



Legislative Assembly of Alberta

The 30th Legislature
Third Session

Select Special
Committee on
Real Property Rights

Public Input Meeting in Hanna

Wednesday, April 13, 2022
1:30 p.m.

Transcript No. 30-3-5

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

Select Special Committee on Real Property Rights

Sigurdson, R.J., Highwood (UC), Chair
Rutherford, Brad, Leduc-Beaumont (UC), Deputy Chair

Frey, 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)
Rowswell, Garth, Vermilion-Lloydminster-Wainwright (UC)
Schmidt, Marlin, Edmonton-Gold Bar (NDP)
Sweet, Heather, Edmonton-Manning (NDP)
van Dijken, Glenn, Athabasca-Barrhead-Westlock (UC)
Yao, Tany, Fort McMurray-Wood Buffalo (UC)

Support Staff

Shannon Dean, QC	Clerk
Teri Cherkewich	Law Clerk
Trafton Koenig	Senior Parliamentary Counsel
Vani Govindarajan	Parliamentary 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>

Select Special Committee on Real Property Rights

Participants

Kris Bower
Marilyn Burns
Blaine Johnson
Damien Kurek
Curt McNaughton
Kathy McNiven
Rick Strankman
Jackie Watts
David Webster

1:30 p.m.

Wednesday, April 13, 2022

[Mr. Sigurdson in the chair]

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

We're meeting today in Hanna, Alberta, beautiful Hanna, Alberta. It feels great to be back out here again. It's been a while for me, since 2015, but great to be here again today. My name is R.J. Sigurdson, MLA for Highwood and chair of this committee. Now I'd ask that committee members introduce themselves for the record. We'll begin to the far left and work towards my right.

Mr. Schmidt: My name is Marlin Schmidt. I'm the MLA for Edmonton-Gold Bar. Just to play to the hometown crowd here, I also graduated from J.C. Charyk school in 1996.

Mr. Milliken: Hear, hear.

Nicholas Milliken, MLA Calgary-Currie.

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

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

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

The Chair: Just before we get started today, there are a few housekeeping items to address before we get to the business at hand. The audio of today's meeting is being live streamed on the Internet and broadcast on Alberta Assembly TV. The audiostream and transcripts of meetings can be accessed via the Legislative Assembly website. Please set your cellphones and other devices to silent for the duration of the meeting.

To give a bit of a background on the committee, the Legislative Assembly struck this committee for real property rights on March 22, 2021. The committee's mandate is limited to the consideration of the following five items, the first being whether the legal remedies available to a real property owner who is deprived of the use of their real property are adequate; second, whether real property rights should be expanded or, in the case of an individual, constitutionally protected; third, whether the law of adverse possession should be abolished; four, whether the expropriation processes provided under the Expropriation Act are adequate; and last, any other matter that the committee decides is necessary to ensure the completeness of its review. The committee may review as a part of its mandate any part of the following statutes, including the Alberta Bill of Rights, Alberta Land Stewardship Act, Expropriation Act, Land Titles Act, Law of Property Act, Limitations Act, and the Responsible Energy Development Act. Also, we may review any other act that the committee determines is necessary to ensure the completeness of its review.

So far the committee has received technical briefings from government ministries and has also received written submissions and oral presentations from identified stakeholders. We now turn our attention to hearing presentations from members of the public. That's why we are here today. We've had five public meetings so far. The first was a virtual meeting hosted in Edmonton last month. Then we had meetings in Edson, St. Paul, Medicine Hat, and Fort Macleod. Today's meeting is our fifth of six in-person meetings planned in locations around the province. Information about these meetings can be found on the committee's website.

Those interested in presenting to the committee this afternoon were to register with the committee clerk at the front. The reason

for that is that we want to make sure that we allocate enough time for each presenter to make sure that we get all the presentations that people wish to make in the two-hour time period. Presenters, based on a list that I have right now, will have 10 minutes to make their presentation. At the end of the meeting, after we get through these presentations, if there is time remaining, we will open up the mic to anybody to ensure they can approach and be able to speak. If there are no formal presentations afterwards, the committee would ask that those that presented stick around just in case we have in that time period the ability to be able to ask some clarifying questions and be able to maybe get some more insight to some of the presentations that we've heard here today.

Before you make your presentation, I will just note that when you approach the mic, for the record please state your name first and then proceed with your presentation, for which we will allow 10 minutes. At the conclusion of 10 minutes I will do my best to politely interrupt and allow you just a little bit of time to be able to frame up your comments. Of course, if we do have additional time in the end and you didn't complete your presentation, we will allow more time for you to complete.

With that, I will call on our first presenter. On the list I have Rick Strankman. Please approach the mic, state your name, and please proceed with your presentation.

Mr. Strankman: Thank you, Mr. Chairman. It's a pleasure to be here. Some of you I know; some of you I don't. It's an honour, and it's also an honour to present today in front of my MP, Mr. Damien Kurek, here as well.

Some of you may or may not know that I've been a staunch advocate for property rights, and one of those property rights that achieved me some national fame was my endeavours in regard to – and I had at great length a discussion with one of the security guys here today, first name Jamie. I can't remember his last name, a great guy, one of the guys that I wasn't able to meet when I was in the Leg., but a lot of those fellows that do that staff work are great. I explained to him my national fame challenging federal legislation known as the Canadian Wheat Board. Through an alignment, a stellar alignment almost, with the activities of Stephen Harper, Gerry Ritz, Carol Skelton, and others we were able to change that federal legislation so that western Canadian farmers could achieve the property rights of owning their own grain and actually marketing it as they saw fit. There are a lot of people who are now long-term benefiting from those changes.

I don't know how many of you have had a chance to read my submission. I don't know if you have it in front of you. I didn't make any extra copies. I do have a little booklet here. I have several of these booklets that I'd like to present to you in person at some point. In the Legislature we used to call it tablings, and Jamie told me and Warren said that it would be your discretion, Mr. Chair, whether you would accept those tablings at this time. I don't know what you want to do for your protocol. That's your decision, sir.

The Chair: I'd be more than happy to receive them now or at the end of your presentation, whichever works.

Mr. Strankman: Well, at the risk of timeliness – and you're saying 10 minutes. It'll take longer to go through this than 10 minutes, but it's quite informative, and my submission, actually, for those of you that were able to read it earlier, is also quite informative and direct.

Similar to the federal Canadian Wheat Board Act, which was transposed across the country – the three western prairie provinces, Manitoba, Saskatchewan, and Alberta, were treated differently. In this constituency primarily of Drumheller-Stettler – and there are parts outside this constituency that are not represented municipally under, as of 1938 – 1938: please hear me – legislation known as the

Special Areas Act. It has not been significantly changed since 1938. The Canadian Wheat Board Act was affected in 1943. For those of us resident, of which I'm one, we are directly controlled by the Minister of Municipal Affairs, not unlike the Canadian Wheat Board, which had its own advisory committee. I believe one at least of the special areas elected advisory committee is here today. They can probably guide you or me in private conversation as to the accuracy of my presentation or not. That's their decision.

The starting point, to me, for my history is about property rights. It is the basis and the foundation for a moral and just society, and that's kind of the heart of my presentation. The Special Areas Act, which we live and work under, can at any time be moved, altered, or stricken by the Minister of Municipal Affairs, a gentleman that now lives in Calgary. Previously they're of various sorts of provinces. When Mr. Schmidt was in government, he'd know – I can't remember – the gentleman from Beaumont that was the Minister of Municipal Affairs at the time.

1:40

I'm kind of trying to cover a lot of ground here in 10 minutes, and it's important that this be made known to you, that your organization – from what I understand, the mandate is that you could recommend the change to legislation. This legislation known as the Special Areas Act was covering now what is the county of Newell, the MD of Taber, the county of Cypress, and several other southern MDs. They went into locally administrated power. Now, there are those who will patronizingly tell you – oh, and this is with a hand on your back or some other private place – that the minister does whatever we want. Well, it isn't necessarily the case because our title land in the special areas is different than the title land in any other municipal jurisdiction.

There still is the potential for the interference of the Minister of Municipal Affairs, but in the special areas one MLA previously described it as a benevolent dictatorship. You might see that going on in the federal arena more so, but being that this legislation was effected in 1938 and we are now in 2022, nearing 80 years ago, the influence and the immigration – the development of internal cronyism and corruption is beyond the pale. At one point the Deputy Minister of Municipal Affairs was the brother to the chairman of these special areas. Right now there is a familial relationship between our MLA and one of the head employees in the Hanna office. It just makes one wonder: are we approaching something like what we see in Ottawa, where we have the Prime Minister dictate whatever he whims to be the law of the day?

With that, I will close my comments. Please read my information that I submitted to you. It explains the overriding, the overarching, the overreaching parts of this outdated and horrible legislation. This booklet: if you wish, I'd be happy to give one to each and every one of you. It explains some of the myths and facts regarding this legislation.

I'm happy to take your questions, or I'll hold my fire till the rest of the presenters are done.

The Chair: Well, I appreciate that, Mr. Strankman. We will hold the Q and A portion until all the presenters have presented, and then we'll move to that period. You are correct. The committee – and I just wanted to clarify and state, as I did at the opening of the meeting, that a review of any other act by the committee to make sure that we're doing the completeness of our review is available and also just note that if you do want to leave copies of anything, please just pass it off to the committee clerk, and he'll ensure that it gets distributed to each of the committee members.

Thank you.

Mr. Strankman: Thanks for your respect, sir.

The Chair: Next on the list we have MP Damien Kurek. Please proceed to the mic, state your name, and proceed with your presentation. I know that for a politician getting it under 10 minutes may be tough. You're going to have to raise that mic way up.

Mr. Kurek: Thank you, Chair, and thank you to the committee. I will just note that I do have some further information, that I'd be happy to table afterwards to make sure that I can keep it under 10 minutes. Thank you very much, Chair, everybody who's attended. I'd like to thank the committee specifically for making the time to come to beautiful Hanna and ensure that consultations include rural Alberta and as well thank the committee, the 30th Alberta Legislature, and the UCP, including the Premier, for their work on this important issue.

First, let me note that I share today, as was said, both as an Albertan who cares about the issue of real property rights but also as a rural Member of Parliament who's heard from many constituents about how the conversation around property rights is important – I would also note that my comments are founded on the belief that federalism works when different levels of government respect each other and their responsibilities along with the decisions they make, so in no way take my comments today as being prescriptive to your work but, rather, hopefully, complementary.

Let me emphasize that property rights are foundational to a free and democratic society. They ensure that citizens can enjoy the fruits of their labour and can sleep soundly knowing that no entity, whether it be private or public, can encroach on the property that they have rightfully and fairly attained. This is a fundamental western and liberal – small "l" liberal – democratic value and provides much of the basis for how the free-market economy has been able to create an unprecedented standard of living in the history of the world. We see around the world how without safeguards these rights can be lost; however, this is an issue in Canada as well, and I would point to the irresponsible actions by the current Liberal government that have shaken the various aspects of the security of its citizens and the confidence that economic players, like businesses or other governments who would like to do business or trade with Canada, need to have in our nation.

Although not limited to this, I speak specifically and would like to reference the recent invocation of the Emergencies Act by Prime Minister Trudeau and his government. This decision impacted property rights, freedom of assembly and expression, and the confidence needed in our national financial system. Let me emphasize that the irresponsible actions of our current Prime Minister in this matter have left many others shaken – our nation – and the implications will be felt for years.

There is a lot to do, and today I would like to propose the following recommendations for your committee to consider: number one, that the 30th Legislature of the province of Alberta use all the tools it has available to protect property rights in the province of Alberta; two, that the government of Alberta apply pressure to other provinces, territories, and the federal government to address this important issue; and, three, that the Legislature, the government, and all stakeholders work to bring awareness to our shared constituents, our province, and our nation on this issue.

For the record and being part of your committee's mandate, if I would have been given the opportunity, I would have voted in favour of Bill 206. The belief that I have in the need for property rights is one that I share with my Conservative colleagues in Ottawa. The Conservative Party of Canada's policy declaration makes this clear, including the need for constitutional reform to include property rights. Alberta can set the precedent to ensure that property rights are respected through legislative means and forward the national conversation around needed constitutional reform. I

would note that that's not only pertaining to property rights but other areas as well.

As a member of Canada's Parliament and Her Majesty's Loyal Opposition I would lend support to that concept to the committee here today. Therefore, I would also make the following recommendation for the committee to consider, that, four, the entrenchment of property rights in the Constitution of Canada is not only necessary but imperative to a well-functioning parliamentary democracy. The above cannot be understated and is consistent with past legislative direction in Canada.

Famously, in 1960 John Diefenbaker's Progressive Conservative government saw the Canadian Bill of Rights receive royal assent. Section 1(a) proclaims

the right of the individual to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law.

Although not enshrined within Canada's constitutional framework, I would note that the Supreme Court does reference the Bill of Rights as being what is considered quasi-constitutional. However, without clear constitutional direction it falls largely upon provinces to legislate this, with some exceptions, something I'd be happy to highlight in questions after.

Common-law precedent, legislative protections, and stable governance have helped provide the certainty related to freedom and economic prosperity that we have here in Canada. This, as I've noted, however, cannot be taken for granted. I hear about this from constituents often, and I would like to take a moment to briefly share a few examples. Again, I'd be happy to expand on these after in the Qs and As. The statements and issues that I hear about include combatting crime and the protection of victims; rural issues and the need for entrenched rights that respect rural Canadians; the protection of lawfully owned property, like firearms, from unfair government seizure; and, four, recognizing that Indigenous peoples can be empowered by having property rights on-reserve, something that is consistent with efforts for reconciliation and the TRC calls to justice.

Other democratic nations have enshrined these rights in their laws, constitutions, charters, and other central governing documents. For example, many European nations have enacted stringent regulations on the impediments that can be placed on an individual's private property. Countries such as Finland, Sweden, Holland, and Germany have measures in place to ensure that private property owners are treated fairly and justly and that their rights are protected. For the sake of time I won't get into the many examples that exist, but a recent example that I believe would be valuable for the committee to look at includes the EU Charter of Fundamental Rights. I would be happy to table some of the wording of that charter into the record.

1:50

I would also reference the United States. The U.S., arguably, was founded on the idea of property rights, and the U.S. Constitution directly references property rights in a number of places, notably in the fifth amendment's "taken" clause and the 14th amendment, that was passed after the Civil War, regarding citizenship and equal protection under the law. There is much more to hear on this. However, I would encourage the committee to hear from the many experts on U.S. constitutional law that I have no doubt would be happy to share their findings with you. As you can see, Canada's acknowledgement of property rights falls behind its peers in the democratic world.

Chair, if you would allow me, I would like to note and make a recommendation as well for the committee to consider. It's not directly related to your mandate; however, an important periphery discussion,

and this is around intellectual property rights, digital privacy rights, and blockchains' use, including things like cryptocurrency. I would suggest, therefore, that this committee recommend those be studied more in depth and be given careful consideration about their impact and implications.

Property rights are needed to protect citizens, provide a stable and predictable environment to invest in, and rightly limit government overreach. One has to acknowledge, however, that it is important to find the right balance. This committee is tasked with reviewing several acts where the government would be able to lawfully acquire property through often quasi-judicial processes. To not endeavour to find the right balance could lead to a scenario where essential infrastructure could never be built whereas not having adequate rights allows for citizens to be abused by government or the well connected. Therefore, the final recommendation that I would urge the committee to consider is this: when determining legislation, making recommendations, and proposing constitutional change for real property rights, that the rights of citizens need to be prioritized but that a respectful balance is found in relation to the competing interests that exist.

In closing, Chair and to the members of the committee and all of those who have come out today, I believe it is well founded that everyone has the right to life, liberty, security of the person, and enjoyment of property and the right not to be deprived thereof except in accordance with the principles of fundamental justice. You all are tasked and have the opportunity to make change in that regard here in the province of Alberta, and I hope that can be a conversation that could be continued across our country and lead the way to ensuring that property rights are respected in our nation.

Thank you to the committee and everybody involved in the meeting here today.

The Chair: Thank you, Mr. Kurek. Appreciate your presentation.

Next on the list for presenters I have Blaine Johnson. Prior to proceeding, please just state your name, and then 10 minutes for your presentation.

Thank you.

Mr. Johnson: Okay. Thank you, Mr. Chairman. I'm honoured to present to the Alberta select special committee. I'd like to especially acknowledge my MLA, Michaela Frey. My name is Blaine Johnson. I'm a rancher from Scandia, Alberta, from a three-generation ranch which is 102 years old. I strongly believe in property rights as it motivates people to work hard and build for themselves. It is an extension of the Protestant work ethic that built this country to seek new opportunity of owning their own land and hold it for future generations. I'm a member of the Western Stock Growers' Association and the Action Surface Rights Association to promote property rights on behalf of landowners and on landowners of oil activity. I also have some information from the Action Surface Rights that I will present as well at the end of my personal presentation.

We only have to look to Ukraine and Russia for examples of what not to do. In communism people either toe the party line and just do the minimum or they seek positions of power to rise up and gain power and money from corruption or they are ambitious and cannot cope in that system, and they cope by a culture of drinking and forgetting their worries and not really contributing to society. We're the opposite here, or I hope we are. In a society with no property rights there is no chance to build up for yourself and your children, by merit and hard work, to own land. What similarities we see here in Canada with the socialist-Marxist government in Ottawa: corruption at the top, CERB benefits making people not want to work, and telling people that you'll be happy if you let the government take

care of you and that you don't have to own anything. I completely disagree with that.

In school the kids hear all the time that they're on Treaty 7 land, and I've heard First Nations people say that this is a step to getting all the land given back to them. My son goes and argues at school about that. We have a ranch, and if they can take our land back, that's not an option for our family. Property is a financial asset that people have worked very hard to acquire, and it needs to be protected. It is time for the pendulum to swing back to the free-market economy in Canada. People emigrated from different countries and bought the land under land titles with fee simple. Titles and deeds are the mark of accomplishment and must be respected. The law of adverse possession must be abolished. Land titles should be secure, period. A landowner should be able to retain the ability to recover possession of the land from an occupier regardless of how much time has passed.

Property rights also relate to wildlife management. Wildlife is the property of the Crown, and their management is the responsibility of the Crown. However, when a species is introduced by the Crown, such as elk on the Suffield base, if it is not managed properly by the Crown, the landowners are severely impacted. They eat stored food, pastures; damage property; disrupt cattle; and also represent a biosecurity risk. I cannot shoot them unless I am fortunate enough to get a tag, and I only get one tag. What do I do with a herd of elk? The government needs to work with livestock producers to develop policy and commit to changes that will address wildlife issues on farms and ranches.

The Land and Property Rights Tribunal, which is a combination of the Surface Rights Board with other boards, has been a disaster, and the tribunal is not working. The time delays, rulings, and mistakes coming from this board, acknowledged by industry as well, are unacceptable. Some applications have sat for three years, and the tribunal just ignores requests for updates. The time delays and incompetence of the new Land and Property Rights Tribunal are unacceptable, especially in light of the increase in funding that was provided. It certainly speaks poorly of the government's priorities of landowner property rights when the procedures put in place to address those concerns are deliberately lengthened and complicated.

When there is an outright taking of private land or property, landowners have a right to compensation in accordance with the Expropriation Act. In cases where the government does not take the property but imposes regulations that affect the value, use, or enjoyment, there is rarely a right to compensation even when restrictions are very severe as a result of dramatic loss. Ensuring compensation and access to courts through statute law when the Crown infringes on property rights in the name of the public good is a clear improvement on the level of securities for Albertans. If the taking, regulatory or outright, is deemed to be in the public good, it should be at the public expense.

Now the comments on Bill 206, amendments to ALSA. Bill 206 proposes amendments to the Alberta Land Stewardship Act to add the right to compensation for holders of statutory consent when the regional plan impacts the property rights of said statutory consent holders. This recognition of property rights associated with a statutory consent is long overdue.

Also, on property rights and markets for ecosystem goods and services, the carbon capture and storage statutes declared all underground pore spaces owned by the provincial Crown. Not owning the pore spaces in a root zone has implications for legal risks in agreements and contracts that could also limit participation in emerging carbon markets. The act should be amended to return the ownership of the pore spaces back to the surface landowner.

2:00

Section 8 of the climate change and emissions management act stated that carbon was a surface owner's property right, which lends protection from federal incursion. It was never proclaimed. This section should be reintroduced and proclaimed to add stability and security to markets.

The government has indicated several times that it is interested in developing market mechanisms to encourage stewardship and production of ecosystem goods and services. There has been an increased and keen interest in developing these markets throughout the private sector. Property rights for ESG need to be established in statute to support these new markets. Doing so will also bring economic efficiencies to the tasks of environmental protection.

I also have a personal note. We had the emergency powers act in Ottawa. I heard them say: we're going to hunt you down, whoever contributed to the truckers' freedom convoy. My wife gave a donation, so we were donating to these people supporting our local person from our community that's going to Ottawa. Then we hear that they're going to do the emergency powers act and that they're going to go seize everybody's bank accounts. We had a mortgage payment in a month after that, so if they would have seized our money, which is also an asset, that would affect our property rights. That forever changes how you think about your property. If you can control the money, you can control the assets, and that's exactly what they did in Russia with the oligarchs. They would just starve the people of the money and declare bankruptcy and seize their assets for pennies on the dollar. So that really scared me and my family. We did something legal, and it was wrong, and it could affect our property because we've got no money and we couldn't pay our mortgage for our land. That forever changes how I think.

I'm also a member of Action Surface Rights. We did a presentation here, which is more related to the oil aspect of property rights, relating to the land, so we have certain points here that we need to be addressed. Now I'm presenting myself and as a director of Action Surface Rights, so we're cutting red tape. Many of the rules and regulations that were cut were put in place to address landowner concerns. We've already seen how industry is taking advantage of the cuts to place landowners at a disadvantage. Reducing the standard of review from the Supreme Court Vavilov standard of correctness to the lower standard of reasonableness in Bill 48 was a great disservice to landowners and inexcusable.

Changes to the AUC's rule 007. The rule was changed to reduce the notification of distance for affected landowners regarding proposed wind farm projects from 2,000 metres to 1,500 metres. Considering the fact that wind turbines are now two to three times taller than older turbines, it is absolutely ridiculous that anyone would think that the notification distance . . .

The Chair: I hesitate to interrupt, Mr. Johnson. That is 10 minutes. I will state that I understand that you have more to talk about as far as, you know, being a director.

Mr. Johnson: Well, I'm a little bit tight on time. I could do a summation now.

The Chair: Understandably, we've only got two more presenters, so if you want to hold this part of your presentation until after we have these other two present, we'll have open time if you want to come back and finish your presentation at that time.

Mr. Johnson: Yeah. I'll just make a closing statement, and then I'll sit down.

The Chair: I absolutely appreciate that. Thank you, Mr. Johnson.

Mr. Johnson: Thank you very much.

So I drove up from Scandia, which is a two-hour drive, today and thought: I've got to make my statement about property rights. Look what's happening from Ottawa with the Marxist-socialist government. He's saying: "You guys don't need any land to be happy. You just be happy. We'll give you money." Completely wrong. Everybody deserves something for themselves. They want to buy a house. They take out a mortgage, property rights for a ranch. I have three boys and one daughter. They're all interested in farming. It's the fundamental thing why my grandfather left Nebraska to come here to build for his family.

Alberta used to be the most free-market economy place. We have a UCP government in, and now is the time. Who else in Canada is going to represent the free-market economy? It has to be this government and push this to the limit to entrench property rights in the Constitution. That is what I would like. I hope that the committee takes my concerns into consideration. That's why I came today.

Thank you for listening.

The Chair: Thank you, Mr. Johnson.

Next for scheduled presenters I have Kathy McNiven.

Kathy, if you'd just proceed to the mic, state your name, and proceed with your presentation. Hopefully, I got your last name right. I was doing terrible at the meeting down in Fort Macleod. Hopefully, I'm doing better today.

Mrs. McNiven: Yeah. That's just right.

All right. My name is Kathy McNiven. My husband, Mike, and myself and all three of our sons farm and ranch in special areas. However, we also have another place up in Halkirk, Alberta, in the county of Paintearth. That's where we summer our cows, and that's what I wish to speak to today. There is a property rights issue that we have just recently found out about, and it disturbs us greatly.

The definition of property rights or surface rights in Alberta, as we all know, is the right of the property owner to utilize or sell land and other subsurface property, except the resources designated by the Crown, as per their own discretion. We and a number of other Albertans have a property rights issue right now. Almost all of these property rights owners involved are not even aware that there is an issue, and that's what makes this even more disturbing.

To give you a little bit of background, in 2016 a company called Redrock Products Inc. was formed. In 2020 under the Alberta metallic and industrial minerals regulation, Alberta Mines and Minerals Act, Redrock signed an agreement with the Alberta government that gave them the rights to 90 per cent of the province's red shale and bentonite deposits. The red shale is estimated to be around 7 million tonnes. Redrock also states that they have purchased the rights to the land of their competitors. Their total holdings now encompass over 100,000 acres. The agreement between Redrock Inc. and the province of Alberta states that they have the rights to pretty much all of the province's red shale and bentonite until 2034.

In 2019 the Alberta government updated the EAP, the enhanced approval process, to streamline the approval process for industry, which may have expedited actions like this. As we understand it, during this time red shale and bentonite may have been reclassified as a mineral and not a rock or aggregate, as it is defined, like sand and gravel. Surface rights owners own the surface such as sand and gravel but not the minerals such as oil and gas. Red shale has been mined and sold by landowners since there became a market for it. Redrock Inc. is now telling the companies that purchased red shale from landowners that they now have to do deal with Redrock Inc. and can no longer deal with landowners. The landowners now have no rights to sell the red shale.

The landowners have never been informed by the Alberta government as to what's going on. Redrock Inc. is now listed on their website for sale. They've got the rights; now they're going to sell it. If an existing rock company like Burnco purchases Redrock, for instance, it would give them a monopoly on red shale and bentonite. Just for your information, Burnco charges \$240 a tonne at their yard for red shale.

2:10

What I have now are mostly questions. Red shale is an aggregate, not a mineral. Even Redrock states that this is the case. The definition of aggregate reads: a material or structure formed from a loosely compacted mass of fragments. Bentonite is a clay. Clay is defined as a sticky, fine-grained earth. Neither are minerals. If this can happen to shale and bentonite, what's next? Sand, gravel, fill dirt, topsoil, or other clays?

There's a fine line between what the government can and can't sell the rights to. How is this determined? Who in the government made the decision to do this? What department? What individual? Can a decision like this be reversed? Why did the government do this? Was it just an opportunity to put some cash into government bank accounts? This decision has created a monopoly on red shale and bulk bentonite. Is this appropriate? Why were landowners not made aware that there were significant changes being made that affected them directly? If red shale and bentonite were reclassified, who did it? Did Environment and Parks approve this? What exactly are the resources designated by the Crown as stated in the act? What is the process to change or update this?

On December 8, 2021, the Mines and Minerals Act was updated to say that the act provides the government of Alberta with the authority to administer, allocate, and enter into agreements with respect to minerals. Why was no one else informed or given the opportunity to purchase these rights such as landowners, purchasers, other businesses?

What resources are designated by the Crown in the Surface Rights Act? Why was this kept so quiet? Why were there no stakeholder consultation or information sessions?

Just to get off topic for a second here, there are a multitude of other minerals such as lithium that are under a microscope right now. There are significant deposits here in Alberta. What's going to happen with things like that? It's designated as a mineral. Lithium is a bad dude. It is an environmental disaster when it is mined. When, how, and are the landowners where this could potentially take place going to be informed? Do we have the right to prevent Redrock and other companies like them from coming onto our land? And I use this term loosely. I think we all know the answer to this.

Alberta government lease land. Where the red shale occurs on almost all properties is ecologically sensitive, native land. That means that it's never been broken up. The Alberta government has refused attempts by oil and gas companies to drill on lease land that we have the leasehold rights on, but it contains red shale. Is the government now going to allow these sensitive areas to be accessed by industry?

I've read the coal and mineral development year in review for the years 2016 to 2019. Nobody mentioned shale or bentonite. Then I tried to research the 2020 review, but it's almost impossible to get any information from this document to see if there was any mention of this agreement or any changes in classification. It used to be a user-friendly document. Why was it changed?

When governments can quietly sell off landowners' surface products, what is to stop them from moving forward and controlling, selling the very ground we farm? I believe that there will now be a progression of the Alberta government selling off rights to other aggregates and dirt.

The Surface Rights Act states that the landowner can deny access to anyone mining industrial minerals. Since Redrock states that their intent is to mine industrial minerals, I assume that this would now mean that all landowners can deny access to their properties.

My last question is: what's going to be next? People in this room will think, "Red shale; it doesn't affect me," but what's going to be next? Is it going to be dugouts? Is it going to be wells? Is it going to be sand? Is it going to be gravel?

The Chair: Thank you, Mrs. McNiven, for your presentation.

Next on the list to present I have Marilyn Burns. Just as a reminder, once again, please just make sure to state your name and then proceed with your presentation.

Ms Burns: Thank you, Mr. Sigurdson. Marilyn Burns. I am from Edmonton. I'm a rural and urban property owner out in Edmonton and out west. I am the leader of the Advantage Party, formerly the Alberta Advantage Party. We, in our recent AGM in February, passed a policy – the members did – such that property owners would have the right to defend their property without undue penalty. The second item on your agenda deals with this issue constitutionally, and you note the Alberta Bill of Rights. We would request that the Alberta Bill of Rights include the right to defend private property. My friend, the MP, indicated that there should be constitutional amendments in this regard. It's very difficult to change the Constitution of Canada, as you would know. There must be a minimum of seven provinces and fit with 50 per cent of the population to do that. We require Albertans to have the ability to defend their property, and that is the responsibility of the provincial government under section 92 of the division of powers in our Constitution.

That is our ask. Would you consider doing that? I'm not sure which legislation that would fall under. Certainly, the Criminal Code of Canada, but we know that that is not likely going to happen, so we would ask that you take a look at that and find out which legislation would allow Albertans to defend their own property when encroached upon.

This piggybacks onto the problem of rural crime. Right now, as you know, the Crown prosecutors are talking about going on strike. They're having a meeting this evening, and I recently spoke to a Crown prosecutor. When Jason Kenney became Premier, he promised to add 50 more positions for Crown prosecutors. There are still 37 empty. The problem is that if five are added, 10 resign because they really, really are overworked. They're working sometimes 70, 80 hours a week. And I understand it was lower pay than other jurisdictions, so our Crown prosecutors are now junior compared to traditional prosecutors. This is a problem. I would encourage you and this panel to put pressure on Mr. Kenney – I know some of you have put pressure on Mr. Kenney in various ways – to fill those positions for the Crown prosecutors.

Now, the intelligence of the presenters so far is remarkable, and the lady in front of me was extremely intelligent. I found something out yesterday, because I'm planning on doing a well on my rural property. I built the road last year, and I called a person who does wells. He told me that there's no company in Alberta that does casings anymore for wells. The American suppliers don't want to provide casings for Alberta because they don't know when their supply is going to end, so now they're looking to China. She made a proper question: if it's possible for restrictions to happen on aggregate, what about water?

We know that agenda 2030 and the great reset, the one world government World Economic Forum effort, has a list of achievements they wish to accomplish. They did have agenda '21, and they accomplished some but not sufficiently for what they want. One of the

wishes of the new world order, the Davos crowd – and this is not conspiracy; I used to think it was; it really is not – is to have property ownership end by 2030. So this responsibility right now to you MLAs is very important in Alberta.

2:20

It is intended, and Mr. Trudeau and Mr. Klaus Schwab, who is partnered with Alberta Health Services, have made it clear that we will own nothing and be happy. That is an initiative. But we also know that these efforts are being made primarily through the Municipal Government Act and through the municipal governments in removing rights bit by bit from landowners. So I'd ask that you not only refer to the acts that you've indicated on your list; you would also take a look at the Municipal Government Act. I've looked at that, and it's about this big. I kid you not. I doubt that any councillor in Alberta has read through that act. It would take me as a lawyer at least a month. That Municipal Government Act needs to be streamlined and made user friendly for councillors and mayors in our counties and small towns.

In summary, you have a big job to do, and we depend on you. First and foremost, I'll go back to the beginning: please allow Alberta landowners the right to defend their property. Thank you for your time.

The Chair: Thank you, Ms Burns.

Next on the list I have Mr. Curt McNaughton.

Mr. McNaughton: Thank you, Chair and committee. I'm not prepared like the rest of them. I don't have a paper and the rest in front of me, but I just want to speak to you as a landowner. I farm with a brother and parents in western Starland county. I guess I'm supposed to state my name, Curt McNaughton. It's concerning oil well leases and abandonment of the leases and so on.

In about early 2019 Trident Exploration was a company in our area – that's the one we're familiar with – and they went bankrupt, and we were left on our property with 15 well sites that were under bankruptcy. So for about a year, really, as landowners we were just left in limbo. We didn't know what was going on. Leases came due; nothing was paid. About a year and a half later a company took over some of the lease sites. I think on ours we have about six left that are in the orphan well/tribunal stage. Nobody really knows where they are; they're kind of just in a land of nowhere.

We're approaching three years on those sites that are not paid. We have four sites that have even been taken over but have not been paid. We really have no knowledge of where the status of those are. I mean, we tried to check with the tribunal – I don't know if the tribunal is terribly understaffed or disorganized or what the issue is – but now the sites that are owned by a new company: we have a person to contact. We can deal with them if there's a mess left or something like that, but the ones that are still in the tribunal stage: we've got contractors now coming on our land for cleanups. We're not notified. I mean, they want to clean the sites up, right? That's fair. But we have contractors coming on the land and working on these sites. Like, we had one this spring come in and make a mess, dig a site, like, move dirt, dig dirt, and we weren't contacted. This site is going on three years unpaid, so I don't know what your personal thoughts are on that, but if you owned an apartment and it was three years unpaid, you probably wouldn't be happy with the renter removing the refrigerator, you know, that type of thing. That's where we're at in that stage.

The tribunal side, or the ones that are under the tribunal side, are not paid. We have no contact as landowners to find out who is coming on our land. The contractors themselves are not the problem – like, if you find a contractor, you can usually deal with the contractor – but it's the lack of communication between the tribunal

and the landowner that is the problem. Yeah. That's the concern with the tribunal ones: the unpaid rents, the lack of information as far as what's going on with them, and then the cleanup.

The second one on that tribunal one now is that they're trying to get rid of pipelines on the land because, I believe, it's for tax reasons or whatever. On two of our sites they came and what they call capped the pipeline; they cap it at the well site. They abandon the pipeline, is what they want to do, but they do not want to remove the caveat off my land. So they want to leave a pipe in the ground, a caveat on my land, and nobody that is noted as an owner of said pipeline. So what it means is that I cannot build a structure on that pipeline, I cannot put a ditch through that pipeline, and my question to them was: who do I contact if I can't build on it or cross it and I phone first call to mark it? Who's going to pay the bill to, first of all, come out and mark the pipeline that I don't own, nobody owns, but there's a caveat on my property? There's a concern there. There's a concern on the abandonments, of the cleanup of the abandonment.

Then, I guess, the other side of this is that in 2019-ish area a lot of the oil companies started to really play hardball with the landowners. They came to them and said: you know, gas prices are horrible. I don't know what changed as far as their thoughts, but they came to landowners and said: we're going to go broke unless you take 50 per cent rental of what you're getting right now. So if your current rent was \$4,000 a year: take 2,000 bucks, or we're going broke. They hardballed a lot of people, I would actually say – "uninformed" is maybe not the right word, but senior people, people who were not on the land, you know, an owner that lived in the city or moved away. They said: you take this, or we're not going to give you anything. So a lot of people took the money, took the half rate, which, to me, was almost abuse, you know, elderly abuse or whatever type of thing to a lot of people.

We held out. We basically got paid, eventually, at the proper rate, but at the same time they weren't paying the county taxes. As a landowner now my county is coming to me and saying: your taxes are going up because a huge percentage of our money from these oil sites is not being paid. I know personally of oil companies that have not paid taxes in multiple years that are still day to day driving in and operating wells, taking gas cheques for selling gas. Like, where is the responsibility of the government agencies that are supposed to be backing or providing, you know, backing for the landowners? It seems like a real dropped ball on who's backing us as landowners – right? – sort of thing.

From the 50 per cent, and 50 per cent is not allowed – I guess it's allowed, but there is a time frame for renegotiation, like a five-year time frame, and these were all not at the time of the five years. They would just come out in a blanket format and said: you've got 15 wells; 50 per cent, or we're going to go broke and you're going to get nothing. Well, that's not true because they're going to go to the Orphan Well Association, and we're going to continue until they're cleaned up, right? But people took the money. So there needs to be somebody to call there and say that this is wrong. These guys are abusing their power. This abandoning the pipelines, leaving caveats, is a concern of mine, and I guess my other concern is the tribunal, the no contact, the no idea who you're supposed to contact, no idea when the contractors are coming on, and stuff like that.

I mean, another issue in our area is that we have the introduction of clubroot. I don't know if you're familiar with clubroot, but it's a bad disease. We have a person, and they have a site that they went into a month ago, muddy, like it is just slopping mud on their machines. No notification. They went in there. It's right next to a field that has clubroot. Who knows where they came from, who knows where they went, right? I mean, as a landowner I have a page

of a document, like, this thick of my restrictions of what I can do on the piece of land with clubroot, but some company can show up from I think it was Whitecourt, drive in in the mud, do this, dig a hole in my dirt, cap a pipeline, leave a caveat, drive out, and me nor the county were notified of what was going on. I just think that we have to have better representation or a person, a number, a company or something that as a landowner I can call and say: I feel I'm being wronged, and I need some help – right? – sort of thing.

That's all I have. Thank you.

The Chair: Thank you, Mr. McNaughton.

At this time we have got through the presenters that registered with the clerk at the front when they came in. At this time what I will do is open up the mic for anybody to come up and make comments. As always, just state your name and proceed with your comments. As well, any of the presenters who feel they didn't get the full time to present their full presentation: I'll also open the mic up to them if they feel they didn't get quite enough time under the full 10 minutes as we do have an additional hour of time remaining right now. I will pause briefly to see if anybody intends to use this open time.

Yes. Please proceed, and just for the record, once again, please state your name.

2:30

Mr. Johnson: Hello. My name is Blaine Johnson from Scandia, Alberta, in Michaela Frey's riding. I'm going to continue on my presentation. As the director of Action Surface Rights I'm going to continue on my points. I completed two points, and I will redo the third point, that I did partially. Action Surface Rights is a landowner group from southern Alberta that represents landowners with issues with the oil industry and energy industry.

Changes to AUC rule 007: the rule was recently changed to reduce the notification distance for affected landowners regarding proposed wind farm projects from 2,000 metres to 1,500 metres. Considering the fact that wind turbines are now two to three times taller than older turbines, it's absolutely ridiculous that anyone would think that notification distances should have been reduced.

Point 4: the AUC has now approved more than \$6 billion of new transmission infrastructure to connect renewable energy projects. This cost is borne directly by the ratepayers and is a subsidy to the renewable energy industry. The fact that the TFO, transmission facility owners, then make the guaranteed 8 per cent rate of return on the \$6 billion is offensive. Electrical distribution and transmission charges are going through the roof and making irrigation uneconomical for irrigation landowners.

Point 5: the public interest mandate of the AUC does not allow compensation for project disadvantages and forces adjacent landowners to subsidize big industry through losses of aerial spraying opportunities, property devaluation, noise, and adverse health impacts. The rural quality of life is compromised by allowing industry to pollute the rural environment, and lax Canadian standards allow foreign companies to take advantage of rural Alberta.

Point 6: the AUC has not denied a wind or solar farm application yet. They routinely accept Alberta Environment's waiver of wildlife setbacks, and every new project makes the application easier because of the number of birds and bats that are being killed. They also require three years of postconstruction mortality surveys and do not consider cumulative impacts.

Point 7: relaxation of environmental standards. The relaxations introduced because of COVID were unjustified and unwarranted. It is unclear whether these have now been revoked. The fast-track reclamation certificate process, the percentage of uninspected sites, and the resulting fraudulent certificates that have been issued are

also allowing industry to falsify documentation, usually without consequence. Well sites already have a permanent setback and access requirement and inhibit future development of private property, and further allowing permanent agriculture productivity losses is inexcusable. It appears that this government is relaxing industry standards and requirements at the expense of landowners. Many of the surface rights associations, commodity groups, including cattle organizations, are thoroughly disenchanted by the actions that this government has taken to lessen the rural voice and property rights.

Point 8: landowners must watch the AER website for information on projects on their own lands and file statements of concern if they have concerns. This is a ridiculous process as the vast majority of landowners will not even know this process and requirement.

Point 9: new, innovative development. The geothermal bill and Bill 82, Mineral Resource Development Act, shift the liability from industry onto the landowner and landowners, and it is unclear whether new development will have the existing protections of, one, the Orphan Well Association; two, the Municipal Government Act exemption for property taxes; and, three, the jurisdiction of the LPRT for damages and unpaid compensation. Making the AER a superregulator and granting them overriding provisions so that they can void provisions of the existing surface leases is foolish and possibly illegal.

Point 10: bias to industry legal input. Using the Bennett Jones law firm to write oil and gas legislation while they're the foremost legal counsel to industry is a huge conflict of interest. Bill 2, REDA, already took landowner appeal rights away, and now hiring Bennett Jones to write the legislation further strips the landowners of their property rights.

Here are my points as the director of Action Surface Rights. Property rights are all-encompassing regardless of what activities go on your land, your own activities. As we've heard, people have different concerns with the oil industry, electrical, and you still have to protect the fundamental property rights and balance that with the good of the whole economic development.

Thank you for hearing my concerns today. I'm glad I was able to present. Thank you.

The Chair: Thank you again, Mr. Johnson.

I will just pause briefly again if anybody wishes to utilize this open mic time to provide any comments, concerns, or any other information to the committee. Please proceed.

Mr. Webster: Hello. My name is David Webster. Thank you for listening. I'm here because an oil company, Ember, has cut our leases in half, like, kind of piggybacking off Curt McNaughton's report. They cut them in half, and then they won't let us renegotiate with them. We cannot even take it to the Surface Rights Board or anything. They've just delayed it. They said that they would only use half of their property, so in some lease cases you might have four acres that they're using. Now they've said that they're only going to use a 15-foot roadway and a smaller lease for some of this coal-bed methane, so we shouldn't get paid as high, but they will not resurvey them to the smaller leases to be for us. That is my complaint about what the oil companies – and it seems to be that all the gas companies are starting to do this, and it's got all the people around us angry, for sure.

Thank you.

The Chair: Thank you, Mr. Webster.

Is there anybody that would like to make some additional comment? Yeah, please. Once again, just state your name and proceed. We're at a point where . . .

Mrs. Watts: Jackie Watts. The same thing. I'm from the same area. I'm actually a councillor for Starland county. I've had the same encounters with the one oil company. In February 2020 they took over some oil leases from the receiver, from the Trident bankruptcy. I got a document because I'm on council. They were supposed to take ownership on February 28. Actually, we found them on our site on February 21 turning on all the wells. Shortly after that, they plowed all the leases. Lots of them were off the right-of-ways because they didn't have the proper lease agreements, but they just went and plowed, and we still weren't paid or even notified what company was out there.

I finally phoned on a compliance issue to the AER to get them to phone me back. I did end up encountering a good guy there. Finally, in mid-April we received a letter that Ember had owned these wells, and in late April we finally received payment. They told us that they couldn't give us the information and pay us because they didn't know who owned the land even though I have a huge Ember well that they've had for several years already. My response was: "I don't live in the city of Calgary. I know my neighbours. Knock on my door. We'll point you in the right direction."

2:40

They seem to be trampling our rights at every turn that they get. Yeah. Same thing. They're cutting our leases, and they don't care. Under section 64(1), order to comply, part 3 of the Responsible Energy Development Act:

If, on the request of the owner or occupant of land in respect of which there is a registered private surface agreement, the Regulator determines that the holder of the registered private surface agreement is not complying with a term or condition of the registered private surface agreement, the Regulator may issue an order directing the holder to comply.

It's in the act, but nobody seems to want to pull that lever. It's already there. We need someone other than the AER, who's supposed to regulate them, to pull these levers.

Thank you.

The Chair: Excellent. Thank you.

Is there anyone else? Yes. Please proceed.

Mr. Bower: I'm Kris Bower. I'm from Medicine Hat. We work with a company down there called Welltraxx. We work with Alberta landowners from corner to corner of the province, helping them look after oil and gas property assets on their land. Lots of the points the landowners are bringing up today we've been seeing for a few years now, from the nonpayment to the attempted reduction of acreage to forced reduction of compensation to, I think, even – I've talked to Jackie about Ember back in the day not approaching her as the landowner. We're seeing more and more things happening from industry towards landowners, and a large portion of that is the breakdown in communication. One thing we've really been seeing from our landowners and hearing from our clients is that the communication is not there anymore. Companies are getting so focused on the abandonment-reclamation side of things.

In recent weeks we've seen an uptick in the drilling activity, which is great for the province, to see that coming back. However, we're still seeing some of those very companies that we're here talking about today, that are not working with landowners, now coming back to Alberta landowners looking to drill new wells. Again, huge red flags for the landowners we work with on that.

Again, I didn't have anything really prepared to talk today, but there are numerous topics we'd like to try to talk with members of the panel about. Like I said, we are a private company out of Medicine Hat. The landowners we work with – we help manage about 25,000 leases in Alberta, so we're in constant communication

with numerous companies, weekly communication with the LPRT and different managers on that side of things. Again, we see and feel the landowners' pain and frustration with trying to talk to the LPRT, even the redesign of their website, trying to find the documents now that a landowner needs to fill in to send in to the board. In some cases the landowners can't even open those documents, or if they do find them, they're unable to open them to even fill them in. There's a huge list of surface rights issues. Given some extra time after I would really appreciate some panel time to communicate that.

Thank you.

The Chair: Excellent. Thank you.

Is there anyone else that would like to come speak to the committee?

Seeing none at this time, I will open the time to the members of the committee to ask some clarifying questions. I have one so far from MLA Hanson. Please go ahead.

Mr. Hanson: Yeah. Thank you, everybody. Just kind of a general question to the group because I know it was a huge issue up in the St. Paul area when it happened. I just drove up from Lethbridge this morning, up highway 36, and what took place up in my area is pretty minuscule compared to what I saw along highway 36 when it comes to the power line infrastructure overbuild. One quarter section that I saw: I think it had 16 towers on it. That's got to kind of impede a little bit. It looked like just pasture land, but definitely it would impede your access and operation as a farmer. I was a little surprised that we haven't heard anything on that.

I was just wondering if maybe somebody had had some experience with that. I know that there were a number of neighbours that spoke out in the St. Paul committee group. It was a big issue there, with them feeling that they just had absolutely no rights when it came to those power lines that they basically had. When they even approached the local area farmers and the group, they were given the choice between two options of a designated route and no option of no route. Their feeling is that the decision had already been made and that it was kind of forced upon them.

Like I said, I was a little surprised that we haven't heard a little bit more about that. We did hear some about – I think that down in Fort Macleod yesterday we heard a little bit about the wind farms and that. But, you know, after, like I say, driving up 36 and seeing what the folks around here went through with power line infrastructure – that's kind of one question. I was just wondering if anybody here has got something to say about that. [interjection] Just in a minute, Rick, if you don't mind.

The other one was that one of the fellows mentioned that somebody came onto their land without their permission and that they've got clubroot in the area. I'm a little surprised that there isn't something on the municipal level that protects you. I'm pretty sure that we have that up in our area, because one of the things that they did find, with the massive infrastructure build that took place there, was that all of a sudden we had clubroot in areas where we didn't ever have clubroot before. That's a bit of a concern of mine. I don't know if there's anybody from the municipal government in the area here that could comment on that. Is there not some protection for farmers when it comes to access?

Thanks.

Mrs. Watts: Yeah. Our ASB does have a clubroot policy. The problem is – and we've notified them, so they're trying to reach out there, notifying some of the big companies we know that are in the area that we have this policy and that they need to rinse and wash their equipment and stuff like that. But it's hard when, you know,

we're not privy to who's being sent out. If the landowner doesn't know, how is the county going to know? So it's all there. We did have our ASB just last week, and that was our instruction to them, to try to reiterate that we have clubroot policy and that it needs to be adhered to.

Mr. Hanson: If I could just do a follow-up with you: is that something that landowners could designate at their property gate, no entry without this paperwork?

Mrs. Watts: We could. I mean, it's pretty much standard, I think, across the province that we're all carrying this. Again, they're the company coming to our areas. They should be knowing the policies which they can operate under.

Mr. Hanson: Yeah. It's a huge deal because we've got farmers up in our area that can't grow canola on their property anymore, and that's a huge cash crop that they're missing out on, so very, very important that we protect that.

Thanks.

The Chair: Sorry. I apologize. Just before you leave the mic and so that everyone is aware why I keep doing this – I get that it gets a little annoying – please just state your name.

Mrs. Watts: Jackie Watts, councillor, Starland county.

The Chair: Yeah. Sorry. I apologize. It is for the benefit of *Hansard* as they record these meetings and transcribe these meetings. Just so everybody is aware of why I keep going down that road.

Just before you present, Mr. Strankman had indicated he wanted to make comments, and then we'll get to you right afterwards.

Mr. Strankman, please go ahead.

Mr. Strankman: Hi again. Rick Strankman, farmer, Altario. Yes. To your comments, Mr. Hanson, in my near, immediate community is the right-of-way for the pipeline to nowhere, the Keystone pipeline. There was a group of farmers who actually – I believe it's under the Alberta pipeline landowners association or the Canadian pipeline landowners association – all got together and created their own biosecurity protocol for those types of developments that you're talking about. All that stuff is supposed to be part of the construction process. I know, personally, a good friend of mine who's involved directly in that.

We also have a representative here from our government agency, the special areas, Mr. Slorstad. Probably he could speak to whether the special areas actually do have their own municipal biosecurity protocol for those types of developments.

The Chair: Next it's Mr. Johnson. I think you had indicated you wanted to speak to this as well. Please proceed to the mic, state your name, and go ahead with your comments.

2:50

Mr. Johnson: Hello. This is a question and a reply for David Hanson. My name is Blaine Johnson. On the power lines with AUC and the direction of the routes I had a personal experience. I was an intervenor, and we had the power lines going in in our general area. They had a big map, and they said: well, we have a need here to put this power line in this area. I didn't want the power line to go on my property. It's a big, ambiguous thing from Brooks to the Medicine Hat area. This was a few years ago. So you went to the needs hearing, and I hired the best lawyer I could. This was the most litigious process I have ever been through, and I wanted to do it right, because there are no mistakes. It's a very legalistic process and not easy to do.

The most important point that I had: they come into your community, and you have a hearing. You have route A and route B, and it's like: "Well, let's pit neighbour against neighbour. We're going to do route A." You're fighting against your neighbours and the general route. Which route goes where? So you present your case. You're either going to win, or you're going to lose. You're doing a hearing at the AUC, but you're fighting against your neighbour at the hearing as well, which is not good for relations when it goes away. One guy gets the power line, and if both don't want it, that's not a good situation because you all live in the same community at the end. So I didn't like that.

I did hire good legal counsel, the best I could do, and at the end they said that they would cover our costs. They didn't. They covered most of it, but we got a writedown on the costs because when you're an intervenor, they said that they would cover your costs. They said that they were excessive, so they awarded the costs. Luckily, my legal counsel lowered his costs, so I didn't have to pay the difference.

I didn't get the power line on my property, but I did not like that situation where you have to gang up these landowners on this route against these landowners on this route. If you get two adamant people fighting about it, it becomes a personal problem. With the AUC, when you have that hearing process, you're focusing neighbour against neighbour, which is not good. I don't like that coming in. I was just looking out for the long-term benefit of my ranch. I did not want to have the power lines there and the intrusions of it. So that was my personal experience.

Mr. Hanson: Just a quick question, a follow-up there. The amount of costs: was that because of the excessive time it took for litigation? Why did they feel excessive costs?

Mr. Johnson: Well, I'm not exactly sure. We had to do all our research. When you're doing the hearing, it's AltaLink against you, so you've got to be prepared. They come in with their big row of panellists, of experts. They're all there, and they're all paid. They're spending, like, a hundred thousand bucks, I would guess, because they've got all these experts coming. I spent \$35,000, and like I said, I was granted intervenor costs. I think we recovered \$25,000, and we took a writedown. That was fine. But I would have had to pay the difference if they'd said that. I don't know where – they didn't have a maximum on there. But you have to represent yourself well because the other side is very well prepared.

Mr. Hanson: Yeah. One of the questions I asked at the time was on whether they got a 9 per cent guaranteed profit on the litigation on that as well. That's just a speculation. But I definitely hear you.

Mr. Johnson: It's a fiasco. I would not let those people set foot on my property. They had to fly over with a helicopter to look at my land. The guys on this route said: no access. You get together and have your little groups. You kind of decide, like, backroom deals, and you figure out your strategies, how you're going to do everything, before you show up. Then to the people that come out, you don't provide any information. They come out. AltaLink wants to get information from you, and from the first form you sign, everything you say and write down will be used against you in a hearing. So we turfed that landman out of there. He said, "Oh, I'm going to go do a good job" – his first job – so we punted that guy out of there. But it was not a nice process at all. You don't have to provide any information. They're coming out wasting all your time. You have to be very careful. A very litigious process. Represent yourself well, hire the best lawyer to represent yourself, and do a good job.

Mr. Hanson: Like I say, we went through the same thing with the two routes, neighbour against neighbour, and a lot of infighting there, for sure. That's why, as I say, I was just a little bit surprised at the committee hearings down here that we're not hearing more about that. We've got, you know, a single row of towers going through our area, and I know the trouble that it caused there. Then I look around here, and you've got 20 times the infrastructure down here that we were facing up there. I was just a little surprised that we don't hear more about it.

Mr. Johnson: Okay. So there are my personal comments to you, Mr. Hanson.

Mr. Hanson: Thank you. I appreciate it.

Mr. Johnson: Thank you.

The Chair: We now have MLA Frey, and then we'll move on to MLA Schmidt.

Mrs. Frey: Okay. All right. Sounds good. I have two questions. I hope that's okay, Mr. Chair. My first one is for MP Kurek. If you wouldn't mind expanding on – you got into a little bit of the intellectual property concerns. As many of you know, I sponsored Bill 206 after it had to be transferred ownership, and that was more of the real property rights. We were talking about land rights. It amended several acts. Of course, because the Legislature was prorogued, that bill is no longer on the table, but hopefully we can come up with some good solutions here. I'm curious, Mr. Kurek, if you wouldn't mind expanding on intellectual property and how you consider that to be property rights more fully, just for the record.

As well, you started talking about firearms rights with personal property. The Alberta Firearms Advisory Committee, of which I was the chair: we actually just tabled our report today with the Ministry of Justice, so I think it's quite timely. I'm just curious, with what's coming from Ottawa, if you could expand on that, from your perspective.

Mr. Kurek: Sure. Thank you very much, Chair, and thanks for the question, Mrs. Frey. I look forward to reading that report. If it was tabled today, I've obviously not had a chance.

First, when it comes to intellectual property rights, I think one of the biggest challenges generally is that it is such a rapidly evolving space. You have traditional things that would be considered intellectual property like trademarks, copyright, and there's a lot of precedent in law related to how those things are preserved, protected across jurisdictions. But in the age of the Internet, especially with web 1, 2, and now going into web 3, with blockchain and the idea around the permanence of what the Internet is and cryptocurrency and central banks, some jurisdictions around the world are actually adopting a type of blockchain technology for the management of their central banking administration.

The challenge is that we are seeing the space evolve so rapidly, yet our legislative and legal frameworks have not followed suit. In many cases we're dealing with, you know, the Bank of Canada Act, for example, which is about a century old, yet we have this technology that is challenging the precepts of what would have traditionally been a management structure. We've seen with Bitcoin, for example, the ability for massive amounts of value to be prescribed to something that is really a permanent digital footprint that simply exists on the Internet.

My comments and my recommendation specifically are that when it comes to intellectual property rights, which include things like digital privacy and include things like access to your information from Internet service providers, social media, banks,

whatever the case is, and expanding into the space of web 3 with things like blockchain, large companies like Amazon Web Services, and so on, because it's not well understood and we don't have the legislative framework, it needs to be looked into. I would urge the committee to make a recommendation that that be a part of the further conversation so that ultimately, in this case, Albertans' and Canadians' rights can be respected in light of how rapidly that space is evolving.

Part of the challenge ultimately will be that as fast as legislation can be written, debated, experts brought together to come to agreement, chances are that technology has made leaps and bounds past that. I know, I'm sure, that many of you have faced this with both this committee and other work that you've done in legislation. We have to figure out this path forward, because right now it's, to borrow a term, a little bit of a Wild West. I've cosponsored a bill that's a private member's bill, that was introduced this past week in Parliament, that would basically provide the legislative framework for the government of Canada to develop a framework on the use of blockchain and cryptocurrencies and to try to encourage growth within that space. That was an attempt by a number of us within the Conservative caucus, which includes members like Ben Lobb, Michelle Rempel, Pierre Poilievre, who I'm sure most people in this room are aware of, to try and make sure that we're forwarding this conversation as the space so rapidly evolves.

3:00

When it comes to firearms, we're all faced with the consequences of the order in council. There are probably people in this room that have been impacted, and although there will be litigation that is ongoing regarding the legality of the action that was taken – and I know that the province of Alberta, through the appointment of the Chief Firearms Officer and other work that the province has done, is encouraging. Further, there were a number of bills, I believe bills C-21 and C-22, that began to codify some of those changes within legislative frameworks as opposed to simple orders in council. There's a lot of ambiguity, and even speaking with members of the government, there's very little understanding as to where property rights – in fact, I would go as far as to suggest that the Liberal government has not even acknowledged that property rights play into the conversation surrounding firearms.

When I speak to reporters about the issue, when I speak to either other opposition parties or government MPs to make sure that that conversation is framed around the discussion of: what is property? Until you get there – and just like a firearm, I suspect I don't have to convince at least most of you on this committee that a tool can be used for good and it can be used for bad. To even have that conversation is incredibly important.

I would if I could – there are a number of other issues that are happening, not just the firearms conversation, but the Liberal government a couple of years ago promised to introduce the Canadian water agency. Many people in this room will have experienced the frustration when DFO could come onto their property and designate a creek as a navigable waterway and basically restrict what a farmer or rancher could or could not do on that property. The Liberals talk in very broad terms about how they're going to be saving the planet by bringing forward this Canadian water agency. I'm very concerned as currently consultations are ongoing about what that looks like. The overreach that has existed in the past shows that there's great reason to be concerned.

Environmental rights and regulations: whether it be imposition within provincial jurisdiction, of which, I would suggest, something like the recently announced emissions cap is a direct contradiction, certainly, of the spirit of how our Constitution is supposed to operate and, I would suggest, supported by Supreme Court precedent,

although ambiguous as to its application. There is that continual conversation that needs to happen regarding other environmental rules and regulations. We have ongoing conversations. In fact, I asked the minister of agriculture the other week about the concerns that I have as a fifth-generation farmer from the special areas but also many of my constituents have about the coming and proposed fertilizer caps; the government of Canada will be able to dictate what you can and cannot use in terms of things like nitrogen-based fertilizer. We saw recently that strychnine was banned. In fact, I'm sure that individuals in this room probably stocked up on that.

Again, there are all of these challenges which play into the conversation around property rights although it's part of the periphery discussion and without having – and I'll be very frank with the committee. One of the frustrations is the lack of willingness for the current government in Ottawa to even entertain a rights-based conversation when approaching any of these issues.

Hopefully, Mrs. Frey, that answers your question.

Mrs. Frey: Yes. Thank you very much. I appreciate it.

Mr. Kurek: Thank you.

Mrs. Frey: My last question was – well, there were, I think, three or four presenters who touched on this: Mr. McNaughton, Mr. Webster, and Mr. Johnson. Also, thank you, Mr. Johnson, for coming today all the way from Brooks-Medicine Hat. I feel like there's a theme – and maybe I'm wrong, so I'd be curious if somebody could maybe expand on this – of landowners feeling disconnected from accessing help when it comes to needing to see a tribunal or something like that. Mrs. McNiven, I believe you touched on this as well. If any of you would like to get up, I would just like to maybe get more on the record about that frustration or what you see as solutions. I think it was Mr. Webster perhaps. I might be wrong. Oh. No; I'm wrong. That was Mr. McNaughton who was talking about an option for the tribunal concerns. If you could just elaborate on that, I feel like that would be very helpful for the committee.

Mr. McNaughton: I'm Curt McNaughton. I don't know if I'm supposed to say that again or not, but, yeah. On the tribunal, with these 15 sites that we had – right? – to try to find information, the initial process was that you filled out an application and you sent it in. Basically, I think that on all 16 of ours, we had no communication back for over 12 months, not even a letter saying, "We received your application," anything, right? At that point we started to contact them, because now we're owed money, you know, even if it just gets dropped in a bucket. Whatever.

As recently as about two months ago I contacted them, and they are impossible to get a hold of. Like, it's basically voice mail, voice mail, voice mail, and you never get a call back. Or if you do, of course, you're travelling or something and you don't have your file with you. So I finally got a hold of a lady, and I said that I have 15 sites, and they want to handle one file and then hang up. I said: no; we're going to go through all 15 file numbers, and I want to know what status they're at. She was good enough. She said: okay; let's go through them. So I rattled them off, and they actually – at that point she notified me that every file had an adviser or a person assigned to the file, and she was willing to give me the person's name and phone number that was assigned to each file.

Of 15, I think I had 12 different people assigned to them or something, that sort of thing. I said: I have concerns on these five that are not paid. One of the five people that were assigned to my file called me back. Two and a half years after the application was in, two of the files had yet to be processed. I don't know what takes two and a half years to put the file into the system. After my phone

call, two of them were processed shortly after, but that's just maybe because I bugged them. I was just curious why two years go by and it hasn't been taken off a desk and put into a file number, right? You know what I mean?

I guess the other question is – I think Jackie could speak to it – that they had one for five or six months. It shows back up in the mail: you missed a signature. Well, how does this – I mean, we're in an electronic world now, right? How does this process take multiple years to get done – right? – that sort of thing? And that's not payment; that's just notification of a file – right? – that sort of thing. I think we're going on year 3. We have no well sites that are with the tribunal that have been paid a second year. We have four of 15 that have not been paid for the first year. We have zero that have been paid for the second year, zero that have been paid for a third year, right? You're looking at an average of, say, in our area, 3,500: \$5,000 or \$4,000, so \$60,000 a year. We're going on – four of them are zero – right? – of three years and 15. So, you know, there's over \$100,000 back owing – right? – that sort of thing.

I mean, we're just a 3,000-acre farm. We're not half the countryside, right? It's just a small farm. Yeah, there's just no contact. I mean, if you phoned a company and they took three weeks to call you back and you're randomly driving down the road and they call you back and say, "We want to talk about file 422777," you're like, "I have no file, and I'll call you back," and you call them back and you get a voice mail that then takes three weeks to get a call back again, it's impossible to get anything done, right? That system needs to be greatly improved for a landowner's purpose.

Mrs. Frey: Just as a follow-up, we've been doing a lot of modernization on record keeping and things through Service Alberta. Obviously, this is an issue not with Service Alberta, but Service Alberta is the ministry in charge of doing the modernization, digitization, just for your knowledge. Do you think it would be helpful if you could almost, like, key in your file number and see digitally, maybe on the computer, wherever, exactly where that is in the system? I know a lot of the problem is that a lot of these organizations still use fax machines, if you can believe it.

Mr. McNaughton: Right.

Mrs. Frey: I'm just curious. Do you think it's something that we could do as a government or a recommendation from the committee, if that's what the committee wanted to do, to have a digital system where you could say: "Okay. This is my name. This is my land location. These are the files that I'm looking at, and this is where they are in the queue?"

3:10

Mr. McNaughton: Yeah. Actually, a follow-up on that: the tribunal, I believe, now is digital. You can go online. The concern is that when we did our original ones, they would not take anything electronically. You had to mail it. So we did that, but now any site that has not been paid or processed in its first year that I sent in by snail mail cannot be looked at digitally until the first payment is made. So, of the 15, the five or six we've been paid for I can now see, and I can apply for the second year and I can see the status, but the other 10 that haven't been dealt with are still in la-la land. So, yeah, they have digitized it.

Like, I was talking to a neighbour the other day. He said: I haven't done anything. I said: you're actually better. I said: go online now and apply because it'll say that it's recorded, it'll say what status it's at, and you can check it. But for my 10 of 15 I can't because I have to wait for – I don't know what it is – the decision, the decision made that, yes, we owe you money, and money will be

coming in the next three to six months or something. But until that first decision is made, it's not put into an electronic area.

But you're exactly right. You go in there: I'm Curt McNaughton, this is my legal land location, you type in a file number, and it links it, and now I have – I mean, it's not simple. You know, it's not: this is who I am and log in. But there is a way to do it online now, yeah. But for the people that applied originally that haven't gotten a settlement – not a settlement; whatever you call it; a decision – it's still in la-la land.

All right. Thanks.

Mrs. Frey: Thank you for elaborating.

The Chair: Thank you.

Next I have MLA Schmidt for questions. Please go ahead.

Mr. Schmidt: Yeah. Thank you, Mr. Chair. My first questions are for Kathy McNiven. Just to clarify, you had raised this issue around Redrock Products purchasing the right to develop red shale and bentonite and were concerned about the fact that most people weren't aware. How did you become aware that Redrock Products had in fact signed this agreement with the government?

Mrs. McNiven: Should I go up?

Mr. Schmidt: Yeah. Please.

Mrs. McNiven: Kathy McNiven. We became aware when a company out of Camrose that puts red shale on ball diamonds came to us and discussed with our family about acquiring some red shale to do ball diamonds around the province. They came and looked, and then they contacted us again and said that they had just found out that Redrock Inc. had gotten these rights and that they were no longer allowed to contact us or come and purchase. We had not sold any before, but they said that they were no longer able to do that, that if they wanted the product, they had to go through Redrock Inc.

Mr. Schmidt: Okay. I take your point that your recommendation is that the government reassign red shale and bentonite as aggregate materials and not as minerals . . .

Mrs. McNiven: Well, it always has been aggregate, and we're not sure of the designation now, because after almost two hours I couldn't get into the 2020 report to figure out if there was anything in there that redesignated it as a mineral. It has always been considered, anyway, aggregate, and in all the years of reading the reports – and I read from 2015, '16, '17, '18, '19 – there was never a mention of red shale or bentonite being considered a mineral, and by definition neither are.

Mr. Schmidt: Oh, okay. Sorry. I understood that it had been designated as a mineral, but you're saying that . . .

Mrs. McNiven: Well, that's what we're trying to find out . . .

Mr. Schmidt: Oh, so you don't know. Okay.

Mrs. McNiven: . . . has it been redesignated, and how is that process possible? How can you make something into something that it's not?

Mr. Schmidt: I see. Okay.

Are you aware of any developments for red shale or bentonite that Redrock Products is currently engaged in?

Mrs. McNiven: Their website said that they entered into full production in 2020, and that is – and when our one son spoke to

them, they knew exactly who he was, where his land was, and what shale was on it. So, you know, they're well versed in where the deposits are.

Mr. Schmidt: Sorry. The reason that I was asking this is because I guess it would be of interest to the committee as to who would oversee the development of these kinds of projects from a regulatory standpoint, but it sounds like you don't know.

Mrs. McNiven: No. We have been given no information, and that's one of the challenges, that most of the landowners that have red shale on their lands are completely unaware that this has taken place. We wouldn't have known had the people from Camrose not come to see us. We wouldn't have had a clue.

Mr. Schmidt: Okay. All right. Thank you very much.

The Chair: Any further questions?

Mr. Schmidt: Yeah. I guess it was a general question again, like my colleague Mrs. Frey, to Mr. McNaughton, Mrs. Watts, Mr. Webster, maybe even Mr. Bower, who has significant experience with this concern around what sounds like the unilateral renegotiation of oil and gas well leases. It sounds like the companies just imposed a change to the terms and conditions of the lease and that you can either take it or leave it. If that's correct, then please confirm that for me and, I guess, help the committee understand what the process should be, from your points, so that landowners are given the respect that they deserve in these kinds of negotiations.

Mr. Webster: Yes. David Webster. Yeah. We were sent a statement saying that they were going to reduce our surface lease to half, basically. On that, we have no – we usually can go to the Surface Rights Board to negotiate, and we are unable to do that now. They just keep paying us the lower rate year after year, and there's nothing happening. We actually hired another fellow to try and negotiate with them, but they simply are not negotiating. It says that after five years of an oil well lease or a gas lease, we get to renegotiate. They can renegotiate up or renegotiate down, but they won't. They're simply just giving us a statement of what they want. This should be going to the Surface Rights Board so that we can negotiate. We need some place that we can be on the same basis to negotiate with them.

Mr. Schmidt: Right. On the issue of resurveying the leases, you said that you can't appeal to the Surface Rights Board. Is it a matter that the Surface Rights Board doesn't have jurisdiction over this kind of change or that they're just so backlogged that they refuse to hear these kinds of issues?

Mr. Webster: I do believe they're just backlogged. I hired Paul Vasseur to handle ours, and he's got hundreds and hundreds of these wells all in the same – you know, wanting to pay half, and he can't get nothing done as well. He wants to go to the Surface Rights Board, but they simply delay it or are not going.

Mr. Schmidt: Forgive me for asking, because I don't have a lot of experience dealing with the Surface Rights Board and from the sounds of things I don't want a lot of experience there, dealing with the Surface Rights Board. Are people filing applications and they're being denied, or you're just not even bothering filing applications because you don't have trust in the Surface Rights Board to even take the concerns seriously?

Mr. Webster: Nope. They've been filed. Paul Vasseur has filed for us for our well sites.

Mr. Schmidt: Okay, but the Surface Rights Board is refusing to hear the cases?

Mr. Webster: I have heard nothing back from them and Paul Vasseur. That's basically – I wish he was here because he would help a lot.

Mr. Schmidt: Okay. You filed applications and just have heard nothing from the Surface Rights Board?

Mr. Webster: Yep.

Mr. Schmidt: Okay. Great. Thank you very much for that.

Like, in your view, would just giving the Surface Rights Board adequate resources to deal with all of these applications in a timely manner be an appropriate remedy here, or does something else need to change?

Mr. Webster: Well, I think we need to be able to take it to the surface rights, and like Curt says, it can't be three years down the line. We need it to be more – when they send us a statement saying what they're going to do and now our rights have been taken away to protect what we have, we cannot truly go in and shut the well off. I mean, I understood that at one time they weren't making money on natural gas or oil, but times are better – let's face it – and they're not coming back to us even to renegotiate.

3:20

Mr. Schmidt: So even though the price of natural gas is three times what it was in 2019, they haven't come back to you and said: we now have a lot more money at hand and we'd like to pay you more for the leases.

Mr. Webster: I actually just got a statement from Ember again stating that they want to reduce another four wells that have their five-year anniversary to the half dollar value.

Mr. Schmidt: Okay. Yeah. Thank you.

I think that was – if anybody else wants to respond to any of those questions I asked, I'd be happy to hear. Just rush to the microphone and elbow everybody else out of the way.

Mrs. Watts: Yeah, I see that. They're really a live-wire group. Anyways, yeah. Jackie Watts. Regarding, like, just the Surface Rights Board, you have the Surface Rights Board trying to do so many things. They're trying to do the abandoned wells and pay us our lease amounts that we're not doing. Then you've got just surface rights that are going on with, say, the oil companies reducing it, and you've got them being bombarded with so many different things because things went bad so fast. Yes, they can't keep up, but as a landowner – the oil companies know that, too. So as we go in and we start making phone calls – I don't have a high-priced lawyer. I can't afford a high-priced lawyer, so I'm on my own between going to the Farmers' Advocate, and then I've got to try the AER, and every time they're, like "Well, that's not my department; that's so-and-so's" and then "That's not my department; that's so-and-so's."

If it's surface rights, then it should be surface rights. That's all we go through. We shouldn't have to jump through hoops trying to find all these other people. If you could make one phone call and then they could assign you someone to listen, that would be better. I think you have to take multiple areas that the Surface Rights Board is doing and kind of divvy them up, whether the board is hearing on payments and then the board is hearing on reduction of wells. I mean, yeah, it's going to take more people, and I don't know if we can find those people, but no one is listening to us anymore.

Mr. Schmidt: Right. Over the years the government has made a big effort to create a one-window entry system into the regulatory world for industry, but landowners don't have that same kind of access. It sounds like, to me, Mrs. Watts, perhaps landowners should also be given a one – so make one phone call regardless of what your issue is and be directed to the right department instead of trying to figure out who the right person is and which department and getting the typical . . .

Mrs. Watts: Yeah. Or a recorded message, whether it's online that we report that we had a reduction; if they need the evidence, we support it; and then that – ultimately, it all boils down to: you need the AER to do their job. Those guys get to self-report. I'm from a municipality that in three years has written off more than \$10 million in taxes that have not been paid. That's huge. We're a very small population base. We have all that info, and if we can submit it and the AER would actually allow us to submit to them so they could see what oil companies are operating in good faith and which ones are your bad guys – it's not a right to have an oil licence; it's a privilege. They have to obey by the terms that are set out. It's all there. We just need a mechanism to put our information to the appropriate heads.

Mr. Schmidt: Okay. So if I understand what you're saying correctly, the MD can't even file the information that you need to with the Alberta Energy Regulator to identify unpaid property taxes?

Mrs. Watts: None of us do. No. They self-report. The oil companies self-report to the AER, and a question on theirs is: do you pay property taxes? All they have to check is yes, and nobody looks.

Mr. Schmidt: And the Alberta Energy Regulator doesn't actually ask you if they are paying their property taxes?

Mrs. Watts: No. They say that they don't know, that they don't have access to that info. All they have to do is have municipalities self-report. We collect it. At the end, we know who pays taxes, who doesn't, and then they could submit that to the AER. It's all there for them to see.

Mr. Schmidt: In your view, then, there needs to be a way for the Alberta Energy Regulator and the municipalities to share information, I guess, as to who is paying their property taxes.

Mrs. Watts: Yeah. And even to report on your landowners that are. It's all there.

Mr. Schmidt: Okay.

Mrs. Watts: You just have to open a door.

Mr. Schmidt: Thank you very much.

I think Mr. Johnson wants to respond to those questions as well.

The Chair: I just will make one brief comment before you start, Mr. Johnson. We roughly have about five minutes left in which we

take about two minutes to close, so you'll have about three minutes for your answer. I apologize for the interjection.

Mr. Johnson: Blaine Johnson. In regard to the Action Surface Rights as a director we no longer have the Surface Rights Board. It's the Land and Property Rights Tribunal, so now they've got a new board of directors on there, and that system is in disarray. In my opinion, the oil companies are also taking advantage of that disarray. We're not sure what decisions – the Land and Property Rights Tribunal has a different board of directors now, and it encompasses all the different areas, and their specialty isn't surface rights anymore. It's in disarray, it's backlogged, and the companies – when they send out that letter to these people and say that they're supposed to reduce their compensation, you say, "No" and you go to the Surface Rights Board and you present your case and your hearings, but it's all backlogged.

They know it's backlogged, and it's all about precedents, so if you get enough people to say, "I'll take a half reduction" and they take all those in, there's our precedent. Half the people decided to reduce it. If everybody would have stood their ground and said, "No," the Surface Rights Act allows you to maintain your compensation unless you have a hearing to reduce the compensation. But the whole system is in disarray. In my opinion, some people are taking advantage of that system because of the disarray and causing problems for the landowners and these people, as you can hear today.

Those are my comments for you.

Mr. Schmidt: Thank you very much.

The Chair: Thank you.

Mr. Kurek, if you want to comment, you've got about two minutes.

Mr. Kurek: Thank you. Damien Kurek, Member of Parliament for Battle River-Crowfoot. I would simply add that I believe that the concerns that Mr. Schmidt and a number of others have brought forward very clearly articulate why the conversation around codifying property rights within our national constitutional framework and every other legislative means possible is absolutely essential to ensure that property owners are, in fact, protected.

Thank you.

The Chair: Excellent. Based on time, that does wrap up our two-hour meeting here in Hanna. On behalf of the committee members we would like to thank everybody for making the trek in, some from very far distances, taking a lot of time away from your farm or friends or family to come here and report to this committee and express your comments and concerns. We're all really appreciative as the committee here for spending time with us today.

At this time I would call for a motion to adjourn. Moved by MLA Schmidt that the meeting be adjourned. Committee members, all in favour, please say aye. All opposed, please say nay. Hearing none, that motion is carried.

I would like to thank everyone once again for coming out. This meeting is adjourned.

[The committee adjourned at 3:28 p.m.]

