



Legislative Assembly of Alberta

The 30th Legislature
Second Session

Select Special
Committee on
Real Property Rights

Wednesday, October 20, 2021
1 p.m.

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Second Session**

Select Special Committee on Real Property Rights

Sigurdson, R.J., Highwood (UC), Chair
Rutherford, Brad, Leduc-Beaumont (UC), Deputy Chair
Dach, Lorne, Edmonton-McClung (NDP)*
Deol, Jasvir, Edmonton-Meadows (NDP)**
Frey (formerly Glasgo), Michaela L., Brooks-Medicine Hat (UC)
Ganley, Kathleen T., Calgary-Mountain View (NDP)
Hanson, David B., Bonnyville-Cold Lake-St. Paul (UC)
Milliken, Nicholas, Calgary-Currie (UC)
Nielsen, Christian E., Edmonton-Decore (NDP)
Orr, Hon. Ronald, Lacombe-Ponoka (UC)
Rowswell, Garth, Vermilion-Lloydminster-Wainwright (UC)
Schmidt, Marlin, Edmonton-Gold Bar (NDP)
Sweet, Heather, Edmonton-Manning (NDP)
van Dijken, Glenn, Athabasca-Barrhead-Westlock (UC)***
Vacant

* substitution for Kathleen Ganley

** substitution for Marlin Schmidt

*** substitution for Ronald Orr

Also in Attendance

Loewen, Todd, Central Peace-Notley (Ind)

Support Staff

Shannon Dean, QC	Clerk
Teri Cherkewich	Law Clerk
Trafton Koenig	Senior Parliamentary Counsel
Vani Govindarajan	Legal Counsel
Philip Massolin	Clerk Assistant and Director of House Services
Nancy Robert	Clerk of <i>Journals</i> and Committees
Sarah Amato	Research Officer
Melanie Niemi-Bohun	Research Officer
Warren Huffman	Committee Clerk
Jody Rempel	Committee Clerk
Aaron Roth	Committee Clerk
Rhonda Sorensen	Manager of Corporate Communications
Janet Laurie	Supervisor of Corporate Communications
Jeanette Dotimas	Communications Consultant
Michael Nguyen	Communications Consultant
Tracey Sales	Communications Consultant
Janet Schwegel	Director of Parliamentary Programs
Amanda LeBlanc	Deputy Editor of <i>Alberta Hansard</i>

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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 also chair of this committee. I'd ask that members and those joining the committee at the table introduce themselves for the record, and then I will call on those joining in by videoconference. I will begin to my right.

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

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

Ms Sweet: Good afternoon. Heather Sweet, MLA, Edmonton-Manning.

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

Ms Govindarajan: Vani Govindarajan, legal counsel with office of Parliamentary Counsel.

Ms Robert: Good afternoon. Nancy Robert, clerk of *Journals* and committees.

Mr. Huffman: Hello. Warren Huffman, committee clerk.

The Chair: Excellent. We will now move to those joining us by videoconference, and we will start with MLA Dach. Please introduce yourself.

Mr. Dach: MLA Dach for Edmonton-McClung. Present.

The Chair: MLA Glasgo.

Mrs. Frey: Michaela Frey, MLA, Brooks-Medicine Hat.

The Chair: I apologize, MLA Frey. Sorry about that.
MLA Hanson.

Mr. Hanson: David Hanson, MLA for Bonnyville-Cold Lake-St. Paul.

The Chair: We also have MLA Glenn van Dijken.

He appears to be struggling a bit with his Internet connection, so we will move on to MLA Rowswell.

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

The Chair: As well, we have MLA Deol.

Mr. Deol: Good afternoon, everyone. Jasvir Deol... [An electronic device sounded]

The Chair: Please, MLA Deol, go ahead. Sorry about the interruption.

Mr. Deol: Jasvir Deol, MLA for Edmonton-Meadows.

The Chair: Thank you.

For the record I will note the following substitutions. We have Jasvir Deol for Marlin Schmidt, Lorne Dach for Kathleen Ganley, and Glenn van Dijken for Ron Orr.

We also have Mr. Loewen joining us today. I'll note for the record that he is not a voting member of the committee, but he is, as always, welcome to attend the meeting.

A few housekeeping items to address before we turn to the business at hand. Pursuant to the direction from the hon. Speaker Cooper I would note for members that wearing masks is required in the committee room except when you are speaking, and members are also encouraged to leave an appropriate amount of physical distance around the table. The committee room galleries are currently closed to the public, so guests attending committee meetings are required to do so virtually.

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 transcript 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 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 meeting 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.

We now move on to item 2, approval of 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. Nielsen will move that the agenda for the October 20, 2021, meeting of the Select Special Committee on Real Property Rights be adopted as distributed. Those in the room all in favour, say aye. Those in the room all opposed, say nay. Online all those in favour, say aye. Online all those opposed, say nay. Hearing none, that motion is carried.

Now moving on to item 3, approval of the minutes. Next we have the draft minutes of our September 10, 2021, meeting. Are there any errors or omissions to note? If not, would a member like to make a motion to approve the minutes?

Mr. Milliken: I'll take that.

The Chair: MLA Milliken to move that the minutes of the September 10, 2021, meeting of the Select Special Committee on Real Property Rights be approved as distributed. Once again, all those in the room in favour, please say aye. In the room opposed, say nay. Online those in favour, say aye. Online those opposed, say nay. Hearing none, that motion is also carried.

Next we move to item 4, business arising from the report of the subcommittee on committee business, (a) recommendation on public meetings. Hon. members, due to the COVID-19 pandemic the committee decided at its last meeting to postpone the public meetings that had been planned for this fall. The matter of reviewing how to move forward with hosting the public meetings was then referred to the subcommittee on committee business. The committee met on October 7 to discuss and make recommendations, and the report was made available to committee members on October 13. At this time do members have any comments related to the subcommittee's recommendation regarding public meetings? I do see MLA Rutherford. Please go ahead.

Mr. Rutherford: Thank you, Chair. If I could, I'd like to move a motion. I move that

the Select Special Committee on Real Property Rights adopt recommendation 3.1 set out in the subcommittee on committee business' report dated October 7, 2021.

As we are in the current challenges of the public health crisis, our ability to meet in person is limited, and I would like to make sure that in the future we have the opportunity to meet with Albertans in

person and to have town halls across the province, so I am hoping that this recommendation is adopted by the committee.

The Chair: Excellent. Thank you, MLA Rutherford.

Is there any discussion on this motion? I see MLA Nielsen. Please go ahead.

Mr. Nielsen: Thanks, Mr. Chair. As everyone knows, I wouldn't say that we even needed to discuss it quite at length in the subcommittee. There are concerns around, you know, Internet connectivity and reliability, things like that, which kind of really directs us towards needing in-person meetings, and because of the pandemic right now that's just not a safe thing to do. So I'm happy to support the motion going forward to such a time as we can conduct those meetings in person in a fulsome way.

The Chair: Excellent. Thank you, MLA Nielsen.

Is there any further discussion on this motion?

Seeing none, I will put it to the committee. In person all those in favour of the motion proposed by MLA Rutherford, please say aye. In person all those opposed, say nay. Moving online, all those in favour of the motion by MLA Rutherford, please say aye. Online those opposed, say nay. Hearing none,
that motion is carried.

Now that the committee has adopted the subcommittee's recommendation to seek an extension to the committee's report deadline, I will describe the process for how such a request may be made. The committee would need to pass a motion asking the Legislative Assembly to extend the committee's reporting deadline. If the committee were to agree to such a motion, an interim report would then be prepared, which would outline the committee's progress to date and the reason it is seeking the extension, and it would contain the text of the motion requesting the extension.

Once the committee approved the report, it would be presented in the Assembly. It would then be up to the government to decide to move a government motion seeking to extend the committee's reporting deadline. I apologize. If the committee has no objections, the chair and the deputy chair could approve the interim report once it has been circulated to all committee members for review. The report would then be presented into the Assembly. I will make that one correction; I do apologize.

Are there any questions or comments, or does anyone have a motion that they might want to put forward? I see MLA Rutherford.

Mr. Rutherford: Thank you, Chair. I do have a motion. I move that

the chair of the Select Special Committee on Real Property Rights submit an interim report of the committee to the Legislative Assembly requesting that the terms of reference for the committee as set out in Government Motion 69 be amended to grant an extension of the time by which the committee must complete its review.

That's just to follow along, based off the last motion, Mr. Chair, to ask the Legislative Assembly to grant an extension.

The Chair: Excellent. Thank you, MLA Rutherford.

I will just refer quickly to Parliamentary Counsel and maybe to Ms Robert just to make sure that everything is in line in order for this process – maybe if you could just quickly comment to make sure we have this all correct.

Ms Robert: Certainly, Mr. Chair. Yes, that seems to be the process that we would follow. The committee would pass a motion asking the Legislative Assembly to amend the terms of reference that are contained in Motion 69, which is the motion that struck this committee and gave it its reporting deadline. This motion asks the

Assembly to amend those terms of reference. Then it would be up to the government to decide if to entertain this request and, if so, when to extend the deadline to, and then they would bring a government motion before the Assembly for the Assembly's approval to do that. And then the committee could continue beyond its original deadline.

1:10

The Chair: Excellent. Thank you so much for that explanation.

Are there any further questions or comments? I do see MLA Nielsen.

Mr. Nielsen: Thanks, Mr. Chair. I mean, essentially, the motion is just, you know, housekeeping so that the Assembly can review this. I guess the one thought I do want to get onto the record, that I hope will be reviewed by the decision-makers with regard to an extension to the mandate of the committee, is that they keep in mind what it will take to properly and thoroughly consult with Albertans. My hope is that somebody doesn't want to just act rashly and quickly so that somebody can check a box and use the famous words we've heard over and over again, "Promise made; promise kept," and shortchange Albertans as the result of this. Yeah. I don't have any problems with the motion. It's just housekeeping, but my hope is that we get a proper extension in order to be able to complete this work properly.

The Chair: Excellent. I see MLA Milliken. Please go ahead.

Mr. Milliken: Yeah. I would just say, with complete respect with regard to Mr. Nielsen's statement, that I totally understand why he wants to get on the record, and I appreciate that very much. I think that it also perhaps should be placed on the record that at the subcommittee when it was discussed with regard to this extension, it was very amicable, and I think all sides were working together for the same goal. I just want to get that on the record as well, but again it only comes from a place of respect with regard to your desire to put that on the record.

The Chair: Excellent. Thanks.

I did also see MLA Sweet. MLA Sweet, go ahead.

Ms Sweet: Thank you, Mr. Chair. Just a point of clarity, actually. The motion currently reads "grant an extension of the time by which the committee must complete its review." I appreciate that that then allows the government to set the timeline. Would it not be appropriate for the committee to say that we feel like we must have an extension of such a period of time, or is that out of parliamentary practice? Like, is that out of practice?

The Chair: I will refer to Parliamentary Counsel on this one for comments, please.

Ms Robert: Thank you, Mr. Chair. It's completely up to the committee whether the committee wants to include a requested extension time frame or not. That would be completely up to the committee. I've seen it in other jurisdictions done both ways.

The Chair: MLA Sweet, please, as a follow-up.

Ms Sweet: Yeah. I guess just for a point of clarity, then, because I'm not on the subcommittee, I'm not sure if it was discussed about whether or not we should be requesting, like, a four-month extension or whatever, if there was a timeline discussed. Maybe the subcommittee came up with a decision as to why we wouldn't request a recommendation, like, for a timeline. I just feel that in part to hold ourselves accountable and to also let the government know

that we want to actually get this done, it might be appropriate for us to agree to a timeline. Again, I'm not on the subcommittee, so I don't want to, like, make an assumption that that decision wasn't discussed.

The Chair: Next I see MLA Milliken. Please go ahead.

Mr. Milliken: Great point. What I will say is that just given the nature of the pandemic and things of that nature, things have been changing kind of week by week. I think there have been some recent announcements about things being a little bit easier in certain respects this week than even last week. Though it was broadly discussed, I think that the form of the motion sticks. If I just focus in on requesting that the terms of reference for the committee as set out in Government Motion 69 be amended to grant an extension so that we can – well, that's not verbatim, but it has the time by which the committee must complete its review. I think that just because of the fact that there have been some changes with regard to things outside of just the control of the committee and the subcommittee at the time, we're just leaving it.

Again, to reiterate that original statement that I made just previously, all sides on this one have been acting pretty amicably, and I think that everybody knows that we want to get the effective work done. I think that on both sides one of the premises was that we are looking to get some in-person meetings, and we want to make sure that we have that availability. So I think that's kind of just been taken into account, but with respect I see where you're coming from as well.

The Chair: Excellent. Thank you.

I will just make one comment as well, MLA Sweet. It's not general convention to discuss what happens within a subcommittee meeting, of course, because that is off the record. Of course, those details, I'm sure, we may all want to know, but that is not normal convention, to share those subcommittee specifics within an open committee meeting.

I do see MLA Frey wishing to speak next. Please go ahead.

Mrs. Frey: I waive my request to speak.

The Chair: Excellent. Thank you.

Are there any further questions or comments regarding this motion?

Seeing and hearing none, based on the motion moved by MLA Rutherford, all those in the room in favour of the motion, please say aye. All those opposed, please say nay. Moving online, all those in favour of the motion moved by MLA Rutherford, please say aye. All those opposed, please say nay. Hearing none,

that motion is carried.

Next we move on to item (b), meetings with First Nations and Métis settlements. The other item that the committee tasked the subcommittee to review was how to proceed with the meetings with

the First Nations and Métis settlements. Do members have any comments regarding the subcommittee's recommendations? I do see MLA Milliken raising his hand.

Mr. Milliken: Yeah. Thank you, Mr. Chair. It's my understanding that Fort McKay has expressed an interest to meet with the committee, so I do have a motion that I'd like to propose to the committee with regard to that.

The Chair: Please proceed.

Mr. Milliken: That would be that I move that the Select Special Committee on Real Property Rights adopt recommendation 3.2 set out in the subcommittee on committee business' report dated October 7, 2021.

It's my understanding, too, that Fort McKay has been very flexible with regard to how best to go about doing this. They're perfectly happy to do, as far as I know, both in person or perhaps a virtual one as long as there are a couple of weeks' notice. I think that they're working really well with yourself as the chair with regard to timing on that, and personally I think it's something that we might be able to do relatively soon. But, again, the motion is what the motion is.

The Chair: Excellent. Thank you, MLA Milliken.

Is there any further discussion on the motion moved by MLA Milliken?

Hearing none, I will move to call the question. All those in favour of the motion moved by MLA Milliken – in the room, if you're in agreeance, please say aye. If you're opposed, please say nay. Moving online, those that are in favour, please say aye. All those opposed, please say nay. Hearing none,

that motion is also carried.

Unless there are any objections, the clerk and the chair will work with the Fort McKay Métis Nation to determine a suitable date, time, and format for the meeting, keeping in mind that Fort McKay has asked for at least two weeks' notice. Does anyone have any questions or comments regarding this portion?

Seeing and hearing none, we will move on to item 5, other business. Is there anything else for us to discuss today?

Seeing and hearing none, moving on to item 6, date of the next meeting. The next meeting will be at the call of the chair.

Item 7, adjournment. If there's nothing else for the committee's consideration, I will call for a motion to adjourn. I see MLA Rutherford move that the meeting be adjourned. All those in person in favour of the motion, please say aye. Opposed, say nay. Online in favour, say aye. Those opposed, say nay. Hearing none, that motion is carried.

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

[The committee adjourned at 1:19 p.m.]

