

**Bill 16 (became Recreational Access Regulation)
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Second Reading, Committee of the Whole, and
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head: **Government Bills and Orders**
head: **Second Reading**

**Bill 16
Agricultural Dispositions Statutes
Amendment Act, 2003**

The Speaker: The hon. Minister of Sustainable Resource Development.

Mr. Cardinal: Thank you very much, Mr. Speaker. I wish to move second reading of Bill 16, the Agricultural Dispositions Statutes Amendment Act, 2003.

Mr. Speaker, the intent of the bill is to promote co-operation and respect between disposition holders and other users of public leased land for grazing. In particular, it addresses recreational users and industry that may want access to the land for exploration. The legislation sets clear rules that encourage better communication.

We provide these leases because we recognize the importance of grazing to the sustainability of these public lands. Over the years the farmers and ranchers with leases have provided excellent stewardship, taking care to ensure that these lands are kept in good condition. At the same time we recognize that other Albertans, such as hikers, hunters, and anglers, want access to these lands also.

[The Deputy Speaker in the chair]

There are about 10 million acres of agricultural public land, also known as the white area, and about 5 million of those are currently leased. We work with about 5,700 grazing leaseholders to manage these lands, Mr. Speaker. For background, we have almost 100 million acres of public land in the province of Alberta, of which 86 million acres are in a green area. Less than 1 percent of the green area is under agricultural lease that would restrict access.

The department will continue to use a commonsense approach to this legislation.

An Hon. Member: That'll be new.

Mr. Cardinal: That'll be new, but we'll do that.

Right now legislation and regulations do not specifically address the rights of either these recreational users or the leaseholders, Mr. Speaker. This can lead sometimes to confusion. If there is a conflict now, the only solution is the courts, which can be lengthy and very costly. The new legislation and regulations clearly state the rights and responsibilities of the leaseholder and the recreational user.

These leaseholders are the stewards of this land and need to be aware of who is using it, Mr. Speaker. Recreationists also want to access these lands. Most people who go hunting or hiking want to know where they are, whether it is on public land or private land. This is something recreationists have asked for since the early 1990s. This legislation balances these needs. For example, leaseholders will be required to provide contact information to the department and allow access for defined recreation purposes unless there are extenuating circumstances; for example, in some cases when there is a fire danger or when users want access to fenced pasture where livestock are present. On the other hand, recreational users will be required to contact the specific agricultural disposition holder prior to entering the land for recreational purposes and follow the duties outlined in the regulations, such as packing out all litter, not lighting fires without consent, and closing gates where possible.

The legislation will be accompanied by better information than was available before: a brochure including general information, public lands' office phone numbers, toll-free telephone lines, and the web site; a train-the-trainer program to help our staff provide local information sessions; and continued use of our Use Respect signage to encourage more use in potentially high traffic areas. The web site will allow leaseholders to be contacted but will contain safeguards to protect the privacy of leaseholders. As well, under legislation the leaseholder will have reduced liability for the recreational user.

This legislation also provides an appeals process for the resource companies who want to access the lands for exploration purposes. In the past once a leaseholder refused access for exploration, the company had no right to appeal the process. All the current processes of negotiation and a review will continue to occur until the leaseholder ultimately rejects the exploration request. Under the proposed legislation, Mr. Speaker, if a leaseholder refuses entry, a new dispute resolution process can be used. The final step is that the company can go to the Surface Rights Board and apply for a right-of-way entry in order to explore on a grazing lease or a farm development lease. In this way the explorer's activity is dealt with the same way as oil and gas development accesses.

Mr. Speaker, this bill rescinds the Agricultural Dispositions Statutes Amendment Act that was passed by government in 1999 but not proclaimed. The intent of this new bill is similar: good stewards of our public lands. With regard to compensation the original legislation only dealt with part of this issue; that is, the compensation payments. We will continue to study the issue of surface compensation as well as rental rates and assignment fees as a package over the next year or so. The key stakeholders in this government are confident that we can develop a better solution on these issues than contained in the former act, a solution that is workable for leaseholders and all Albertans. One other change from the former act is the continued payment of taxes directly by the leaseholder to the municipality. This is an efficient process that we want to continue.

Our legislation builds on extensive public consultation that occurred in 1997 and reflects recent discussions with the stakeholders. We believe our new legislation accomplishes a balanced approach. It considers the varying needs of users and provides secure access for our resources.

Thank you very much, Mr. Speaker.

The Deputy Speaker: The hon. Member for Edmonton-Ellerslie.

Ms Carlson: Thank you, Mr. Speaker. Happy to have this opportunity to speak to Bill 16, the Agricultural Dispositions Statutes Amendment Act, 2003. Well, the one thing we know for sure is that as long as there are grazing leases in Alberta, there is going to be controversy about a variety of the issues surrounding grazing leases, and this is certainly no exception.

This bill is a case where we did get a briefing by the department prior to the bill being put on notice – I don't think even the final drafting was done – and it's good information to have, certainly, to go over what the highlights of the bill are going to be, what both sides think are controversial issues. In some cases we can decide to agree on some aspects of the bill and disagree on other aspects of the bill and move forward from that point. It's more helpful to get a briefing on the bill when we can see more information, more detail of what's going to be in the bill, so I was quite pleased by the part of the Speaker's ruling that talked about the potential for us seeing bills ahead of time on an embargoed kind of basis or any other kind of basis. So I look forward to those kinds of discussions and debates being held and new rules being put in place around that.

4:00

What we see before us with Bill 16 is the result of a bill that was talked about back in 1999. There are about 5 million acres of public land leased for the purpose of grazing with about 5,700 grazing leaseholders, and those 5 million acres account for approximately 3 percent of Alberta's total geographic land. It happens to be land, Mr. Speaker, that is used for multiple purposes, not the least of which is recreation, and that seems to be where the most amount of conflict comes between existing leaseholders, recreational users, and then oil and gas who want access to the land for a variety of reasons.

When we saw Bill 31 come forward in 1999 and subsequently being passed, what we also saw after the passing of that legislation was some really quite strenuous discussion and objection from a variety of stakeholders but most especially grazing leaseholders, Mr. Speaker. Bill 31 at that time was intended to establish dispute resolution processes for industrial and recreational land access disputes and to clarify the rights and responsibilities of leaseholders and other persons in respect to the access of public land. These changes actually never attracted too much attention during the actual debate of Bill 31. What made it so controversial was that the government planned to change the terms of all the leases held to public lands so that the lessees would no longer receive compensation from resource companies who were using the same land. This was very controversial in part because lessees paid out approximately \$3 million in fees for the rights to their leases but received over \$40 million in compensation from resource companies.

The other controversial issue at the time was that the government was going to see changes in terms of the lease, which is a contract, unilaterally so that lessees received no compensation for the land they had paid to use but lost to resource operations. We saw that at the time as a breach of contract law and that there should have been some compensation.

Most of the debate happened after the bill was passed. At the time of passing, the Premier talked about taking some time before they would proclaim it, pending further consultation with those affected. He said that they would make a change to the bill, saying that the amendment will empower the agriculture minister to make regulations and that it would probably take about six months for that bill to be proclaimed. So that was in May of 1999. Here we are in March of 2003, and we see a new bill in place, and those controversial sections are out of this bill so that, hopefully, they can get this part of it passed, which deals with the least controversial portions of the old Bill 31.

The minister talks about those more controversial parts being brought in later on, and I'm sure there will be a lot of debate. Sometimes it's easier to get controversial legislation passed in the first part of the Legislature, when people don't seem to be paying as much attention as they do when the weather warms up and we get towards the end of it. He might have brought these bills in in the

wrong order, Mr. Speaker, but that remains to be seen, and I guess we'll see it during the debate.

For the most part, we don't have too many concerns with this bill as it stands. It clarifies the rights and responsibilities for recreational and exploration access to public land used for agricultural purposes, and that's a good thing. The dispute resolution mechanisms are created, and to have those resolutions is also a good thing, Mr. Speaker. We have some concerns around those, which I'll get into. In principle they're very supportable, but in a practical application they may not be as useful as other forms might be, so we're looking at that now in terms of potentially bringing an amendment when we get to committee stage.

We, as always with these bills, have a concern about the regulations. Once again we see in this bill that a lot of the power is going to be designated to regulations, and some of those decisions, Mr. Speaker, are quite substantive and should in fact, we think, take place on the floor of this Assembly so that the reasons for putting them in place are talked about, the reasons why some parties may not like them to be put in place are talked about, and that is public information that people can review and look at later on to make comments on and understand the process of how it happened. [interjection] Yeah, we may be looking at that too.

The biggest concern we hear from groups at this stage is that the new fees that are talked about here could be substantial and may create some issues for groups. They're taking a look at it now. So for the most part it's not too bad, but we do have some concerns with a few parts of it.

Really, the stakeholders who were unhappy with this particular bill were those who are primarily recreational users, and I think they have some legitimate concerns. The minister talked about the process for people notifying leaseholders that they want access to the land, and in theory that sounds like a really good idea, but it's a little harder in practical application when you get out on those 5 million acres and decide where it is you want to go and how you're going to plan your trip. What this means now is that recreational users have to put in a great deal of planning and thought to where they're going to go, when they're going to be on the land, and how they're going to access it. So the spontaneity of being out on some of these slopes and deciding to change your route for whatever reasons – there could be a multitude of reasons why you would want to do that – is going to be lost because you're going to have to notify leaseholders now that you want to cross their land. So if you're out there and you want to go somewhere, you hope, first of all, that it's well posted, that you're notified that you're going to be going onto grazing leases. That should be obvious in most cases because there'll be fences, but then there has to be some sort of notification process, I think, posted on those fences so that if people are there and want access, they can.

The way the process is set up now, it seems to me – unless I've misunderstood it – that they've got to take a look at a map and they've got to notify local offices on the web site or by phone or, I'm sure, by fax and find out what the access number is to get permission from the leaseholder and then wait for that leaseholder to respond back to them. We hope all that happens in a timely fashion, but we don't know how long that process is going to take, and I think those are legitimate questions to ask. What are we looking at for a turnaround time here in order for people to get permission? This is not the kind of province where people plan their hikes out in that kind of detail far, far in advance. I'm a hiker, and certainly I know that often when we get out there on the slopes, we'll change our mind about where we want to go, and it doesn't look like that's going to be a viable option if it's a grazing leaseholder's land that we want to go on to.

I understand the leaseholders' concerns, and I think some of the rules being put in place are very good. We should always, when we're in the countryside, pack out our litter. There is no doubt about that. I'm not a supporter of having open fires at any time because of the high potential for fire damage. There are many ways that heat and cooking materials can be provided for other than open fires, so I think that's a good regulation. Definitely, any responsible hiker will be very careful about things such as closing gates, and certainly, in our case, staying out of fields that have herds on them unless you're some distance from them. You can be disruptive to the herd, and of course the herd can be quite disruptive to you if they choose to do so. So just an issue of safety on both sides. That part is good, but we do see, certainly, a cramping of style and access for recreational users. I talk about hikers, but this applies to other recreational users, too, including snowmobilers and horse riders and ATVs. So I think that that's a part of the bill that's going to be under some discussion in the future and needs to be talked about.

4:10

The dispute resolution is another part that might be of issue. The law previously was very unclear as to whether recreational access had to be allowed by the disposition holders. For exploration access the lessee had total discretion to accept or reject access proposals with no appeal for the company, and these areas needed to be clarified and changed respectively, and a dispute resolution process needed to be implemented. So this bill does accomplish those goals.

I see in the very near future that we will have, I believe, increased controversy between resource companies and leaseholders as we see water become an even greater scarce resource than it is right now. We have these rules now where resource companies can use freshwater in a nonrecoverable kind of manner. We've seen already resolutions being passed by municipalities and different agricultural associations to say that they are urging the government not to let resource companies use clean water for injection purposes. As that fight heats up, I believe we can see more issues arise in terms of land access. So definitely it's very timely to have a dispute resolution process in place.

The dispute resolution process, if I recall correctly, is having a designated person in a region be the person who makes the decisions. Of course, when there's only one person in charge of that process, there are always going to be some issues. Some people will say that one person is better than a panel because they're easier to find and the dispute is resolved quicker, and I think both of those statements are true. However, you don't have the kind of balancing or mitigating aspect if there is an issue between personalities or if the person making the application believes there was any unfairness or bias in the decision. There's no balancing effect there, so that's, I think, an issue. In addition to that, we don't know what the appeal process is if someone doesn't like the decision. So if we could get that clarified in committee, that would be helpful.

So it's mostly good. I think I'd like the minister to address those issues that I've talked about there and see where they go.

Public access to public land, of course, is a long-standing argument in this province. Stakeholders such as some environmental groups certainly believe that the public should have foot access to all public lands at all times, and Bill 16 now requires any person who wishes to enter leased land for recreational purposes to contact the leaseholder, who is required to allow reasonable access. So this provision will certainly be disruptive to recreational use, but it seems to be at least a move towards some kind of a balance in terms of safeguarding the rights and privileges of the person who's paying for access to the land. But I think it is a big issue, and I think it's one that we need more explanation on, or I do believe we will be

bringing an amendment forward in this regard. The regulations are always a problem.

I really do want the minister to tell us why so much of the detail will be left with the devils behind close doors. [interjection] The minister says: only angels. Well, Mr. Speaker, that may be his interpretation, but in my 10 years here I'm not sure that that's how I would define it. I think that the way I did define it was far more accurate. While some of the regulations are of the quality that the members have talked about, some of the other regulations are not of such a high grade and are not quite so explainable.

So with that, Mr. Speaker, I will conclude my remarks at this time. We're looking forward to hearing the debate on this particular bill and certainly looking forward to hearing a little more from stakeholders than we have so far. It certainly seems a lot quieter than the last time we talked about this bill in this Assembly, but perhaps the days are early yet.

Thank you.

The Deputy Speaker: The hon. Member for Innisfail-Sylvan Lake, followed by the hon. Member for Edmonton-Strathcona.

Mr. Ouellette: Thank you, Mr. Speaker. It's a great pleasure to rise and join the debate on Bill 16, the Agricultural Dispositions Statutes Amendment Act, 2003, sponsored by the hon. Minister of Sustainable Resource Development. Sustainable Resource Development manages about 90 million to 100 million acres of public land. Our programs and services are designed to ensure sustainable and integrated use of this public land, achieving the greatest benefits – environmental, social, and economic – for Alberta. To reach this goal, all users need to be aware of their responsibilities and to be good stewards.

Mr. Speaker, Albertans such as hunters and hikers are unsure of their rights and responsibilities on public land that are leased for grazing. Bill 16 provides direction to clarify any uncertainty surrounding this issue. Occasionally, leaseholders of public land may have differing and firmly held views of their rights. By promoting improved communication and co-operation between recreational users and leaseholders, we will be keeping the access of public land open to the public with consent of the leaseholder. Bill 16 promotes increased and improved communication as well as co-operation between recreational users and leaseholders.

Under Bill 16 the leaseholder must provide reasonable recreation access to the public lease land. Although an agricultural disposition holder must provide reasonable recreation access to the land, the regulations recognize that there are times when the disposition holder can say no or put conditions on access. Examples of such incidents include the presence of livestock or a high fire hazard, such as we experienced this past year. Mr. Speaker, these are examples of a leaseholder's business and livelihood being seriously impacted by members of the public who do not understand livestock behaviour or the risks livestock pose. This is why there needs to be an open line of communication between the leaseholder and the public user. Respect for the land and each other by both parties will ensure that public land is being used to its fullest potential.

Bill 16 will legislate that the recreational user will have to contact the leaseholder prior to coming onto the land. The majority of recreationists already take this step and recognize that the leaseholder needs to know when someone is on their land. This also provides the leaseholder the opportunity to provide information, including any hazards that they should watch out for.

The Department of Sustainable Resource Development is constructing a web site that will provide easy access to the necessary contact information, thus making it easier for recreational users to

get in touch with the leaseholder of the public land they may wish to use. Stakeholders have tested the site, and the consensus is that the site will prove to be extremely useful and will be an important tool for promoting communication and co-operation. Mr. Speaker, with Bill 16 government will initially focus on providing information about the new rules. It is expected that stakeholders and Albertans will co-operate fully and provide a good start to opening the provincial doors of communication and co-operation.

The Department of Sustainable Resource Development has to monitor how the new laws and regulations are working, especially during the early stages, when people are just learning about the new rules. As well, there's an information dispute resolution process available to both leaseholders and recreational users where there is a conflict.

4:20

Mr. Speaker, Bill 16 also provides a legal mechanism under the Public Lands Act to deal with recreational users and agricultural disposition holders who abuse their rights. This legislation allows the minister to impose a penalty where either the recreational user or the agricultural leaseholder contravenes the legislation. In other cases, if court action is taken and the person is convicted, the court can impose a fine of up to \$2,000. This is consistent with other laws in Alberta.

Mr. Speaker, public land is just that: land for public usage. At the same time, if that land is being leased, there needs to be respect and consideration for the leaseholder when it comes to public use of the rented land. Bill 16 will improve communication and co-operation between the recreational users and the leaseholders. This will keep access to public land open to recreational users while still respecting the rights and obligations of the leaseholder.

We are all aware of the important role that oil and gas exploration plays in the economic prosperity of Alberta. Bill 16 will allow seismic exploration to be undertaken for conventional oil and gas on public land, which will ensure that future generations can enjoy the same economic prosperity through Alberta's natural resources as we have.

Mr. Speaker, I encourage all members to vote in favour of Bill 16 and vote in favour of keeping access to public land open to recreational users. Thank you, Mr. Speaker.

The Deputy Speaker: The hon. Member for Edmonton-Strathcona.

Dr. Pannu: Thank you, Mr. Speaker. I rise to speak to Bill 16, Agricultural Dispositions Statutes Amendment Act, 2003. This bill, it looks like, supersedes Bill 31, that this House spent a great deal of time four years ago debating. If my memory serves me right, I think it went to third reading, and it has since been waiting to be proclaimed. Now we know that it will never be proclaimed. We've got this new bill now, which at least suggests to me that it really shows that the government has succumbed to the enormous pressure that it was under from some special interests in this province, primarily the leaseholders and especially big ones and rich ones among them.

Mr. Speaker, it really is a sad commentary on the commitment of this government to protect public interest, when based on its own news release, which the government released, I guess, on May 18, 1999, it gives very interesting information on the amount of public revenue that will come to the public Treasury. If Bill 31 had been proclaimed in '99, its own figures indicate and show, according to this government release of May 18, 1999, that while the leaseholders pay about \$3.5 million annually in lease payments to the public Treasury, they collect over \$40 million annually.

My guess is that even if the government had proceeded with the

proclamation of Bill 31 and the government had been able to negotiate at least \$20 million annually to be paid by leaseholders from the income that they received from the surface compensation they get from oil and gas companies, the Treasury of this province would have been at least \$20 million richer annually. I'm using approximate figures. It could be more; it could be less. So by today we would have been as a province richer by at least a hundred million dollars, money that we could well spend either on improving children's services or on education or on seniors' services; you name it. But that was not to be. This government, as I said, sold out public interest in order to placate a few of its powerful supporters, who are the big leaseholders.

The government's own numbers indicate that – here are a few cases that the government itself provides – on one existing land operation it is estimated that a grazing leaseholder pays less than \$30,000 per year in rental and taxes and receives a value of \$400,000 in surface compensation annually. Another figure that's given here: another leaseholder pays less than \$650 per year in rentals and taxes and receives approximately \$75,000 per year in surface compensation.

I can go on using the government's own data to draw attention to the rationale that the government used to justify bringing forward Bill 31 during the debate, but Bill 31 was destined to be frozen in its tracks, as it were, because these powerful special interests were able to twist the arm of the government, either of the current minister or of the minister who was in charge then or of the Deputy Premier of this province, to get their way. So it's very disappointing, Mr. Speaker, that this Bill 16 abandons the government's own commitments which were reflected in Bill 31. If they had been respected, if those commitments had been adhered to by this government, the public interest would have been well served.

It's a sense of *déjà vu*. Time and again this government betrays its own commitments to the people of Alberta and sells out to special interests because they happen to be powerful, and since they are powerful, their interests come before the common good and the public interest. It's a crass example of the determination of this government to continue with both corporate welfare and cowboy welfare. This is exactly a clear illustration, Mr. Speaker, of the government's real commitment to powerful special interests in this province at the cost of serving the common good and the cost of the public interest, that ought to be its first and foremost responsibility to serve and protect.

In addition to the giveaway in terms of revenues to both the powerful stakeholders, who happen to be big ranchers, and also in facilitating further access by oil and gas companies when they seek rights to enter these lands, which are public lands but on lease to private leaseholders, thereby easing the entry of these companies onto those lands while at the same time restricting, in effect, by way of the changes that are made here to public access to those lands, this government has really shown its real colours, which is that it will not stop short of depriving Albertans of their fundamental rights of public access to public lands so long as it sees that it has to address first and foremost, put as its first priority, the concerns of a small minority of Albertans whose support it seeks and in whose interests it acts all the time when it has to make choices between the rights of average, ordinary, severely normal Albertans on one hand and the privileged and powerful few on the other.

4:30

Mr. Speaker, we received communication from the Alberta Wilderness Association and the recreational association of Alberta, and these nongovernment organizations are very concerned about the way their rights have been put at risk, right of access to public lands,

just so that the government can protect the privileges of its good friends both in the oil and gas industry and in the ranching industry.

The next point I want to make, Mr. Speaker, is the sort of lack of respect for the work of this House that this government shows time and again. Bill 31, a government bill brought before this House in 1999, debated here through all the necessary stages, received the approval and support of this House, and then the government decides to completely ignore it and make sure that it dies. That speaks to the general sort of attitude of dismissal which amounts to contempt of the work that this House does here. It's very sad to see this government violate its own commitments made previously in so blatant a fashion and not to respect the decision of this Assembly, that it is supposed to do. The executive branch of the government rules supreme in this province. In its operations it undermines the value of the work of this House, its constitutional authority, and its constitutional role in the process of developing its laws.

So this bill, Mr. Speaker, is something that I must speak against. It's regrettable that it replaces a much better bill, that the government had brought before this House in 1999 and asked this House to seriously debate, improve through debate, and vote on. We all voted on it. All those votes, all that debate, all those hundreds of minutes, hours and hours of work that we did on the bill now are nullified. They're of no avail. What we get in its place is a bill that's seriously flawed for the reasons that I have stated. So myself and my colleague, the Member for Edmonton-Highlands, will have an opportunity to speak on this bill later on in the remaining stages of the debate on this bill.

So with that, Mr. Speaker, I conclude my comments.

The Deputy Speaker: Comments or questions?

Further speakers? The hon. Member for Edmonton-Glengarry.

Mr. Bonner: Thank you very much, Mr. Speaker. I do enjoy this opportunity to speak this afternoon to Bill 16, the Agricultural Dispositions Statutes Amendment Act, 2003, and I must commend the Minister of Sustainable Resource Development for bringing this bill forward because the use of Crown land, certainly the use of leased land in this province is forever changing. I do realize that this bill is a wise attempt to try and improve previous legislation that was passed in this House, and I think that it is a wise move anytime that we have legislation which does pass in this House that members of this House obviously have reservations about that we do delay implementing it, particularly if we do have a better piece of legislation which does come forward. In my estimation, from what I've read so far, I do think that Bill 16 is an improvement on Bill 31.

That being said, Mr. Speaker, I still think that there are some issues with Bill 16 that have to be clarified, some issues that I know the minister will be commenting on as we move into Committee of the Whole, and I look forward to further debate on this particular bill.

The primary objectives of Bill 16 are threefold, the first being that there is a dispute resolution process for exploration access disputes on leased lands. This is certainly critical because many people in this province that have had leased land or have had leases on land for some time have certainly put a lot of effort into those and are reliant on the income from some of those lands, whether it be through leases with oil companies, whether it be for their grazing practices, or whatever. The last thing we need, certainly, is full-blown disputes on leased land.

I look at the situation we have in northern Alberta right now where we have the Northern Oilfield Contractors Association and the First Nations councils which are striving very hard between both groups to settle the disputes arising over access to Crown land, and I think

when I look at Bill 16, that this is certainly the first step, an initial step, towards looking at some of those issues between the First Nations and the Northern Oilfield Contractors Association. This will prove beneficial to all parties in settling those disputes, and I know it is the goal of all members that we get those disputes settled so that our northern communities that rely heavily on the Northern Oilfield Contractors Association and all the spin-off industries that happen to take place as a result of this will stay strong, that the rights of Treaty 8 for the First Nations will not be violated, and that all parties will participate in a win/win situation.

Now, then, the second objective of Bill 16 is a dispute resolution for recreational access disputes on leased lands. Again, this is an ever evolving issue in this province where we certainly have vehicles that give us much more access and much more range when we do leave the beaten path and get off our highways and secondary roads. So, again, this will offer the leaseholders some type of resolution as to how to deal with these problems. Unfortunately, when we do get into not only the rural areas but the wilderness areas of this province, then it is critical, when we don't have fences and we don't have signs posted and whatever, that these things can be worked out.

The third primary objective of Bill 16 is that there is a clarification of rights and procedures for recreational access on leased lands. Again, this will alleviate the confrontational type of activities that we could have between the leaseholders and those wishing to use that land for recreational purposes. So I see from these three primary objectives that this will certainly lessen the opportunity for conflict.

4:40

Now, then, as well, with Bill 16, Mr. Speaker, there are other changes that must be noted. Of course, some of these other changes include that the minister can issue overlapping leases without the lessees' consents. As well, another change that must be included is that it allows maximum penalties for contravention of the Public Lands Act. Again, this is welcomed because it does provide for Albertans some type of protection for their public lands.

By way of history, Mr. Speaker, there are in the neighbourhood of 5 million acres of public lands that are leased for the purpose of grazing to about 5,700 leaseholders. That is quite substantial when you think of it, yet these 5 million acres account for only approximately 3 percent of Alberta's total geographic land. So this is in some areas, I guess, not that much, as well, if we're only talking 3 percent of the land but, again, vital that we do have legislation that will cover these lands.

Now, then, unlike the Member for Edmonton-Strathcona, who spoke previously, I feel that Bill 31, which was the predecessor of Bill 16, even though it was debated and passed in this House, what was realized was that this was inadequate legislation for what we had. Certainly, if there's one body in this province that should be able to say that we've got a better idea, we've got legislation which will serve our needs, we've got legislation that will address potential problems, we can do it better, then certainly this is the body that should be able to say: we are going to hold back on legislation because there is a better way.

So, yes, we did spend a lot of time, but it wasn't wasted time. I think that in their own way many of the discussions that we held and that occurred here for various hours throughout the session on Bill 31 were extremely valuable because all members in this House had an opportunity for input into that bill. Certainly, that is one of the reasons we do have debate and more important than any bill that we pass in this House. That this House stands for the symbol of free speech is more important than anything else we do. So I agree with the holding back of Bill 31.

Now, then, as well, when I look at Bill 16, one of the things that

I do like is the dispute resolution. Previously the law was unclear as to whether recreational access had to be allowed by disposition holders. For exploration access the lessee had total discretion to accept or reject access proposals with no appeal for the company. These areas needed to be clarified and changed respectively, and a dispute resolution process needed to be implemented. This bill, certainly, Mr. Speaker, will accomplish that goal.

[The Speaker in the chair]

As well, when we look at this new piece of legislation, stakeholders such as the Alberta Wilderness Association believe that the public should have foot access to all public lands. Now, then, Bill 16 requires any person who wishes to enter public leased land for recreational purposes to contact the leaseholder, who is required to allow reasonable access. This provision will certainly be disruptive to recreational use, but it seems to be a reasonable balance, seeing as the lessee paid for access to the land and, therefore, should have priority in terms of safeguarding rights and privileges. I certainly think that we do have to have the permission of the leaseholder to enter those lands. This is wise and particularly if it is people using that land who would be unfamiliar with the land. The leaseholder would be the most qualified person to know where the dangerous areas of the land are, if there are any, and certainly could inform those people of any situations where public safety would not be able to be maintained if they were not familiar with what was happening.

I know that we did, in our discussions earlier, talk about the regulations. In Bill 16 there are many sections that delegate power to regulations. Again, I have a caution here. The caution is that because in Bill 31 we had legislation that was not adequate, it was never put into force. When we rely on regulations, Mr. Speaker, we certainly don't have the opportunity for full debate in this Legislature on those regulations. I think that in many cases our legislation would even be improved to a greater extent if we did have more debate on these issues rather than leaving them to regulations, particularly when many of these are important considerations that could have and should have been included in the bill. This is a major issue with much legislation, and certainly these issues should be addressed in debate.

Now, one of the things that Bill 16 does is offer important clarification of rights and responsibilities, and it implements needed dispute resolution processes. It is certainly a much better bill than Bill 31, and it addresses all issues that have come up since 1999, so it will be much better legislation than what we have now.

So, Mr. Speaker, I appreciate the opportunity to speak to Bill 16 this afternoon, and I certainly await Committee of the Whole to hear further comments from the minister and have him address some of the concerns that we do have with the bill. Overall, certainly it is a bill that I support, that my colleagues support, and I would encourage all members in the Assembly to support this bill.

Thank you very much.

Mrs. McClellan: Mr. Speaker, it gives me great pleasure to rise and join in the debate on Bill 16. The hon. member of the third party probably moved me to get up and speak by some of his comments. I hope he'll take the time to review some of the comments that are made by other members, such as the member who just spoke, Edmonton-Glengarry, and understand a little bit better what public lands are all about and that there are a variety of types of public lands in our province and that we manage them in a variety of ways.

Essentially, we're talking about lands that are under an agricultural disposition that may be also utilized for energy or gravel or some other type of activity on that land. We have public lands that

the public has the right to utilize. They are provincial parks. They are federal parks. They are reserves. But, you know, few people really understand that even in those parks there is restricted access. I'll give you an example: Dinosaur provincial park, one of the real gems of our province. It is, you know, a national heritage site. There is fully 50 percent of that park that you as the public may not visit unless you are accompanied by a paleontologist on a dig. That's a restriction, and I'll tell you that it is one stiff restriction. The rest of the park has access, but again it is limited. You can't ride a horse in Dinosaur provincial park.

4:50

Yet we somehow have this idea that when a rancher or a farmer leases some land under an agricultural disposition, which he pays a rental and a fee for, the rental being based on a formula that is based on the productivity or the productive value of that – it's a formula that's devised for that purpose – somehow that land is open season. I've tried to explain this to people and say: you know, if the government owned a public building that we leased to a private individual for their purposes of business, would you expect to be able to go in and utilize that building, perhaps use the bathroom, the copier, have coffee in the coffee room? No. Could you pitch a tent on the grass in front of it? Well, I would expect that in the city of Edmonton there would be a little car with blue and white flashing lights come up and tell you to leave. Yet somehow, when it's under an agricultural disposition, it takes on a whole new connotation.

You know, living in a rural area – and I can tell you that I'm not a holder of public lands at this point in my life but certainly have had some association with it – we live in great harmony with the people who are hunters, people who want to snowmobile. Very, very rarely is there ever an incident. When there is, it's not too pleasant, but rarely. Generally, producers or people who hold these dispositions do not mind if the public want to access that land for snowmobiling or something. However, when they have all of their investment in their best purebred herd of cattle or horses on that land, they obviously want to know what the public might be doing there. We generally don't like to have our very best cattle and horses out in hunting season because there seems to be a bit of a difficulty at times in determining which are deer and which are cattle and horses. So it's a matter of: use respect, ask permission. That program has worked tremendously well in the province. We've had hunters that have come back to our land, private land, year after year after year. They become friends, and it isn't an issue.

I think we have to understand that there are a variety of public lands in this province and that the producer rents the surface of that land for an agricultural purpose, no different than the land, I think, that I hold as a private individual under title. So when somebody wants to have another activity – and it could be oil and gas; I can say, again, a lot of that activity in our province – generally, absolutely not a problem. Generally. We only hear about the incidents.

But we do have a formula, and really there isn't a lot of negotiation. It is set, whether it's nuisance, loss of use, disturbance, all of those things. It's calculated and determined. For example, if it were on our land, if we were growing mustard on that quarter, if they were going to take out X number of acres, they count how much mustard you would produce on that, they multiple it by the market price, and that determines the loss of productivity, whether they have to put a road in to have access to it and the problems that it can cause the producer himself for access. These things are all determined. The Surface Rights Board has served this province well for many, many, many years. I had the honour of being minister responsible for the Surface Rights Board for almost four years, and I can tell you that they do an exemplary job of dealing with those times when issues do come up, and they settle them quite well.

I wanted to say that I think it's a responsibility for all of us to try and understand the differences of where we live in this province. It's a vast province, and the issues that we face in different parts of it, obviously, differ greatly. I've tried very hard to understand the urban issues that my colleagues face in the urban areas and have spent some time trying to do that. The longer I spend here and the more time I spend here, I wonder sometimes if I'm an urban resident or a rural resident anymore, but I think that is what we need to do.

I believe that the amendments that have been made in this bill, which have been brought forward by all of the players, are the ones that we should really concentrate on, and to suggest, as I thought I heard the hon. leader of the third party say, that there was a lack of respect for the House – and I'm going to review the Blues. I don't understand exactly what that means because this Bill 31 was passed and not enacted. If that's what I heard, it's an interesting concept, but, you know, I think I would prefer the way we're doing it now. If you pass a bill and a problem arises and it's identified to you, doesn't it behoove you to fix it? Or do you just say: well, we did this and we agreed to this and we're – I don't know what the expression is. I probably can't use it in the House. But we'll go full blast ahead.

I think this is the right way. A great deal of time was spent by some of my colleagues in this Legislature talking to people who wanted to use this land for recreational purposes, who have a concern about the environmental stewardship of the land, who want to use this land for an economic benefit, whether it is for the agriculture disposition that it's been leased by or the company that may want to drill for oil or gas on it or extract gravel from it. When these people take the time to sit down with us and say, "We have some issues; we'd like to try and clarify them," I think it behooves us to listen. Maybe Bill 31 wasn't perfect. Maybe it was a perfectly good start. Maybe this one won't be perfect, but it's probably better than what we had, and that is our objective: to ensure that all of the users of our land, especially our public land in this province, have the opportunity to access it in the best way.

Much of the land that we talked about in this is very fragile land, and it is incredibly important that we have good land management practices. In my constituency I have 5 million, 6 million acres of land that is in a place called the special areas. Some of my colleagues that live far north have some people who moved from that area in the '30s, when we had a drought and the land virtually blew away, Mr. Speaker. Today I'm proud to say that even in these drought years that we've experienced in the last two to four years, there was very little land moving in the special areas because of very sound, very strict land management practices. So I say that because it is important that we recognize that much of this land is fragile, and it's important we keep it.

5:00

My colleague from Highwood brought forward the bill for the emblem of Alberta, identifying rough fescue as our grass. Do you

know that Alberta has more of that grass left than any of the other prairie provinces? We have more of it left in our province. In fact, I think we're the only province that has all four varieties of this, and I have to believe it's because very good land management practices have been established in this province.

Mr. Speaker, in my view all Albertans' interests are important. None takes precedence over the other. But in my experience good-thinking people can sit down, resolve the issues. Yes, some have to give a little here and a little there, but you can reach something very manageable. I think that has been achieved, and I applaud the people who worked on the first round of solving some of the outstanding issues on this, what is now what I call the second round, and we have Bill 16. I'm certainly listening to input that I hear from people in my constituency as to how they see it and making sure it does address the problems that were perceived to be in the original bill.

I think that we can move forward, make the best use of this land for agricultural purposes, for other economic purposes, for recreational users, and maybe most of all and most importantly to us is to ensure that we have good environmental stewardship of this land. I think this bill will allow us to do all of that, and I commend my colleague for bringing it forward and for all of the hard work that has gone into bringing this bill to this point today.

The Member for Edmonton-Glengarry talked about the importance of a dispute resolution mechanism. Incredibly important. We don't have to have differences between people who have the same objectives, and that's a strong, healthy province and a good utilization of our public land that we hold in trust for the people of the province. That's in here. I think it will deal with it.

As the province progresses – and we will; we are. Albertans are a dynamic people. They're not ever going to sit still. We may find that at some point we have to do another amendment. I think that if we do, it will be because of progress, not regress.

So, Mr. Speaker, I wanted to make a few comments at this point in the bill, talk about the principles of the bill, and encourage members to support passage of it.

Mr. Speaker, with that, I would adjourn debate on Bill 16.

[Motion to adjourn debate carried]

The Speaker: The hon. Deputy Government House Leader.

Mr. Zwodzesky: Thank you, Mr. Speaker. It's indeed been a very interesting afternoon and lots of progress as I reflect on the week, and therefore I would now move that we call it 5:30 and adjourn until Monday at 1:30.

[Motion carried; at 5:03 p.m. the Assembly adjourned to Monday at 1:30 p.m.]

Bill 16
Agricultural Dispositions Statutes
Amendment Act, 2003

[Adjourned debate March 6: Mrs. McClellan]

The Acting Speaker: The hon. Member for Highwood.

Mr. Tannas: Thank you, Mr. Speaker. I'm compelled to speak tonight on Bill 16, the Agricultural Dispositions Statutes Amendment Act, 2003, primarily because of the intervention last day by the hon. Member for Edmonton-Strathcona. If you read the speech, you'll see that much of it is premised on what is not in the bill, and as someone who represents a significant number of leaseholders in the Highwood constituency, many of whom are third-, fourth-, even fifth- generation ranchers, who've been good stewards of the land, I feel that I need to straighten out the record a little bit.

First and foremost is that Bill 16 does not deal with the issue of compensation, as to whether or not the ranchers receive too much or too little or pay too much or too little on their leases. That will be dealt with in a subsequent bill. So, then, what is Bill 16, and why am I supporting it? There are about five main issues here. The first one: that it continues to recognize the stewardship role of ranchers. It ensures contact by recreational users, people who would use the grazing leased land; reduced liability; new mechanisms for resolving conflict; and new legal remedies.

The first one, then, Mr. Speaker. The government provides these leases – this is recognizing the stewardship role – because grazing is important to the grassland ecosystem of the foothills and Porcupine Hills in my constituency and the sustainability of these public lands. You say: well, gee whiz, they've got a sweetheart deal. Well, maybe they do, but they are obliged to graze no more than 50 percent of the grass that grows there because this is an important watershed area.

They are continuously monitored by rangeland managers from the Department of Sustainable Resource Development who look at that and do not want to have those lands overgrazed in any way or trails made on them that lead to erosion and, therefore, depletion of the importance of the watershed of those areas. These areas in Highwood and in other parts of the province provide excellent water retention. So part of the deal that the rancher has is the expectation that he/she/they will look after the watershed and look after the resource of the native grass.

Over the years, Mr. Speaker, the farmers and ranchers of those leases have provided excellent stewardship. Some years ago we had the declaration of the Whaleback, part of which is in the constituency of Highwood and most of which is in the constituency of Livingstone-MacLeod. The Wilderness Association said that this was pristine land and should be really protected. How interesting. It's the oldest agricultural disposition in the province. It goes back to the late '70s, early '80s that that has been continuously ranched but ranched in a stewardship way that is recognized as being the right way to make sure that that watershed is protected and the native grass there is protected.

The livelihood of agricultural leaseholders is based on their continued access to the land for grazing as well as the long-term protection of the land. Although an agricultural disposition holder must provide reasonable recreation access to the land, the regulations in Bill 16 recognize that there are times when the disposition owner can say no or put conditions on access. That's one of the provisions that I particularly like. It ensures contact by recreation owners to the holder of the disposition, to the rancher, if they want to utilize that grazing land.

The conditions, though, that the rancher may put on are that if it's a fire danger – and if you've got very dry grassland, in the fall and even in the winter when there's no snow, it's a high fire hazard, and vehicles can't go in there, and campfires can't be utilized. Also, when livestock are in some of these areas, you can't have people out there hunting. Some of the ranchers that I know practise a deal whereby they only allow a certain number of hunters on at a time or, if they don't practice that, they advise them and say: "Well, in these two sections there are 15 hunters on this day in that area. The chances of you shooting a deer are slight, but the chances of you shooting another human being are pretty good." Then it might be that the rancher is looked upon as a gatekeeper, but it's a responsible gatekeeper that they would be. If the rancher is not, then the provision of Bill 16 says that there is a process by which that "no, you cannot come on this leased land" can be appealed, and that certainly appeals to me.

The only thing in here is that there's nothing to take into account what it's like to be a rancher in the fall and early winter. It's nothing for them to receive 10, 15, 20 phone calls before 7 o'clock in the morning, and that isn't always the most welcome thing and not only that but to be awakened by the noise of trucks in your yard because there are 10 trucks with their horse trailers and the whole bit all ready to go hunting on the area that you're responsible for. So it ensures contact by recreation users.

The person who wants to walk across the land usually isn't much of a bother. It's the ones that want to use their quads. I know, Mr. Speaker, that you wouldn't allow us to show exhibits in here, but I have a wonderful set of photographs that show you the damage that those quads and four-wheel drives can do on a wet day on rangeland. Of course, those people seem to get some joy out of going up a hill straight up and in lowest gear so that the grass is chewed up, and that's the irresponsible recreation user. So if you have to make a contact with the rancher, then there's a chance for that rancher and

that recreation user to come to some agreement of what conditions they can utilize the leased land on.

Reduced liability is also a feature of Bill 16. This legislation reduces the liability of the leaseholder for the safety of recreation users. If a rancher says, "Yes; on these conditions you can go on my land," and the person somehow is injured because there was a ditch or any kind of impediment to their going over the land, they can sue the leaseholder, and there are some unfortunate situations that have occurred when a plain yes is given. As a result, Bill 16 is addressing an important consideration that goes on with the access. It'll provide clarity and assurance to leaseholders who previously had no clear direction in this area, and that will lead to greater co-operation between the leaseholder and those members of the public who might like to access the land for recreational reasons.

9:20

Bill 16 also contains a new mechanism for resolving conflicts. The legislation then makes a dispute resolution process available to both leaseholder and recreational users where there might be a conflict. That is very much an improvement, and it's certainly a great improvement, as some of these others are, over the former Bill 31. It certainly seems to me to be a wonderful step forward.

Bill 16 also provides a new legal remedy. Prior to this legislation, Mr. Speaker, the rights and duties of all users were somewhat unclear. There was no legal way to deal with recreation users who did not respect the environment, and now a leaseholder will be able to ask a peace officer to intervene, and court action may be taken for those who abuse the land. If court action is taken and a person is convicted, the court can impose a fine of up to \$2,000.

The legislation also allows, Mr. Speaker, the minister to impose a penalty where either the recreation user or the agricultural leaseholder contravenes the legislation, so it's a two-way street. The leaseholders have a good history of stewardship on our land. Under the current legislation the minister has the discretion to cancel a lease if the conditions are not maintained, and this direction continues under Bill 16.

For those reasons, Mr. Speaker, I would support Bill 16 and believe that it's a great improvement over some of the provisions of Bill 31. Thank you.

The Acting Speaker: Under Standing Order 29 or to continue debate?

Dr. Taft: To speak. I'm to speak to the bill if there are no questions.

The Acting Speaker: The hon. Member for Edmonton-Riverview.

Dr. Taft: Thank you, Mr. Speaker. I appreciate very much the comments from the Member for Highwood on this particular bill. Generally, I think I tend to agree with him on what he said. As the member described, there are actually three or four purposes to the bill: dispute resolution process for exploration access disputes on leased lands, clarification of the rights and procedures for recreational access on leased lands, some procedures for conflict management, and clarification for access to the land.

[The Deputy Speaker in the chair]

Now, it's interesting. The land that we're discussing here is some of the most beautiful country in Alberta and some of the most beautiful country, I would argue, in the world, the portions of it that I've driven through, the Whaleback region that the Member for Highwood mentioned and the ranch land south of there. I under-

stand there's a total of about 5 million acres of public land leased for grazing to about 5,700 leaseholders, and 5 million acres sounds like a tremendous amount of land. It's about 3 percent of the total land area of Alberta.

This bill has some controversial history to it in the form of other bills, and I think the government has split some of the issues into two or more pieces of legislation. We'll have to wait and see. This is probably relatively uncontroversial compared to what some of the others might be holding or might present in the future.

I think we would all acknowledge the contribution of the ranchers of the lands involved here to the agricultural development and, indeed, to the cultural development of this province. The lands that they are responsible for, that they are stewards for, are trademarks, almost, of this province. I think "stewardship" is in many ways the best word to be used here. These people are very conscious that the lands that they are occupying under these leaseholds are lands that they are stewards for for future generations. Indeed, the fact is that I believe the leases here are relatively long-term leases. I think they're 20-year leases or something like that and that they do encourage people to take a long-term view of the land and to conserve the land that is there. This stewardship helps to keep the grassland ecology in balance. It helps to both sustain the grass and to keep other forms of vegetation from moving into the grasslands. It keeps the bush and potentially the forest from spreading out into the grassland and keeps that interstitial territory between the prairie and the mountains in beautiful condition.

One of my concerns with this bill is the requirements and the potential controls on foot access. Now, I can imagine that access issues are an enormous headache for the leaseholders of these lands, and, as the Member for Highwood described, in the fall when hunters are calling maybe by the dozen early, early in the morning to request permission and when you have to deal with the sometimes genuinely destructive and offensive activities of motorized vehicle operators, quads, and other off-road vehicles, I can see that that's frustrating, irritating, and sometimes exasperating work for these leaseholders. So I think it's probably very wise for us to be looking at ways of controlling access for many people to these lands, but I am concerned about the limits potentially placed on walkers and hikers, people who will do a minimum of damage and undoubtedly are on these lands to celebrate the beauty of the land rather than to rip it up with off-road activities on quads.

I found myself thinking back to the U.K. model for access to lands, which is a very ancient model. The U.K., as people here will know, has a population of over 50 million people in a total area significantly smaller than Alberta. So it's very, very crowded land, and the issues of access to lands are very difficult, but they've been thought through very carefully, and there's a very long historic tradition. I learned about this tradition living in Britain and going on hikes with classes from my sons' schools. We'd go out for rambles through the English countryside, and I discovered soon that walkers in Britain have guaranteed access to the trails in the British lands. It doesn't matter where the trail goes. If it goes through somebody's backyard, across the middle of a field, through a farmyard, or wherever it goes, people have guaranteed access to that trail as long as they stay on the trail.

This leads, of course, sometimes to conflict because farmers, in particular, may not like and appreciate the fact that walkers have guaranteed access to their land. So sometimes you'll have a farmer placing a couple of fairly aggressive bulls in a field and doing things like that to discourage walkers. But the walkers are equally determined and have actually organized themselves so that every trail in Britain that has this common law heritage of access is walked every five years at least once, and doing that and recording the fact

that that trail has been walked guarantees that the rights of access continue for at least another five years. These rights go back many, many, many centuries, in fact in some cases prehistorically.

9:30

Now, in Canada we take a much different approach. In some ways it's the mirror image. For in Britain, while there are guaranteed access rights to land, the access to rivers is a completely different thing and the access to streams is a completely different thing. In fact, landowners can for practical purposes prohibit people from using the flowing water, the streams and rivers that go over their property, but they can't prohibit people from going on the land. Here we have it in some ways the other way around. In Canada you can actually canoe down a river or across a lake and you have guaranteed access to that public water, but if you get out of your canoe and walk very far inland, suddenly you're on private property and you're not supposed to trespass. So they're kind of mirror images, reverse images in the two countries.

I can't help wondering in this case or in cases like we're discussing under this bill, Bill 16, if there isn't a way for guaranteeing access to walkers to trails through these lands as long as they stay on the trail and providing them that access without having to go to the leaseholder for permission. Now, perhaps through the course of debate on this bill that issue will be clarified for me and explained to me, but I think we can put walkers in a separate category for regulations and legal issues than, say, people on motorized vehicles or people on horseback, or I suppose these days we even have to worry about people on mountain bikes. But walkers, I think, could be guaranteed access to these lands on trails, and I'd like to consider that, whether that's addressed in regulations perhaps or the legislation. I'll be looking for some discussion and maybe some better information for my sake on that issue as we go through this bill.

Beyond that particular issue this bill at least seems to strike a reasonable set of positions. There are some questions we have around what appear to be some extraordinary powers granted to the minister, if we're understanding this bill properly, to potentially create multiple leases on the same land, something to that effect, so we will need to have some clarification on that as we go through this bill. But as long as the extraordinary powers of the minister to act potentially in unusual or destructive ways, in manners that perhaps contravene the interests of the leaseholders or the various parties to the leases, are contained, I at least will probably support this bill and I imagine that our caucus will also.

So with those comments I'll take my seat and look for other debate. Thank you.

The Deputy Speaker: The hon. Minister of Infrastructure.

Mr. Lund: Thank you, Mr. Speaker. I certainly agree with the hon. member as he was describing the stewardship that leaseholders have exhibited. As we were setting up the special places, it was quite interesting. The folks that seemed to have some problem with letting agriculture have access to this land still nominated areas for special places and acknowledged that the leaseholders for some long period of time had been operating on that land and that it was in just as good shape if not better than they originally found it.

In his comments he commented about the leases being 20 years and seemed to indicate that it was important that it be a long-term lease in order that that management continue, and I'm wondering if the hon. member would be suggesting that the leases be longer than 20 years or that perhaps we have some type of rolling 20 years. That means that at the end of 10 years there'd be an assessment, and if everything is up to snuff, you'd get another 20 years. So you would have that kind of management ahead of you as you go forward.

Dr. Taft: I don't make it a practice of answering questions in this situation – I'm happy to do that in committee – but I'm open to those ideas. I don't have a solution here, but I think we need to stay away from really short-term leases, which encourage people just to squeeze everything out of the land in two or three years and be gone.

The Deputy Speaker: Further questions or comments? The hon. Member for Spruce Grove-Sturgeon-St Albert.

Mr. Horner: Thank you, Mr. Speaker. I was just wondering if the hon. member would answer a question with regard to his travels in Britain and the fact that when he was wandering from one farm to the other farm if at that time they were concerned about the spread of mad cow disease or various other pesticides or those sorts of things.

Dr. Taft: I shouldn't have answered even one question. I'm happy to debate that in committee. I think the proper place for these kinds of questions back and forth is committee.

Thank you.

The Deputy Speaker: Further questions? Further comments?

The hon. Minister of Sustainable Resource Development to conclude debate?

[Motion carried; Bill 16 read a second time]

10:30

Bill 16
Agricultural Dispositions Statutes
Amendment Act, 2003

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

Mr. Bonner: Yes, Mr. Chair. It is indeed a pleasure to speak this evening to Bill 16, the Agricultural Dispositions Statutes Amendment Act, 2003. At this time I would like to propose an amendment, and I will give all members an opportunity to get a copy of the bill and to read it.

The Deputy Chair: Hon. member, just hold for a minute until the amendment is at least brought to the table.

Mr. Bonner: Yes. I will. Thank you, Mr. Chair.

The Deputy Chair: The amendment is being circulated. We shall refer to this amendment as amendment A1.

Hon. Member for Edmonton-Glengarry, you may proceed.

Mr. Bonner: Okay. Thank you, Mr. Chairman. I am proposing amendment A1 to the Agricultural Dispositions Statutes Amendment Act, and in moving this amendment, I would like it to be amended as follows: in section 2(3) in the proposed section 1.1 by striking out “within the meaning of the regulations under section 62.1 of the Public Lands Act” and substituting “within the meaning of section 62.1 of the Public Lands Act and the regulations under that section.”

As well, in section 3(23) in the proposed section 62.1 by adding the following after (1). Section 1.1 would read: “Access to an agricultural disposition by foot for recreational purposes shall not be restricted in the regulations under this section.”

Now, then, in proposing these amendments to the bill, the purpose of the amendment is to ensure that hikers and the like are not restricted from an agricultural disposition. The idea here is not to allow hunting per se on these dispositions. Rather, the goal of the amendment here is to allow Martha and Henry to go for a walk on these lands. This would be done at their own risk and also at their own liability. This whole amendment is designed to take hiking and walking out of regulations and put it in the legislation. The reason for this is the fact that it is certainly not open to interpretation, and as well it will be clearly defined so that all members in the Assembly will know what they are voting on, and this will not be left up to the whims of those making the regulations.

Now, then, part A of the amendment changes the wording around to reflect that this is part of the act and not the regulations. Again, for the reasons I stated, we would like the legislation to indicate our proposed purpose.

Part B basically lays out that people entering an agricultural disposition for the purpose of hiking, et cetera, would be considered recreational users. Again, these are excellent amendments because it will allow those people who are simply out for a walk and are not intending to hunt on that land to certainly have the freedom to use that land for those purposes at their own risk.

I would urge all members to support this amendment. It's a very good amendment, and it is an amendment that will strengthen this bill. With that, I will cede the floor to see what other members have to say in regard to these amendments.

Thank you, Mr. Chairman.

[Motion on amendment A1 lost]

[The clauses of Bill 16 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? Carried.

answered in committee. So while I have still a few reservations about this bill, we are pleased to support it at this time.

11:10

The Deputy Speaker: The hon. Member for Edmonton-Strathcona.

Dr. Pannu: Thank you, Mr. Speaker. I am pleased to have this opportunity to speak to Bill 16 in its third reading. Our caucus continues to be unhappy with this bill as a replacement for Bill 31. Bill 31 was brought into the Legislature with a great deal of fanfare in 1999. It was passed by this Legislature. Unfortunately, it was never proclaimed. Bill 16 replaces that Bill 31, which we then supported. Unfortunately, Bill 16 really is a very severely gutted Bill 31. Much of what was treated by us as the strengths of Bill 31 are absent in Bill 16.

The most important part of Bill 31 that made it such a good piece of legislation had to do with the ability of the government of that time to claim, and rightly so I think, that Bill 31 strove to strike the right balance between the interests of leaseholders, industry, recreational users, and the people of Alberta, who own the land. It's precisely that balance that has been thrown out of kilter now by Bill 16.

So the ND caucus opposition is opposed to this bill primarily because it will mean that the whole question of the leaseholders' payments for leasing the land and the money that they receive as compensation from oil and gas developments on grazing lands – the difference between the two amounts is quite considerable, \$35 million, \$40 million a year. Bill 16 simply does not include any relief on that issue. It doesn't address that question at all, leaves it out. So Bill 31 dies. With that dies the attempt to bring into the public treasury, into the general revenue fund \$35 million to \$40 million extra, and that remains the primary reason why therefore we oppose Bill 16.

Thank you, Mr. Speaker.

[Motion carried; Bill 16 read a third time]

Bill 16
Agricultural Dispositions Statutes
Amendment Act, 2003

The Deputy Speaker: The hon. Minister of Sustainable Resource Development.

Mr. Cardinal: Thank you very much, Mr. Speaker. I move Bill 16, Agricultural Dispositions Statutes Amendment Act, 2003, for third reading.

The Deputy Speaker: The hon. Member for Edmonton-Ellerslie.

Ms Carlson: Thank you, Mr. Speaker. Happy to have another opportunity to wrap up on this bill. This is a bill that used to be very controversial when it was first introduced last year or two years ago, and subsequently the government did some consultations. They split the bill into two parts, and the part that was less controversial we see before us as Bill 16.

I would like to thank the minister for the briefing that I got from his department, which took us through the most significant issues that we had. Subsequently the additional questions we had were