

MEDIA ADVISORY

ALBERTA LAND STEWARDSHIP ACT NEEDS MORE PLANNING AND LESS POLITICS

Edmonton, AB, 1 May 2009 – On April 27, 2009, the Alberta government introduced Bill 36, the Alberta Land Stewardship Act (ALSA). While the Bill is a positive step to give legal effect and support to the provincial Land Use Framework initiative, it has some inherent weaknesses which are of concern to the Environmental Law Centre, but which can be remedied by amendment.

The Centre's chief concerns are:

- Broad discretion with little accountability. Bill 36 grants very broad discretion to Cabinet for many of the key elements of the Land Use Framework, including creation and content of regional land use plans, and governance structure and implementation of the planning system. There are few, if any, limitations or checks on this discretion. This approach is inconsistent with the vision and guiding principles set out in the Land-Use Framework document, which emphasized accountability, shared responsibility of all Albertans, collaboration, transparency and fairness.
- Limited rights to participate and appeal. Effective regional planning involves a good mix of “top-down” direction from government and “bottom-up” input from the public. Unfortunately, Bill 36 is solely a “top-down” process with all power residing in Cabinet. Under the Bill, it is possible for Cabinet to make or amend a regional land use plan without public or regional input. More troubling is that Bill 36 has limited avenues for Albertans to challenge decisions that may be inconsistent with the regional land use plans.
- Lack of substantive planning criteria. Bill 36 sets out a variety of regulation making powers that allow government to pursue valid planning goals, including dealing with the establishment of thresholds, transitional provisions and monitoring and enforcement. However, leaving substantive planning criteria to future regulations rather than including them in the Act is of significant concern. Substantive and robust planning criteria must be laid out in the legislation, including stated objectives for environmental, social and economic indicators.

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These problems can be eliminated by amendment of the Bill to build in limitations on discretion, public rights to act as a check on inconsistent decisions, and specific, detailed criteria for regional land use plans.

For more detailed information, visit www.elc.ab.ca and read the backgrounders related to each of the abovementioned issues. The ELC will release a more detailed commentary and recommendations in the near future, when staff complete their analysis of Bill 36

About the ELC: The ELC's vision is a clean, healthy and diverse environment protected through informed citizen participation and sound law and policy, effectively applied. Its mission is to ensure that laws, policies and legal processes protect the environment.

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