and speak your intentions to vote either aye, in favour, or no, against the motion.

We will open it up. Please proceed. With that, as well, please state your name as you give your vote intention.

Mr. Hanson: Dave Hanson. No.

Ms Glasgo: Michaela Glasgo. No.

Mr. Rowswell: Garth Rowswell. No.

Mr. Reid: Roger Reid. No.

9:50

The Chair: Are there any others on videoconference?

Hearing none, to the committee clerk.

Mr. Huffman: Thank you, Mr. Chair. For the motion, I have three; against, six.

The Chair:

That motion is defeated.

Is there any further discussion for other business?

Hearing none, agenda item 6, date of the next meeting. The next meeting will be at the call of the chair.

Adjournment, agenda item 7. If there's nothing else for the committee's consideration, I'll call for a motion to adjourn.

Mr. Nielsen: So moved.

The Chair: Moved by Member Nielsen that the meeting be adjourned. All those in person in favour of the motion, please say aye. In person, opposed? On videoconference, in favour? On videoconference, opposed? Hearing none, that motion is carried.

Thank you, everyone. Please remember to clean up any drinks and other items before you leave. This meeting is now adjourned.

[The committee adjourned at 9:51 a.m.]

