



Province of Alberta

The 27th Legislature
Fourth Session

Alberta Hansard

Wednesday evening, April 27, 2011

Issue 30e

The Honourable Kenneth R. Kowalski, Speaker

Legislative Assembly of Alberta
The 27th Legislature
 Fourth Session

Kowalski, Hon. Ken, Barrhead-Morinville-Westlock, Speaker
 Cao, Wayne C.N., Calgary-Fort, Deputy Speaker and Chair of Committees
 Mitzel, Len, Cypress-Medicine Hat, Deputy Chair of Committees

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Progressive Conservative: 67 Alberta Liberal: 8 Wildrose Alliance: 4 New Democrat: 2 Alberta: 1 Independent: 1

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Quest
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Legislative Assembly of Alberta

7:30 p.m.

Wednesday, April 27, 2011

Government Bills and Orders Committee of the Whole

[Mr. Mitzel in the chair]

The Deputy Chair: I'd like to call the committee to order. The Committee of the Whole has under consideration Bill 10. Continuing on from this afternoon, the hon. Member for Airdrie-Chestermere.

Bill 10 Alberta Land Stewardship Amendment Act, 2011

Mr. Anderson: Thank you, Mr. Chair. It's good to be back. Obviously, I want to continue on with some of the comments about Bill 10, the Alberta Land Stewardship Amendment Act, 2011. Yesterday I started speaking a little bit about it, and I went through several things on the bill. I talked about one of the important things that we need to realize, that when we make a mistake, it's important to fess up to that mistake and say: "You know, we made a mistake. We need to correct it, and we need to back away." That's what Premier Klein really taught a lot of politicians, that when you do make a mistake, it's important to admit to it, try to make up for that mistake, and make restitution as quickly as possible.

I find myself feeling somewhat like that with regard to Bill 36 and so forth. One of the things that I didn't read or understand, I guess would be a better way of putting it, in the first go-round with Bill 36 was the issue around statutory consent and the power that Bill 36 gives the cabinet to revoke property rights and to extinguish – this is the language used in the act – property rights, things such as land titles. Obviously, Bill 10 works to correct that. The government says clarify, but let's look at what Bill 36 says and then how Bill 10 clarifies, hopefully, what their intent is.

In Bill 36 under section 11 it says: "A regional plan may, by express reference to a statutory consent or type or class of statutory consent, affect, amend or extinguish the statutory consent or the terms or conditions of the statutory consent." Now, there was some argument about whether statutory consent in Bill 36 meant land titles and other forms of licences, and there was quite a debate around that. In Bill 10 there was an effort made to clarify that, but the government continues to say that the original Bill 36 never did allow the government to unilaterally extinguish land titles. Well, this is just simply not the case. This isn't just a matter of one lawyer disagreeing with another lawyer. As any first-year law student would know, when you're trying to look for the definition of something in a bill, the first place you look to – it's not the only place you look to – is the act. You look to the act, right? Isn't that true, hon. members? You look to the act first.

What does the act say about statutory consent? According to section (z) of Bill 36 statutory consent means

a permit, licence, registration, approval, authorization, disposition, certificate,

as in a certificate of title,

allocation, agreement or instrument . . .

Titles are instruments.

. . . issued under or authorized by an enactment

such as the Land Titles Act

or regulatory instrument.

So there's really little doubt in the definitions section of what statutory consent is and that it can include land titles.

If one looks to what instrument means, we can go further to instrument. They even clarify it further. Instrument means

(i) a grant, certificate of title, conveyance, assurance, deed, map, plan, will . . .

Et cetera, et cetera, et cetera.

It also includes a judgment of the court, so that could include a maintenance enforcement order or a marriage annulment, or

(iv) any other document in writing relating to or affecting the transfer of or dealing with land or evidencing title to land.

That's the definition of instrument, okay? So this whole idea that it did not apply to land titles or mortgages or these types of things is garbage. It did.

This government, that is famous for not understanding, you know, the unintentional consequences of its actions, has come and said: "Okay. Well, under Bill 10 we're going to make a difference. We're going to make some exceptions. We're going to make it clear in section 3(2)."

For greater clarification . . .

This is kind of funny.

. . . the definition of statutory consent does not include any permit, licence, registration, approval, authorization, disposition, certificate [et cetera, et cetera, et cetera] under or authorized by

(a) the Land Titles Act,

They put it right in there.

(b) the Personal Property Security Act,

(c) the Vital Statistics Act,

(d) the Wills Act,

(e) the Cemeteries Act,

(f) the Marriage Act,

So they can no longer get rid of your marriage. That's good.

(g) the Traffic Safety Act, or

(h) any enactment prescribed by the regulations.

It's pretty clear when we look at this clarification that the fear that people had that the government would be able to unilaterally take away their land titles when this bill is passed – that will not be the case. Under the law right now under Bill 36, indeed the government, the cabinet can seize people's land titles. I don't know how you missed that. You obviously did.

Now, let's be very clear. Was it ever your intention to seize people's land titles? I certainly hope not. I don't think it was. But the fact is that that is what the act, Bill 36, clearly authorized or else why would you be passing Bill 10 and one section to clarify that?

That lawyer in a silk suit, as the government always likes to say, that was running around Alberta telling people that the government had just authorized giving itself the power and authority to seize your land title if they felt it was in furtherance of their regional land-use planning, was correct. He was not lying at all. Thankfully, he pointed it out because now it has been dealt with in Bill 10.

There are many things that Bill 10 does not include. For example, it does not specifically exempt the Mines and Minerals Act although it does now exempt the Land Titles Act from extinguishment of a property right. We saw that in action. We saw what happens when you don't have something exempted under this act, that in fact the government can come and seize. It is doing so right now with the lower Athabasca regional plan. It is seizing a couple dozen mineral and mine leases that belong to these companies. It's unilaterally coming in there and seizing them.

Now, there is still a question around what the compensation would be, which is amazing, that the government would allow that kind of uncertainty. But there still is a question. We don't know much the government plans to compensate these companies if at all. We don't know if they plan to give them the value of the lease when they bought it and that's it or if it's going to be the value of

the lease plus interest or if it's going to be – who knows? I mean, it's kind of weird. You'd think that when you take somebody's land, if you expropriate someone's house, you don't pay them what they paid for their house. You pay them what the house is worth when you expropriate it. Fair market value. But we don't know what the government wants to do. Are they going to pay fair market value for it? Who knows? Unintended consequences. It's banana republic stuff is what it is.

According to the former Minister of SRD at the Keith Wilson event in Eckville the other night, when Keith Wilson was going at it with the former Minister of SRD on this, the former Minister of SRD actually gave me credit for moving international stock markets with the power of my words. It was incredible. My banana republic comment was the reason the international stock market fell 150 points according to the Member for Foothills-Rocky View. I didn't know I was that influential, hon. members, but I guess I am. I guess I caused the stock market to go down 150 points.

Ms Blakeman: That was an unintended consequence.

Mr. Anderson: That was an unintended consequence. Banana republic: whoosh, stock market crash. Well, I said it, so it must be true. Anyway, that was an interesting argument to say the least.

What it does demonstrate is that because there's uncertainty in the market, because the market did not understand what was going on, because they didn't understand what the value of their assets were on their balance sheet for some of these companies, the market got jittery for sure. But, as the minister says, the market came back up. Well, you know what? That may be true, but you have to understand that just because the market comes back up, just because people realize, "Oh, you know what; this doesn't affect a lot of the mineral leases up there; it only affects a few of them," it doesn't make it right. It's still a Mickey Mouse, banana republic way of doing things.

7:40

Property rights are property rights. You hold to them. You respect them. You respect the licences that you give out. If you want to make a no-go area or a conservation area, you make sure that existing licenses and leases are allowed to proceed, that the land is reclaimed, and it becomes part of the no-go zone if that's what you're going to do. But that's not what this government does. They just go ahead, bulldoze ahead, damn the torpedoes, and then Albertans can be left paying the bills and the uncertainty that comes from it.

So there are many problems with Bill 10: the fact that it does not include that specific exemption to the Mines and Minerals Act. I think we have an amendment coming forward later on in the evening.

Before we get there, I would like to touch on another issue, and I'd like to do so by proposing an amendment to this act. This is the first amendment. The Wildrose has roughly 20 amendments that, I guess, we'll have to read into the record at the end of this because we've been cut off on our debate. This is the first one, and hopefully we'll get at least one or two on here.

The Deputy Chair: Hon. member, we'll pause for a moment while it's brought up here.

Hon. members, this is amendment A1.

Hon. member, please proceed.

Mr. Anderson: Thank you, Mr. Chair. A1 is the amendment. Section 5 currently deals with before a regional plan is made or amended, so after cabinet decides they want to change a land-use

plan or, you know, change the zoning, and say: "You know what? We didn't get that right. We actually want to protect this area. We want to change everything here again." So they make a change.

Well, before a regional plan is made or amended, the stewardship minister must (a) ensure that appropriate public consultation with respect to the proposed regional plan or amendment has been carried out. Okay? So, basically, the stewardship minister is going to have to settle it in his own mind through whatever process that means. I don't know. Maybe he calls his mom. Maybe he googles a few things. Once he's sure in his own mind that this is the right regional plan, so a regional plan is made or amended, then he needs to present a report of the findings of such consultation to the Executive Council and then (b) lay before the Legislative Assembly the proposed regional plan or amendment. Okay? Well, that's really great. That's warm and fuzzy. They're going to tell us, according to this act: here's the regional plan for this area or here's the amendment to the regional plan. They're going to lay it down before the Legislative Assembly. Fantastic. It's always good to have disclosure about how you're going to be changing everyone's property rights in an area or dealing with them. That's great.

Unfortunately, I don't think it is enough. What I'm proposing is that Bill 10, the Alberta Land Stewardship Amendment Act, 2011, be amended in section 5 of the proposed section 5(a) by striking out "and present a report of the findings of such consultation to the Executive Council" and substituting "lay before the Legislative Assembly a report of the findings of such consultation for the Assembly's approval."

Now, the reason for this proposed amendment is simple. All the folks in this House are the elected representatives of the people of Alberta, okay? So it seems pretty important, in my view, that a decision to alter land-use planning in an area should be left to the people's representatives, not 22 or 23 or 24, however many there are of the day, cabinet ministers behind closed doors making the final decision on something.

There needs to be accountability to this House, to the people's representatives, and the only way to do that is to say: okay; we've made changes to this plan. Let me be very clear. I don't agree with the stewardship minister having the authority to bring these plans forward. I think that should be left to regional planners at the local level. But if we're going to go this way, if that's what we're going to do, if this is the way the government wants to do it, then at least have the accountability and the transparency to take the report and to bring it to this Legislature and to lay it before this House so that we can examine it and make suggestions, et cetera, and so that we can ultimately approve it in this Legislature. I think that is a fair thing to ask, and it's a fair transparency and accountability measure that I think the people of Alberta are owed in this regard.

These are big decisions. I mean, look at the LARP. Look at the lower Athabasca regional plan. You're talking about a monstrous land area there. You're talking about revoking mineral leases of industry holders. Who knows with the South Saskatchewan and these others how many private landowners it's going to involve? You're talking about extinguishing or rescinding property rights, changing property rights. You're talking about putting in conservation areas and no-go zones. You're talking about a lot of different things: cumulative effects management, water management, et cetera. These are life and region altering decisions that are being made by cabinet.

It makes sense that before those plans go forward, the people of this Legislature, the people's representatives, would have the ability to sit here, debate it, make sure there were no unintended consequences, make sure that the government wasn't going to accidentally seize someone's land that wasn't needed, things like that. You know, have the opposition throw some things at the

wall. Let's do some more research on this. Let's talk a little bit more about this so that we make sure we get these plans right or we make sure that the amendments to these plans are right, okay?

I mean, I look at some of the members in there: the Member for Drayton Valley-Calmar. I know full well you trust the people's representatives to make a good decision here. I think that it's important that we let them do that. To just say that the government is going to come here and, you know, is just going to plunk the regional plan or the amendment to the regional plan in front of us and say, "Okay; this is what we decided; here you go," is not accountability at all. I don't even know why that's in the act. They would do that without this act, without it saying that they had to lay it before the Legislative Assembly. Of course, they're going to put the plan out there. They've got to give it to somebody to implement.

So that's not really an accountability measure. But having the Assembly have to actually vote on it elevates it and at least makes sure that the people in this House have the final say.

I mean, we have the Speaker of the House, remember, who goes through every month and tells us all the recognized days that come up, you know, like basket weaving awareness day and kiss your lawyer day and all these different days that we . . .

Ms Blakeman: Administrative support day is today.

Mr. Anderson: Administrative support day is today?

Ms Blakeman: Yes.

Mr. Anderson: There you go. Administrative support is important, I'll tell you, especially when you've got the resources and the office that we have. I mean, you really rely on that staff.

The point is that he's making us aware of that. That's all this is saying right here. This is saying that somebody is going to come and make us aware of this report. It's basically at the same level of importance as the Speaker standing up and telling us all these different days and awareness weeks, et cetera, that are out there.

7:50

Now, the difference is that this amendment, if passed, will make sure that the people's representatives have the final say on whether they want to go ahead. I think this is a reasonable amendment. I would like to hear from government the reasons. If they support it, that's great, but if they don't support it, why not? Why is it not important that the people's representatives have the power and authority to make the final decision with regard to one of the seven regional plans in this province? Why wouldn't that be important to you, or why would it be important to you? I'd like to know that.

With that, I'll leave this amendment for some debate.

The Deputy Chair: On the amendment. Do any other members wish to speak? The hon. Member for Edmonton-Centre.

Ms Blakeman: Thanks for the opportunity to speak on amendment A1. I agree with the attempt to remove the reporting in section 5 away from presenting a report of the findings of the consultation to Executive Council, which, of course, is the cabinet, and trying to widen it to a larger group. That I agree with because I think that too much of what's wrong with the amending act, Bill 10, is that it has tried to address some issues, but it didn't address them enough. The original Alberta Land Stewardship Act had concentrated too much power in the hands of cabinet. I think that Bill 10 did not address that enough. So this amendment is trying to take it a step further, but where my problem is with this amend-

ment is in having it come back to the Assembly for the Assembly's approval.

We're in a time of change, I hope, and we have no idea what is coming and how the political structure is going to look, who is actually going to have the balance of power, the majority of it. We have a lot of experience in this Assembly and in this province with a party that gets into power for 40 years and counting and is dictatorial in the way it sets about writing legislation.

We have a number of things that come back to this Assembly for approval. Frankly, Member, look around. So what? Lots of things come here for approval. You still have a government in power that does basically what they want to. I understand that you're trying to protect the integrity of the plans and to involve the elected members, but you could end up with the same thing happening that you've got right now, and that is a majority that just barrel rolls stuff through.

So there are two things that you need to have in place, I think, to make this plan work better. One is – and you always should default to this – more local control, more local input because communities really do understand how to take the one-size-fits-all that you're trying to build as a provincial plan to make sure that we are moving forward and implementing general policies as a province. They understand how to take that overall policy and augment it to make it really work locally. They can't be allowed to say, for example: well, we're not going to have environmental protection in this particular area because we just choose not to. No, no. They have to. There are certain things that are required, but they can say: "You know what? This little bit extra would really make a difference for us because we've got a lot of forestry here or a lot of this." They can fine-tune it to make it work on a local level, but you still need that sort of broad province-wide policy setting that you want everybody to use.

My problem with the way this is put is that we could get exactly what we've got now. It could come to the Assembly, and look how many decisions and how many times – I'm getting into trouble with my dentist for grinding my teeth, which is a relatively new problem for myself, but part of it is from when I hear the Premier stand up and say things like, "Well, it's going to an all-party committee," and, you know, "That will be wonderful because it's an all-party committee."

Well, I was at the negotiating table when these all-party committees were established, and believe you me, the second, third, and fourth parties may have something to say occasionally. I've actually been in the position where those all-party committees have passed, duly debated and passed, a motion I put on the floor only to have at the next meeting a member come forward and basically rescind my motion on the instruction of government. So much for all-party discussion and all-party approval of something. That rarely happens. So you're basically putting back in place what we have now, and that's the problem for me, I think. Yeah.

Additionally, you're not clear on what you're going to do with 5(b). You're going to amend 5(a), but are you leaving 5(b) there? Because that's the same thing again, to "lay before the Legislative Assembly the proposed regional plan or amendment." I think you're right in trying to draw power away from the cabinet. I just think the way it potentially could play out here is problematic for us in that it basically puts into place the same institution that we have now, that's already causing us problems. You'd end up with something that read the same way. You're going to present a report of findings to the Assembly for its approval, and then in 5(b) you're going to lay the plan before the Legislative Assembly, the proposed regional plan or amendment.

I'm not quite sure how that works, but I definitely think you're right to make the point that you need to draw some of that power

back into a wider base, back into the Assembly and away from cabinet, definitely understanding the place of local decision-making.

So to make the point, you know, I'm willing to support this amendment because of the discussion that it's put on the floor, and I urge – well, I'm not looking around with great hope, but I urge the members of the government to respond to the amendment that's been put forward and explain why they feel those decisions need to stay embedded in the Executive Council. We could actually have a debate about this bill instead of calling each other names. We're doing this for five hours, of which we've got three and a half left, so we might as well have the debate, folks. Minister of Energy, you like to debate. No? Okay. Well, I tried.

Anyway, I think it was a great idea to put this on the floor, and I'm happy to have had the opportunity to speak to it. I'm willing to support it for the issues that it has tried to address.

Thank you.

The Deputy Chair: The hon. Member for Calgary-Fish Creek.

Mrs. Forsyth: Thank you, Mr. Chair. It's an opportunity for me to get up to speak in Committee of the Whole on Bill 10, the Alberta Land Stewardship Amendment Act, 2011 . . .

The Deputy Chair: On amendment A1.

Mrs. Forsyth: . . . and particularly in regard to A1 – I was getting there – the amendment that the hon. Member for Airdrie-Chestermere has brought forward on section 5. As he's indicated before, there are several amendments that we're going to be bringing forward in regard to what I consider a very flawed piece of legislation.

I have been around, and I've always spoken about my length of time and the opportunity to serve in this Legislature. I can tell you that it's one of those pieces of legislation where I've received enough phone calls and e-mails and letters that it starts my spidey sense saying that the government has done something wrong.

If we specifically talk about section 5, which is our first amendment of many for the night – and it's unfortunate that, as the Member for Edmonton-Centre has mentioned, the government has brought closure in on what I would suggest the Premier has considered one of his legacy bills, which, quite frankly, to me is a piece of crap. But I guess if that's what he wants to go forward on as a piece of legacy, so be it.

When you talk about a regional plan that is made or amended, and it talks about the section about the report ensuring that – [interjection] Obviously, Edmonton-Castle Downs is going to be speaking after me because I can hear him.

The Deputy Chair: I'm listening.

8:00

Mrs. Forsyth: I'm sure I'll look forward to him standing up and speaking on this right after I finish and sit down.

We talk about ensuring the appropriate public consultation with respect to the proposed regional plan or amendment that has been carried out. Our amendment is referring to "and present a report of the findings of such consultation to the Executive Council" and eliminating that. I think that's a good step because of the fact that the people that should be getting this consultation – and I struggle with the word in Bill 10 when they talk about appropriate public consultation because what we would probably consider appropriate versus what the government considers appropriate are two different places. It goes on to say that we take out "report of the findings of such consultation to the Executive Council," and then

we're going to "lay before the Legislative Assembly a report of the findings of such consultation for the Assembly's approval."

I like what the Member for Airdrie-Chestermere is presenting, quite frankly, because then it gives everyone in this Assembly the opportunity to debate and talk about this, similar to what we're seeing a little bit of right now when we saw the government just prior to the 7:30 break, when they were talking between 4:30 and 6, knowing we've only got five hours of consultation, and a couple of the members stood up. I found that very interesting from my time here, and I'm sure for the Member for Edmonton-Centre. The last time I saw anything like that happen – I'm scratching my head – I think was Bill 11. We had speeches from the government.

I'm quite excited. Even though it will limit our debate to somewhere between two and a half to three hours, we're looking forward to getting their comments on record because that's what Albertans need to hear. They don't need to hear just because of the consultation that people were making fun of Mr. Wilson and some of the groups that he's getting in Eckville or the Premier at an AAMD and C meeting talking about his silk suit.

So when we talk about the amendment that we're presenting the report findings and consultation on, we're eliminating that to the Executive Council. We're bringing before the Legislative Assembly a report of the findings of such consultation. The people that were elected by the people in Alberta have the opportunity to stand up and speak in this Legislature and talk about whether they approve what has happened under the regional plan, the consultation. I think it puts the onus on everybody, as it has put the onus on myself to spend hours and hours and hours, quite frankly, bringing myself up to speed on not only Bill 36 but Bill 10, going through the tons and tons of research that has come forward from people, Albertans, our voters, telling me what is right about the legislation and what is flawed about the legislation.

For us to start and have the government come forward and support this first amendment that the hon. member has brought forward in regard to having the Assembly approve, I think is a good step, and I think it's an important step. I want to have on record, first of all, that it's a small step. So if the government accepts this, I don't want them going out of this Assembly tomorrow with a huge press release bragging about how they accepted an amendment from the Official Opposition or the Wildrose saying, "Well, we listened to what they had to say, and we've accepted their small amendment" in regard to something that should really have been written into the legislation in the first place. Instead of going to the cabinet or the Executive Council it comes right back to the Assembly, and it can be consulted on with people. It says: consultation for the Assembly's approval.

As I have mentioned I think two or three times, the importance of having the ability for MLAs to first of all be able to talk to their constituents, and secondly, to find out what they like about the consultation process or what they didn't like. Did they think it was long enough? Did they think it was short enough? Was it done adequately? Was it not done so adequately? Did they feel it was an appropriate public consultation?

I'm hoping, Mr. Chair, that the government will give some thought to this amendment A1 and look at voting for this, keeping in mind that it's a small amendment. It's a first step.

We look forward to bringing forward, in our small time allotment that we have of five hours, more debate and more of our amendments. Thank you.

The Deputy Chair: The hon. Member for Calgary-Glenmore.

Mr. Hinman: Okay. Thank you, Mr. Chair. I'd briefly just like to stand and speak in favour of this amendment. I think it's quite

straightforward. The hon. Member for Airdrie-Chestermere summarized it and the hon. Member for Edmonton-Centre as well as the hon. Member for Calgary-Fish Creek. What this is about is section 5(a). "Ensure that appropriate public consultation with respect to the proposed regional plan or amendment has been carried out, and present a report of the findings of such consultation to the Executive Council." There is the problem. Again, this is just solely at the minister's discretion, and what we need is to have it reported to the House.

Not only that, the government members always get up and say: oh, we've done all these consultations. We've done this. We've done that. We've had 238, I think, people that they talked about earlier. Present the report to the Assembly so that we can actually see and ask questions about it and verify what they're actually saying rather than just vague comments and commentary on what their so-called consultation is. We need to have the consultation. It needs to come.

I'm looking forward to the vote. We'll see. The government says: what amendments? We have several that we want to bring forward. We feel this is a good and plausible one and hope that the government will vote in favour of this.

Perhaps we can have the question now.

The Deputy Chair: The hon. Member for Calgary-McCall.

Mr. Kang: Thank you, Mr. Chair. I am also standing up in favour of the amendment. I have heard the Member for Edmonton-Centre, the Member for Airdrie-Chestermere, and the Member for Calgary-Fish Creek. I don't think that the Member for Airdrie-Chestermere is asking for much. It's just bringing the process more into the open. I do believe that the decisions or any changes we want to make into regional plans or anything should be done here in the Legislature, not by 23 or 22 or 16 Executive Council members.

Here with Bill 10 the government is trying to address what was not done in bills 36, 19, or 50. I think they should do the right thing. You know, those bills gave the cabinet too much power. Here the government is still trying to keep all the power with the cabinet.

What this amendment is trying to do is take the power away from the Executive Council and have everything come to the Legislature so that we could have reasonable debate in the Assembly and make the right decisions. This amendment may not address what the member intends to do with this, but still I think it will be better to have a decision made by the majority in the Legislature, by the elected representatives of Albertans. Well, I think it still will be better to make the changes here in the Legislative Assembly after a reasonable debate instead of making a decision, you know, behind closed doors. It should be up to the elected representatives to come up with what is good for all Albertans. For those reasons, Mr. Chair, I'm supporting this amendment.

I don't think the Member for Airdrie-Chestermere is asking for much. The government with the majority will still be able to blow through whatever they want, but we want to have everything in the open so that everybody knows what we're going to do. For those reasons I'm supporting the amendment.

Thank you.

8:10

The Deputy Chair: The hon. Member for Calgary-Currie.

Mr. Taylor: Thank you very much, Mr. Chair. I will just add my two cents' worth briefly to this because we have a lot of business to get through in a limited period of time tonight. I would not normally support this amendment. I would not normally say that

this is something that the Legislative Assembly needs to consider and vote on in terms of regional plans for each region.

I think that there is a real interest, obviously, on the part of MLAs from that particular region for which the regional plan is being prepared to have a say in this, but as to whether all 83 of us need to weigh in on it or not, under – maybe I shouldn't say normal – ideal circumstances I would say that if we had done all the preparation work properly, this would not be necessary. Unfortunately, Mr. Chair, we haven't done all the preparation work properly, and even the government recognizes this, which is why they brought Bill 10 forward in the first place.

The amendments that are put on the floor tonight, whether we all agree on them or not, I think will all be put on the floor sincerely with the effort to try and improve this bill further. I think absent a whole process that we cannot amend because it's not in Bill 10, you'd have to go back to the ALSA itself, which would change the way in which these regional plans were prepared, change the way in which the regional advisory councils were constructed and put together, and that sort of thing. I think there is a need for elected representatives to weigh in before these plans were approved and vote on each one of them.

To just lay the plans before the Legislative Assembly as it reads in section 5 of Bill 10 right now, which says exactly under 5(b), "lay before the Legislative Assembly the proposed regional plan or amendment" – okay. That says we're tabling the proposed regional plan or amendment for the interest and edification of all Members of the Legislative Assembly, but it does not allow for any input from the MLAs or any decision-making power. That power still rests with cabinet. I think that's a problem. That's a problem because of the way in which we go about under Bill 36 and Bill 10 creating these regional plans without enough democratic participation going into it. I think for that reason rather than leaving the power with cabinet to approve these regional plans, I can support this amendment, which gives that power to the Legislative Assembly.

Thank you.

The Deputy Chair: Do any other members wish to speak? The hon. Member for St. Albert on the amendment.

Mr. Allred: Mr. Chair, just speaking briefly to the amendment, I appreciate the intent of the amendment, but if you look closely, the amendment replaces section 5(a), but by doing so, it makes section 5(b) totally redundant.

For that reason, I don't think we can support the amendment.

The Deputy Chair: Do any other members wish to speak?

I will call the question on amendment A1 as proposed by the hon. Member for Airdrie-Chestermere.

[Motion on amendment A1 lost]

The Deputy Chair: We'll move on to the bill. We're back to Bill 10 and the next speaker. The hon. Member for Edmonton-Centre.

Ms Blakeman: Thank you so much, Mr. Chair. I appreciate being recognized. This is my first opportunity to really speak to this bill given the interesting progression of Bill 10 through this House. What we have is what people commonly call Bill 36, but of course each year we start over in our numbering, so we need to start referring back to the Alberta Land Stewardship Act, which was passed in 2009. It hasn't gone over well. This, what we have before us today called Bill 10, is an amending act to the Alberta Land Stewardship Act.

Let me talk about the intentions of the Alberta Land Stewardship Act and then relate back to that what I think about this amending act. The way I approached the Alberta Land Stewardship Act from the start is that we need a planning tool. We need a planning tool in this province that allows all of the user groups, who are often in conflict with each other – and their activities may conflict with other groups' activities over the use of a piece of land. We need a planning tool to be able to sort this out in the province.

Of course, we're referring to the use of what we call Crown land, or public land, the land that is held in stewardship by the province. How do we determine who gets to use it and how they use it? Here are some of the groups whose activities start to conflict with each other. We've got conventional oil and gas exploration; conventional oil and gas production; mining, including aggregate mining, so gravel mining, in aquifers and river basins and things like that; coal mining. We've got an application right now in the Castle Crown area to mine magnetite I think it's called, which is a product that is used in conjunction with coal.

We have conservationists that are saying: "We have some very precious land here. We should leave it alone. We should not allow anything to happen on it and preserve it." We have people that say that it should be used for recreational purposes by horseback riders, by hikers, by cross-country skiers. There are others that say: "Well, we want to have motorized vehicle access. We want to use ATVs," that my family calls quads. "We want to go in the winter and snowmobile; we want to go heliskiing." How do you put those two groups together, and do they conflict?

We have municipalities that want to expand their boundaries onto prime agricultural land. Well, at what point do we the province, we the people lose our ability to say no? We need to protect prime agricultural land. We need to be able to say: you can't keep building subdivisions, precious little acreage parks for the wealthy, farther and farther out from our cities, which stresses the resources of the cities to put the services in and, of course, the roads to bring everybody, you know, into town to work and all of that stuff. At the same time, they're building it on the very land we need to produce food.

There are immense conflicting groups and activities, and we need a planning mechanism. The Alberta Land Stewardship Act was supposed to be that mechanism.

Now, I agree with many others that have criticized the original act. Actually, in our caucus there are people that were in favour of the Alberta Land Stewardship Act in 2009 who are not in favour now and, the reverse of that, people that have never been in favour of it at all. We've certainly had even some hearty discussions in my own caucus about that particular bill.

The real criticism you've heard quite a bit about was that the government concentrated too much power in the hands of the cabinet and, in particular – and this offended me at the time, and I was, to put it mildly, blown off by members of the government – the use of what they call the Henry VIII clause, which literally said that a minister can change legislation without bringing it before the House. "Oh, this is common," they said. "This is used all the time to fix little things, and we should be able to do this." No, not in conjunction with our land, Crown land. Public land is the other way that that space is referred to. It's public land. It's held in trust by the government, in trust on behalf of the people of the province. So too much power held in the hands of the cabinet.

There was no compensation offered when the Crown indicated that it was going to do something and that it was going to take somebody's land to do it, or in some cases activities that are currently going on on Crown land or expected to go on on Crown land would be curtailed; for example, conventional oil and gas

development leases or oil sands leases or forestry. All of that's possible. All of that goes on now on Crown land, and the government makes money from it. It's revenue, and that helps offset the taxes that Albertans pay. It's not that this is particularly new activity here.

8:20

The idea that the government would extinguish somebody's property rights or the money that they were making from their activity without any kind of recognition of compensation just goes against the heart of fairness, of justice, and it really bugs people. When a province gets beyond itself, gets too big for its britches, gets too high on its horse, or flies too close to the sun, you know, the wax melts, the feathers come off, guys, and you plummet to Earth. That's essentially what has happened to the government in this whole process. I'm sure that there will be a master's thesis and maybe a PhD or two based on the process around this Land Stewardship Act and Bill 10. So those of you who are currently pages who tend to be particularly brilliant students: there's your master's thesis because you sat here and watched this happen. It has not gone well for this province and for this government.

The third thing is that there was no right of appeal. So too much power in the hands of government, no recognition of compensation or ability to compensate people, and, three, no avenue of appeal. There is always avenue of appeal; there has to be. Mistakes get made, you know, Friday afternoon screw-ups. People make mistakes: deliberate, benign, whatever. You've got to have the ability to say: "Whoa, whoa, whoa. Something went wrong here, and I need to be heard. I need my day in court. I need to be able to appeal the decision that was made." Not because you don't like it. I mean, you don't get an appeal process just because you don't like the finding. You get an appeal process because something went wrong in the way the process worked, and you need to be heard. Your case needs to be heard and re-examined for a good reason. So those are the three things in this particular bill that really offended the core of the Alberta psyche.

The other interesting thing that developed out of this was public knowledge and public participation. This I actually find very exciting because increasingly Albertans, Canadians have been saying to their politicians: "We want in. We want access to this process. We want to be able to tweet you and tell you what we think of the comments you just made in the House. We disagree. We want input from the beginning on this." That's what happened. People started to get access to real knowledge, to factual knowledge. This is what the bill says. Here is the interpretation from the lawyer. Here is the interpretation from the government. People could go to town hall meetings and hear well-versed people talk about this, and they could learn it, too, and be able to understand it, to hold the bill in their hand and look at what it said and go: "Okay. I understand that. I get it, and I don't like it. I don't agree with the decisions that have been made here."

People got an opportunity to get educated on the process, to get educated on the content of the bill itself, and then to be able to push back with government. So not just, you know, yelling and screaming, not just carrying placards with rhetoric on it, but very specific points being raised in a well-informed manner by the public back to the government saying: you have chosen to use certain words in this language – a word like extinguish is a very, very specific and powerful word, and it carries with it a lot of action that goes behind the word extinguish, especially when that word is held by government: to extinguish your right, to stop it, to put it out. That's a very powerful word, and it was a deliberate choice by government. So we have people that became involved in

the process, as they should, as they always should, and I found that very exciting.

Then things really went sour for this government. This is the hubris that I was accusing the government of. You know, you've been in power for 40 years. You still have to listen, and you didn't on this one, and it's costing you big time because people did get educated on this. They have held you accountable for the decisions you've made. What you've said is: "In Bill 10, trust us, we fixed everything. Just trust us. Just believe us." Clearly, the evidence is that Albertans do not trust you anymore. You have burned some bridges on this one. They don't trust you. They will not take your word on faith. They've gone out and got educated. They've sat in those town halls. They've given up their Wednesday nights to drive 50 miles to sit in a community league building that had the heat turned on a 6 o'clock, and they're still freezing their butts sitting in those stupid wooden chairs with the little splinters on them and the metal backs. Oh, my goodness. So they put in the work, the public, and they've been really clear with the government that they don't like this process.

Frankly, the last time you really heard members of this government get booed – my understanding was that when Peter Lougheed walked into a football game in Edmonton, I think, and got booed was the day he turned around and said: "Okay. I'm done. At the point when people boo me at a public event, my time is over. I'm done. I no longer have the trust and the belief." Very quickly after that he started to move to step down as Premier.

You guys got booed at a public forum in rural Alberta by people who were informed. Frankly, they booed someone that's quite well respected. Now, I don't agree with the hon. Member for – is it just Rocky View?

An Hon. Member: Foothills-Rocky View.

Ms Blakeman: Foothills-Rocky View. Thank you very much.

I'm hard pressed to think of anybody that's further away from me on the political spectrum than the hon. Member for Foothills-Rocky View. Nonetheless, I will admit that . . . [interjection] Yeah. Okay.

I believe that he is a fairly well-respected individual. He has a PhD. He's not a stupid man. He does his homework. He's a fairly good administrator, from what I've seen of the departments he's administrated. This is not some newbie. This isn't somebody that was elected six months ago. He knows his stuff, and he got booed pretty near to home stomping ground. You guys have been given a serious boot in the behind here. You didn't listen, and it's made this whole process much more interesting. Of course, I'm thrilled because I like to see that kind of engagement from the public, but it's serious for you folks.

I wasn't at all surprised to find out that – last week we were sort of ambling along, taking our time. We'd be back after the constituency week, no big hurry. Then the Member for Foothills-Rocky View got booed in Eckville on Thursday night last week, and come Tuesday, when we're back in the House, we now have a time allocation motion on Bill 10. Those things all track one after another. So here we are with a time allocation.

At this point what I would like to do on behalf of my colleague from Edmonton-Gold Bar is move an amendment onto the floor for discussion. That amendment is adding after section 18 in the amending act and is amending section 67. They have it at the table.

The Deputy Chair: Okay. We'll pause for a moment. Please proceed.

Ms Blakeman: Thank you very much. In our caucus, as I said, we have had different opinions on the original land stewardship bill, but the more we looked at and the more we thought about Bill 10, which is the amending act, the less we liked it. It's just not going far enough.

8:30

Then there are the inevitable discussions about: "Okay. Do we all get together and do a hoist? Do we do a million amendments to try and slow things down? Do we even bother trying to fix this thing? Is it fixable?" In the end what we decided to do was to bring forward – because let's face it. There's a majority in here. The government has 68 seats. They're going to pass this damn bill. We're going to talk to it for five hours, and the government is going to pass it. It's not going to make a whole heck of a lot of difference what we do here. The government is still going to pass it.

So what is the most effective thing that the Official Opposition caucus could do around this bill? Well, let's try and mitigate the unforeseen consequences. Let's try and get a process in place that would allow us to come back and correct any truly egregious problems that roll out as a result of the amending act.

The amendment that is put on the floor by myself on behalf of the Member for Edmonton-Gold Bar is asking for a review of the act. It is inserting after section 18 of Bill 10 a section that would actually come in after section 67 of the original Land Stewardship Act so that within two years after the bill comes into force, a special committee established by the Legislative Assembly shall begin a comprehensive review of the act and shall submit to the Legislative Assembly within 18 months after beginning the review a report that includes any amendments recommended by the committee. So it's what we would call a select special committee that reviews legislation. [interjection] Oh, crap. I'm sorry. All right. I'm looking at an earlier version of what we had. I'll just look at the one that you all have in front of you.

Within 3 years after Bill 10, Alberta Land Stewardship Amendment Act, 2011, comes into force, a special committee established by the Legislative Assembly shall begin a comprehensive review of the Act and shall submit to the Legislative Assembly, within 18 months after beginning the review, a report that includes any amendments recommended by the committee.

The idea behind this was to be able to look at the act fairly quickly and deal with the beginnings of it because the way the regional plans – remember, let's go back to the original act here, which was to put in place a series of consultations and regional plans, seven regional plans, that covered the province. We've started on the first two, the lower Athabasca and the South Saskatchewan. They are now positioned to come in two years apart. So with seven of them, it's going to take 14 years before we essentially roll the last one into place. We thought: "Yikes. Do we really want to wait until a couple of years after the last ones roll into place? Even if they get better at the process and speed it up, which is not a good idea because that would be foreshortening the public consultation section of it, which is the lengthy part of it, do we want to wait that long?" Of course, the answer is no. Good heavens. You could be 15 or 20 years out, right?

It's a little arbitrary to say three years. I agree there. But we really wanted to find a point where we could say: Okay; once the amending act comes in and is passed, presumably out of committee tonight and out of third reading possibly tomorrow or in the middle of the night or maybe after we come back from our constituency week – I can't tell anymore – that three years from that date we would start a review, which would allow us at that point

to look at the first two and possibly the first three of the regional plans and how they've actually worked. That would allow us to put recommendations forward which could influence how the final four are implemented.

That's the thinking behind the amendment that we've brought forward. We know the government is going to pass this amending act. It's not what we wanted. It's not good enough. You're always debating in political terms: is the glass half full or half empty? I think the realization we've come to in our caucus is that the glass is half empty. It's not good enough. We're not willing to hold our nose and vote for it and all of those other euphemisms for: we're willing to support a bill that we're not incredibly happy with. We're so unhappy with the lack of things that have been put forward under Bill 10, which is the amending act where the government is trying to fix the mistakes it made. They're just not fixing enough of them. There's not a serious attempt to do things.

So I've moved that.

The Deputy Chair: Any other members wish to speak to the amendment?

Mr. Hinman: I would just like to briefly comment that I appreciate this amendment that's been brought forward. I would have to say that, you know, if we even just look at the Oregon factor and their first land assembly act, if you want to call it that. It's the only one in the States that's come forward in I don't know how many years it's been now, and it's been a disaster. So I think that they bring out very valid points. Let's see how this works before we enact a bunch more. I think that we should heed this amendment and vote on it and bring it forward.

The Deputy Chair: Any other members wish to speak?

Mr. Kang: I'm also standing up in support of this amendment. I think it would be a good idea. We will get a clear picture, you know, if we do one or two regional plans, of where we want to go with it and all the mistakes we made with them. We can correct those, and if we cannot continue on, maybe we can scrap the whole thing and start afresh.

For that reason, I'm supporting the amendment. Thank you.

The Deputy Chair: Are you ready for the question?

Hon. Members: Question.

[Motion on amendment A2 lost]

The Deputy Chair: We are back to Bill 10. The hon. Member for Calgary-Lougheed.

Mr. Rodney: Thank you very much, Mr. Chair. It's an honour to rise today and speak to Bill 10, the Alberta Land Stewardship Amendment Act, 2011. Some people believe that provincial land-use planning is something new, but of course it really is not. Way back in 1948 the Alberta government under Premier Ernest Manning created the green forested areas and white settled areas of our province, and in its day that was a land-use plan. Another example, perhaps a little better and more recent, was the Lougheed government in 1978 with the eastern slopes policy. It was to address the development during the last period of rapid growth.

Over time Alberta leaders with foresight like Ernest Manning and Peter Lougheed have responded to the growing population and economy by putting in place new land-use guidelines. Of course, that has come again.

We all know that today's decisions shape tomorrow's realities. That is especially true with decisions involving land use. For

instance, once a subdivision is approved, once we build a new highway or interchange or approve a new cement factory or any other sort of development, it is difficult if not impossible to undo. The new land-use framework provides a strategic blueprint for all levels of government so that we can make the right decisions today.

Now, like many members of the Assembly and all sorts of Albertans I do not believe in change simply for the sake of change. The justification for initiatives like the land-use framework must be strong, indeed. It will change the way that we manage land in our province, and that is pivotal. The burden of proof is high. I believe it's justified and it's what Albertans have asked us for.

We've experienced hypergrowth in this province all across the province. In the last 25 years we've seen the population of the province grow by a million people, from 2 million to well over 3 million. In Calgary alone, of course, we have more than a million people now. The Edmonton capital region is not far behind. In our lifetime, in fact by 2026, Alberta's population is projected to hit 5 million people, and at this rate of growth our population will double, to over 10 million, this century. Obviously, more people mean more activities on the land. Not only that; we now have 2.6 million cars and trucks on our roads.

An Hon. Member: How many?

Mr. Rodney: That's 2.6 million cars and trucks on our roads. You can compare that to 1980: 1.6 million.

Now, Mr. Chair, when Albertans aren't working, we know they're out and about. They're hiking, they're backpacking, they're fishing, they're hunting, they're cross-country skiing, and, of course, they enjoy motorized recreation in great numbers. In fact, here are some of those numbers.

8:40

An Hon. Member: How about mountain climbing?

Mr. Rodney: They do that, too, sir. Sometimes on all-terrain vehicles.

I do want to point out the fact that when it comes to ATVs, the use has more than quadrupled in the past 20 years, from 17,000 to over 82,000. Add to these the almost 29,000 registered snowmobilers in Alberta, which have increased by two-thirds from 17,000 back in 1987.

On top of this spike in population and recreational activities, we have to layer on a corresponding increase in industrial activities. Last year 26,000 wells were drilled in Alberta. That's double just 20 years ago. One decade ago there were no wells being drilled for coal-bed methane, but today there are over 12,500 CBM wells, 11,000 just since 2004.

With respect to agriculture, Albertan farmers and ranchers own and use about one-third of the province's land, but from just before I was born, back in 1960, until just a few years ago, 2006, the number of cattle in confined feeding operations increased from well under 3 million to well over 6 million. With respect to hogs, they've increased from less than 1 and a half million to well over 2 million as well.

With respect to forestry, back in the early '80s Alberta's forest companies produced a billion board feet of lumber, but today our province produces annually 3.2 billion board feet of lumber, more than triple. Alberta has gone from producing no oriented strand-board in the early '80s to becoming the third-largest source of OSB in North America, with more than 3 billion square feet produced every year in this province.

Mr. Chair, while the number of people keeps growing, the size of our province does not. There are more and more people doing

more and more activities on the same piece of land, and we have reached a tipping point. Sticking with old ways of doing things, some might say a laissez-faire sort of approach, just won't work. Allowing anyone to do anything any time anywhere may have worked to some degree at some point in the past, perhaps when there were 1 million or 2 million Albertans, but with 3 million or 4 million or 5 million or more it's just not going to happen.

If we want to keep what we value in this province, we have to change the way we make decisions about land use. The goal of the land-use framework is to ensure that in 20 years we won't have to tell our grandchildren or, in the case of some of us, our children: I wish you could have seen what Alberta looked like 20 years ago. That is why we are bringing in the land-use framework. We're establishing six new land-use regions with a land-use plan for each, and these are congruent with our major watersheds to facilitate co-ordinating land use with water policy, which makes all kinds of sense. There's the South Saskatchewan and the North Saskatchewan, south-central; upper Athabasca, north-central; lower Athabasca, northeast; upper Peace, northwest; lower Peace, north. And this has just never been done, Mr. Chair, on this kind of a scale in Canada or anywhere else for that matter.

We're working to respect public lands and private lands. We're working to conserve ecologically valuable lands – wetlands, wildlife corridors and habitats, viewscapes, traditional agricultural lands – not to tell landowners how to manage their land but to give landowners the tools and market-based resources to conserve important natural features. We can share the cost as well as the responsibility for conservation and stewardship. Some examples include transfer of development credits, conservation offsets, land trusts, conservation easements, and environmental goods and services.

At this point I would like to highlight a certain place that's very special to me and many people that I know. It's very close to my home; it's very close to my constituency. That, of course, is the OH Ranch, which is an incredible example of great things that can happen in our province. It consists of 10,000 acres of heritage rangeland. That's 10,000 acres of private deeded land with conservation easements from land trusts.

Mr. Chair, we're not talking about stopping growth. We're talking about facilitating smart growth. Some might ask: does this mean trampling on the property rights of rural landowners? As one myself, I can say no. I can assure you that the protection of property rights will be respected in any land-use policy. But protecting this land will require government leadership, not the kind of leadership that imposes choices on the public. They don't impose choices. It's the kind of leadership that gives residents the opportunity to make choices and expenditures that they wouldn't have otherwise.

The Alberta government has primary responsibility for making decisions that meet the economic and environmental and social goals of everyone in Alberta. The government of Alberta expects that regional plans will reflect provincial interests and priorities, and that planning and decision-making must take place at different levels of government. These decisions simply must be aligned, or else they won't work. The land-use framework leaves local decision-making authority with the same officials who currently exercise it, but in the future these decisions will have to be aligned with provincial policy set out in regional plans. Stronger provincial leadership, however, does not mean creating a heavy-handed, centralized bureaucracy in the capital of the province.

In closing, Mr. Chair, Albertans are grateful for the natural wealth and beauty that they've inherited. I know that personally. We acknowledge our collective duty to pass this natural bounty on to the next generation and to the ones that follow, and as my dad

taught me, we've got to pass it on as good or better than we received it. Now, at this moment in our short history as a province we have an opportunity for national, even global leadership on sustainable resource management, and we have the capacity, the expertise, and the wherewithal. I ask: if we can't do it in Alberta, who can do it and where? I say that we can do it. I say that we will.

I thank you, Mr. Chair.

The Deputy Chair: The hon. Member for Calgary-Currie.

Mr. Taylor: Thank you very much, Mr. Chair. That was an interesting contribution to the debate from the Member for Calgary-Lougheed. I'm not going to question his sincerity in delivering it. I'm just thinking that if I was a landowner in rural Alberta and I had just listened to that, I would say: "Well, that's all well and good. It's very nice that you've said all these things, that you've assured me, but I'm just not buying what you're trying to sell unless you can come up with something a little more concrete than some of those" – and please don't take offence; it's the first word that comes to mind – "platitudes."

I think there's a real credibility problem. There's a credibility problem with Bill 36 itself, with the ALSA itself. I think the government recognizes that, Mr. Chair, and I think that that is why Bill 10 is being debated tonight. The government is trying to fix some of the problems with the ALSA and trying to repair some of its lost credibility at the same time. The credibility issue is exasperated – I'm sorry – exacerbated. There are many people who are exasperated by all of this, but the credibility issue is exacerbated by some of the other bills that have been referenced over the course of this debate and in the lead-up to this debate, in all those meetings in places like Eckville and Crossfield and so on and so forth, that hundreds and hundreds of people have attended. Bill 50 and Bill 19 are two that come to mind.

You know, I look back to the creation of the land-use framework and its expression as law, as legislation in Bill 36, which, as the Member for Edmonton-Centre indicated in her contribution to the debate a few minutes ago, a number of people in this House initially supported, and since they've had the opportunity to live with it a while longer, they have grown to have serious problems with it. Bill 10, as I indicated I think last night, when we were starting debate on this in Committee of the Whole, is a flawed attempt to fix a seriously flawed piece of legislation. The intentions may be as honourable as the day is long. It is spring; the days are getting longer. Intentions may be getting nobler. But the rubber still needs to hit the road here, Mr. Chair, and the government, I think, really needs to take a second look at this because I don't think that as it sits, it's going to do the job.

8:50

There are a number of problems, of course, with not only Bill 10 but Bill 36, the bill that it seeks to amend. There is the issue of phenomenal cabinet power – I won't say absolute, but it's pretty darn close for a democracy – complete plan-making authority, the ability to override plans, no checks or balances. There's lack of compensation. There's lack of consultation requirements, no appeal to the courts. We've talked about all this, and we've also talked about how Bill 10 seeks to address a number of these issues.

You know, listen; I'm not here to suggest for a moment that it's a total, abject failure. I'm just suggesting that in terms of the problems that it seeks to address, in some ways it falls short of the mark. In some ways, I think, Mr. Chair, this bill almost bends over backwards to try and convince people that the government surely

does have their best interests at heart. Yet sometimes less is more. Sometimes less is more.

I'm looking at section 14 in Bill 10, under which section 19 of the ALSA is repealed and the following is substituted. The new section 19 deals with compensation. "A person has a right to compensation by reason of this Act, a regulation under this Act, a regional plan or anything done under a regional plan," and it goes on from there. The bill is a matter of public record, and time for debate tonight is limited, so I'm not going to read the whole thing.

Section 19.1, the right to compensation for compensable taking, subs (1), (2), (3), (4), (5), (6), (7), (8), (9), (10): again, I think the intentions were honourable here. It does seek to spell out the matters of compensation, which are of great concern, Mr. Chair, to landowners, property owners who might be affected and, in their opinion at least, negatively so by regional plans coming into force in their area under the ALSA, under Bill 10 as it amends the ALSA, and, of course, by the regional plans themselves. There's a great concern that they will not be fairly compensated or not compensated at all for the compensable taking or the easement or whatever.

As we all know, there's reality and then there's perception, and in politics perception often is reality. I'll even go so far as to say that if the government is right and the people have become convinced that the government is not right, it's the responsibility of government to do what their bosses, the people, want them to do. If the government truly, honestly believes that what the people want it to do is the wrong thing, then the government has the responsibility, having done what the people told it to do, to go back, consult with its experts, consult with its spin doctors, consult with its image consultants and everybody else that they can pull in, and say: "Okay. The people want us to do this, but the people are wrong this time. How are we going to convince the people to change their minds?" Then come back at it again.

Mr. Chair, that's a very natural approach for me to take. I'm an only child, and when you're an only child, no never means no. It just means: no, not now; come back with a better argument and try again. It's rather like growing up to be a lawyer, I think. That was a lawyer joke, but I was looking at a lawyer across the way, the Member for Calgary-Egmont.

I think it's not a bad philosophy in life that if you're truly convinced that you're onto something here and you haven't persuaded people that you are, to keep trying until you do. In the meantime, because we're elected by the people of Alberta, we work for them, not the other way around. We can represent ourselves to them till the cows come home, but once those cows walk through the gate and the people say, "Hey, that's just great, hon. member, but I don't agree with you; I want you to do it the other way," we have a responsibility to do it the way our bosses tell us to do it.

So back to the notion that perception is reality and back to the notion that I put on the floor here a moment ago that section 19.1 represents an effort by the government to bend over backwards to try and persuade people that when it comes to compensation for losses suffered under regional plans brought in by the ALSA, the government really has their best interests at heart. A lot of work went into writing this bill when we already have a model, I would argue, that does the trick, that largely if not hugely has the buy-in and the support of the people of Alberta, that has been used time after time after time to resolve issues of compensation when government needs to take land from property owners, that is respected at the municipal level, that is respected by landowners, and that serves as, I think, a fine template for how we should address this.

Mr. Chair, with that in mind, I would like to put an amendment before this House for debate and vote. I have the amendment here.

If the pages would distribute it. As soon as they have, I will read it into the record.

The Deputy Chair: Okay. We'll pause for a moment.

Hon. members, this is amendment A3.

Mr. Taylor: Thank you very much, Mr. Chair. I will mark it on my copy as amendment A3.

I would hereby move that Bill 10, the Alberta Land Stewardship Amendment Act, 2011, be amended in section 14 in the proposed section 19 as follows: (a) by renumbering it as section 19(1); (b) by adding "Subject to subsection (2)," before "A person"; (c) by adding the following after subsection (1): "(2) A person's right to compensation under this Act shall be determined in accordance with the principles of compensation outlined in Part 2 of the Expropriation Act with all necessary modifications."

I will speak briefly to my amendment, Mr. Chair. I'm certainly not going to read into the record part 2, Procedure for Compensation, from the Expropriation Act because, well, I would run out my time and most of my colleagues' time if I did that. It is a somewhat lengthy section, but it pretty much covers the issues of compensation where expropriation of private land is concerned under a number of different scenarios, and it has done for quite some number of years. It is well-understood legislation. It is legislation that has buy-in from the people of Alberta. It is not legislation where people go: "My God, what have you foisted upon us? You're taking away my property rights. Your taking away my right to compensation. You're taking away my right to appeal. You're taking away this, that, and the other thing." This is something that is well understood, that works well, and if it ain't broke, folks, don't fix it.

Now, Bill 10 is not totally broken – I'm not suggesting that it is totally broken – but it does not go all the way to fixing Bill 36 by any stretch of the imagination. But it's worth trying to improve from the form in which the government presented it to this House. It is worth trying to improve because as someone in this House said – and I'm sorry; I can't remember who it was, so I can't give proper credit. But somebody said earlier today that, otherwise, we are throwing out the baby with the bathwater, quite frankly.

9:00

I refer you back to what I said in this House last night. I refer you back to what I suspect you have all heard from numerous people as you've done your consultations about the controversy around these bills, and that is that there is, I think, a widely held belief among the people of Alberta that the land-use framework was a visionary document full of a number of visionary principles and a number of land-use principles and initiatives that we need in this province, that we require in this province if we are to manage future growth. The Member for Calgary-Lougheed touched on some population projections, and I've got no quibble with what he has said there. He touched on some history as well, one of the last times that we were under incredible growth pressures, and the Lougheed government brought in some land-use planning around the eastern slopes.

Remember, this all started, Mr. Chair, because in 2005, 2006, 2007, around about there, we were in a situation where virtually every square inch of land in this province had competing potential uses, competing interests trying to use that land. Without good land-use planning and good regional planning and good land-use principles to guide those regional plans, that's only going to get worse as our province grows and as there is more demand for everything that Alberta has to offer the world across all platforms.

So there's no quibble on this member's part with the land-use framework.

There are some serious quibbles with the application of that land-use framework as expressed in the ALSA. There are some concerns on the part of this member that this attempt in Bill 10 to fix the ALSA doesn't really do the trick, doesn't go far enough. Sometimes it doesn't go far enough because of what it doesn't say, and sometimes it doesn't go far enough because, in the case of section 19, it says so much that it is a little bit like, as Shakespeare said, "The lady doth protest too much, methinks." It has the effect of looking, to a very skeptical population, as though the government is trying to say: "Look here. We've got it all laid out for you. We have your best interests at heart."

Well, the Expropriation Act, Mr. Chair, I think, is an ongoing expression of best principles and best interests and a way and a process that's well understood and well respected to manage those interests and to manage those conflicts around fair compensation. As I hear it, as I travel around the province, as I talk to Albertans, the question of fair compensation is one of the primary concerns around our Land Stewardship Act and around the Land Stewardship Amendment Act, and it's not the only one by any stretch of the imagination. If we didn't have these time limits on debate, I'm sure that there are many, many people in here who would bring in many good, well-intentioned, well-reasoned, well-thought-out amendments that would address all those other concerns. If I have the opportunity, I'll bring another amendment or two over the course of the evening as well.

On this particular amendment, Mr. Chair, I think this addresses the issue of compensation, the issue of fairness around compensation, the issue of the conflicts around compensation in an open, transparent, well-understood way, and I would urge the government to accept this amendment.

Thank you.

The Deputy Chair: The hon. Member for Calgary-Glenmore on amendment A3.

Mr. Hinman: Yes. I'd like to just speak briefly on amendment A3. Again, this has been a major concern for the Wildrose caucus, that basically the authority has been given to the minister to decide what he thinks is fair compensation. There are so many acts, and this was one of the amendments that we also wanted to bring forward, that was on the expropriations. So we naturally are going to support this.

We have an Expropriation Act. It is very lengthy and detailed on what proper compensation is and more than just the investment money but also future possibilities. It's very extensive, and we would urge the government to accept this and take it out of the minister's decision-making authority and power to say: oh, this is the proper and full compensation. Let's use the Expropriation Act. This is what we're talking about. For the greater good of society when the government does need to take some of these lands or whatever it is, let's follow the Expropriation Act and not give that discretion to the minister.

Thank you.

The Deputy Chair: Any other members wish to speak to the amendment?

I'll call the question on amendment A3 as moved by the hon. Member for Calgary-Currie.

[Motion on amendment A3 lost]

The Deputy Chair: We are back to the bill.

The hon. Member for Edmonton-Calder.

Mr. Elniski: Thank you, Mr. Chairman. I'm happy to rise today to speak to Bill 10, the Alberta Land Stewardship Amendment Act, 2011. I'd like to focus my comments on section 1(2)(c), which states that the purpose of the act is "to provide for the co-ordination of decisions by decision-makers concerning land, species, human settlement, natural resources and the environment." I want to talk today about the bill not so much from the perspective of the legislation but more its impact to someone who has for a long time worked in the resource extraction industry and, in my case particularly, forestry.

Coincidentally, my former employer, Millar Western Forest Products, which operates in the Al-Pac forest management area, is a party to the lower Athabasca regional plan. They are party to it, Mr. Chair, but they are not afraid of it. Not only do forest workers plan the removal, regeneration, and production of the forest, but they also, in order to turn conifers into lumber and deciduous into pulp, live there, play there, and they work side by side with people in other industries with very different priorities. Right or wrong, the hydrocarbon extraction industry has much shorter markets and capital-driven timelines than forestry. Conflicts exist. They've always existed, and they're managed.

In Boyle today, unlike 20 years ago, there's virtually a house on every quarter section. Hobby farms and the smallholders work resource extraction to, as they say, pay for the tractor. People involved in agriculture, forestry, oil and gas, and recreation all come together on the land because, by and large, it's the same people who use it for more than one purpose.

Temporary market-driven cuts in production to my mill in 2008 were felt across the region. A reduction in an annual allowable cut would likely also be felt across the region, but it would not be a temporary one. Now, I don't know that a mill closure would necessarily be a big deal to people except for those who happen to have some skin in the game, but to them it's a very, very real problem. So when you decide to let your opinions be dictated by the legal community, you need to be very careful to make sure that you find one who understands where you live and knows what you do. There is a very real need in Alberta, Mr. Chair, to get everyone at the table, and land stewardship is the way to do it.

World-leading research such as the EMEND project in the Peace River constituency, which stands for ecological management emulating natural disturbances, or the water resource research done by Dr. Ellie Prepas at Meanook in Athabasca actually prove that the first step in landscape management is to determine what you want to manage the landscape to achieve. It is possible to manage the landscape for many outcomes: water, roads, fish, timber, caribou, spotted owls, highways, power lines, agriculture, grazing, recreation, conservation, country residential, even urban expansion and residential development.

Only the unwise are going to say that moose are more important than fish or that gravel is more important than mushrooms or that my tree is more important than your SAGD operation, and please just go park your quad and hang up your gun because you're making too much noise and you're scaring the deer.

There are those whose knowledge of the lower Athabasca is obtained from the passenger window of a Citation when they're flying from Calgary to Fort McMurray. They may believe that spreadsheets will tell you everything you need to know and that likely in the corporate universe any plan is going to be the wrong plan if it didn't pass the bottom line or, more importantly, shareholder return on equity. Their review really isn't saying: I don't care about the land base. What it's saying is: "Let me know what it's going to cost. I want to be a good corporate citizen, but I want to know what it's going to do to my costs to play with the lower Athabasca." Frankly, that's fair enough.

Without a comprehensive and, in fact, more impartially reliable planning process those whose offices overlook the Bow River will have a great deal of difficulty justifying to their own shareholders and investors that a SAGD investment in Alberta is somehow better than a SAGD investment in Saskatchewan.

9:10

Corporate industry loves certainty of supply and of regulation, and the world is full of examples where certainty has been absent and the results have been, frankly, disastrous. If I were to talk potash in Saskatchewan, Mr. Chair, I think you'd know what I mean. In 1975 the NDP government in that province nationalized that industry. After bleeding money to the tune of \$800 million, a Conservative government took over, gave the industry back to the private sector, and frankly that same industry to this day now controls 25 per cent of the world's potash market. Even today, the current NDP opposition sums up private ownership as – quotation from their website – that they would require guarantees that the potential corporate owners not only accept Saskatchewan's current royalty and taxation regime but also accept the rights of the people of Saskatchewan to change royalty and taxation regimes in the future at their will. Now, that is not what I would call a climate for investment certainty. It may, in fact, explain to us to some extent the proliferation of green and white licence plates in the province of Alberta. But in saying so, we know that we not only compete for our resources, for money, and for people, but we even have to do so with our neighbours.

Our economy is based upon price makers. We're not price takers. We sell commodities, and we have to compete with producers who have a variety of cost models. I could not run my mill in Boyle if I did not have a reliable, consistent, and cost-effective fibre supply. We will achieve this in the long run by creating a framework where everyone with a role is involved. Everyone has input and has understanding of the objective for the plan.

The property owners who are party to the lower Athabasca plan or, indeed, to any of the particular projects talked about in either Bill 36 or in the amendment in Bill 10 have no greater or lesser right of property than anyone else in the province of Alberta. I believe and I continue to maintain that a regional level of planning creates cost efficiencies and certainties that will encourage and enhance the assets of the area by promoting things like the integration of industrial footprint, improvements in the reclamation regime, minimizing disturbances with a multipass approach. Planning leads to certainty. Every Albertan has property rights; of that they can be certain.

Nature, of course, does not care who owns what. Those who will remember the House River fire in 2002 will appreciate the comments by Greg Baxter of the Forest Engineering Research Institute of Canada when he said, "The House River fire was important to Alberta, as the fire behaviour was somewhat unanticipated . . . The big question to be [asked] is: is fire behaviour in aspen slash different than in pine or spruce slash? If so . . . how?" The significance was that the House River fire behaved differently than the Chisholm fire the previous year, in 2001. Greg's research indicated that the difference was largely due to the fuel loading of the aspen and conifer slash from harvesting activities.

The report also commented on the extensive oil and gas salvage in the area: 248,000 hectares later a lot was learned that makes regional planning in the area just that much more relevant. Impact on the landscape led to impact to the landscape. The reason we don't lose more forest, Mr. Chairman, more well sites or more trucks on shared roads is because industry has been planning for years. Forest companies have the best geographic information

systems, and they share it because it makes money by reducing road conflict, by reducing construction costs, and by reducing safety risks.

The regional planning model works. The amendments in Bill 10 make it work just that much better. We can lead by standing up for what we believe, or we can hide behind what we are opposed to.

On a landscape basis the co-ordination of decision-making means we don't have to pick winners and losers. The people who want gravel or the person who wants a 300-horsepower V-drive boat on the lake will have the same say in the future. We have very sophisticated spatial data and systems available to us and can manage landscape influences if we have a consistent, considerate, and common approach to data management. Every user has a bit of data, and we need to bring it all together. When challenged, people who don't understand the competing interests on a landscape, on any landscape, will respond with anger and fear. Once we get over the noise and get into the details, it is impossible to argue that a co-ordinated approach is not better than a free-for-all. We have been moving in relatively unco-ordinated steps in this direction for a long time. Bill 36 and the amendments in Bill 10 support a strong and comprehensive model for people to follow.

Noise about extinguishing rights is nonsense. It's based on political fearmongering. More importantly than that, by deliberately taking words out of context, we create troubling and inaccurate interpretations. We don't like it when people cherry-pick Bible quotes or deliberately distort a speaker's comments, typically because it is self-serving and attempts to give the speaker some advantage over the audience. You can't call it outright lying, but certainly the opportunity to deceive exists.

Mr. Chairman, Albertans want to live, work, and play on the landscape, and they want to know that development makes sense. People like things that make sense. Leadership and planning, commitment, and a long-term view that benefits everyone makes sense. I urge all of my colleagues to support the bill.

Thank you.

The Deputy Chair: The hon. Member for Calgary-Glenmore.

Mr. Hinman: Thank you, Mr. Chair. I would like to continue where I left off earlier, when my time ran out. We talked about section 19, the restricted right to compensation if government approves.

We want to go on now to section 20(1). "Every local government body affected by the regional plan must . . . review its regulatory instruments" and bring them into compliance. This is like telling your son or your daughter that they can do whatever they like as long as it complies with what your plan is for them to do. It's nonsensical. What's the purpose of saying that they have these regional areas when the regional plan is dictated by the minister?

Section 23. If the minister determines that a trigger or limit has been exceeded, the minister must direct the appropriate official to the minister's government department to initiate a management response consistent with the framework. The person responsible shall comply with the lawful direction of an official in respect to the management response referred to above. Essentially, if the government doesn't like what you're doing with your land, a government bureaucrat will be designated to come up with a management plan to tell you how to run your farm, and you're going to have to comply.

These are all major concerns, Mr. Chair, with Bill 10 and the inadequate amendments that they're making to Bill 36. We need to do a better job. It just doesn't work. The idea that for whatever arbitrary reason the minister can send someone out and say,

“We’re revoking your licence” is concerning. The government’s response to section 2 in their amendment is to put in, I think, seven areas, seven different acts to say: well, this power doesn’t go into the Land Titles Act. This is section 2(2)(a), (b), (c), (d), (e), (f), and (g): the personal property act, the Vital Statistics Act, the Wills Act, the Marriage Act, the traffic act, and the Cemeteries Act.

The problem is, Mr. Chair, that once again this government is trying to rush these things through and is realizing – it has been brought up so many times – that the pressure is growing in Alberta as they understand the latitude that the minister has. They’re wanting to rush this through, hopefully thinking: if we get this through and there’s nobody talking about it, this will have a quiet death here in the province, and on we can go. It just doesn’t happen that way. The problem is that Bill 36 is 18 months going strong and causing problems. Again, when we saw LARP come out, this was exactly the suspect that industry and other people felt was going to happen, where licenses are rescinded. It just isn’t good enough.

So we would like to bring in another amendment, and I’ll hand this off to the page to bring up to the table.

The Deputy Chair: Hon. members, we’ll pause for a moment while the amendment is passed around.

Okay. This is amendment A4.

9:20

Mr. Hinman: Thank you, Mr. Chair. In law there’s something that’s very important. Once a list is started, it becomes exclusive. We want this to be inclusive. Because it’s exclusive, those bills that aren’t mentioned are therefore not part of it.

In section 3 in the proposed section 2(2) by adding the following after clause (a):

- (a.01) the Water Act,
- (a.02) the Mines and Minerals Act,
- (a.03) the Forests Act,
- (a.04) the Environmental Protection and Enhancement Act,
- (a.05) the Public Lands Act,
- (a.06) the Fisheries (Alberta) Act,
- (a.07) the Agricultural Operation Practices Act,
- (a.08) the Oil Sands Conservation Act,
- (a.09) the Oil and Gas Conservation Act,
- (a.10) the Coal Conservation Act,
- (a.11) the Highways Development and Protection Act,
- (a.12) the Animal Health Act,
- (a.13) the Marketing of Agricultural Products Act,
- (a.14) the Livestock Identification and Commerce Act,
- (a.15) the Animal Protection Act,
- (a.16) the Pipeline Act,
- (a.17) the Dairy Industry Act,
- (a.18) the Farm Implement Act,
- (a.19) the Pharmacy and Drug Act,
- (a.20) the Gaming and Liquor Act.

We hope that we’ve included all of the acts that should be under this bill that have failed to be listed under section 3. We feel that this amendment is critical. We cannot allow these other acts to be in the arbitrary decision of the minister.

In section 3 of Bill 10 statutory consent authorized by a certain act is excluded from those which Bill 10 can rescind. One of the most notable is the Land Titles Act. It is reassuring to know that Albertans will not simply have their land titles extinguished. The Marriage Act is also enumerated. It’s reassuring to know that the SRD minister can’t decide to annul my marriage when they pass the South Saskatchewan regional plan. There are a number of acts missing from section 3. They say that it’s comical, but the fact is that it was put in there. Obviously, there’s a reason why they put it in yet missed so many more.

There are a number of acts missing from section 3. Our amendment seeks to add 20 relevant acts, ones that grant various sorts of permits, licences, registrations, approvals, authorizations, dispositions, certificates, allocations, agreements, or instruments upon which people’s livelihoods depend.

One of the most basic yet fundamental roles of government is the protection and preservation of property rights. Without such protection our peace and prosperity would be jeopardized. Property rights are the foundation of each individual’s and family’s financial security and quality of life. For example, farmers and ranchers need to know that their investment in their land and livelihood is protected, that it will not be devalued by others, including government, without just compensation. Those owning residential or commercial properties in urban and rural areas need to feel confident that not only will wrongdoers be criminally prosecuted for trespassing and vandalism but also that the government won’t pull the rug out from underneath their investments without fair notice and compensation.

In order for Alberta’s economy to prosper, businesses need to know that their investments are stable. They need to trust that the government won’t suddenly reverse course and confiscate their land or rescind leases after these companies have spent their time and money developing projects in Alberta. The way to do this is the rule of law, predictable and precedent based, not arbitrary ministerial decisions. Rights which are subject to the discretion of a politician or bureaucrat are not rights at all.

The current government has shown a lack of respect for basic property rights with Bill 19, the Land Assembly Project Area Act of 2009. The government granted itself the authority to freeze large tracts of private land for public purposes without having to compensate landowners for the cost of forgoing development, business interruptions, relocations, or other related damages.

Bill 50, the Electric Statutes Amendment Act, 2009, eliminated the role of the Alberta Utilities Commission to determine Alberta’s needs for electrical expansion and allowed the cabinet to declare unilaterally that a 16-fold increase in capacity is urgently needed. Last fall the PC government passed Bill 24, the Carbon Capture and Storage Amendment Act, 2010, which went against the common law understanding of property rights, and simply declared that the government owns all underground pore space, pores that they want to pump CO₂ into. These are two more examples of the current government passing laws that consolidate the decision-making authority in cabinet while undermining your property rights and the rule of law.

Now we have Bill 10, which proposes various amendments to ALSA, the Alberta Land Stewardship Act, 2009. ALSA divides the province into seven land regions and authorizes cabinet to implement sweeping regional plans for each area of the province that override whatever had previously been in place. This means that central planning at the Legislature rather than by locally elected and accountable municipal councils and landowners will ultimately decide what types of activities are going to be permitted or prohibited on private land in every region of the province.

The act allows cabinet to extinguish or rescind, whatever word the government wants to use, rights held under these licenses, permits, leases, and approvals with limited or no compensation. Because they classify the decisions made in the regional plan’s policy, there is no right to appeal the decision to the courts.

That is why this amendment is important. These acts are designed to give licences to Albertans to operate businesses. Whether it’s the Forests Act or the Public Lands Act or the Water Act, each of them is mandated to distribute their licences for various industries in a sustainable way. The Forests Act, for example, is explained on the SRD website. “This Act establishes an annual

allowable cut in coniferous and deciduous forests. It prohibits persons from damaging the forest in any way and allows the Minister to construct and maintain forest recreation areas." So there are conservation provisions in it, and those who get a tree harvesting licence assume that they are granted the freedom, the right, the licence to harvest certain trees. This would be a reasonable assumption until now.

After LARP came out, the lower Athabasca regional – again, whether it's a plan or a draft, which I always find comical, they want to say that it's a draft. We know that these licences are liable to be extinguished if the minister decides suddenly that for whatever reason, because nobody can appeal or demand the rationale, he wants to extinguish their licences in his regional plan. The point is that all kinds of industries and professionals rely on the acts to plan their business, hire employees, raise capital, and even base their decisions on whether they want to come to Alberta to do business and hire people on the reliability of this framework.

As indicated, there are stewardship provisions already built into these other acts, so there is no need for a huge new act to trump all of this and throw it out and throw everything into doubt, no economic reasons and not environmental ones. We just need to use the acts that we already have. Some of the acts we are talking about even have "conservation" in the title: the Coal Conservation Act, the Oil and Gas Conservation Act, the Oil Sands Conservation Act. If they're not doing their job, Mr. Chair, why not bring each of them in to make the adjustments, like the government is doing with Bill 16, the Energy Statutes Amendment Act?

We need the rule of law, not a superlaw that overrules everything else and gives all kinds of arbitrary powers to the minister and cabinet. There has been an undeniable trend in the current government to concentrate power in the executive and undermine all the checks that exist on their prerogative. This is something that we should all expect when one party has ruled for 40 years. Everyone in that party starts to utterly trust the government and lose the vigilance they owe their constituents as MLAs. They forget the reason why independent commissions, property rights, local governments, and the rule of law are essential.

These checks are in place to ensure that government doesn't go too far, but when you give utter trust to a centralized government, you begin to see these checks and balances as nothing more than a nuisance. Bill 36, or ALSA, undermines, supersedes, or eliminates all these competing authorities and centralizes decision-making authority in cabinet. The amendments in Bill 10 do little to change this fact as the government embarks upon the admittedly difficult task of engineering a new framework for land-use planning. Whenever they encountered attention, they decided: let's just give that power to the stewardship minister.

A government that respected local authorities, independent commissions, existing legislation, and the right of Alberta property owners to have recourse to the law would have come up with a much more balanced land-use framework. ALSA, even as amended, not only pushes municipal authorities aside; it utterly undermines their authority. Not only does it direct municipal councils to rewrite their bylaws to suit the minister's plans; it make provisions for the stewardship minister to withhold transfers to the municipalities or to rewrite the municipal bylaws directly if he's not satisfied with what they have done.

9:30

As with the regional advisory council, that governed land planning from 1955 to 1995, we need to empower local municipalities in the decision-making process in order to have actual democratically based regional planning instead of central planning under Bill 36. The minister does not know how to plan for a region

better than the regional authorities. Vague promises of giving the locals a hearing is not good enough.

It's always interesting to me, Mr. Chair, that they start off by having a regional advisory council. This is where they're going to ask advice on what they should do. Why don't we just leave it there, in those regional areas, with the so-called council that they're looking for?

Alberta currently has a number of respected, experienced bodies that regulate growth and development: the Alberta Surface Rights Board, the Energy Resources Conservation Board, the Alberta Utilities Commission, the Land Compensation Board. These independent bodies have been in power to balance economic growth with property rights in the overall interest of Albertans. For the most part they have been doing a reasonable job. Reforms should be made within the existing framework to address problems so that Alberta's regulatory system is open and fair for all.

When ministries override these independent authorities, the results are often disastrous, as we are seeing with Bill 50, where the current government took the power line needs assessment out of the hands of independent experts. The Wildrose caucus believes that government should resist the temptation to overrule and undermine independent bodies. They are there precisely to serve as a nonpolitical check that acts in the public interest while treating individuals fairly, but this government seems incapable of seeing the value of independence. They don't appreciate that there need to be checks and balances to ensure that the government is limited and accountable and does not either trample the rights of the individual or set the whole province back by pursuing misguided ideological projects, with all kinds of dangerous and unforeseen consequences.

We also have a great deal of existing legislation, passed by this House over the years, that has evolved to handle growth and conservation issues. The most troubling act that Bill 36 overrides, in my opinion, is the Water Act. The Water Act is designed to manage this precious resource. We need to work within it rather than let the stewardship minister trample the water rights it bestows. Water licences, especially in southern Alberta, are a valuable piece of property. The first in time, first in right principle has been working well, and it has handled our shortages for decades. All this is threatened to be overturned. The Water Act is predictable, and we know when and how and in which priority the water is going to be allocated.

Organizing our regions along watersheds makes some sense even if they are too big in the current model, but we don't need to generate a whole new provincial department under the sustainability minister to duplicate what it should be doing in the Environment department. Under the Water Act and under the Environmental Protection and Enhancement Act the Environment minister sets overall limits, guided by consideration of cumulative effects. Local authorities are empowered to make decisions for their communities within these broad limits established by the province. This should continue to be the basis of land-use planning. The Wildrose believes that we should let the Water Act work and let the Environment ministry do its job of monitoring specific emitters and setting overall parameters based on cumulative effects.

We also believe that the most offensive aspect of Bill 36 is the utter disregard for individual rights. This concern was not adequately addressed by the window dressing of this Bill 10. The provincial government has a leading role in protecting the environment and establishing the powers of local authorities. It has been doing so for a century. There are many established practices and rights that have been conferred over the last century. It is important that these not all be overturned for the sake of ministeri-

al expediency. The land-use and development framework in Alberta must be stable and predictable for the sake of investors' confidence and property owners' peace of mind. Instead, Bill 36 enables, even encourages the stewardship minister to wield arbitrary power.

The Wildrose caucus believes that the government must establish conservation or no-go zones in advance instead of revoking leases and permits after companies and individuals have invested in development. The government should respect licences and permits as allowances that cannot simply be rescinded. Revoking a permit should only be done in very rare circumstances if at all, and there should be safeguards in place to ensure that this is not done capriciously and that full compensation follows. These safeguards must include recourse to the courts.

The Wildrose caucus also believes that we should immediately repeal offensive legislation like bills 19, 36, 50, and 24 and pass an Alberta property rights preservation act to ensure full, fair, and timely compensation to property owners and full recourse to the courts.

Mr. Chair, we need to accept this amendment. We need to add these other 20 acts under section 3 of Bill 10 in order to protect all these others so it's not just arbitrarily given to the minister to say: you know, we're going to revoke this licence; we're going to revoke that licence; we'll decide how much compensation. Because they've started the list, let's accept these amendments and adopt them into Bill 10 and at least safeguard these other areas so that the government can't in its arbitrary decisions rescind licences and investments in businesses at their discretion.

Thank you, Mr. Chair.

The Deputy Chair: Any hon. members wish to speak to amendment A4?

Mr. Anderson: Thank you, Mr. Chair. I, of course, will rise and support amendment A4. You know, it's funny. The folks over there, opposite, are the ones in charge of this amendment, including the Minister of SRD, who's joined us here tonight. He continues to say – and I've heard this around the province – that the original Bill 36 never once allowed the government to expropriate or extinguish land title rights. It just absolutely wasn't the case. Just absolutely wrong, he would say. Obviously, he would say that it's just completely nuts to say that we could extinguish a marriage licence or that we could extinguish anything under the Wills Act or the Traffic Safety Act or anything like that. This just could never happen. Yet, amazingly, in Bill 10 here are these amendments. It says:

For greater clarification, the definition of statutory consent . . . That apparently doesn't apply to these things.

. . . does not include any permit, licence, registration, approval, authorization, disposition, certificate, allocation, agreement or instrument issued under or authorized by

- (a) the Land Titles Act,
- (b) the Personal Property Security Act,
- (c) the Vital Statistics Act,
- (d) the Wills Act,
- (e) the Cemeteries Act,
- (f) the Marriage Act,
- (g) the Traffic Safety Act, or
- (h) any enactment prescribed by the regulations.

I find it funny that he decided to put those things in there. Now, it's, of course, for greater clarification, I guess. Obviously, in the law nothing is one hundred per cent, but the fact is – and we went over this earlier – that there's no doubt that statutory consent under Bill 36 could easily be interpreted as a land title. I do find it funny, too, that this minister would argue so voraciously that this

act clearly did not empower the government to do these things, to extinguish a land title, yet here we are a couple of months later. Bill 10: there it is. It's like magic. It just appears. It's so clear that you didn't know what you were talking about, Minister. In fact, Bill 36 did allow you to extinguish people's land titles. Now, of course, would you have done so? I hope not. I sure hope not. I don't think you would have. I'll give you the benefit of the doubt. But the fact of the matter is that you empowered cabinet to do so. That's just a fact.

Now, you've clarified that no longer under this bill can you seize someone's land title or extinguish someone's land title. That's good. I'm very happy about that. Neither can you extinguish their rights under the Personal Property Security Act. That would be a real problem for banks. It would be a real problem for business and industry in general as well as for the residents of Alberta if you could, and you did have that power under the law that you passed. But now you've taken that power away, graciously. That's fantastic. We could go on.

9:40

The problem that you have now is that you've specifically cited several acts under this law that this law does not apply to. The hon. Member for Calgary-Egmont would know this, that when you specifically in an act cite some inclusions to the exclusion of others that do the same types of things – i.e., issue permits, licences, et cetera – the problem is that that means you're saying that although it doesn't apply to these acts that you've listed here, it does definitely apply to the acts that you don't list here. That's just basic statutory interpretation, and I think that the hon. Member for Calgary-Egmont could even verify the truthfulness of that. He is, after all, a QC and would know that.

If that's the case, what that means is that because you've specifically not listed these acts that the amendment that has just been brought forth by the hon. Member for Calgary-Glenmore speaks to, it means that you specifically do mean to have the power to rescind permits, licences, registrations, approvals, authorizations, dispositions, certificates, allocations, agreements, or instruments issued under the Water Act, the Mines and Minerals Act, the Forests Act, the Environmental Protection and Enhancement Act, the Public Lands Act, the Fisheries (Alberta) Act, the Agricultural Operation Practices Act, the Oil Sands Conservation Act, the Oil and Gas Conservation Act, the Coal Conservation Act, and so forth. So you specifically do have the power to rescind licences under that act.

In fact, we saw that. We saw that with the oil sands leases and the mines leases that were just extinguished or rescinded or will be extinguished or rescinded up in the lower Athabasca regional plan. You do have that power. You've said continuously to Albertans that you didn't have that power, and then you come in here with an act and say: "Oops. Well, for clarification we're going to make sure we can't extinguish people's land titles, but that's just for clarification." Then it turns out that you, in fact, do use this act to extinguish the mineral and mine leases of several dozen companies up in the lower Athabasca. That really is quite shameful, a shameful display of misinformation.

We talk a lot in this House about misinformation and how there are silk-suited lawyers running around rural Alberta giving misinformation, yet here it is by the minister's own pen. Right here is proof of what he was saying, certainly prior to Bill 10, and you can now see why he was so concerned. If it wasn't a concern, you wouldn't have changed the act. When you look at rural Alberta and you look at the incredible loss of support that you're experiencing there right now, the reason for that is because you've lost the confidence of those people, what used to be the Progressive Conservative

base, because you haven't listened to them. I think they've been misled by this government, and there's a breakdown of trust. That's why you're in the mess that you're in in rural Alberta.

The Water Act, in particular, is troubling. Why would you want to be able to rescind under the Water Act a water licence? Do you not intend to hold to the principle of first in time, first in right? I know the Environment minister always speaks about how important that is. Is that not what you're doing? If you're going to extinguish or transfer licences, maybe that's needed, maybe it's not, but let's let regional authorities decide that. Is the best way for that to happen for you to be able to rescind those water licences and give them out to new people or sell them to new people, or do we work on a way of transferring those licences or use what's already under the Water Act to transfer those licences? I would say that you should use what's in the Water Act already. There are tools in there that allow for you to transfer water licences. Let's make sure that that's done. Right now there are many people that want to do that, but they can't get approval from the government to do so because they're waiting on the government to pass the South Saskatchewan regional plan. It just doesn't make sense. It doesn't add up. It's certainly not a very wise way of doing things, and it's very disconcerting.

There's, obviously, the Mines and Minerals Act. We saw that earlier. That brings me to a point of mine. When we're talking about the Mines and Minerals Act, what I find distressing and confusing, frankly, with regard to this lower Athabasca regional plan is that I don't understand why on earth the government would release the LARP and not have any kind of cost estimates attached to it. Like, what type of incompetence – it defies logic that you would put out a document saying, "This is a consultative document; now we want stakeholders to give us feedback on this draft lower Athabasca plan" and you don't include in there your cost estimates.

Now, why would you include cost estimates? I don't know. Because maybe taxpayers are a stakeholder in this? Maybe the taxpayers would like to know how much the government is going to spend on paying companies to not develop our resources. That's a new concept. How much is that going to cost taxpayers? Is it going to cost a million dollars? Is it going to cost ten million? A hundred million? A billion? Ten billion? What's it going to cost and over what period of time? Right? We don't know. Nobody knows because it's not in your plan. Where is the estimate?

I know a fiscal conservative like the Member for Edmonton-Calder clearly would like to know that information, would you not? Would you not like to know, Edmonton-Calder, what the estimate is for how much this is going to cost taxpayers? I'm not saying you'd reject it out of hand just because it costs money, but wouldn't you like to know what it might cost before you put your hand up and vote for it? I don't know. That would seem like a pretty reasonable thing. There is nothing in the lower Athabasca plan.

It's almost like the royalty framework, where there was all of this basic back-of-the-napkin math on all the new royalty revenue that the new royalty framework was going to bring into the province of Alberta, and then the exact opposite happened because they drove business out of Alberta, and the price of natural gas tanked and a whole bunch of other factors. None of the calculations added up. The back-of-the-napkin calculations were malarkey.

You're telling me that you can make a back-of-the-napkin calculation, but you can't even make an estimate on this at all? Not even an estimate? It seems pretty transparent that you don't have a clue what you're doing, and you don't have a clue – certainly, the Energy minister doesn't, nor the Minister of SRD – on how much

this is going to cost. You know, I just don't understand how that's responsible to taxpayers. But let's leave taxpayers out of it. Let's pretend taxpayers aren't important to this government. With their budget deficits and so forth, that's very clear.

Let's talk about industry, then. We don't want a banana republic. Obviously, we want a place where industry can come and they can feel that when they purchase or they licence something from the government, that's a contract. That's an agreement that is signed. They can put that on their asset sheet, their balance sheet, and develop it within the terms of the licence and eventually reclaim the land, et cetera, et cetera, et cetera.

You would think that it would be important for the industry to have that confidence in the government of Alberta. Well, they've just shattered that confidence. Now they don't know that because this plan, this lower Athabasca plan, can be changed at any time by this government. Even for those going into the lower Athabasca who buy a mineral lease now, it can be changed. So you've taken out more certainty. It would be okay to take a little bit of certainty out of the equation if they knew how much money they would be compensated for should the government expropriate or take back or rescind that lease, but the government failed in their LARP, in their lower Athabasca regional plan, to give an estimate or any kind of indication on how they are going to compensate industry or these licence holders who are having their leases rescinded. They failed to give any estimate to them on how much that's going to cost them. Nobody knows. Nobody knows.

9:50

It's amazing to me that you would come out with a plan that oversees the most important economic region of the province, the lower Athabasca, and you wouldn't put any kind of fiscal estimate, any kind of financial estimate into what it is going to cost to do what you're doing, not to industry, not to taxpayers, not to neighbouring municipalities, not to anybody. There are no estimates. Nobody knows what it's going to cost, who's going to pay for it, how compensation is going to be calculated. And you want feedback on that? Jeepers. Well, here's the feedback. The feedback is that you're paying the people in your departments enough money. Maybe they should do a calculation on this. Rather than just say that this is arbitrarily where we're going to put the conservation zones, this and there, maybe you should actually think about how much this is going to cost people.

It's amazing to me. There are so many folks over there that claim to be fiscal conservatives. Everybody wants to be a fiscal conservative, right? Well, maybe not everybody. But most of us want to be fiscal conservatives, certainly over there. Could you imagine if someone came to you with a business plan and said: "I've got this great plan. We're going to do all this stuff, and it's just going to be fantastic. You're going to get a big return on your investment." And people say: "Okay. Well, can you show me the numbers?" "Oh, we don't have the numbers. Just trust me. It's a great plan. We're going to do this, that, the other thing. We're going to make this new widget. It's going to be fantastic."

Well, I don't want to invest in it. I don't want to approve it. I don't want to be a part of it if you don't have some basic cost estimate in there of how much this is going to cost. Then Albertans and this House can do an estimate and say: "You know what? We're going to take a look." We're going to say: "Is this \$1.5 billion worth it to the people of Alberta? Is it worth it for attracting investment, et cetera, et cetera? Is it worth it to spend this kind of money in order to extinguish, rescind, these leases, et cetera?"

I mean, even though the hon. Member for Edmonton-Centre and myself may have a disagreement on how many conservation zones should be up there in the LARP – I'm just saying that it's possible

in theory; I'm not saying that there is – I think that she just as much as I would like to know how much it's going to cost. I mean, isn't this useful information to have, an estimate on that? Shouldn't we at least know how much it's going to cost so we can at least budget for it? I don't know. I think any sane fiscal planner would like to at least have an estimate. No estimate.

I know that this is a bit of a tangent on this, but it needed to be discussed, and I thought this would be a good time to discuss it. It's absurd. Hopefully, the Energy minister, when he goes back and reads the *Hansard* tonight – I know he will; I know he likes to read the *Hansard* – will remember, and he and the Minister of SRD might put their heads together and decide between them: "You know what? When we put out the south Saskatchewan regional plan, perhaps we should put out a cost estimate on what this is going to cost industry, the taxpayer, and all stakeholders involved." It's just a suggestion.

You've specifically given yourself power to extinguish water rights, mines and minerals rights, timber rights, anything under the Environmental Protection and Enhancement Act, the Public Lands Act, the Fisheries (Alberta) Act, so it's a fishing licence, the Agricultural Operation Practices Act, anything to do with oil sands, coal, animals, livestock, pipelines, dairy, farm, the Gaming and Liquor Act, et cetera, et cetera, et cetera. Since you've given yourself power to extinguish any licences or permits or anything else given under these acts, perhaps you should do some kind of cost estimate for when you do take away those things.

You decide: "You know what? We're going to go and rescind these fishing licences because we want to make this lake a conservation zone." You want to make it part of a provincial park or something. "So we're going to extinguish people's fishing licences or outfitters' hunting licences or whatever. We're going to do that, and that's the plan because we want to conserve." Great. Okay. How much is that going to cost? What are you going to pay? What's it going to cost taxpayers? Let's do the assessment.

Alternatively, you can do what we're asking here and add these acts to the list of acts that are excluded that do not apply to the Land Stewardship Act. I think, Mr. Chair, that the people of Alberta would feel very confident to know that aside from their land title under Bill 10 not being able to be extinguished, which is now the case under Bill 10, that same protection will apply to their water licence, to their mineral licence, to their mining licence, to their fishing licence, to their oil sands lease, to their pipeline permits: all these different things. They can have confidence that if the government is going to come in and take and rescind their rights on that, they're going to do so under those particular acts, under the heads of compensation, et cetera, that are under those acts and that they can only be rescinded for the reasons given in those acts.

For example, I was just reading through the Mines and Minerals Act. There is a way that you can lose your mines and minerals leases, but there are criteria involved. If certain criteria have not been complied with, et cetera, et cetera, et cetera, then you can lose the lease. That would be good to know, and it would be good for people to know that when people's lands or rights are expropriated, that the Expropriation Act is going to apply. That would be nice to know with regard to compensation.

This would be a good first step. I hope that the government was clearly riveted, and I hope they'll support this amendment.

The Deputy Chair: Any other members wish to speak to amendment A4?

I will call the question.

[Motion on amendment A4 lost]

The Deputy Chair: We are back to the bill. The hon. Member for Edmonton-Centre.

Ms Blakeman: Thanks very much, Mr. Speaker. With time allocation being in place, it's hard to get your two bits in here. Thanks very much for recognizing me. There are a couple of other things that I want to get on the record about Bill 10 overall and a couple of themes that I'm hearing in response and from some of the debates that we've heard tonight from members of the government caucus. Thank you very much to the two individuals who did speak. It's nice to hear, particularly the Member for Edmonton-Calder. I know that it's all in Calder. Here are some of his reactions to the bill.

Let me start where I left off at the end of my last speaking. I think the process that we have watched the government and others go through has been an interesting test of democracy but also an illumination of the government's hubris. When I talked before about Icarus flying too close to the sun, I mean, the point was that he believed that he was beyond – there are a number of examples in Greek tragedy, actually, of hubris, where the individual believes himself literally above the gods. They just think they're the bee's knees, the end-all, and the gods strike them down for that. It's not a pretty picture. They're a pretty violent bunch, actually, and they do some pretty wicked things to the individual who has placed themselves above the gods.

I find that this government often does that. They are too willing to believe that they are right and not to question themselves.

The Deputy Chair: Hon. members, if you wish to discuss, please sit down beside the colleague and talk with them there rather than standing.

The hon. Member for Edmonton-Centre.

Ms Blakeman: I'll continue. Thank you. I think we have seen that process of hubris start to play out in what has happened to the government, and I think this is going to carry over to the election if it doesn't actually trigger the election.

What's happened is that this has started to become two issues that I don't find incredibly related to the point of the bill. For my hon. colleagues in the Wildrose Party and others it's become an issue about property rights versus something, and it's moved away from the essence of what the bill is supposed to be about.

10:00

I believe that what we needed it to be about was public good and a planning process, to be able to decide with a reasonable process how we wanted to make decisions. It's a decision-making process about how we would treat our public land or our Crown land. We've moved into this other place, where that's not what it's about at all. I think we need to remember what the original act was about and go back there.

Now, my whole good intentions about this and all the good thoughts about that planning process have been completely subsumed under this other discussion about property rights, and it's become an issue that is rural against urban. I can tell you that when people in Edmonton-Centre, who are well educated, bright people, you know, hear the words "property rights," they think: "Well, what's that all about? I've got a little condo. I own 1,700 square feet. Why are they going on about property rights? That's a rural issue." It's been cast now as a rural issue, and it's not. It is an Albertan issue, but because it's turned into this high-profile what I call billboard kind of politics, it's all coming down to a five-word sentence that can be put on a highway billboard that you can read as you drive by it at 120 kilometres an hour.

That's not what this was supposed to be about, but because of the way the government has carried itself, the hubris it has carried itself with, it's allowed them to be set up and shot down by my colleagues in the Wildrose around an issue of property rights. Yes, property rights are important to Albertans, but so are a lot of other things.

Frankly, this moves me on to another point I want to make. It's not all about money, and I've heard so much talk tonight about money: money, money, money, money, money. It's not all about accumulation of wealth. Yes, that's important, and I'm not saying that it's not, and don't misquote me and say that I did. It's about more things. I mean, even this planning document is supposed to be – I mean, where's the money in recreation? That's about people getting outside and enjoying themselves, a little physical exercise, time with their family. That's not about wealth generation. That is about quality of life. We've become so positional in this discussion. It's become about property rights. It's become about money. That's not everything Albertans wanted this planning document to be.

It was to be about things like food security. It was to be about things like the municipality's ability to control urban sprawl using good agricultural land. That's what this was supposed to be about. This whole discussion has boiled down to billboard signage on property rights and accumulation of wealth – money, money, money – and that's not what Albertans were looking for. They were looking for an opportunity to have reasonable recreational experiences. I'm a snowmobiler. I understand that it's not possible for me to ride my snowmobile in every single square inch of this province. That is not reasonable. There are areas that it's not responsible for me to go into for a number of reasons: because it upsets the wildlife balance, you know, because there are certain areas of land that just shouldn't be gone into. There are lots of reasons for it, guys, but this discussion has descended into a rhetorical, positional discussion.

I still believe in the underpinnings of this, that it was about a planning process that we wanted to put in place that was about land stewardship. It was about looking after public land.

Now, the Minister of SRD and I are never going to agree on where in that continuum we set conservation. The minister is very pleased that in the first plan that came out for the lower Athabasca they were talking about setting aside 11 per cent and possibly as much as 20 per cent and now 23.

The Deputy Chair: Hon. member, would you mind taking any chair? Thank you.

The hon. Member for Edmonton-Centre.

Ms Blakeman: Thank you. It doesn't bother me, Mr. Chairman, except that the interruption has knocked me off my rhetoric. That's okay.

I can't go everywhere in the province. I can't cover all areas. There has to be a reasonable balance here. So the minister and I disagree on the continuum of conservation and him being pleased about 11 per cent conservation, but even under that conservation rule he's still going to allow various kinds of development.

Again, I find that falls into the money position, that, you know, if it doesn't make money in this province, the government is not interested in it. That's just too narrow a focus to be taking about something as important as everybody's access to the land that they own. This is public land, Crown land. So I think there should be more conservation. I'm always going to argue for that.

I still argue that at this point we still don't really understand the effect of our activities on the land. People can say: oh, you know,

we've got lots of studies. Well, yes, but every day these studies are showing us that we really didn't understand how much water we had and that we don't really understand how much fracking and CCS, carbon capture and storage, are going to affect water aquifers. If we put it down there, is it going to come back up again through some other hole we've poked in the Earth? I mean, things like that we still don't really understand. I would argue that we have not reached the end point in that, so we need to err more on the side of environmental protection and conservation. I don't think we give the conventional oil and gas sector or the oil sands sector enough credit in their ability to step up to the mark and be creative on this one.

The last piece of this act is the ability of the government to govern. We have to have legislation, and everything we do in this House is weighted in favour of the government in order to get stuff done. We can't be in here forever arguing the same point. That's why those rules are in place to say: if it's already been decided, you've got to move on. Ultimately, you do need legislation that says that the buck stops. We all need that kind of certainty. So we need a good land stewardship act.

My problem is that this whole process and what has happened has been, I think, subsumed under a number of other discussions that were not as helpful. The government, in making the choices it has made, has alienated its own backers in rural Alberta, and its attitude has caused a whole upheaval that didn't need to happen and which obscured the actual debate here about land stewardship plans and regional planning and the ability of the local authorities and the people that live there to influence a regional plan and to make it work for them. That's my disappointment in what's happened over the debate of this.

Bill 10 addressed some of the most egregious things the government had implemented in the original Land Stewardship Act. It truly was egregious. I mean, there's way, way, way too much power given there, in the same way that, you know, in the next bill we're going to debate, Bill 8, they take way too much power around collecting information from people. So the government just oversteps all the time, but after 40 years they believe they have a right to do that.

My last points on this are that our caucus is really quite concerned about the issue of democracy in what's happened to this process. We're very concerned about the government overstepping its bounds in a lot of those cases. I still continue to say that we need to have built into this process markers, targets on public good, and the discussion should be about public good. When we talk about including things in Bill 10 like taking away some of the power granted to cabinet and we talk about compensation – in other words, reintroducing the expropriation, that there be an appeal process, which was missing from the original act – I think the other thing we need to include here is the public good and that discussion of public good and public interest being part of the larger discussion on land stewardship.

10:10

What's happened is that my caucus is no longer willing to support Bill 10. It's just not enough. The government didn't work hard enough. I'm sorry about that. I'm sad about that because I think we've all missed the mark on this one, but the choices the government made just did not fix enough of the problems that have so offended Albertans. Yes, mostly rural Albertans – fair enough – but ultimately this does affect urban Albertans. It is part of an urban agenda because we're all interested in how the land that we share in trust is treated and in what kind of access we have to it.

Thank you for allowing me to put that on the record. There's a lot more I could have said, but we're time allocated here, and other people need a shot.

Thank you very much.

The Deputy Chair: The hon. Member for West Yellowhead.

Mr. Campbell: Thank you, Mr. Chairman. I'm pleased to speak to Bill 10, the Alberta Land Stewardship Amendment Act, 2011, and its commitment to transparency in regional planning. The government's commitment to transparency started long before regional plans and Bill 10. From the very beginning the Alberta government has been committed to an open, accountable, and consultative approach to land-use planning. We have worked to keep people informed and have worked from a solid base of consultation with the public and with stakeholders. The result is a land-use planning process that is transparent and responsive. Bill 10 strengthens both.

Let's remember that a regional approach to land-use planning is itself the outcome of public input. The land-use framework is a bold new direction for Alberta, the first of its kind in Canada. We could take that bold direction because that is what Albertans wanted from us. Back in the spring of 2007, four years ago, our government announced and conducted public consultations. We were seeking public input on what we'd already heard from consultations with stakeholders that included municipalities, aboriginal communities, agriculture, recreation, industry, and environmental sectors and groups.

The public sessions were designed to gather input on a vision and guiding principles for land-use planning, to identify land-use issues of great public concern, and to seek direction and outcomes from Albertans. We backed the consultation with a resource publication, *Understanding Land Use in Alberta*, and with a workbook. Both were available in all MLA constituency offices, including those of former government members. The resource was also available in most municipal, provincial, and regional government offices and online. We promoted the consultation with paid advertising and highlighted the website.

More than 3,000 Albertans provided input during those spring consultations. People were engaged, and they participated. In October 2007 the government publicly released and posted a 50-page report that summarized the input. Highlights of the summary report were a greater balance between development and the environment; more co-ordinated planning for land, air, and water; more provincial leadership in land-use planning; and support for regional planning. So it is clear that from the start this whole process has been open and consultative and that government has been responding to public direction.

For certain critics with an agenda to suggest that any of this was behind closed doors is to deny the dedicated input and participation of more than 3,000 of their fellow Albertans and is to suggest that the input was immaterial. It wasn't. The outcome of all of that input was the draft land-use framework, that was released for further public and stakeholder consultation in May 2008. Based on what we heard during the earlier consultations, the draft framework made a commitment to cumulative effects management, to conservation and stewardship, to creating an information and monitoring system that supports land-use decisions, to including aboriginal peoples in land-use planning, and to regional planning.

That further consultation resulted in adding a new strategy to the land-use framework, making efficient use of land. As a result of consultation the final framework also added a seventh planning region to the six originally proposed and identified the development of supporting legislation as a priority. I repeat that a new priority to develop legislation to support the land-use framework, including

regional planning, was the outcome of public consultation. All this, of course, is available online at landuse.alberta.ca for anyone, including our critics, to see.

I'd invite the members of this Assembly to consider that and to consider the extensive consultation and open access to information at every step as I turn now to discuss the legislation. At the same time that work started very publicly on the first regional plan for the lower Athabasca, work also started on the supporting legislation. Again, both processes were very transparent and highly accountable.

We released the final land-use framework on November 3, 2008. A month later, to the day, we announced the Lower Athabasca Regional Advisory Council. Members were appointed from stakeholder nominees to bring expertise and experience to this important advisory role. Treaty 6 and Treaty 8 First Nations named their own representatives. The news release included biographies of all advisory council members. Terms of reference and a regional profile were posted online. The land-use website carried the minutes of all meetings.

On April 27, 2009 . . .

Bill 17 Appropriation Act, 2011

The Deputy Chair: I hesitate to interrupt the hon. Member for West Yellowhead, but pursuant to Standing Order 64(4) I must now put the question proposing the approval of the appropriation bill referred to the Committee of the Whole. Does the committee approve of the following bill, Bill 17, Appropriation Act, 2011?

[Motion carried]

The Deputy Chair: The hon. Deputy Government House Leader.

Mr. Renner: Thank you, Mr. Speaker. I move that the committee now rise and report progress on Bill 10 and that the committee also report Bill 17.

[Motion carried]

[Mr. Mitzel in the chair]

The Acting Speaker: The hon. Member for Calgary-North Hill.

Mr. Fawcett: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration certain bills. The committee reports the following bill: Bill 17. The committee reports progress on the following bill: Bill 10. I wish to table copies of all the amendments considered by Committee of the Whole on this date for the official records of the Assembly.

The Acting Speaker: All those members in the Assembly who concur with the report, please say aye.

Hon. Members: Aye.

The Acting Speaker: Opposed? So ordered.

Government Bills and Orders Committee of the Whole

Bill 10 Alberta Land Stewardship Amendment Act, 2011 (continued)

The Deputy Chair: Are there any comments, questions, or amendments to be offered with respect to this bill? The hon. Member for West Yellowhead.

Mr. Campbell: I'll just say again that on April 27, 2009, we announced Bill 36, the Alberta Land Stewardship Act. The news release included a backgrounder that outlined the regional planning process and one that provided a full history of public consultation going all the way back to May of 2006. I bring this up in the interest of showing transparency in a public process that has had wide public participation. That public participation continued and continues today.

Two days after announcing the legislation, we announced province-wide public open house information sessions on Bill 36. Eleven sessions brought Bill 36 to public attention and discussion from Grande Prairie to Wainwright to Pincher Creek. Sessions were added for Edmonton, Calgary, and Medicine Hat. These were followed with community sessions in the lower Athabasca and neighbouring communities on the lower Athabasca regional planning process and Bill 36.

Over the course of May and June of 2009 government officials were in 26 communities discussing Bill 36. This was all fully transparent. It was publicly announced, posted, advertised, and promoted, and it was all done in the spirit of and commitment to accountability. In the meantime the bill was going through debate in this Assembly, during which every MLA, including those now on the other side of the House, had full opportunity to participate.

In fact, a number of amendments were made to Bill 36 before this Assembly voted to pass the legislation. Those amendments defined the term compensation board for appeal to the amounts of compensation. They clarified how regional plans would apply to Métis settlements. Changes were made to ensure that any tax-based conservation and stewardship tools developed under the act are not implemented without the approval of the Minister of Finance and Enterprise. Another amendment required that the Minister of Infrastructure and the Minister of Transportation receive prior notice of plans to register a conservation easement. To my recollection property rights were not raised as an issue to be amended during that original debate, and there's no reason why it should have been because property rights were always protected under Bill 36.

I note that the news release, when we tabled Bill 36, was titled Bill 36, the Alberta Land Stewardship Act, Sets the Bar for Responsible Regional Planning. The news release was subtitled Proposed Act Respects Property Rights and Local Decision-making. That is important because it shows that right from the start this government was committed to property rights and was acting to protect them.

Land titles were always excluded from the definition of statutory consent, so it would be very clear that although both are instruments of an enactment, they are very different instruments. A statutory consent is permission to access a public resource. A land title indicates private ownership. Owned by the public or owned privately: very different.

It is true that Bill 36 did not provide for compensation if a statutory consent is rescinded under a regional plan. That's because those provisions already exist in other legislation; for example, in the Mines and Minerals Act, the Forests Act, and the Expropriation Act. Bill 36 respected those provisions and took nothing away from them. Bill 36 actually created a new market-based compensation provision if a landowner retained title but a portion of the land was subject to a conservation directive under a regional plan.

10:20

The Alberta government has good reason to be committed to property rights. First, this is a Conservative government. The rights of the individual is a basic principle of Conservative ideology. Second, many MLAs in this government are landowners.

Some, including the Premier, are landowners for the third or fourth generation. We have a personal interest in seeing property rights protected.

In spite of the protections in the act and the government's reasons for protecting property rights, critics with an agenda succeeded in scaring or angering a lot of people over a situation that never existed, and they claimed that we did all of it behind closed doors in spite of a history of consultation going back to 2006, in spite of a populated and accessible website, in spite of public advertising and open houses and information sessions.

The Premier responded. He ordered a review of the Alberta Land Stewardship Act because the intent and the language clearly were being misinterpreted. He made a promise. No regional plan would be approved until the act was clarified to show full respect for property rights, including compensation and appeal and respect for the right of Albertans to be consulted on decisions that affect them.

That brings us to Bill 10, the Alberta Land Stewardship Amendment Act, 2011. The wording of Bill 10 has been clarified specifically to show that all existing rights under other legislations are respected.

In particular, I wish to speak to section 5, entitled Consultation Required. This section creates new checks and balances to ensure a transparent consultation process. As a result, regional plans under the land-use framework must be developed through a transparent and accountable process that requires public consultation. We were already doing that, but we weren't required to do it under the law. Now the law is being changed to require what we were doing anyway as a good practice and out of respect for the opinions of Albertans.

Government recognizes that regional planning needs to be informed by regional representatives and by people who live in the planning region. Regional advisory councils of Alberta have provided advice to the government in the development of the first two regional plans, for the lower Athabasca and the South Saskatchewan regions. Many of the people on these councils live and work in their region, representing a broad cross-section of experience and expertise. They generously provide local perspective and wisdom.

In the lower Athabasca the government conducted three rounds of consultation with the public, stakeholders, and municipalities. The first round was the sessions I already mentioned, in May and June of 2009. Those awareness sessions were held in a number of communities in the lower Athabasca and the adjacent upper Athabasca and North Saskatchewan regions. More than 250 people were involved in 13 public and stakeholder sessions, including two in Fort McMurray. The other communities were Lac La Biche, Bonnyville, Cold Lake, Vermilion, St. Paul, Fort Chipewyan, Fort Smith, Athabasca, Smoky Lake, Wabasca, and Fort Vermilion.

For the second round, in September of 2010, the government sought input on the regional advisory council advice in lower Athabasca and in nearby communities in the adjacent regions and in Edmonton and Calgary. Just under 800 people participated in public open houses and stakeholder sessions in the following communities: Bonnyville, Cold Lake, Fort Smith, Fort Chipewyan, Fort McMurray, Lac La Biche, Elk Point, St. Paul, Athabasca, Edmonton, and Calgary.

At this very moment the government is once again consulting with Albertans on the third phase of consultation, this time on the draft lower Athabasca regional plan.

In the South Saskatchewan region the government conducted awareness sessions in 16 communities in the fall of 2009. More than 850 people participated in the stakeholder and public sessions

throughout the South Saskatchewan. Sessions were held in the following communities: Calgary, Vulcan, Strathmore, Claresholm, Cochrane, Okotoks, Airdrie, Canmore, Lethbridge, Brooks, Fort Macleod, Pincher Creek, Medicine Hat, Taber, Cardston, and Milk River. The advice to government from the South Saskatchewan regional advisory council has been recently released for public scrutiny, and consultation with the public will occur through an online workbook.

[Mr. Marz in the chair]

Aboriginal consultation is also critical and has been conducted in an ongoing and continuous fashion throughout the planning process. For example, aboriginal consultation for the lower Athabasca regional planning has been very extensive and inclusive. Since the regional process began in January of 2009, a total of 79 meetings have been held with aboriginal groups. Twenty-five different First Nations aboriginal groups have been contacted, and an additional 16 meetings will be held this April and June with aboriginal groups to discuss the draft plan.

We are doing all this without the law saying we had to. Now under Bill 10 we have a legal requirement to do what we are committed to doing anyway, consulting with Albertans in developing a regional plan. Furthermore, section 5 of Bill 10 requires that the findings of these public consultations must be presented to cabinet. That's accountability. This ensures that the thoughts, concerns, local wisdom, and the special knowledge of regional residents and other Albertans are brought to the cabinet to assist them with responsive decision-making.

Proposed regional plans or amendments will now be required under the amended section 5 in Bill 10 to be laid before the Legislative Assembly. This is all before cabinet can make a final decision about any plan. This gives all members of the Assembly an opportunity to review a regional plan, the same opportunity they had to review the original Bill 36.

All these aspects of section 5 of Bill 10 contribute to a more open, transparent, and accountable process that engages and involves Albertans. It's what we were doing anyway. Bill 10 makes it the law. By doing so, Bill 10 responds to concerns about accountability and strengthens that commitment to Albertans.

For the sake of increased transparency and accountability I ask you to support Bill 10, the Alberta Land Stewardship Amendment Act, 2011.

Thank you, Mr. Chair.

The Acting Chair: The hon. Member for Edmonton-Strathcona.

Ms Notley: Thank you, Mr. Chair. It's a pleasure to be able to rise to speak to Bill 10, an act to amend the Alberta Land Stewardship Amendment Act. This, of course, is a bill that has received a great deal of political attention over the last few weeks arising from a fairly animated debate within the public about what the implications of the bill are to all Albertans and, in particular, to those who are concerned about property rights. This is something that has been discussed at some length throughout communities in the province, and it raises some legitimate concerns.

Probably the key thing to point out at this point, however, is that those concerns that have been expressed throughout Alberta relate not solely to the Alberta Land Stewardship Amendment Act but really relate as much or, I would suggest, more to the former Bill 19, the land assembly act, and Bill 50, which is related to issues of transmission lines. If any two acts were actually directed at undermining the rights of property owners, particularly in rural Alberta, then it was really those two acts.

It's very disappointing to see the government come here today, in this session, claiming to address concerns but not actually addressing the two acts, which had much more wrong with them in many respects than the third act which has been lumped into this so-called property rights discussion and concern that has been generated in parts of rural Alberta. So it's really quite disappointing to see that neither Bill 19 nor Bill 50 has been addressed.

Just briefly to identify, to go back to that. With respect to Bill 19 we saw situations where we had the ability of the government to designate certain project areas that could easily overlap on private land and put land under a project area order for an indefinite period of time and, thus, substantially impact the rights of the people who own that land. That was a significant concern, and that continues to be a concern that remains entirely unaddressed by any of the efforts that we see reflected in Bill 10.

Bill 50, of course, we talked quite a bit about. That was a key bill that limited transparency and limited public accountability and limited the opportunity for property owners and other members of the public who have an equal interest in many of these decisions, property owners or not property owners, to engage in a discussion about the merits and the degree to which a particular initiative actually met the public interest through the AUC process. That was clearly more evidence of this government's trend towards moving everything behind closed doors and making all their decisions amongst their little group of friends and excluding Albertans from the major decision-making processes in this province.

Bill 19 and Bill 50 were probably the most critical bills, quite frankly, that generated or sparked off a lot of the controversy. Those are the ones that the government is absolutely unwilling to touch because those are the ones that are so important to folks in industry, so the government won't touch them.

10:30

Well, what was Bill 36? What was the Alberta Land Stewardship Act? What was it supposed to do, this bill that the government is now proposing to amend? As we said when that bill first came through, it was premised on several years of consultation, and it was premised on the notion of a land-use framework, which included a number of worthy principles and ideas and policy initiatives. When that bill came forward a couple of years ago, we identified that, certainly, it grew out of a very positive process that was designed to achieve good things in the best interests of all Albertans. Unfortunately, at the time we said: hear this; there are some real problems with how you're planning on going about it. We had some very significant concerns.

One of the concerns that we had at the time, which continues to this day, was that there were far too many mechanisms through which the government would be able to keep ultimate control of what the outcome was and to make those decisions about what the ultimate outcome was behind closed doors, with a tremendous and profound lack of transparency, you know, notwithstanding that we're going to set regional advisory councils, appointed, of course, hand-picked by the government. Those regional advisory councils themselves would just simply make recommendations, but then the government would certainly have the ability to review and revise and have more meetings behind closed doors and then change what those advisory councils were putting forward. That was the kind of thing that actually went directly against the very transparency that the government claimed was part of the original land stewardship approach.

Indeed, what we've seen since then is exactly that kind of thing. We have the lower Athabasca regional plan. We had an advisory panel, that was appointed very much by government. Although there were some good people on that panel, it was definitely a

panel that did not fully reflect the broad range of groups and stakeholders whose public interests were at stake in terms of the outcome of that plan. Nonetheless, the regional advisory committee did come up with a plan and submitted it to the government, and then the government, behind closed doors, clearly had more conversations with people. We don't know who. We don't know on exactly what. We can make assumptions. But we certainly didn't have it all on the public record. Then changes were made.

Then we brought out another draft land-use framework for that area, which, strangely, accorded much more with the wishes and desires of industrial players in that area and ignored a number of the concerns put forward by community members, First Nations groups downstream from major industrial activity sites, and scientists who were concerned about environmental implications. Those things were mostly ignored, and then we sort of went back to what it was that industry had been advocating for most of the time. Of course, that whole process: we didn't see exactly how that deliberation was done. That was all done by cabinet and by the minister. Now we have another draft report, and we don't know exactly what's going to come of it. We won't be at that table when those decisions are made. It'll just be provided to us.

That was one of the problems that we had with the Alberta Land Stewardship Act in the first place. It was absolutely founded on very good principles, but at the end of the day there needs to be a level of trust with this government, and this government has not earned the trust of the majority of Albertans for years and decades. We simply don't have enough trust in this government to let them go behind closed doors and make these kinds of decisions. As a result, some of the concerns around this Alberta Land Stewardship Act have inflamed people from all different ends of the political spectrum because there are so many opportunities for government to fiddle with the process in a way that does not reflect the public interest.

The question now is whether Bill 10, which we're talking about tonight, deals with any of these problems that we first identified when we said: listen; a good concept, good principles, but you're not implementing it in a way that's going to be the best for Albertans. I would suggest that, in fact, Bill 10 does not address many of the concerns that have been raised throughout this process.

What are some of the failures? Well, generally speaking, I think it's fair to say that what Bill 10 will do is it will cause more confusion and more delay and more opportunities for legal wrangling that will extend this period in-freaking-definitely. It is really quite unfortunate because as it is, although there were grand pronouncements and fabulous articulations of good principles around the Land Stewardship Act and around the land-use framework, the fact of the matter is that the government is way behind schedule in terms of moving forward with any of the land-use frameworks.

[Mr. Mitzel in the chair]

When I first got elected, in 2008, we had all of these great, shiny timelines that we could all look forward to, and we are well behind all of them. The Minister of Sustainable Resource Development tells us that maybe by 2017, all things being equal, we'll be there. Well, I think we all know that he's dreaming in technicolour, and I think he knows that, too.

We don't have the resources dedicated to the work, the Ministry of Environment is completely unable to provide the sort of support that's necessary to do the work, and it's clearly an intensely political process, where we go through sort of the facade of public consultation. Then the draft report is picked up, and everyone scurries behind closed doors and meets with countless vested

interest groups, and then we come up with another version. Then we delay and delay and delay, and more conversations are had.

We've been waiting around for two years for the first LARC, and we're still not there. I can't even begin to imagine how much longer it will take for that to be complete because I know that it is an intensely political process. I suspect it will be subject to unprecedented levels of ongoing lobbying before we get anywhere with it.

Does Bill 10 change that? No. It just opens the door for that many more opportunities for behind-closed-door lobbying to take place and for more delay to be suffered by Albertans. The thing of it is that, you know, I've heard people argue: well, you know, it's okay because we've got a legal regime in place that sort of deals with the unfettered, unplanned, chaotic development that we see in this province. But the reality is that even that has been put on hold. Whenever we say to representatives of government, "Gee, you know, you do have this other piece of legislation here, and through that maybe you could engage in some form of planning, some form of conservation, some form of disposition, depending on whatever it is that you want done," we're told, "Well, we could, but let's just wait for the regional land-use framework to come into place." "When will that be?" "Well, sometime between now and 2000-and-whenever." In fact, we've actually now succeeded in some ways in crippling the current legislative regime that's in place. That's sort of the general gist of what Bill 10 does.

Now, we see the new section 15.1 under section 12 of Bill 10. It talks about this whole new process. It injects this whole new process, that after we've gone through this five-, 10-year process, however long it is until we actually get to a land-use framework plan in a particular region, well, then there's the opportunity for applications for variances to be made.

The trigger or the basic level that makes one eligible to make a variance is so low that we will probably see nothing but variance applications for another two years afterward, which will effectively render the regional plan unrecognizable in many cases. Even if it doesn't, it will ensure yet more delay. So I'm not really entirely sure how well thought out that process is, and of course it all goes to the minister, who's not having public hearings. You know, we're not seeing what the arguments are in public, in a transparent way. There's just an application, and the minister kind of goes: maybe, maybe not. This actually puts more discretion back to the cabinet, back to the minister, which is exactly the kind of thing that everybody said was one of the fundamental problems with this act when it first came through. So that doesn't fix it.

10:40

Then we have this whole question of: what triggers the ability to apply for a variance or for variance reviews? It's no longer the kind of thing where we're looking at simply sort of the loss of a land right, but we're now looking at any kind of – I think language is diminution of property value. That's a tremendously vague term. Again, I think what we're going to end up doing is opening the door to copious applications, that will invariably delay the whole thing and ultimately mean that this act dies an untimely and very early death. I mean, it's already on its way because it's very clear that the political will and the resources to support this initiative are only partially supported by this very divided government caucus. It's very clear that it's already, you know, starting to heave its last breaths, but this will ensure that it really does.

You know, another point that I came across in doing a little bit of reading around Bill 10 and what it stands for is this notion that we have the new 19.2, which allows persons directly affected to request the review of the regional plan. I find it very concerning that people who are directly affected, i.e. the property owners,

have yet another opportunity to request a review of the regional plan, but other members of the public remain unable to do that. We have responded so intensely to what you perceive to be your political threat in rural areas.

This is so clearly such a political document. We've long since departed from good public policy here. We've responded so reactively to the concern about property rights that we've given yet another forum for property owners to raise a concern, and maybe that's fine. But we've just been so mindful of just that issue that we have not provided an equal opportunity for a review or a request for a review by somebody who is representing a different public interest. Theoretically, there are a number of public interests that are to be balanced in the drafting of this land-use framework, but it is only one player in that process that gets to access yet another review process.

You know, communities that need water don't get to do it if they don't happen to have an ownership interest in the water, for instance. Industries that require a certain amount of environmental integrity – you know, the tourism industry or whatever – don't get to do it because they don't actually have an interest in the land. They don't get to request a review. But the actual landowner has yet a whole other regime of review request there.

Why is it just one of the parties to this whole land-use planning process that gets this whole new review regime, only one, but not the other parties to the process? It seems to me to be a very reactive kind of bill that's very much responding to political issues, that has not really looked at the totality of the act and referenced itself to the overarching multiplicity of interests that are supposed to be reflected in the land stewardship approach and, instead, has very much just reacted in a very political, thoughtless kind of way to one.

Some other concerns that I have. I did see that there was an amendment that I believe one of my colleagues from the Wildrose Alliance put forward. I've missed the conversation about this, but I did note that section 5 of the bill talks about there needing to be a consultation with respect to any amendments to a plan and that the new plan or amendment has to be put before the Legislative Assembly, which was certainly interesting, but of course the actual consultation does not have to be put before the Legislative Assembly. I noted as well in my reviewing of the act that that, of course, appeared to be a pretty significant failure. I understand that there was an amendment put forward to actually ensure that that consultation would be put before the Legislature, but I presume that that amendment failed.

Then I noted as well that section 8 talks about amending section 11 that deals with the policy of regional plans and that it talks about the fact – oh, darn. I'm already finished. Who knew?

The Deputy Chair: The hon. Member for St. Albert.

Mr. Allred: Well, thank you, Mr. Chair. I'm pleased to rise today in support of Bill 10, the Alberta Land Stewardship Amendment Act, 2011. It's very important to the future of this province that we pass this bill and get on with the job of restoring a system of land-use planning in Alberta. Last week at a forum in Eckville I heard lawyer Keith Wilson praise Alberta's system of regional planning that was in place under the former Planning Act prior to the abandonment of our regional planning commissions that were the implementation arm of our system of regional planning prior to 1995. I hear similar endorsements from the hon. Member for Calgary-Glenmore about the former planning regime.

Mr. Chair, I likewise have extolled our system of regional planning pre-1995. As the former chair of the Edmonton Metropolitan Regional Planning Commission, in 1995 – actually, in view of the

demise of regional planning in Alberta, I now refer to my former title as the chief pallbearer of the EMRPC – anyway, as I was about to say, I often used to refer to the Alberta advantage in terms of our system of land tenure. We have the best and most modern system of survey in the world, being the Dominion Land Survey system, which in Alberta is part of a uniform system across western Canada. We also have the best land titles system, modelled after the Australian Torrens system. We have the best system of regional planning, built and created right here in Alberta, starting shortly after we became a province.

Mr. Chair, these are systems that fit together to make a most efficient system that facilitates inexpensive and efficient transfers of land, an efficient rural addressing system, and a simple, rudimentary co-ordinates system, which allows us to develop comprehensive land information systems and efficient land management practices. This system also allows for a simple, efficient system of subdivision of land as well as an organized municipal and resource development. To put it simply, we have at least had the basics of a very efficient system of land tenure and management, which allowed our economy to function well in times of high growth.

The former Planning Act set out a planning framework, which established a hierarchy of plans with the regional plan as its foundation, moving up through the municipal plans, area structure plans, land-use bylaws, and plans of subdivision. The regional plans were prepared and adopted by commissions composed of elected officials from all municipalities within the boundaries of the region. The system was financed largely by municipalities themselves through an annual levy, with a token contribution from the province. By and large these regional planning commissions were very successful, with great co-operation and collaboration amongst both rural and urban municipalities. Granted, Mr. Chair, there were some exceptions although relatively few.

The former system was not, however, without its shortcomings. One element that I always thought was necessary for a complete planning framework was to move the foundation of the hierarchy up and build it on a base of provincial policies to make it a provincial plan as opposed to just a regional plan. Another shortcoming was the lack of integration of resource development planning with municipal development and infrastructure planning, which has resulted in a hodgepodge of pipelines and transmission lines and utility corridors that have impeded the development of our urban centres.

10:50

A third shortcoming, Mr. Chair, was the fact that not all of the province was included in the regional planning system. Several areas of the province were left to the whim of provincial planners to provide direction as opposed to municipal and regional management and control.

I would suggest that the demise of the regional planning structure in 1995 set this province back 25 years. Fast-forward, Mr. Chair, to 2010, when we introduced and passed the Alberta Land Stewardship Act as the basis for the land-use framework and the subsequent adoption of seven regional plans, actually nine if we include the capital region plan and the Calgary partnership. Now we're debating Bill 10, the Alberta Land Stewardship Amendment Act, 2011, which was introduced solely to clarify a number of issues that have arisen out of the Alberta Land Stewardship Act. The Alberta Land Stewardship Act reintroduced regional planning to Alberta in a forward-looking attempt to bring rational land-use planning back to our province to aid us in planning for the growth that is bound to come to our province over the next 20, 30, or 40 years. Bill 10 reinforces the intent of that legislation.

This total package of planning legislation – the Alberta Land Stewardship Act and Bill 10 along with the land-use framework and the regional plans – cures some of the ailments of our former planning scheme. It covers the entire province, and it reintroduces a hierarchy of plans, but this time it has a firm foundation built upon a provincial plan, which will integrate provincial policies into regional land-use decision-making. It also includes the resource sector, which will be the major driver of our growth in the next several decades, and it includes local stakeholders in the regional advisory councils and regular, legislated updates of the regional plans. And, Mr. Chair, it does not infringe on individual property rights. In fact, it bestows more rights on individual landowners than the former legislation did.

In this regard, Mr. Chair, I'd like to quote two prominent southern Alberta lawyers, who had this to say in a recent *Calgary Herald* article: "The Alberta Land Stewardship Act, plus the Bill 10 amendments, put Alberta ahead of any other province or U.S. state when it comes to protecting landowners' property rights." That quote is from Stan Church and Dan Smith, who are both members of the South Saskatchewan Regional Advisory Council.

Mr. Chair, Bill 10, the Alberta Land Stewardship Act, the land-use framework, and regional plans across the province are essential elements that are necessary for the forward planning of the province of Alberta as we move into a very prosperous future. These regional plans, together with the ALSA and the land-use framework, will be the road map that will co-ordinate the planning of our province as we move forward in the 21st century. Without sound planning we will experience another 15 years of haphazard and disjointed growth similar to what we see in our neighbour to the south.

Mr. Chair, this government is not alone in championing the need for the restoration of a strong and vibrant system of land-use planning in Alberta. The Environmental Law Centre has recently stated their "support for a strong, integrated, binding land use planning and management system for Alberta." Similarly, the mayor of the city of Red Deer has recently written and stated: "Regional planning is critical to ensuring sustainability and facilitating regional cooperation that will benefit all Albertans." Further, in a rather poetic statement a leading Canadian law firm, Fraser Milner Casgrain LLP, waxed eloquent: "Bill 10 and the Proposed Regulations have written a new chorus of property and procedural rights protections into the revisited ALSA."

Mr. Chair, Bill 10 supplements the Alberta Land Stewardship Act by clarifying the intent of the original legislation to make it abundantly clear that the property rights of Alberta landowners will be respected. Unfortunately, there's been a lot of rhetoric and misinformation about both the original Alberta Land Stewardship Act and Bill 10. Considerable consultation, discussion, and debate has taken place over the past several years, which have addressed and resolved these issues to my satisfaction. This is good legislation that will return the Alberta advantage to our system of land tenure and land-use planning.

Mr. Chair, I urge all members of this House to support Bill 10. Thank you.

The Deputy Chair: The hon. Member for Calgary-Currie.

Mr. Taylor: Thank you very much, Mr. Chair. Let me just take a quick sip of water here although I promise that's not because I'm going to talk for all that long, but I think it would be nice if you would be able to understand what I'm saying at all.

I want to try and put one more amendment on the floor tonight for this House's consideration in terms of Bill 10. This will go to further clarifying, I think, section 5 on consultation required. Just in the interests of time, because I know that there are other speak-

ers who would like to try and get in on this before closure raises its ugly head and shuts down debate, before I go any further, I will pass these amendments to the pages and let the pages pass out copies to everyone, and then I will speak to the amendment. This time I will actually give the page the original copy. There you go.

The Deputy Chair: We'll pause for a moment while the pages deliver the amendment. Hon. members, this will be amendment A5. Okay.

Mr. Taylor: Thank you, Mr. Chair. With amendment A5 I move that Bill 10, the Alberta Land Stewardship Amendment Act, 2011, be amended by renumbering section 5 as section 5(1) and by adding the following after subsection (1):

- (2) To fulfill the requirement for appropriate public consultation under subsection (1), the Stewardship Minister must
 - (a) advertise the development or amendment of a regional plan in one or more newspapers circulating within the boundaries of the regional plan, and such advertisement shall include
 - (i) the details regarding the proposed regional plan or amendment and its effect on the region,
 - (ii) an invitation to review the proposed plan or amendment and any supporting material at specified times and places, and
 - (iii) an invitation to the public to submit input;
 - (b) provide not less than 45 days for responses from
 - (i) the council of each municipality within the regional plan;
 - (ii) any local authority whose powers extend to any part of the regional plan, and
 - (iii) any other person or organization that the regional advisory council considers necessary;
 - (c) following the period provided for in clause (b), hold public hearings;
 - (d) consider the input received under this subsection in the preparation of his or her report;
 - (e) carry out any additional consultation processes that the Minister considers necessary.

What this does is add to the section 5 that is proposed in Bill 10. You know, the section 5 that is proposed in Bill 10 repeals section 5 in the ALSA. That, Mr. Chair, in my opinion, is an excellent move on the part of the government.

11:00

The original section 5 in the ALSA presently says – and I won't read the exact words because you all have the bill in front of you – that a regional plan may be made or amended, whether or not a regional advisory council has been appointed, whether or not a regional advisory council has provided advice about a proposed regional plan or an amendment, whether or not that advice was considered or followed and irrespective of the advice given; if the secretariat provides advice with respect to a regional plan or amendment and irrespective of the advice given and all the rest of that, the minister can just charge ahead and do whatever he wants. The Lieutenant Governor in Council can go ahead and do all that. Well, that's been repealed, or at least once we pass Bill 10, that will be gone out of the ALSA. That's a good thing. That's an absolute good thing.

As far as it goes, the proposed new section 5 in Bill 10 is a good thing, too. It says:

Before a regional plan is made or amended, the Stewardship Minister must

- (a) ensure that appropriate public consultation with respect to the proposed regional plan or amendment has been carried out, and present a report of the findings of such consultation to the Executive Council, and

- (b) lay before the Legislative Assembly the proposed regional plan or amendment.

It's not for the Assembly to debate the amendment or debate the plan or vote on it. It's just basically tabling the plan. Okay. Fair enough as far as it goes.

The key phrase here in all of this is, I think, "appropriate public consultation." The issue here is: how do you define that? Who defines that? That's what this amendment seeks to do. It seeks to bring clarity around this concept of appropriate public consultation, and it does so in, I think, a pretty clear and transparent way so that all who have concerns can see what the process is to fulfill the requirement for appropriate consultation under subsection (1).

You've got to advertise the development or amendment of a regional plan. You've got to include certain things in that advertisement. You've got to provide not less than 45 days for people who are affected, you know, and that includes members of the general public as well as stakeholders like councils of the municipalities affected by the potential plan, so on and so forth. You've got to give them at least 45 days. You know, if the minister wants to give them 90 days to respond, 60 days to respond, 120 days to respond, even, at the risk of incurring the potential wrath of the Member for Edmonton-Strathcona, six months to a year to respond, I'm cool with that. You just have to give 45 days, and you have to give 45 days to the councils of each municipality and any local authority whose powers extend to any part of the regional plan and any other person or organization that the regional advisory council considers necessary.

Then after that notice period, which has to be not less than 45 days – it can be more – you've got to hold public hearings. You've got to give people the chance, if they wish, to present to the regional advisory committee or to the minister. Then the minister has to consider the input received under this subsection in the preparation of his or her report. That is spelled out in the government bill in what is numbered in Bill 10 as 5(a). The minister must "present a report of the findings of such consultation to the Executive Council." What we're adding here is that the minister has to consider the input received.

This is much the same as the process that a standing policy committee would go through when it holds hearings on a government bill or a private member's bill or anything referred to it by the minister for review or study or investigation, that sort of thing. We invite submissions, written submissions. We then make the decision at the policy field committee as to whether we're actually going to go so far as to hold public hearings, but that's because it could tend to involve the committee going on a bit of a road show. In these sorts of circumstances they're going on a road show to one particular region sort of thing, or at least the regional advisory committee is already in the region, theoretically, I think. Then that input is considered in the preparation of the report to the minister or the report to the Assembly, making certain recommendations by the policy field committee. You know, we're doing the same thing here. Basically, that's what this is.

And, finally, "carry out any additional consultation processes that the Minister considers necessary." Mr. Chair, I think my spidey sense is pretty good, but I'm not psychic. I can't say in the case of every single regional plan and every single amendment to every single regional plan as we go forward in time that I or anybody else can in an amendment like this preconsider, if you will, every single consultation process that might be required. So all I'm doing here is giving the minister the opportunity. If the minister in his or her wisdom feels that in addition to what we've laid out here, there is some other consultation process that could happen, whatever that might be, then we're saying that the minister can go ahead and carry out whatever they consider necessary.

The purpose of this amendment is just to bring clarity, clarity that I think everybody can wrap their head around, can look at this and say: here is the process that the government will follow or that the government will cause to be followed in the development of regional plans and in the handling of any proposed amendments to regional plans. You look at that, and you go: "Aha. I got it. I see what this is all about. I see how this is going to be done."

You know, the message that keeps coming through to me from people I talk to across all walks of life, across all areas of interest in this province is that it's not particularly important to most people whether we as elected officials propose ideas that they're going to agree with or not. What's more important to them is that they want to know what the guiding principles will be that inform the policy and the laws and the plans that we develop.

In addition to the guiding principles – and I think those guiding principles are in the land-use framework, and they have carried over with some success to the ALSA – people want to know: "What's the process you guys will follow? Let me see how you do it. I don't necessarily need to agree with everything you do as long as I can understand why you did it." We'll disagree. People disagree. That's the great benefit of living in a democracy. Everybody knows that we disagree, and nobody expects that we have to agree all the time. That's fine. But everybody, I think, has a reasonable expectation that their government should be able to show them the road map, the process in terms of how you get from A to B.

That's what this amendment is about. I'm going to sit down now and let anybody else who wants to speak to the amendment get in on the act. Thank you.

The Deputy Chair: Any other members wish to speak to amendment A5?

I will call the question, then.

[Motion on amendment A5 lost]

The Deputy Chair: We are back to the bill. The hon. Minister of Housing and Urban Affairs.

Mr. Denis: Thank you very much, Mr. Chair. I just wanted to rise on some brief comments on Bill 10 as we are debating it here, of course, the amending formula to ALSA, Bill 36, which has previously been passed by this Assembly.

Land-use planning in the form of municipal zoning has always existed for subdividing land, and this will not be affected either by this legislation. Municipalities will retain their authority for municipal development plans, area structure plans, land-use by-laws, and making decisions on subdivisions and development standards . . .

Clearly, land-use restrictions and planning have been an ongoing Alberta project. The new regional planning does not mean creating a heavy-handed, centralized bureaucracy in Edmonton. It does mean, however, that the government will provide the kind of policy direction and guidelines and opportunities that local levels of government cannot. That being said, the most local level of government is the Alberta landowning family. There is no one better placed to determine the best use of their land than the owners who reside upon it . . .

Conservation efforts driven by landowners is the finest example of who we are as Albertans. We are stewards and conservationists at heart. This bill will not change that. This bill will not disrupt these grassroots efforts. The government will not get in the way of the good work done by groups such as the Nature Conservancy of Canada, the Southern Alberta Land Trust Society, and Ducks Unlimited. This legislation will not get in the way of generous Albertans who want to responsibly steward their land.

Another tool in this bill is the conservation offset, that can replace, restore, or compensate for the effects of an activity on public or private land . . .

Literally, it basically gives the government of Alberta the power through a regional plan to take an interest in any piece of private land for conservation purposes. However, all this will be accomplished with appropriate compensation. None of this will happen without landowners being properly compensated for a public good they are asked to provide. This is an important and, in fact, a groundbreaking proposal that ensures that landowners are compensated for being asked to provide a public good even in cases where their land is sometimes not directly affected.

11:10

The act protects property rights. Landowners will be compensated for any loss in market value based on principles under the Expropriation Act. This is an improvement over the status quo that placed the costs of conservation for public good on what I would define as the private treasury. The private treasury consists of the funds, monies, and savings that families have privately, of course.

Some critics may argue that providing mandatory compensation will be a disincentive for government to use conservation directives. Well, that is exactly the point. These decisions have to be done responsibly and must respect the private costs borne by Alberta families that are associated with conservation. No other jurisdiction proposes to protect the rights of landowners the way Bill 36 [and this Bill 10 amendment do.]

Another major benefit to landowners is the regional plans themselves. They will provide consistency, stability, and predictability. [In fact,] lands determined to be candidates for conservation directives will be identified in the regional plans. Formal notice will be provided that will outline the land affected, give a description of the directive, notify the landowner of the right to compensation, describe the application process to the Land Compensation Board, and inform the landowner of the right to appeal any decision.

No longer will landowners be surprised by having parks or other conservation areas created at their expense and at the whim of politicians. If the only way to protect the land is to impose a conservation directive, then the value of the land will be appraised, any impact assessed, and landowners will be compensated for any loss in market value. Landowners will retain title to their land. Often in the past they were expropriated outright, losing lands that may have been passed down through several generations . . .

The process I have just outlined is game changing. It is an unprecedented victory for the rights of landowners in this province. It will ensure that our province's precious viewscapes, landscapes, and lands that we all know and love are preserved for generations to come. I am very excited to see this bill [and the amendment] proceed. I support it, and I urge all members of this Assembly to support it as well.

Now, of course, Mr. Chair, these are not my original words. These are the exact words of the Member for Airdrie-Chestermere on May 13, 2009. It is self-explanatory. It is interesting how this member changes his opinion by way of the caucus that he joins. That is self-explanatory.

An Hon. Member: Who said that?

Mr. Denis: The Member for Airdrie-Chestermere. These are his words verbatim, Mr. Chair. I will not belabour this but, again, it's the Member for Airdrie-Chestermere. You can actually see this on YouTube, where I think there are several hundred hits already, of him enunciating these exact words on May 13, 2009.

Thank you.

The Deputy Chair: The hon. Member for Calgary-Glenmore.

Mr. Hinman: Yes. It's quite comical, Mr. Chair . . . [interjections]

The Deputy Chair: The hon. Member for Calgary-Glenmore has the floor. [interjections] You have the floor. [interjections] Just a minute. [interjections] Just a minute.

Just a minute, hon. Member for Airdrie-Chestermere. [interjections] Hon. Member for Airdrie-Chestermere . . . [interjections]

Hon. members, the hon. Member for Calgary-Glenmore has the floor.

Mr. Hinman: Thank you, Mr. Chair. Obviously, the former Energy minister and the current SRD minister have a lot to be embarrassed about. The Member for Airdrie-Chestermere got up and he said: "Yes. I did say those words." But these guys are still saying it two years later and don't realize the problem.

Mr. Chair, what I want to finish off in the short five minutes, I think, that are left to debate on Bill 10, the Alberta Land Stewardship Amendment Act, 2011, is to go back to the importance of local government. This government has gone to great lengths, this current government, to say that it's so important to have the RAC committee, the Regional Advisory Council, to tell the minister what needs to be done. They say that it's so important that we act on this in order to protect this area so that the federal government doesn't act.

I guess what I find amazing in the deductive thinking of that process is that if Edmonton somehow in its ultimate wisdom has greater knowledge and authority for a regional area and therefore we need to have a provincial oversight with the stewardship minister, then would not that same thinking say that Ottawa should have the oversight over Edmonton? It's ironic that they don't recognize the importance of local government, property owners, industry in making decisions locally, yet they want to extrapolate that power to the minister and say: "Oh, we know so much better than you do. We'll take that on." It doesn't work.

You know, there are many acts that got rewritten as this very thick Bill 36, the Alberta Land Stewardship Act, passed two years ago, and when you go through it, you talk about those omnibus bills, with all kinds of things embedded in there. Yes, they can pick out a few sentences that give some rights here, but then they take the rights away a few pages later. What we want to concentrate on at this point is municipal government. They've got up and they've reiterated time and time again: oh, if there's already a plan in place, we'll grandfather that. We're not talking about the grandfather. It's the next one that's coming up, what it can do.

Under the Municipal Government Act, section 570.01(1), if the Minister considers that a municipal authority or regional services commission has not complied with an ALSA regional plan, the Minister may take any necessary measures to ensure that the municipal authority or regional services commission, as the case may be, complies with the ALSA regional plan.

We're talking in the future. These guys like to talk in the past. They've got 40 years of past. In the next 40 years they can think about that. But we need to worry about the future, and this bill has a major impact on the future and especially on local government.

In subsection (1), all necessary measures includes, without limitation, an order by the Minister

- (a) suspending the authority of a council to make bylaws in respect of any matter specified in the order;
- (b) exercising bylaw-making authority in respect of all or any of the matters for which bylaw-making authority is suspended under clause (a) . . .

- (d) withholding money otherwise payable by the Government to the municipal authority or regional services commission pending compliance with an order of the Minister;
- (e) repealing, amending and making policies and procedures with respect to the municipal authority or regional services commission;
- (f) suspending the authority of a development authority or subdivision authority and providing for a person to act in its place pending compliance with conditions specified in the order.

This is a problem. This should be amended. It should be struck from there, but it isn't.

In the amendment in Bill 10:

- 20(1) When a regional plan is made, every local government body affected by the regional plan must
 - (a) review its regulatory instruments, and
 - (b) decide what, if any, new regulatory instruments or changes to regulatory instruments are required for compliance with the regional plan.
- (2) Every local government body affected by the regional plan must, within the time set in or under, or in accordance with, the regional plan,
 - (a) make any necessary changes or implement new initiatives to comply with the regional plan, and
 - (b) file a statutory declaration with the secretariat that the review required by this section is complete and that the local government body is in compliance with the regional plan.

Mr. Chair, this government has closed debate on this. The debate is long from over. If we even had recall, Albertans would be rising up, and you would see these guys being knocked off one at a time by Albertans, but they don't have that courage to give the power to the people to stop them from these notorious bills that they push through in short order and declare there's no problem with.

The best example is the ridiculous new royalty framework, and we have the two ministers sitting here, smugly chewing on their gum or whatever it is, saying that we didn't do anything wrong, that it's good, that this is fine. And they know. They changed it after two and a half years. They changed the new royalty framework, and still they never said that they did anything wrong. This government is notorious for passing bills that hurt Albertans. They strip away the Alberta advantage. Bill 10, the amendment to Bill 36, the Alberta Land Stewardship Act, is just a ridiculous bill. This government doesn't have the foresight, the understanding, the knowledge of history or of the future. That is why they're pushing this through, just like with Bill 50 and the power lines. They have no respect for independent commissions. They think that they know it all.

11:20

This is the problem with central government, central power, central economy, run by those who think that they're better than the rest of the world, aristocrats. They're arrogant, they're above reproach, and it's a real problem. The truth does hurt, Mr. Chair – I realize that – but it's supposed to. That's when people go and have to recover, and they confess. It hurts. That's why this government won't do it. Ralph was big enough to do that. I don't know anybody over there. They sit back smugly, saying that these things are great, that the future of Alberta is great. It isn't. The only thing that's great is that there's going to be an election. These individuals are going to be held accountable for these things.

In here it's supposed to be honourable, and it's okay to mislead and to put out intentions and to guide because they're protected. [interjections]

The Deputy Chair: Hon. member, just a caution. The word "arrogance" is unparliamentary. "Misleading" is unparliamentary. Just a caution, please.

Mr. Hinman: Thank you for that caution. Like I said, the truth does hurt, and I can appreciate that.

The web that's been woven on this is a web that these individuals are stuck in. They're not going to be smart enough to get out in time. The bottom line is that this bill should be repealed. The next best thing that this government should do is that they should be voting against this. They should be sending it to the Committee on Resources and Environment. They're not going to do that.

Mr. Knight: You're talking about Bill 10? Repeal it?

Mr. Hinman: Yes. Absolutely. Repeal Bill 10, Minister.

The Deputy Chair: Speak through the chair.

Mr. Hinman: Well, then, tell the Minister of SRD to talk when it's his turn. He's had lots of time. They get to get up and be smug about it whenever they want, and they go around talking. It was kind of interesting that the Minister of SRD didn't show up at Eckville last week. He sent the previous minister. It would have been enjoyable to have had him there and to see him defend it. I do enjoy that.

Mr. Chair, Bill 10 is not acceptable to Albertans. It needs to be sent to the committee. It needs to be suspended. Do anything, but do not pass Bill 10. It's not in the best interests of landowners. It's not in the best interests of industry. It's not in the best interests of the people of Alberta. This is a step in the wrong direction. It's undermining democracy. Yet this government seems to be just bullheaded, saying: "We're going full steam ahead. Nothing is going to stop us. We'll invoke closure. We don't want the debate to go on." By smothering the debate, the discussion, they think this will die a quiet death. I look forward, Mr. Chair, to see where it goes from here.

The more the people of Alberta study it, the more they're educated on this, they realize that this bill is not at all what has been proposed by the Premier, by the minister, by the cabinet, by the MLAs. When they go out and try to explain this to Albertans one on one, they lose. In a forum they lose. In here they don't want to do it anymore, so they're shutting it down. I would urge all members to take a hard second look at this and realize that this bill is not the answer.

They said for two years how wonderful this is, that there's nothing to worry about, yet they come in with all of these amendments. Bill 36 is going to go down as one of those notorious bills in history. It's always kind of fun to go back and read in history, especially in old English law, European law, about the different bills that they passed on what colour of material they can weave in their different regions, how much they can do, how big a house can be, the size of windows, the different taxes that government puts out. There are so many notorious tax bills that have come forward over the centuries. You'd think that in a democratic society government would realize how self-serving and undermining it is for the country or the province as a whole.

It's interesting that as the United Kingdom started to fall apart, you know, back in the 1700s, they couldn't pay their soldiers or anything else. All of a sudden the free market took over, and that became the great era of England because government had overgrown itself, the taxation, the property rights.

Let's just go back to that for a minute. The Magna Carta in 1215 was the start of property rights, where the king, on threat of

his life, decided: oh, we'll protect property rights. Here we are 800 years later, and coming up in three years, we're going that full circle, where we think that the king should be able to make the rules and say: "This is what's best for these areas. This is what we're going to invoke, the plan." Again, like I say, it's so comical to think that they would go to a regional advisory committee and say, "What do we need to do there?" and then pass that off to the minister to say, "Now it's yours, and you can go" when they supposedly are relying on a regional advisory committee. Yet they're empowering the minister to make those decisions, to have the discretion to say: "You know, we're not going to listen to the regional advisory committee. We've listened, we've consulted, but we don't have to do."

The most important thing, if we really want to have accountability, is to pass recall. A Wildrose government will have recall, and when government steps out of line, we can stop something. I see the hon. Member for Edmonton-Centre is shaking her head, afraid of allowing the people to hold the power. There's nothing more important than power in the people's hands and accountability 24/7, not once every four years.

Ms Blakeman: Recall doesn't do that.

Mr. Hinman: It does. People haven't researched it. They don't understand it.

We need accountability, and this bill doesn't give accountability. It's just the opposite. It empowers the cabinet. It empowers the minister to make arbitrary decisions over land, over development, over industry, and basically instead of extinguishing rights, they now say that they're going to rescind rights. [interjection] Isn't it interesting that the Minister of Energy is now commenting that he likes to support the Liberals. We've always known that, that they're closer to the Liberals' thoughts.

Again, big government is better government in their mind. This bill absolutely shows that. We understand the intent, what they want with this, Mr. Chair. It's a sad day for Alberta that this bill is going to pass out of Committee of the Whole this evening with no amendments accepted though the government has brought forward numerous amendments because of their shortfall. It's very disappointing.

With that, I'll sit down, and the Energy minister maybe now wants to pontificate on why it's so great.

The Deputy Chair: The hon. Minister of Justice and Attorney General.

Mr. Olson: Well, thank you, Mr. Chair. I don't believe I have too much time left to speak here, but I just want to get a few comments on the record. I'm happy to speak to this Bill 10 because I am a third-generation rural landowner. I have a passion for my land, and I know all of my neighbours around me have a passion for their land. I'm also a lawyer, and I'm familiar with a circumstance where lawyers don't agree on any number of issues. With that in mind, you know, I want to talk a little bit about what motivates me to support this bill and also to have supported Bill 36.

This is difficult because anytime you're talking about planning, you are potentially talking about limiting people's rights. When I go to a meeting of landowners who have concerns about property rights, I'm thinking they probably drove on a highway that went past somebody's house, that maybe limited their rights because maybe there wasn't always a highway there. The fact of life is that we have to plan for the future in Alberta. This legislation is about planning for the future, and we have to create a balance between

protecting property rights, which I am passionate about, while at the same time planning.

The Deputy Chair: I hesitate to interrupt the hon. Minister of Justice and Attorney General, but pursuant to Government Motion 15, agreed to on April 27, 2011, the time allotted for debate in Committee of the Whole on Bill 10, the Alberta Land Stewardship Amendment Act, 2011, has expired. I must now put the following question. On the clauses of the bill, are you agreed?

[The voice vote indicated that the clauses of Bill 10 were agreed to]

[Several members rose calling for a division. The division bell was rung at 11:30 p.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Mitzel in the chair]

For:

Ady	Goudreau	Prins
Allred	Groeneveld	Renner
Benito	Knight	Rodney
Bhullar	Leskiw	Rogers
Campbell	Liepert	Sarich
Denis	Lukaszuk	Tarchuk
Drysdale	Marz	VanderBurg
Elniski	McQueen	Webber
Fawcett	Olson	

Against:

Anderson	Kang	Pastoor
Blakeman	MacDonald	Taylor
Hinman	Notley	

Totals:	For – 26	Against – 8
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[The clauses of Bill 10 agreed to]

[Title and preamble agreed to]

The Deputy Chair: Shall the bill be reported? Are you agreed?

Hon. Members: Agreed.

The Deputy Chair: Opposed? That's carried.

The hon. Deputy Government House Leader.

Mr. Renner: Thank you, Mr. Chairman. I move that the committee rise and report Bill 10.

[Motion carried]

[Mr. Mitzel in the chair]

The Acting Speaker: The hon. Member for Calgary-North Hill.

Mr. Fawcett: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration a certain bill. The committee reports the following bill: Bill 10. I wish to table all copies of amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

The Acting Speaker: All those members of the Assembly who concur with the report, please say aye.

Hon. Members: Aye.

The Acting Speaker: Opposed, please say no. So ordered.

Government Bills and Orders Third Reading

Bill 4

Securities Amendment Act, 2011

The Acting Speaker: The hon. Member for Calgary-North Hill on behalf of the hon. Member for Calgary-Nose Hill.

Mr. Fawcett: Yes. Thank you very much, Mr. Speaker. It's an honour to be able to move third reading of Bill 4, the Securities Amendment Act, 2011, on behalf of my colleague the hon. Member for Calgary-Nose Hill.

Mr. Speaker, Alberta continually ensures that its securities regulatory regime remains at the forefront of modern securities regulation. In light of the federal government's proposal, a move that Alberta and five other provinces opposed, to change the current decentralization to a national securities system, we need to take action on this issue and not stand idly.

Bill 4 builds on the work that Alberta has done since 2004 to further modernize, harmonize, and streamline Alberta's securities laws and also to ensure that Alberta supports Canada in meeting its international commitments. This bill strengthens protection for investors and fosters confidence in Alberta's capital markets.

I encourage all members of the Legislature who want to continue to attract investment and protect investors to support Bill 4. With that, Mr. Speaker, I'll leave it open for other members of the Legislature.

The Acting Speaker: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Yes. Thank you very much, Mr. Speaker. It's a pleasure to rise and say a few words regarding Bill 4. Certainly, we had quite a discussion on this yesterday, I believe, in committee. The hon. Member for Calgary-North Hill is absolutely right in his summation of the bill. When you listen to the hon. member's comments, one is hopeful that this latest amendment will do precisely what the hon. member has suggested it will do. This is another in a long series of amendments to our securities regulations, and I certainly at this hour am not going to go into any detail on the national securities regulatory body or anything of that nature. We have supported this bill in committee, and it's also a pleasure at this time to support it at third reading.

Thank you.

The Acting Speaker: Any other members wish to speak? The hon. Member for Calgary-Glenmore.

Mr. Hinman: Yes. I'd just like to briefly speak on this in support. It's always interesting to see the government when it makes the proper steps and realizes the importance of securities and investment here in the province. It's good to see that they're making some efforts to secure that. I just wish that they'd have respect for all contracts and not undermine those people that are thinking to invest in Alberta and to raise money, whether it's for oil and gas or some other project that the minister might want to rescind those different licences for that have been given out. It's good to see that we're going to have strong Alberta securities, and I just wish the government would follow that consistently and respect the rule of law so that we would indeed attract the best, the brightest, and the smartest people here in the province in investing and developing our resources and our people.

Thank you.

The Acting Speaker: Standing Order 29(2)(a) allows for five minutes of comments and questions to the last speaker.

Any other members wish to speak?

Does the Member for Calgary-North Hill wish to close debate?

[Motion carried; Bill 4 read a third time]

Bill 5

Notice to the Attorney General Act

The Acting Speaker: The hon. Member for Leduc-Beaumont-Devon.

Mr. Rogers: Thank you, Mr. Speaker. I'm pleased to rise today and move third reading of Bill 5, the Notice to the Attorney General Act.

This legislation consolidates and updates notice requirements that ensure that parties notify the Attorney General about certain matters. It is very important for the Attorney General to receive timely notice about and, if necessary, to be heard on these issues, allowing the Attorney General to be able to protect the interests of Albertans and be in a position to defend the constitutional validity, applicability, and operability of Alberta's legislation, Mr. Speaker.

Bill 5 clarifies the requirements for adequate and timely notice to be given to the Attorney General. It includes regulation-making powers to ensure this legislation stays up to date with evolving litigation trends. It includes a specific provision to ensure the Attorney General is notified about allegations of inadequate consultation with aboriginal peoples.

Mr. Speaker, I'd like to thank all my hon. colleagues for their continued support of this legislation and look forward to its passage. Thank you.

11:50

The Acting Speaker: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you very much, Mr. Speaker. Certainly, we have had previous discussions on Bill 5. I would just like to say to the hon. Member for Leduc-Beaumont-Devon that he has done his homework, again, on this bill, and I on behalf of my colleagues appreciate your efforts, sir. Certainly, the Notice to the Attorney General Act is everything that the hon. member has suggested in his remarks that it is. Hopefully, it will resolve some of the matters that concern our First Nations people. Thank you for that.

I hope this bill is voted for this evening by all members of the Assembly at third reading. Thank you.

The Acting Speaker: Any other members wish to speak?

The hon. Member for Leduc-Beaumont-Devon to close?

Mr. Rogers: I call the question, Mr. Speaker.

[Motion carried; Bill 5 read a third time]

The Acting Speaker: The hon. Deputy Government House Leader.

Mr. Renner: Thank you, Mr. Speaker. I would move that the Assembly now stand adjourned until 1:30 tomorrow afternoon.

[Motion carried; the Assembly adjourned at 11:51 p.m. to Thursday at 1:30 p.m.]

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