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Third Session

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The Honourable Gene Zwozdesky, Speaker

Legislative Assembly of Alberta
The 28th Legislature
Third Session

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Legislative Assembly of Alberta

7:30 p.m. Monday, December 1, 2014

[The Deputy Speaker in the chair]

The Deputy Speaker: Please be seated.

Government Motions

Committee Membership Changes

10. Mrs. Klimchuk moved on behalf of Mr. Denis:
Be it resolved that the following changes to
(a) the Special Standing Committee on Members' Services be approved: that Mr. Hale replace Mrs. Towle;
(b) the Standing Committee on Public Accounts be approved: that Mr. McAllister replace Mr. Amery;
(c) the Standing Committee on Alberta's Economic Future be approved: that Mrs. Towle replace Mr. Lemke.

The Deputy Speaker: This motion is debatable.

An Hon. Member: Question.

The Deputy Speaker: Seeing none, the question has been called.

[Government Motion 10 carried]

Government Bills and Orders

Third Reading

Bill 3
Personal Information Protection Amendment Act, 2014

The Deputy Speaker: The hon. Member for Edmonton-Mill Woods.

Mr. Quadri: Thank you, Mr. Speaker. I'm pleased to rise today at third reading to discuss amendments to the Personal Information Protection Act. The proposed changes will ensure that the Personal Information Protection Act authorizes trade unions to collect, use, and disclose personal information for matters related to labour relation disputes. Those amendments will address a trade union's right of freedom of expression under the Charter of Rights and Freedoms while maintaining key protection for Albertans' personal information under the act. For this reason I have no hesitation in supporting the proposed amendments.

With that, I move third reading of Bill 3, Personal Information Protection Amendment Act, 2014.

Thank you.

The Deputy Speaker: Thank you, hon. member.

I'll recognize the first speaker. The hon. Member for Edmonton-Calder.

Mr. Eggen: Well, thank you so much, Mr. Speaker. I'm certainly very interested in rising to speak about Bill 3. This is something that we've been watching for for quite some time. You know, we were very pleased, in fact, when it first came forward that this was going to be in the fall session of this year's legislation. Indeed, I just got back from the Standing Committee on Legislative Offices, speaking to the Privacy Commissioner. Again, she expressed her sense of urgency about ensuring that these amendments were made to the Personal Information Protection Act. I think that everyone knows that the Supreme Court ruled on the constitutional inadequacy of our legislation here in the province of Alberta, so we were watching and hoping that, of course, we would meet the deadline, which I guess we technically have, to ensure that we follow the order and the ruling of the Supreme Court of Canada in regard to fixing our PIPA legislation.

I must say, Mr. Speaker, that we were quite disappointed when we actually saw Bill 3. It's a bare minimum sort of bill, that I don't think necessarily even achieves the most important objective, which is to make Alberta's personal information legislation constitutionally compliant. I think, you know, that we need to check back on that because, of course, if we're building something here that maybe the Supreme Court will hit back to us, then we are really not doing the job. I think that the Supreme Court made it fairly clear in their ruling last year that there are far too restrictive problems with our current legislation to pursue a fair and legitimate objective.

We're seeing a number of problems that we would like to, I guess, point out here. First of all, the Supreme Court was fairly clear that the problems with PIPA extended far beyond the restrictions on freedom of expression by the union in the midst of a particular strike, that only apply to that strike. Rather, PIPA represents much wider, far-reaching infringements on the rights to free expression by everybody. In fact, the court saw fit to strike down the entire piece of legislation instead of just severing this one part that prevented unions from collecting, using, and disclosing information in the midst of a strike.

So it seems fairly clear that by only addressing that narrow issue, Bill 3, in fact, does not improve PIPA in a meaningful way but actually ignores the findings and the spirit of the Supreme Court ruling, which leaves us, Mr. Speaker, with a piece of legislation that's ripe for future conflicts and future challenges of the Charter, using government and court resources to deal with litigation that will arise for many, many segments of society that are affected by expansive restrictions on free speech. That's what the essence of our concerns are around, free speech and restrictions placed on that.

The basic idea that a union has the right of freedom of expression, communicating with the public, trying to persuade them is a fundamental and general principle of the objectives of the collective bargaining. The court hardly ever even needed to reiterate this, right? Paragraph 17 of the Supreme Court ruling:

> . . . the Adjudicator's finding that none of these exemptions applied to allow the Union to collect, use and disclose personal information for the purpose of advancing its interests in a labour dispute, we conclude without difficulty that it restricts freedom of expression.

I mean, I don't think it can be any more unequivocal than that, Mr. Speaker, the ruling of the Supreme Court.

As we know, for unions to be effective in protecting the rights, interests, and well-being of their members, they need to use a number of measures to represent those interests. Amongst those, communication – in other words, the ability to express themselves freely – is one of the most important elements. For example, the unions need to be able to communicate with the public or the government about unsafe workplaces. They need to communicate with the public in order to influence pressure and public opinion in the context of labour disputes and negotiation processes as well. We know that this is a fundamental exercise that takes place in the midst of a legal strike, and we know that it's essential to communicate your position both to your members and to the general public as well.

The Supreme Court also saw the same thing, certainly, and was unequivocal in stating:

> PIPA imposes restrictions on a union's ability to communicate and persuade the public of its cause, impairing its ability to use

> one of its most effective bargaining strategies in the course of a lawful strike.

That's paragraph 37 of their ruling.

Further, Mr. Speaker, in paragraph 29 they say:

> This Court has long recognized the fundamental importance of freedom of expression in the context of labour disputes . . . "For employees, freedom of expression becomes not only an important but an essential component of labour relations."

The court has also been clear over the years that picketing is a legitimate form of expression, not just in cases of lawful strikes, which is the only narrow exception that seems to be carved out in this particular draft of legislation that we have here today. Certainly, picketing is important. Communicating what is taking place on a picket line is absolutely essential, and a union or individuals should not be restricted from that. We know that to be the case, and the Supreme Court has reiterated that loud and clear.

Again, picketing is far from the only important communication method that unions use. Take, say, for example, the tainted beef scandal at XL Foods in 2012. The union raised concerns publicly about the issues in the plant that were leading to contaminated meat. That's a case where the union was engaged in expressive activity not just for the purposes of a strike but for food safety issues and workplace health and safety issues. Bill 3 does nothing to address those potential restrictions on these types of activities by unions or by anyone, really. Certainly, in the case of XL Foods the UFCW was actually doing a great public service to both expose poor practices in the slaughterhouse processing plant but also to forward an agenda that actually helped to clean up the issue, which was good not just for public health and public safety but for the meat industry in general here in the province of Alberta.

7:40

We still are recovering from that, but we are still feeling the positive effects of that action, too. If we restrict the capacity of individuals or of unions to point out health and safety issues, then, of course, we are doing that same situation a disservice, right? These rights of expression, Mr. Speaker, don't just benefit unions. As I said, the major purpose is to address political and social issues of the day and then work for social justice for all Albertans. So the specific work that a union might do to, as I said before, express and talk about health and safety issues but also workplace standards, wages, and so forth indirectly and directly affects positively the larger society as well. Anyway, by denying a key right necessary for individuals or unions to communicate and achieve these objectives, this bill is too restrictive, and we think that the well-being of all Albertans and, in fact, democracy is adversely affected as well.

It's interesting that the power imbalance between an employee and an employer was cited as a reason for excepting the collection, use, and disclosure of personal information from the typical prohibition in the context of the employment relationship. Since the employer needs the information and the employee might not feel that it is truly voluntary, the act allows for the collection, use, and disclosure of information without consent. They also noted that it would be inefficient and impractical to require consent in all cases.

So it seems that on one hand that this PC government understands the practicalities of a power imbalance in an employment relationship when it's convenient for them but not when it comes to the need of unions to engage in advocacy and in public discussion as well. Certainly, while we saw the historical need and, in fact, the immediacy and urgency for Bill 3 to come forward here in this fall session, it ends up falling short for the purposes that it was subscribed for. We certainly are not in favour of the bill as a result.

Thank you. We'll have more discussion on it.

The Deputy Speaker: Thank you, hon. member.

I'll recognize the Member for Calgary-Buffalo.

Mr. Hehr: Well, thank you, Mr. Speaker. It's my pleasure to speak to Bill 3, Personal Information Protection Amendment Act, 2014. Now, this bill became necessary as a remedy to a judicial review that ultimately resulted in the Personal Information Protection Act being declared unconstitutional and struck down. The bill is intended to make PIPA compliant with the Canadian Charter of Rights and Freedoms. Bill 3 will hopefully make PIPA compliant with the two sections of the Charter of Rights and fundamental freedoms respecting freedom of expression.

If we look at the situation that was arising, this bill came before the Supreme Court as a result of a labour dispute here in this province. It went to court, and on November 15 the court struck down the Personal Information Protection Act in its entirety and granted a 12-month stay to the Alberta government and an opportunity to replace the law. The Charter application resulted from a 305-day strike at the Gateway casino in West Edmonton Mall, which started in 2006. What was utilized there was the collection of information by the union where it was trying to express its opinion on what was happening at the work site. They were trying to utilize this information to get out to the general public what was happening at the location, what the strike was about, what their workers were faced with and were trying to send that information out to the public.

The Alberta Court of Queen's Bench, the Court of Appeal, and the Supreme Court of Canada all declared PIPA to be unconstitutional because it was too restrictive on freedom of expression in the context of a legal strike. In fact, in their decision the Supreme Court stated:

> But the Act does not include any mechanisms by which a union's constitutional right to freedom of expression may be balanced with the interests protected by the legislation. This Court has long recognized the fundamental importance of freedom of expression in the context of labour disputes. PIPA prohibits the . . . expressive purposes related to labour relations. Picketing represents a particularly crucial form of expression with strong historical roots. PIPA imposes restrictions on a union's ability to communicate and persuade the public of its cause, impairing its ability to use one of its most effective bargaining strategies in the course of a lawful strike.

At the end of the day, Mr. Speaker, the Supreme Court found:

> This infringement of the right to freedom of expression is disproportionate to the government's objective of providing individuals with control over the personal information that they expose by crossing a picketline. It is therefore not justified under s. 1 of the Charter.

At the end of the day, the court was balancing rights. They understood that what a union is supposed to do is to organize their workers, to get information out to the public for them to understand their position, and that the employer uses the same opportunity to do so for their cause. Also, the union recognized the power imbalance that exists between employers and unions in the way they go about their business and understood that in order for us to have freedom of association and to give it some real teeth, the ability of people to join a trade union or a workplace union is paramount under our Constitution. In order to give that any meaning, it has to have respectful ways for it to get its message across. That is also balanced with the freedom of

expression. The unions are allowed to use their information and use the ability to get their information out to the press.

We also understand that there's a second component to this, that the current amendments may – and I stress "may" – be able to meet the requirements of the Supreme Court. It appears that they are also still infringing on what the unions' obligations are to the rest of society and to situations that may be outside of a direct legal strike. While these amendments speak to the right of unions to collect information in the service of their freedom of expression during a strike, it ignores the vital role that unions play in speaking out against social injustices. More generally, this is the role that the Supreme Court referenced in delivering much of its commentary in the decision about it in the first place.

There is no doubt that trade unions have made many public service announcements, whether that's in regard to workplace conditions, whether that's in regard to inequality, whether that's in regard to other instances that happen in society. In my view, it is important that they be allowed to adequately comment on issues that are of concern both to them and to society in general.

We look at other cases where an expanding exemption could have been useful, and that would have been the 2012 tainted beef scandal with XL Foods in Brooks, Alberta. You know, we can look at a whole lot of situations where we could have an ability to allow really constructive social commentary on what we're doing and whether it's in the best interests of our society going forward. I think the union movement deserves that right and that ability to be able to go forward on that front.

7:50

If you look at this, I believe we're keeping in a minimalist mode here in Alberta, only protecting what we need to do for the temporary time being. I think we should have expanded it more broadly to enable trade unions to be able to promote different aspects of society that may be in our best general protection and to go from there.

In the main, I think that the government has done some good here by putting forward these amendments to get basic compliance with the Personal Information Protection Act. It remains to be seen whether these amendments, which appear to be of a bare-minimum nature, will hold up in a court should they be tested and the like. We may have to see another lengthy legal debate as to whether we in Alberta are holding up our end of the bargain when it comes to constitutional protections and fairness and the balancing of freedom of association and freedom of expression because we understand that we have these abilities and nothing is clear.

There is no doubt that both of these elements have reasonable limits in a free and democratic society, yet erring on the side that would protect society and allow people to have as large a voice as possible, in my view, is in the best interests of our society. When we try to shut down expression, shut down people's ability to communicate legitimate concerns on the way society is formed, is shaped, is running, in my view that's counterintuitive to the way we would want information to be received by the public.

The more information the public gets, Mr. Speaker, the more ability they have to gauge and dissect the information for themselves and make an informed opinion. I think this is something we should try to strive for, getting the public more information from various sources, whether they be from an employer, a trade union, government front benches, or opposition parties. This should be deemed a good thing, and we should try to expand that in all cases where it is warranted and where it is legitimate and where it is moved for reasonable purposes. In my view, you know, the government has had first crack at it, and we'll see whether it goes far enough to recognize the fundamental importance of balancing historical rights and obligations going forward in this province.

Thank you very much, Mr. Speaker. Those are my comments to this bill.

The Deputy Speaker: Thank you, hon. member.

Standing Order 29(2)(a) is available.

Seeing none, I'll recognize the next speaker, the hon. Member for Edmonton-Beverly-Clareview.

Mr. Bilous: Thank you, Mr. Speaker. It's my pleasure to rise and speak to third reading of PIPA. I appreciate the previous two speakers sharing some of the background with the members in the House here on the relevance of this legislation and where it's coming from. Knowing our history is very, very important before we move forward.

Before I get into the legislation, I just want to mention my frustration with the fact that we are already in third reading. I think it does need to be iterated, you know, that the government has a tradition of following what they put on the Order Paper as far as Orders of the Day and government business and what we do, and unfortunately Bill 3 was not on the Order Paper to go through Committee of the Whole when it did. We actually had amendments with Parliamentary Counsel on this bill, but because the government broke with tradition and decided to force it through, our amendments got stuck at Parliamentary Counsel's desk.

I think it's really important to note this, that, again, as members know, Committee of the Whole is the opportunity for opposition parties to put forward amendments to try to strengthen a bill. Our abilities are severely limited when the government moves forward when we're waiting for approval from Parliamentary Counsel on amendments. I found that to be extremely disrespectful on the side of the government, trying to rush forward legislation, as we often see in this House, and ramming it through, again without acknowledging consequences that come with that. There are 87 elected members of this House. We represent roughly 4 million Albertans from all over the province. When you shut out or disallow, through whatever means, members from getting up and speaking or adding amendments and having a robust conversation, we're seriously infringing on the democratic rights of not just the members of this House but the people that we represent.

Having said that, now I will move into my interpretation of this bill, Mr. Speaker. Now, as the previous two speakers have said, you know, part of where PIPA and this conversation are going – our original intention was to support the bill. But once we had some time to go through it, seeing that there are significant challenges that I have with this bill – I mean, the original act of PIPA all spawns from 2006 at the Palace Casino strike line. The UFCW were filming people crossing the picketing lines and using that in their information. Basically, the adjudicator first found UFCW had contravened PIPA but that its collection, use, disclosure of the personal information was an expressive purpose, which are some of the functions of a labour union.

The Privacy Commissioner can't make findings on constitutional issues, and the case instead proceeded to a judicial review and up the courts, all the way to the Supreme Court of Canada. Now, the Supreme Court of Canada didn't just overturn the ruling of the adjudicator; it actually threw the whole act out. It ruled that sections in question violated the UFCW's freedom of expression and that other sections of the act were more restrictive than necessary, and the act needed to be struck down in its entirety, Mr. Speaker.

You know, what members of the House need to know and acknowledge is that picketing is an important form of expression for unions and therefore part of their freedom of expression and

part of their right to collective bargaining and informing the public, and I'll talk in a little bit about the duty of unions to go beyond just informing their members about issues to informing the public and therefore serving the public interest.

Specifically on PIPA here, as I said, Mr. Speaker, the Supreme Court ruled PIPA unconstitutional and struck it down. Now, this bill currently, as it's written, is problematic for the fact that the way it's written, we've already got issues or concerns with future court challenges, future Charter challenges. You know, as many members of the House may realize, what it does when there are court challenges: it gets tied up in the courts; it costs a lot of money; it wastes time.

As you're going to see, Mr. Speaker, I'm going to recommend that members vote against this bill so that we can get it right. There is a desire to get it right. We acknowledge that there are time restraints and that it's time sensitive. However, I think that just passing a poorly written piece of legislation that's going to be challenged is irresponsible, quite frankly.

The background on this freedom of expression is that, again, unions have a right to freedom of expression by communicating with the public in their efforts to persuade the public. You know, when we look at the example from the Supreme Court, specifically at paragraph 17,

> given the Adjudicator's finding that none of these exemptions applied to allow the Union to collect, use and disclose personal information for the purpose of advancing its interests in a labour dispute, [they concluded] without difficulty that it restricts freedom of expression.

8:00

I mean, basically, Mr. Speaker, unions need to be able to communicate with the public or the government about unsafe workplaces. They need to be able to communicate in order to influence and pressure public opinion in the context of labour disputes and negotiation processes. The Supreme Court was unequivocal in saying that "PIPA imposes restrictions on a union's ability to communicate and persuade the public of its cause, impairing its ability to use one of its most effective bargaining strategies in the course of a lawful strike," which came from paragraph 37 of the Supreme Court's ruling.

Very, very important, Mr. Speaker, as my hon. colleague the Member for Edmonton-Calder pointed out, is the example of the tainted beef at XL Foods back in 2012. There you had an example of a union raising concerns publicly about the issues in the plant that were leading to contaminated meat. You know, I remember speaking in this House when we had a different piece of legislation in front of us, and that's when we talked about the whistle-blower legislation. One of the concerns that the Alberta NDP had was that it didn't extend to the private sector. When we look at everything that happened because of the tainted meat back in 2012 — from the amount of revenue that was lost, the amount of meat that was wasted, folks that were laid off when the plant shut down — much of that could have been avoided if the private-sector workers were protected in blowing the whistle.

You know, we had dialogues with folks who worked at that plant who said that there were some unsanitary practices going on, but none of them were willing to blow the whistle because they were scared of losing their jobs and they were scared of other ramifications as well. Many of the workers are temporary foreign workers who are afraid of being deported back to their home county. Here's a case in point where when you give and allow individuals and labour unions the ability to act on behalf of the public interest and in the public interest, and they are protected and given the proper tools to do so, it benefits everyone, and that would have saved many, many dollars, that would have saved time, that would have saved, well, all of the wasted meat and product that occurred, Mr. Speaker.

By denying unions a key right necessary for them to communicate to the public, to their members in order to achieve their objectives, this bill as it's currently written, Mr. Speaker, is quite restrictive, and it's going to affect the well-being not just of those directly involved but, I would argue, of all Albertans.

You know, Mr. Speaker, what's interesting when I look at a case between local 558 and Pepsi-Cola Canada, free expression provides "an avenue for unions to promote collective bargaining issues as public ones to be played out in civic society, rather than being confined to a narrow realm of individualized economic disputes." Now, Bill 3 as it's written, unfortunately, is creating a lot of limitations and narrow exceptions. It doesn't do anything as it's currently written to extend and improve the rights to freedom of expression for most Albertans. In fact, it actually restricts it, especially when we talk about public safety and workplace safety.

You need to consider, Mr. Speaker and all members of the House, that strikes are not the only part of a labour negotiation process – and we've explained this many times, that actually a strike is usually the last resort that unions will go to in order to settle a dispute – but that process requires freedom of expression for unions to advocate on behalf of their members. Again, I would argue that much of that advocacy work goes beyond the scope of just, you know, their own union members and serves the public good.

From the beginning of the process to the end unions need to be able to communicate freely in order to advance their interests and, as I've said, also to advocate on behalf of the public good. By extending the right to collect, use, and disclose personal information only in the context of a labour dispute, which is how Bill 3 is currently written, Mr. Speaker, it flies in the face of the Supreme Court findings and advice because of that restriction to gather information only when there is a labour dispute and not when, obviously, there isn't one.

Now, the Supreme Court wrote very clearly that freedom of expression is crucial in all parts of the labour context, not just in the event of a lawful strike. So this narrow interpretation of this bill that the government has taken actually contravenes or goes against what the Supreme Court had ruled just a few years ago. You know, we very much would like to have seen the scope broadened a lot more. As I mentioned earlier, we had amendments that would have done that, but again sometimes I guess courtesy is not being displayed. The way it's currently written it doesn't deal with the underlying nature of PIPA that the Supreme Court found unconstitutional – okay? – that PIPA unreasonably restricts the free expression of many parties in legitimate contexts.

Mr. Speaker, the Alberta NDP realizes the fundamental importance of freedom of expression in democracy and the need for all government legislation to restrict it as little as possible and preferably not at all, but I would argue not just in legislation but also for all members of this Assembly. I won't bring up what occurred before the break. All constitutionally protected activity, including the rights besides freedom of expression – like freedom of association, for example – should be exempted from the restrictions that are currently contained in PIPA.

Another issue of concern here, Mr. Speaker, is that this bill adds the ability, when we're talking about privacy and information law, to adjudicate matters that are essential questions of labour law and labour relations. So it's taking the ability of the Labour Relations Board, which is more appropriate when dealing with concerns, and moving it over to the desk of the Privacy Commissioner.

Now, I found it interesting, Mr. Speaker, that just this evening in the committee the Member for Edmonton-Calder informed me that there were proposals to cut the Privacy Commissioner's budget. That, in addition to adding more work and responsibility onto the Privacy Commissioner's plate, is . . .

Mr. Mason: A typical Tory move.

Mr. Bilous: Well, it seems to be something very typical of this PC government. Unfortunately, you're adding more work and cutting a budget and adding more responsibility. Clearly, that's not going to work, Mr. Speaker.

I can tell you that our concern with moving this to the Privacy Commissioner's desk from the Labour Relations Board is that it's going to lead to less than ideal applications of the law, which may lead, in turn, to inconsistencies in interpretation and application and, ultimately, stifle freedom of expression in the context of labour relations. Last time I checked, I don't know . . .

The Deputy Speaker: Thank you, hon. member.

Standing Order 29(2)(a) is available. The hon. Member for Edmonton-Highlands-Norwood.

Mr. Mason: Thank you. I would like to ask my colleague from Edmonton-Beverly-Clareview if he can elaborate a little bit on some of the reasons that he's put forward on why this is perhaps too narrow in scope and continue his most excellent and enlightening speech.

Thank you, Mr. Speaker.

The Deputy Speaker: Well, let's allow him to do that. The hon. Member for Edmonton-Beverly-Clareview.

Mr. Bilous: Well, thank you very much, Mr. Speaker, and I thank the hon. Member for Edmonton-Highlands-Norwood for his question. I was just getting to the final points of my arguments. Needless to say, with the Privacy Commissioner not ideal to be handling these disputes, they're better left in the hands of the Labour Relations Board, which to my knowledge is one of their purposes of being, really, to look at settling labour disputes.

8:10

Mr. Speaker, what we need is more of a balance. Again, I find this bill a little too restrictive, partly because it does the bare minimum to allow a union and only a union on strike to collect, use, and disclose personal information for expressive purposes but only in the context of a strike – and that's where it is extremely limited – as opposed to collecting and using information in a broader context, maybe for the public good, maybe for an educational campaign, maybe to teach new employees, maybe to teach future workers. But this is being very, very limited, and as well it limits the bill as it's currently written. This isn't applicable to other unions that may not be on strike but may be also working at serving the public interest or expanding the scope of their information, and therefore it could stifle other unions' ability to participate.

I'm going to wrap up shortly here, but I just wanted to read something very briefly, and I'm looking for it as we speak. Regarding the Supreme Court of Canada's decision not only did it declare PIPA unconstitutional, the legislation's prohibition on the collection, use, and disclosure of information violates freedom of expression as protected by the Canadian Charter of Rights and Freedoms. With respect to unions, Mr. Speaker, the court noted the fundamental importance of freedom of expression in the labour context and that, again, picketing is a crucial form of expression with strong historical roots. By restricting the union's ability to communicate about the strike and persuade the public to support its cause, the legislation impairs the union's use of its most effective bargaining strategies. That's an excerpt taken from the decision of the Supreme Court of Canada on November 15, 2013.

Mr. Speaker, I hope that I've been able to explain the reasoning behind my position on this bill, that we should not pass it through. It needs to be broadened. It should come off the Order Paper. Let's get it right. Let's write it up and get it right the first time before we pass this through in the House.

Thank you, Mr. Speaker.

The Deputy Speaker: Thank you, hon. member.

Others under 29(2)(a)?

Seeing none, I'll recognize the next speaker, the Member for Calgary-Mountain View.

Dr. Swann: Thank you very much, Mr. Speaker. I'm pleased to rise and speak for the first time to Bill 3. I was also stunned that we're already in committee on this bill . . .

Some Hon. Members: Third reading.

Dr. Swann: Third reading. Sorry.

. . . and how quickly it advanced, notwithstanding the plans and our legislative agenda, which left many of us scrambling to get both the materials we needed to speak intelligently to it and to anticipate the speed at which it moved.

We recognized back in November 2013, after the Supreme Court struck down the Personal Information Protection Act governing the protection of personal information by private companies, that there was a huge gap left in our legislation. This was certainly affirmed by the Privacy Commissioner, who was, in fact, quite agitated when in the last couple of months there was still no clear direction on this important bill on privacy information and its protection. It took the Supreme Court to take action and call on Alberta to amend its privacy information protection act, which was in violation of the Charter. Things have been at a virtual standstill since that time until we finally got the bill after the change of leadership here.

Our own Member for Edmonton-Centre wrote to the commissioner to confirm that, among other things, Albertans' privacy protections would now be governed by the federal Personal Information Protection and Electronic Documents Act, far weaker and lacking the protection required for companies to inform individuals that their personal information might be compromised. That was an important element to our getting engaged.

I also wanted to raise some of the questions that Doug O'Halloran, the president of the UFCW, raised about the current amendments. It, I guess, adds to the concerns about the narrowness of this particular bill. He was concerned, as he is now, that the proposed amendment was narrow and failed to properly address the criticism levelled by both the union and the Supreme Court. While it spoke to the right of unions to collect information in service of freedom of expression, it ignored the vital role that unions play in speaking out against more broad issues of social justice and health and safety in some workplaces, a role vital to PIPA in the first place.

I was particularly interested in the origin of this and watched as the contention between the casino group and the government played out, with both accusing each other of violating information and privacy. Indeed, it took the Supreme Court to identify that the law needed to change here in Alberta to be compliant with the national values and principles of our Charter.

In connection with some of the issues that the United Food and Commercial Workers raised, I had a particular connection with XL Foods in Brooks and serious concerns about the ongoing challenges they were facing with contaminated meat and the limitations on some of the employees in speaking out on these issues. Obviously, it takes sometimes more than a little courage to identify some of the problems that are occurring in some workplaces that threaten not only individual workers but also the public at large. I have some sympathy, I guess, for both the UFCW and others who are saying that there needs to be much stronger support for the broader rights of workers and citizens in general to collect information of a visual nature and to present it when it represents a health and safety threat to the public or to the workers themselves.

These are somewhat common-sense issues, but they needed to be spelled out. Although this bill goes some way in enabling the kinds of information that can be shared during a strike, as is indicated, it fails, I think, in terms of the broader purpose of this bill. I understand that this will be reviewed in 2015. At least, that's the commitment that the minister has made, to have a full review of this bill and ensure that we do get at some issues relating to the spirit, not just the letter, of the act.

I'm not sure exactly how we'll vote on this. It's clearly moving in the right direction. It doesn't go far enough, but I'm hopeful that the 2015 review will allow us a much broader and in-depth opportunity to discuss some of the important dimensions of the social and political context.

With those comments, Mr. Speaker, I'll take my seat.

The Deputy Speaker: Thank you, hon. member.

Standing Order 29(2)(a) is available.

Seeing none, I'll recognize the next speaker, the hon. Member for Edmonton-Strathcona.

Ms Notley: Well, thank you, Mr. Speaker. It's a pleasure to be able to finally get a chance to get up and speak to this bill. I know a couple of other members of our caucus have mentioned this already, but it truly does bear repeating. I was until very recently the House leader for our caucus, since 2008, and I can tell you without hesitation that the standard practice and agreement between House leaders has been that every morning a note is sent to House leaders which outlines the projected business for that day. That's done so that members of every caucus can organize their critics and also organize their shifts because it's not always the case that everybody is in this House throughout all the debate every day. Based on the projected business schedule of the 24-hour period, we co-ordinate people to be in the House at different times.

8:20

Last week we were told that Bill 3 would go through second reading in the afternoon but that it would be back in the evening, Tuesday evening, for Committee of the Whole. We, of course, looked forward to that because we had a number of amendments that we wanted to make to Bill 3 because, as my colleagues have already outlined, there are some significant concerns that exist with this government's haphazard attempt to fix the Supreme Court of Canada's direction that the bill is otherwise entirely unconstitutional and won't continue. We wanted to have a debate and have a chance to put forward our amendments because, you know, that's what we're actually paid to do.

Unfortunately, what happened was that notwithstanding the agreement between the House leaders and the information that we received about the projected government business, the matter moved on to Committee of the Whole in the afternoon, which is entirely reasonable. That happens if there aren't enough people to speak to things. Then, of course, because the direction in the agreement had been that it would be coming back in the evening as part of the projected government business in Committee of the Whole, what should have happened is that it should have been adjourned, not voted. Instead it was voted through in the afternoon, contrary to the information that the House leader had put forward to our House leader and through him to our whole caucus. Of course, that raises some very serious concerns about our ability to rely on the Government House Leader's assurances and statements to us because we did rely on them very much to our detriment and to the detriment of those Albertans who also have serious concerns about the way this bill is currently drafted.

So here we are in third reading attempting to deal with a number of issues that we would have had a chance to deal with in Committee of the Whole had the Government House Leader stayed true to the assurances that he had given to our House leader and other party House leaders. We are here instead attempting to debate this as thoroughly as we possibly can very, very late in the day. Let me just say as a former House leader that that is not a standard of behaviour that normally contributes to functional relationships between the parties in the House, and it's certainly not a good indication of the new regime or the new management's respect for our democratic process, Mr. Speaker. That being said, I'm sure, then, that my colleagues will understand why it is we are going to take a bit more time than they might have anticipated on this issue, because that's what happens when House leaders fail to live up to their personal promises.

Bill 3, as others have outlined, is a piece of legislation that was made necessary as a result of the Supreme Court of Canada reviewing our PIPA legislation and concluding that it breached the Charter of Rights and Freedoms and, in particular, the right of freedom of expression. As many people know and as has already been mentioned, this case came to the Supreme Court of Canada because there was a strike at a place called Palace Casino out in west Edmonton in West Edmonton Mall. The union in the course of that strike – it was a long strike – was communicating information about members of theirs who were crossing the picket line. A complaint was made with respect to whether or not that amounted to a violation of PIPA.

Now, it's interesting because, you know, I will say that this was a bit of a storied picket line. It was a picket line which occurred, actually, within the mall itself, and that actually raised another legal issue at the time, the whole issue of whether it was appropriate to have a picket line around a business which existed within the mall and whether the mall was allowed to prohibit people from engaging in the picket line.

It was interesting because I actually remember going there at one point, to that picket line, to offer my personal support to the picketers, and with me was the former leader of Canada's NDP, the hon. Jack Layton. We were on our way to the picket line, and he was asking: well, was there ever any problem with the picket happening inside the mall? I said: well, I think they actually did have to have a legal fight about that because the mall tried to avoid having their picket line inside the mall, and they won. And he said to me with much pleasure, "Well, you know why they did? It's because of a case called R. versus Layton," which was actually all about him. It established the right of picketers to picket businesses that were otherwise occupied within other commercial institutions. He was very pleased to go and to exercise the rights that he had won as an activist about 15 years earlier in Toronto, and I was very proud to be able to be there with him when he did it. Needless to say, the picketers at the time were overjoyed to have him come and provide support to the picket line which they had in place. A little bit of digression there.

The Member for Edmonton-Highlands-Norwood was there, too, as the leader at the time of the provincial NDP. So there was a plethora of NDP supporters there that evening.

Going back to the point, though, the complaint was made about the union's communications around who was crossing the picket lines. It ultimately went to the Supreme Court of Canada, and the Supreme Court of Canada said: this section of PIPA is really far too limiting, and it limits the right to freedom of expression that unions need and deserve. In the course of it the Supreme Court of Canada said: you know, it's not really just about this section; the fact of the matter is that the act as a whole is far too limiting on the right to freedom of expression and with a number of different organizations.

It's interesting, really, to me – I have a personal interest in this – the decision that the Supreme Court of Canada made. I was actually asked by a couple of different unions way back in early 2000 to do an analysis of PIPA when it was just coming in and to tell them what it would mean for their internal operations. It was a very interesting project that I was engaged in because it became very clear to me that PIPA was a bill that had been expanded by this PC government to include organizations that were not originally intended to be covered by this kind of legislation.

Historically this notion of protecting personal information and privacy was a need that arose from a number of commercial organizations and institutions exploiting personal information for the purposes of enhancing marketing and commercial benefits. That's essentially what PIPEDA, which is PIPA's federal counterpart, is geared towards achieving: this idea of protecting the exploitation of people's personal information for the purposes of commercial interest. But when this government got their hands on that issue, they decided to expand it and to also protect people from community groups and member-based advocacy organizations, and that, of course, included unions.

Mr. Mason: What about corporations?

Ms Notley: Well, interestingly, it doesn't. I mean, it certainly applies to corporations in terms of their ability to use people's information to market to them. Corporations, when they advocate, though, have a tendency to just use money to advocate whereas more community-based advocacy organizations tend to communicate with people more in the course of their advocacy, and they tend to engage in a more grassroots form of organization. So that's sort of what a more grassroots, community-based advocacy is.

Corporate advocacy tends to involve high-paid lobbyists, you know, like the folks that have such a close relationship with our Health minister. Tobacco companies, for instance, will pay high-paid lobbyists to work with the Health minister to rewrite tobacco legislation whereas community health groups are more likely to use a member-based approach to write letters to the Health minister to say: jeez, it sure would be nice if you would focus on the individual health of citizens. They do it by way of letter campaigns.

Unfortunately, PIPA has a disproportionate effect. Those corporations which lobby through high-paid lobbyists are not necessarily limited because they don't rely on that grassroots form of advocacy. Less financially incentivized groups that are more community based and member based end up having their advocacy efforts limited by some of the provisions that exist within PIPA. And then, of course, unions are the perfect example of the kind of organization that is – it's like putting a square block into a circular hole. It's just not really designed for this legislation.

8:30

Really, that was kind of the point that the Supreme Court of Canada was trying to make to some extent. They said that the whole piece of legislation was very awkwardly and inappropriately limiting the freedom of expression and the freedom of communication of, in this case, unions and not just in the one section that came before the Supreme Court of Canada. In fact, they did a holistic evaluation and said: really, there are a lot of parts of this legislation that are problematic. This just goes back to the kind of thing that I saw way back in the early 2000s, when I was doing an analysis of this very piece of legislation and trying to advise a couple of unions about how to continue to ensure the health of their grassroots, member-based communication while still respecting the objectives of the act.

Anyway, then the difficulty that arises from that is that Bill 3 takes an exceptionally narrow and limited approach to correcting the problems that were identified by the Supreme Court of Canada, and that is why we here today have a concern with this proposal, because it really just doesn't go far enough. The fact of the matter is that the same concerns that were identified by the Supreme Court of Canada continue to exist within the act, and it's just a matter of time before further challenges are taken to – we won't even have to go to the Supreme Court of Canada, I suspect, before it's ruled unconstitutional. So that's why we're saying that this proposal really is not adequate for the task at hand, which is to correct the problems within PIPA, to revive the legislation from its having been rendered inapplicable by the Supreme Court of Canada's evaluation of its impact on some very fundamental constitutional rights.

With that, because I don't want to run out of time, I feel that it's really important, then, that we refer this matter to committee so that it can be considered in more detail. I am going to move a motion that this Bill 3 be amended by deleting all the words after "that" and substituting the following:

> Bill 3, Personal Information Protection Amendment Act, 2014, be not now read a third time because the Legislative Assembly believes that the bill does not reflect the spirit and advice of the Supreme Court of Canada's decision in order to render the Personal Information Protection Act constitutionally compliant.

A reasoned amendment is what I am proposing.

If you'd like me to stop for a moment.

The Deputy Speaker: We'll just pause and distribute that amendment, hon. member.

Ms Notley: Sure. You bet.

The Deputy Speaker: Hon. members, this is a reasoned amendment, and we will label this amendment RA1.

We'll start over with the speakers again. Anyone that would like to speak to this amendment can speak to the amendment. We'll deal with the amendment, and then we'll come back to the bill as amended or not.

Ms Notley: Can I speak on the amendment?

The Deputy Speaker: Yes. You can be the first speaker, hon. member. You'll just continue with your time. You have 45 seconds, hon. member.

Ms Notley: All right. Oh, 45 seconds. Okay. Well, I will just quickly note, then, a couple of the reasons why this is too limited. It talks about a lawful strike, and since we know that public-sector unions in this province aren't allowed to lawfully strike, for instance, the exception that is currently contained within this attempt to fix PIPA is too narrow. We know that a lot of unions are never going to be engaged in a lawful strike notwithstanding that they will be communicating with both the public as well as their

members on issues related to the negotiations of a contract. I would suggest that that communication would be as protected under the Constitution as would those who are engaged in a lawful strike.

The Deputy Speaker: Thank you, hon. member.

Speaking to amendment RA1, the first speaker, the hon. Member for Edmonton-Highlands-Norwood.

Mr. Mason: Thank you very much, Mr. Speaker. I want to thank the hon. Member for Edmonton-Strathcona and leader of the New Democrat opposition in Alberta for her reasoned amendment. I think that it's worthwhile for us to consider carefully whether or not this amendment is actually the best course for the Assembly to proceed in. I submit that it is, in fact, a very good move. Here's why.

The decision of the Supreme Court of Canada with respect to the Personal Information Protection Act was relatively broad. Often the courts will confine themselves to very narrow decisions affecting very specific sections or even specific words. In this case the Supreme Court did not do that. The Supreme Court took the step of striking down the entire act, and they commented in their decision that, in fact, this was not just something that related specifically to the freedom of expression in a specific case, for example a strike, but it was much broader. The court found that the legislation was unconstitutional, and the legislation's prohibition on the collection, use, and disclosure of personal information violates freedom of expression as protected by the Canadian Charter of Rights and Freedoms.

With respect to unions the court noted the fundamental importance of freedom of expression in the labour context and that picketing is a crucial form of expression with very strong historical roots. By restricting the union's ability to communicate about the strike and persuade the public to support its cause, the legislation impaired the union's use of one of its most effective bargaining strategies.

Mr. Speaker, it's in this context that we need to consider the reasoned amendment put forward by the hon. Member for Edmonton-Strathcona. She says in her motion that it not now be read a third time "because the Legislative Assembly believes that the bill does not reflect the spirit and advice of the Supreme Court of Canada" in its decision to render the Personal Information Protection Act constitutionally invalid. That, I think, is at the heart of why we need to pass this reasoned amendment.

Now, I also was present on that picket line, not once or twice but a number of times, and there were really two phases to that strike. Initially picketers weren't allowed inside the mall, and it was the middle of winter, very much like it is now, with snow and very, very cold temperatures. Picketers were confined to a small tent with, you know, one of those sort of barrel burners in the middle of the parking lot, and that was all they had. They had no washroom facilities. They were locked out of the building. They were very, very cold.

8:40

Now, Mr. Speaker, I know that many members in the conservative parties present in this house don't have a lot of sympathies with unions or, frankly, anybody that's a bit different, but that's a debate for another day. But in this particular case I do believe that without labour organizations and their ability to negotiate on behalf of their members and, if necessary, withdraw their services, the standard of living for many Albertans would be much lower than it is today and many rights that we have today would not exist.

Certainly, the equality of women and minorities has been advanced tremendously by the actions of labour unions in their collective bargaining and also in other ways through appeals to the Charter, and many social issues have been advanced a long way. For example, it was labour movements that advanced public pensions in this country. Health care, health and safety legislation: if you go back and look at what health and safety legislation looked like 30 or 40 years ago, you'll find that it's almost nonexistent. There was no workers' compensation. If you were injured at work, you could lose your home and your family. They've done a great deal to advance the cause of everyone, whether or not they're union members.

This right has been recognized and protected under the Charter by the Supreme Court, not just in this instance but in a number of other cases. The fact that it is distasteful to some members of this House is no reason to restrict it unduly or, in fact, even to fear it. I think that the Supreme Court of Canada was wise.

Now, eventually the union in that strike won the fight to be able to picket inside. I'm referencing, of course, the case that the hon. leader has mentioned that involved our former leader federally, Jack Layton. I was also there the evening that Jack visited the picket line, and I watched how union members conducted themselves. What they did was to talk to people going into the casino who were prepared to cross their picket line. They didn't do that in an aggressive way, but they wanted to talk to them about what was at stake for them. Many of these union members that were on strike were single parents with kids at home. They didn't earn very much money. They were able to talk about that. They were able to talk about the struggles that they had as working parents and as people who worked, essentially, for very low wages.

You know, it was interesting, Mr. Speaker, because a lot of the regular customers of the casino knew these people. They knew them, and they had a relationship in the casino with them, a friendly relationship. Many people were persuaded that by crossing the picket line they were actually hurting the livelihood of their friends and the people that were working in the casino and that they were not advancing exorbitant demands but were simply trying to make ends meet in their family budget. That's really what it was all about, Mr. Speaker.

Now, some people were rude and dismissive and so on, but many of the regular customers were persuaded, and that's really, I think, at the heart of why employers don't want this to happen. If people won't cross the picket line, if the customers won't cross the picket line, then the strike has a better chance of being successful and the employer may well be compelled to make some sort of compromise. Let's not forget . . . [interjection] Hon. member, did you want to go on the record? No, I didn't think so.

The Deputy Speaker: Through the chair, hon. members, please. The Member for Edmonton-Highlands-Norwood has the floor.

Continue, hon. member.

Mr. Mason: Thank you very much, Mr. Speaker. I'll try to compose myself and carry on.

Mr. Speaker, it was, in fact, fairly moving to see this interaction, and I was really quite pleased. But, of course, employers would rather just carry on business as usual, bring in replacement workers, and just leave their former employees out in the cold trying to find some new job.

In this society that we've built, there are many components. There are many, many different types of activities and people from different walks of life and different perspectives, but certainly the role that the labour movement has played goes beyond just arguing for narrow advances in their own paycheque

to a broad range of benefits for them and their families to important social programs in this country that they fought for and won.

I bet, Mr. Speaker, that one victory of the labour movement that every member of this House appreciates and may not know came from the labour movement may in fact enlighten some members of this House with respect to how the labour movement has touched their lives. One of the shining achievements of the labour movement is the weekend, and I will bet you a nickel that almost every member of this House has enjoyed that benefit at some time in their lives and probably is looking forward to the next weekend after this week because it's going to be kind of a mean week, I think.

I don't know what would happen if we had to operate this place seven days a week, Mr. Speaker, without taking a weekend. I mean, we actually get three days because of a constituency day as well, and I know we're all busy doing things in our constituencies all of that time, but it's still a break from this place. If we had to work here seven days a week, 12 hours a day, I don't think many of us would still be living because I think, you know, we would kill each other. [interjections] We would not kill each other; I was making a joke, Mr. Speaker. But I think we would not get along in such a jolly fashion as we do if, in fact, we had to work in this place seven days a week.

Mr. Speaker, it's pretty clear to me that this bill as it is written attempts to get around the Supreme Court decision in the most narrow way. It attempts to circumvent the spirit of the Supreme Court decision, and as such it opens us up to another challenge. I think that that is why it is a prudent and wise course that's been suggested by the hon. leader of the NDP. It will save the province litigation and whatever damages there might be, the trampling of people's rights, in the meantime.

I think that we should give very careful consideration to actually supporting this reasoned amendment, particularly in light of the unsavoury move of the House leaders on the other side in bringing forward this bill through committee when the agreed-upon business had it finishing at second reading, particularly when we weren't prepared with our amendments because they were still under consideration by Parliamentary Counsel. It took away our right as an opposition party, as members, individual members, to attempt to influence the legislation in a way that would reflect our constituents' views. I think that that has been in the past a subject of points of privilege but has not been found to be valid by the chair, so there's no point at this stage, then, to proceed with it as a point of principle.

8:50

The Deputy Speaker: Thank you, hon. member.

I'll recognize the Member for Calgary-Buffalo, followed by Calgary-Shaw.

Mr. Hehr: Well, thank you, Mr. Chair. It's a great privilege, actually, to speak to this reasoned amendment put forth by the leader of the fourth party. It says: Bill 3, Personal Information Protection Amendment Act, 2014, be not now read a third time because the Legislative Assembly believes that the bill does not reflect the spirit and advice of the Supreme Court of Canada's decision in order to render the Personal Information Protection Act constitutionally compliant.

I would say at this time that this is a very reasonable amendment, that I would urge all members to support given the context in which we receive these amendments. I think it's important to note that the Supreme Court of Canada in their decision in this case didn't just knock out certain lines and provisions of the Alberta act. Instead, it went through the entire exercise of rendering the entire act nugatory, and as a result it was sent back to this government to fix what, in fact, was broken.

If we look at the situation as it arises, we are dealing with some fundamental rights under our Charter of Rights and Freedoms: the freedom of expression dovetailing with freedom of association, the ability of people to actively organize and collectively bargain and to go ahead and be able to strike in a reasonable fashion, where they promote their aims, their objectives, their goals. We also recognize from the context of the Supreme Court decision that this is not a narrow right that unions hold only in times of striking. In fact, unions should and probably do have the right to comment on a whole range of activities happening in our society, with an ability to try and improve the status of working people, the status of public health, the status of health care, and the status of other things.

We note that unions across this province are doing that on a daily basis. You see unions like the Alberta Teachers' Association advocating on behalf of the teaching profession, on behalf of better results for our students. We see the other associations bringing forth health concerns and how to make our health system better and, you know, workers all across this province bringing forth information on government's running of various bills and amendments that go through this House and others. I don't think we should limit those opportunities for trade unions to speak up about issues that they believe are important, that may be in the public domain and may actually help this province become a better place.

I, too, note the decision that was written November 15, 2013, by the Supreme Court, where it said:

> This Court has long recognized the fundamental importance of freedom of expression in . . . labour disputes. PIPA prohibits the collection, use, or disclosure of personal information for many legitimate, expressive purposes related to labour relations. Picketing represents a particularly crucial form of expression with strong historical roots. PIPA imposes restrictions on a union's ability to communicate and persuade the public of its cause, impairing its ability to use one of its most effective bargaining strategies in the course of a lawful strike. This infringement of the right to freedom of expression is disproportionate to the government's objective of providing individuals with control over the personal information that they expose by crossing a picketline. It is therefore not justified under [section] 1 of the Charter.

If we look at one of the key phrases not only in that passage I just read but throughout many of the decisions made by the Supreme Court and other bodies, it recognized the historical role unions have played. The Member for Edmonton-Highlands-Norwood went through it very well: the implementation of safe workplaces, the implementation of reasonable work hours, the role of unions in providing, I guess, more of a role for women in our society and recognizing pay inequality in this country, the historical role unions have played in moving public health care forward. In fact, they in no small way were responsible for many of the changes in the way we deliver health care in this country that were positive movements for our society at large. They continue to do that work today. If you read these court cases and the body of material that courts across this land have talked about, it's the ability of trade unions to comment fairly on values and roles that they believe are important to the citizenry.

In my view, this would be a good time for us to assess whether or not the narrow amendments we have made here to the PIPA legislation actually correspond with the decisions that have been rendered across this country in regard to freedom of association – the right to join trade unions and the right for trade unions to do

their work and reflect adequately on issues facing society – balancing that with freedom of expression and how they're able to communicate this information to the public.

In my view, this is an eminently reasonable amendment. Why would we want, again, to pass this bill and then have it challenged in court, have the ongoing litigation go up the food chain from Queen's Bench to Court of Appeal to Supreme Court only to have it come back to this government and have the Supreme Court say, "No; you guys have messed this up again, and you have not complied with recognizing the need or the ability to have a broadened context and a broadened recognition of what trade unions and their role is in our society"? It would behoove us, I think, to follow this advice. I think that given what has transpired in regard to this bill and the fact that we didn't get an opportunity as opposition parties to comment fully and fulsomely on the bill, to offer our amendments that would have made this bill stronger, would have allowed us to more diligently get to the bottom of the issues we are now discussing, it would be doubly important for us to get to that point.

Simply put, Mr. Speaker, it seems like there has been a rush to close debate on this issue like we have in other cases both this week and going on next week, where we won't have an opportunity to discuss things that are important to the Alberta people, and that is unfortunate. On this note I think this is an eminently reasonable amendment, one that I would support, and I would urge all members of this House to follow suit and vote in favour of it. It's a good time for us to take this opportunity given to us and to reflect on this, and there is adequate ability for us to do that at this time.

Thank you, Mr. Speaker.

The Deputy Speaker: Thank you, hon. member.

My apologies, hon. members. Standing Order 29(2)(a) is available in this segment if anyone would like to offer questions or comments to the member.

If not, then I'll recognize the Member for Calgary-Shaw.

9:00

Mr. Wilson: Thank you, Mr. Speaker. I don't present myself as an expert on this legislation. Thankfully, we have one of those. We have the Information and Privacy Commissioner here. She's an independent officer of this Legislature, and I'm going to share with this House the comments that she made via press release, which I will table tomorrow, regarding Bill 3. She says:

> I am pleased the government brought these amendments to the legislature quickly as the importance of private sector privacy legislation in Alberta cannot be overstated. I believe the amendments address the issues raised by the Supreme Court while, at the same time, balancing the need to protect the privacy interests of individuals.

It doesn't get any clearer than that. This is why we have the expert.

Further to that, Mr. Speaker, my hon. colleagues to my left may be interested to know that PIPA has in itself, written into the act, a mandatory review by a select special committee that is supposed to take place next year. That committee, based on the legislation, needs to be struck by July 1, 2015. And the reality is that failure to pass Bill 3 now or as soon as possible jeopardizes the exact reason why we're having this debate in the first place, which was to advance this bill, get it in line with the Supreme Court decision, and ensure that we are able to continue to operate under Alberta-made legislation as opposed to federal.

That being said, Mr. Speaker, I would encourage all members of this Assembly to vote against this amendment, and I would also request that the question be called as soon as humanly possible. Thank you very much.

The Deputy Speaker: Thank you, hon. member.

Standing Order 29(2)(a) is available.

Seeing none, then I'll recognize the next speaker, the hon. Member for Edmonton-Calder.

Mr. Eggen: Well, thank you, Mr. Speaker, and certainly I appreciate the opportunity to speak to this motion put forward by the hon. Member for Edmonton-Strathcona, that Bill 3 not be read for a third time. It's interesting to see how she did not reflect the advice of the Supreme Court of Canada. Respectfully, certainly, the Member for Calgary-Shaw . . .

Mr. Wilson: I was just reading the Privacy Commissioner's. . .

Mr. Eggen: Yeah, yeah. For sure. There is a level of expertise there. But, I mean, I would defer personally to the expertise of the Supreme Court of Canada – right? – who made it very unequivocal that we needed to enforce this in a much more broad sort of way. So, you know, we're just trying to do a public service here, to give people the sense that, you know, if something's not going to be challenged almost immediately – and we do have the provision for a review in 2015, so I think we're kind of laying the groundwork for the review here as well so that we make sure that we don't move further in the wrong direction. That's all.

You know, it's also interesting that the Privacy Commissioner wrote a letter on this issue and did express similar, in a more circumspect way because, of course, she needs to make sure that she's getting this level of legislation in place – but her letter and advice were also critical of the same areas that we are expressing here today, too. Everybody's got a role, of course, in the Legislature, inside and out and each of the offices and so forth. So it's important for us to make sure that this element of this decision is brought forward in the most clear possible way.

You know, I do have the third and fourth and fifth page of that same letter, where she does describe these sections that are controversial: sections 14, 17, and 20. And, certainly, she and the Privacy Commissioner's office do a great job. We know that this ruling and any subsequent indiscretions around this legislation will end up mostly on her lap, and the Privacy Commissioner's office will have to deal with challenges that come forward. So it's very important and incumbent upon us to make sure that, perhaps, we get it right, not read this a third time, and build a proper budget for the office for the Privacy Commissioner, too, I would suggest. I'm kind of alarmed to hear that, you know, people want to go after the capacity for that office to function at the very time when their workload and the amount of cases coming forward are increasing 125 per cent over the last three years. I found that to be striking, Mr. Speaker, and certainly a lot of it from the freedom of information and PIPA generates more work for that office.

The issue, Mr. Speaker, that I would like to just talk about here a little bit more – people haven't really expressed it fully – is the issue of Bill 3 creating very narrow exceptions for the scope by which information can be revealed. You know, it's not just people in the midst of a strike because, as my colleague here from Edmonton-Strathcona pointed out, there are many unionized workers that, in fact, are not even allowed to strike. We must not preclude their use of information and communication with the public, with their members, and so forth simply because they can't enter that narrow confine that's defined here in this particular bill. We don't need to do that. We shouldn't do that, and – you know what? – the Supreme Court said that we shouldn't do that either. I mean, that's fairly obvious.

Another area that I was thinking about was in regard to groups of workers that are seeking their first contracts and, again, employing exactly the same parameters of communication. In fact, the communication in the first contract is even more critical to the members and to the general public and so forth, so for us to narrow their scope and capacity to use information, again, really gets in the way of best practices for good labour relations.

So yes, I certainly encourage everyone to support this amendment. The personal information amendment brought forward I would encourage everyone to read it very carefully and support it wholeheartedly and enthusiastically.

Thank you very much.

The Deputy Speaker: Thank you, hon. member.

Standing Order 29(2)(a) is available.

Seeing none, I'll recognize the next speaker. The Member for Edmonton-Beverly-Clareview.

Mr. Bilous: Thank you very much, Mr. Speaker. I'm quite happy that my colleague the hon. Member for Edmonton-Strathcona has brought forward this reasoned amendment. The hon. Member for Edmonton-Strathcona is calling for this bill to now not be read a third time because we don't believe it reflects the spirit and advice of the Supreme Court's decision. I will try to keep my comments to that point, and there are a few points to make.

Having, you know, spoken with various groups that either were involved in the Supreme Court decision or others that have studied that case, again, Mr. Speaker, you can appreciate the fact that when a case does work its way all the way up to the Supreme Court and there is a ruling, it is really a landmark case and one that sets a precedent which future cases will be compared to and used as a point of judgment.

You know, I want to mention the fact, Mr. Speaker, that back in 2013 the Supreme Court of Canada did declare PIPA unconstitutional. This is very, very significant. Basically, that legislation prohibited the collection, use, and disclosure of personal information, which violated the freedom of expression as protected by the Canadian Charter of Rights and Freedoms, again, one of the highest pieces of legislation, which all others need to ensure that they don't contravene, these great pieces of building blocks or fundamental rights that all Canadians enjoy.

Now, you know, Mr. Speaker, the issues that this piece of legislation brings forward may be – I mean, they're going to be challenged, I believe, as far as their consistency with the Supreme Court decisions. But what needs to be recognized, first and foremost, is that this bill, as it's currently written, is inconsistent with the spirit of the Supreme Court's decision. Just to reiterate, the court noted the sweeping nature of PIPA's restrictions and their impact within the labour context and not just their impact during a labour dispute, which, to me, seems as though should this legislation continue to move forward, it will be challenged. As I've mentioned earlier, not the best use of tax dollars, of our time, having a piece of legislation that's going to be challenged and challenged probably all of the way up, wasting dollars and time of many folks.

9:10

I think, you know, this current piece of legislation will perpetuate PIPA's inconsistency with the federal counterpart, PIPEDA, which, to remind members, only applies to personal information collected, used, and/or disclosed for a commercial purpose. The unconstitutionality of this legislation stems from its application to all personal information regardless of the organization's purpose in using such information.

This piece of legislation may also invite more litigation from unions, political or social groups whose freedom of expression this current bill will continue to infringe upon.

The other part, Mr. Speaker, is that it will involve the Privacy Commissioner in labour disputes rather than leaving those issues regarding such disputes to be resolved by the Labour Relations Board, which is an expert tribunal on such matters and where, quite frankly, those decisions should remain. I mean, those reasons to me seem quite clear and logical as to why this bill should be referred.

I'll just mention a few other points here, Mr. Speaker, if I can find them quickly enough. You know, I think that the theme of the concern that myself and my colleagues have tried to share with the House is, again, the fact that the current legislation as it is written is quite myopic in scope. It's quite narrow and restrictive and doesn't allow for freedom of expression by unions in a larger, broader context.

As my colleagues have so eloquently described, examples of successes that unions have had which have been shared by all Albertans, regardless of if a person has been employed with a workforce that was unionized or not, examples from, you know, having the weekend off, an eight-hour workday, paid overtime, as far as safety legislation: these have all been front and centre for labour unions in our history. The reason that we have such laws to protect individuals, the right to collective bargaining, et cetera, comes from unions and, if we want the long explanation, really was born out of the Industrial Revolution, when we had numerous examples of abhorrent conditions that predominately children and women worked in. From that was born the labour movement as far as defending the rights of individuals and of workers, one of my more preferred topics to teach when I taught social studies, Mr. Speaker.

I did want to mention that, again, the reason why I am supporting this amendment of mine and encouraging all members to support it is for the simple fact that PIPA imposes restrictions on the union's ability to communicate, persuade the public of its cause, which effectively impairs its ability to use one of its most effective tools, Mr. Speaker, and that's effective bargaining strategies in the course of a lawful strike.

Now, this infringement on the right to freedom of expression is quite disproportionate to the government's objective of providing individuals with control over personal information that they expose by crossing a picket line. You know, I think there's much to be learned from the decision of the Supreme Court of Canada. It's a fairly lengthy document that they've put forward explaining their rationale for their decision. But, as we can see, the current legislation as it's written is quite narrow in scope, and my concern is, Mr. Speaker, among many things, that there will be numerous challenges should this bill go forward. Therefore, I'm supporting this amendment to refer this bill.

Thank you, Mr. Speaker.

The Deputy Speaker: Standing Order 29(2)(a) is available.

Seeing none, are there any other speakers?

The question has been called.

[The voice vote indicated that the motion on amendment RA1 lost]

[Several members rose calling for a division. The division bell was rung at 9:16 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[The Deputy Speaker in the chair]

For the motion:

Bilous	Hehr	Notley
Eggen	Mason	

Against the motion:

Amery	Fritz	Olesen
Bhardwaj	Horne	Olson
Bhullar	Jansen	Quadri
Brown	Jeneroux	Quest
Cao	Johnson, L.	Rowe
Cusanelli	Kennedy-Glans	Sandhu
DeLong	Khan	Sarich
Dirks	Klimchuk	Stier
Donovan	Leskiw	Swann
Dorward	Luan	VanderBurg
Drysdale	Lukaszuk	Wilson
Ellis	Mandel	Woo-Paw
Fawcett	McIver	Xiao
Fenske	Oberle	Young
Fox		

Totals: For – 5 Against – 43

[Motion on amendment RA1 lost]

The Deputy Speaker: We're now back to the bill.

Mr. Oberle: Mr. Speaker, I wonder if it might be appropriate at this time that I rise and request unanimous consent of the House to waive for the remainder of the evening Standing Order 32(2) and shorten the length of time between division bells from 10 minutes to one minute.

[Unanimous consent denied]

The Deputy Speaker: We are now back to third reading of the bill. The next speaker, who hasn't spoken already, is the hon. Member for Edmonton-Highlands-Norwood.

Mr. Mason: Thank you very much, Mr. Speaker. When the Government House Leader violates an understanding about which bills will be debated at which time and leaves a small opposition party with amendments that they can't bring forward to a bill, then they trample on the rights of the minority in this House, and there needs to be some sort of price exacted for that kind of disrespect for the democratic rights of the members of a minority party in this House. I just want to make that crystal clear for the hon. members who may be wondering at our vote on that last piece.

9:30

I am going to speak to Bill 3, and I'm going to talk a little bit about the importance of changes that need to be made. Now, the court in its decision when it struck down Alberta's legislation said that it was restricting a union's ability to communicate about the strike and to persuade the public to support its cause and that the legislation impaired the union's use of its most effective bargaining strategies. I've commented on that in terms of the labour context, Mr. Speaker; that is to say, in my comments to the previous amendment, when I talked about the ability of union members on strike on the picket line to persuade patrons of the casino not to cross the picket line because they came to an understanding that, in doing so, they would hurt the interests of people whom they knew and had some sympathy and empathy for. So that's one piece of it.

Mr. Speaker, I think the court is also talking about other activities of unions. Unions do not just restrict themselves to collective bargaining on behalf of their members. They also represent their members on broader issues, and we've talked a little bit in this House about the role that unions have in terms of bringing about many of the changes in society. Many of the programs and social benefits that we all enjoy have been won by unions and not necessarily by unions negotiating directly with an employer for the provision of certain benefits but benefits that are provided by the federal government or by a provincial government in order to provide some universal benefit for all Albertans or all Canadians. Public health care and the medicare system would be a very good example of that, as would pensions or workers' compensation.

Now, those are not things that they won at the negotiating table. Those are things that they won by representing their members politically to various levels of government and advocating on behalf of not only their members but also non-union members, who also benefit from those things. So to restrict this just to specific union activity by just the union that might be involved in the labour activity, as this bill does, flies in the face of what the Supreme Court has said and what it's talking about. It's talking about the right more broadly of unions to engage with the public on a variety of social, economic, and political activities, and that's a right – a right of freedom of expression, freedom of speech, if you will – that is afforded to unions as it's afforded to other citizens and groups of citizens.

In this particular case I think that the bill is far, far too narrow in its definition of what it's going to allow. It is, in our view – and we have obtained legal advice with respect to this bill, Mr. Speaker – inconsistent with the spirit of the Supreme Court's decision. The court noted the sweeping nature of PIPA's restrictions and their impact in the labour context, not just their impact during a labour dispute.

As well, PIPA's sweeping provisions negatively impact other political and social organizations, not just unions. What would we say, then, for example, if organizations representing GLBTQ youth wanted to picket at a Progressive Conservative policy convention, for example? This may strike other people as far-fetched, but after today I think that it's increasingly likely that things like this are going to start to happen. It may be unpleasant and uncomfortable for Progressive Conservative MLAs and party members. To that I say, Mr. Speaker: good. But I also say that whether it makes someone uncomfortable or they wish they would just go away, if they're exercising their free speech, their right of assembly, their freedom of expression, those are guaranteed under the Charter, whether it's an individual or whether it's an organization, and we ought not to be restricting these kinds of things unduly.

So it's pretty clear – and I'll quote from this – that the sweeping provisions negatively impact other political and social organizations, not just unions. Moreover, Mr. Speaker, this bill will perpetuate PIPA's inconsistency with the federal Personal Information Protection and Electronic Documents Act, or PIPEDA, which only applies to personal information collected, used, and/or later disclosed for a commercial purpose. The unconstitutionality of Alberta's legislation stems from its application to all personal information regardless of the organization's purpose in using such information.

In other words, Mr. Speaker, the federal legislation is aimed specifically at protecting people's personal information relative to commercial purposes. So a company operating, for example, may collect information about you in order to market their goods to you. The Internet is probably one of the best examples of this. We see that every time we open up Facebook. But it's pretty clear that there are restrictions and necessary restrictions on the use of people's personal information under the federal legislation for

commercial purposes whereas Alberta's legislation is much more sweeping than that. It's much broader than that, and it attempts to restrict the ability of organizations, for political or social purposes, for example, to collect information.

The Supreme Court has said that that's wrong, yet that's not addressed in this act. That's why we fear that there's very likely going to be another successful legal challenge to this particular act because the provincial government, unfortunately – I know this almost never happens – haven't been listening very well, and they aren't listening in this case to the Supreme Court. That's a little different, a little more serious than not listening to public organizations or the opposition. In the end, I think that we will all be the poorer for it.

The unconstitutionality of Alberta's legislation stems, again, from its application to all personal information regardless of the organization's purpose in using such information and, therefore, contravenes the Charter, Mr. Speaker. Furthermore, this will invite more litigation from unions and political and social groups whose freedom of expression the legislation will continue to infringe upon. That is where we're going to go if we pass this legislation. We'll be back in court, and the government may yet have to face its legislation being struck down by the courts and come back a third time to this House cap in hand with yet another attempt to rewrite the legislation.

Finally, according to our opinion, Mr. Speaker, this will involve the Privacy Commissioner in labour disputes rather than leaving issues regarding such disputes to be resolved by the Labour Relations Board, which is the expert tribunal on such matters. In other words, it's really going to muddy the waters. It's going to be bringing in two commissions now, not just the Labour Relations Board. Now the Privacy Commissioner will be drawn into various political as well as labour disputes, and I think it's going to create all sorts of confusion.

For those reasons and a number of others that I haven't had time to enumerate, Mr. Speaker, I would like to move on behalf of my colleague the MLA for Edmonton-Calder that the motion for third reading of Bill 3, Personal Information Protection Amendment Act, 2014, be amended by deleting all the words after "that" and substituting the following: "Bill 3, Personal Information Protection Amendment Act, 2014, be not now read a third time but that it be read a third time this day six months hence." I have the requisite number of copies, Mr. Speaker, which I can send to the table.

9:40

The Deputy Speaker: Thank you, hon. member. We'll just pause while we distribute that. That's a hoist amendment, so we'll call that H1 and give just a few moments so that we can get that distributed.

Hon. Member for Edmonton-Highlands-Norwood, you have three minutes and 55 seconds. You may speak to your amendment.

Mr. Mason: Well, thanks very much, Mr. Speaker. There are a number of reasons to support this amendment. I certainly think that six months from now is probably a better time, and particularly since the House won't be sitting, then we can make this silly bill just go poof and go away.

I think that there are other more serious reasons why we ought to do this, and I've enumerated them. We don't think that it's consistent with the Supreme Court decision in a number of ways. We think the legislation was struck down for a number of reasons, many of which are not addressed by the current bill that is before us. We think that there are serious issues affecting the rights under the Charter of organizations and individuals to freedom of expression. We certainly agree with the Supreme Court of Canada with regard to that point, Mr. Speaker.

I do believe that the hoist is an opportunity to dispose of the bill while the government reconsiders what the Supreme Court has said and to give serious thought, instead of trying to restrict the rights of organizations and groups of citizens and unions and other organizations with whom it doesn't necessarily agree, that it wants to do as Voltaire talked about, and that is protect and defend the rights of the freedom of speech of people with whom they disagree. There's a famous quote. I'm not going to do it an injustice by grossly misquoting it here, but it is, in fact, an important concept that it's important for governments to fight for the rights of people with whom it does not agree. We haven't seen that from this government, not in the least; in fact, quite the contrary.

So it would be refreshing, then, if hon. members would actually stand with us and vote against this bill by supporting the hoist amendment that we have just put forward. I encourage all hon. members opposite to do so, Mr. Speaker. It would be good for the soul, and it could exorcise many demons, I'm sure, that are bothering some members opposite tonight.

So with that, Mr. Speaker, I'm prepared to take my place and encourage all members to support this amendment.

Thank you.

The Deputy Speaker: Thank you, hon. member.

Other speakers to the amendment? The Member for Edmonton-Strathcona.

Ms Notley: Well, thank you, Mr. Speaker. Yes, I'm pleased to be able to speak to this amendment because the amendment put forward by the Member for Edmonton-Highlands-Norwood on behalf of the Member for Edmonton-Calder is a good one. As rightly described, were it to be successful, then Bill 3 would fail, and pending this government's more comprehensive and thoughtful remediation of the problems that exist with PIPA, we would be governed by PIPEDA, the federal legislation. So just to be clear, it doesn't mean that we then are no longer governed by private-interest privacy legislation. We would be. We would be governed by the federal act, which becomes applicable in the absence of the provincial act.

I've been asked: well, isn't the provincial act better? In some ways the provincial act is better, but in other ways the provincial act is not better. This is one of those ways. The provincial act has always been an act which has been more aggressive in terms of limiting and impacting in a very sweeping way the activities of other political and social organizations, not just unions but other organizations of the sort. Hence, the Member for Edmonton-Highlands-Norwood's reference to members of one of those rare gay-straight alliances picketing in front of a Conservative Party convention, for instance. That would be another social organization whose activities could be constrained, and the freedom of expression could be constrained by the same kinds of problems that were identified by the Supreme Court of Canada in their review of PIPA. That's what we're concerned about, that this government is taking an exceptionally narrow attempt to fix the legislation and not dealing with the broader issues.

Now, one of the members took the time to highlight the arguments and the submissions that were made by the Privacy Commissioner in favour of the recommendations which we find in Bill 3. But I think that in one way, as much as I have tremendous respect for the work of our Privacy Commissioner – and I believe that our commissioner has been very effective in her role, and I'm

very pleased with the contributions she's made to public debate on these issues in a lot of different areas over the term of her tenure.

But in this particular area I think that perhaps the concern that we would have around this legislation, in fact, is arguably revealed in the letter to the Minister of Justice that was prepared by the office of the Privacy Commissioner. In that, particularly on page 3, the commissioner reviews the particular components of Bill 3 and argues that that is the best balance between, on one hand, the freedom of expression of the union and, on the other hand, the privacy rights of individual Albertans. As has already been noted, this legislation and the language in Bill 3 really allows for a great deal of discretion and deliberation on the part of the Privacy Commissioner as to what is a reasonable limitation in the circumstances and all that kind of stuff. So there's a great deal of discretion being used by the Privacy Commissioner.

But even in this letter the Privacy Commissioner refers to the issue of how, you know, there is a need to strike a balance. On one hand, what they're doing is striking a balance with respect to the union's freedom of expression during the course of a lawful strike. Again, as others have stated, one of the points of not having the Privacy Commissioner be the person that deliberates on this question is: does the Privacy Commissioner really bring that expertise of labour relations to the table in order to be able to properly adjudicate in this particular case on what is a reasonable balance?

In the letter itself the Privacy Commissioner refers to this notion of a lawful strike, yet as I started to talk about before I ran out of time when I last had a chance to speak about this issue, we know that there are a number of unions certified under the Labour Relations Code and the public-sector employee relations code in Alberta that don't have a lawful right to strike and never have a lawful right to strike. Does that mean that in the course of working collectively, because they are a collective organization, to advocate for the rights of their members in terms of their bargaining and their terms and conditions of employment, they are not entitled to have that balancing act applied in the course of working to achieve those objectives, that only a union that's entitled to lawfully strike gets to participate in that balancing act, and that a union that has no capacity to lawfully strike then must simply become subordinate to the very private interests which feature repeatedly throughout PIPA?

9:50

PIPA is a set of rights that's very individualistic in its articulation, which is fine, but there are organizations and traditions and institutions within our society that don't arise from an individualistic conception of rights, that, in fact, function very effectively, I might add, through the development and the evolution of a collective sense of rights. It's not just unions to which I'm referring. I mean, quite frankly, many would argue that a number of indigenous groups also operate in that way, that their conception of rights is, in fact, collective and that the collective right takes precedence in some cases over the individual right.

There is a balancing act that needs to take place here, but in this particular case we have the Privacy Commissioner engaging in that balancing act and suggesting that using lawful strike as the parameter for that exception is the appropriate way to do that. Yet inherent in that recommendation appears to be a failure to understand that probably 40 per cent of the people who are members of unions in Alberta actually don't enjoy a lawful right to strike because we are Alberta, and we've long since decided to ignore the UN convention on the rights of workers. We have decided to simply not allow a significant number of Alberta's citizens to have the lawful right to strike.

Given that inherent in her very letter there appears to be potentially a failure to understand that for that union to achieve its very, very primary purpose, which is to bargain and advocate on behalf of its members to secure the most favourable working conditions possible, in that objective not every union has the right to lawfully strike. They may still have rights to picket, but, again, based on the language in this legislation, even though they might have a right to picket, that right would be subordinate to the provisions in PIPA because the picketing is not occurring in conjunction with a lawful strike.

Of course, there are lots of times that pickets are appropriate even though they're not a part of a lawful strike. For instance, just a month and a half ago I was at a picket line that was associated with a decision of a private or nonprofit – I can't remember if it was a private or nonprofit – care provider, at the sort of economic behest of this government, to contract out a bunch of the work done by unionized employees to a multinational company, that would theoretically do it cheaper for lower wages and probably to lower standards as well. Those members of the union were picketing because they were about to lose their jobs, but they weren't on strike. They hadn't withdrawn their labour, but they were still picketing to make the point that their work had been contracted out and that it was going to compromise the health and safety of the residents within that place as well as the government's ability to ensure the highest standard of care within that particular institution.

So they were picketing, but under this very limited section which occurs in this piece of legislation, that picketing and any sharing of information that would have occurred within the context of that picketing would not be protected and would not be part of that balancing exercise because it is so artificially limited. Again, I would suggest that it's artificially limited because the Privacy Commissioner, although an expert in issues of privacy law, is not an expert in labour relations. Really, probably it was not the best place to come up with the language that would circumscribe the exceptions to the particular provision which is under discussion, initially in the Supreme Court of Canada case and subsequently in Bill 3.

So that's why, then, with the greatest of respect to the Privacy Commissioner I would suggest that the submissions that are offered, while helpful – very helpful – and worthy of consideration in a more comprehensive deliberation of how to deal with these issues in rewriting PIPA, are perhaps not as effective in terms of coming up with this particular section.

You know, at one point somebody over there was sort of rolling their eyes, saying: "Oh, yeah. You guys are just standing up for the union. Blah, blah, blah. That's all you're really here to do." I mean, it is true. I had the fabulous opportunity, Mr. Speaker, to slip home between this afternoon's session and tonight just to quickly have dinner with my family and to touch base with my son, who's in the middle of working on an essay on the Industrial Revolution in Manchester and what happened to the quality of life for regular, common folk in Manchester during the 19th century. It was interesting, reading through that historical stuff with him to help him with his essay, just being reminded of the degree to which the labour movement significantly improved the quality of life enjoyed or not enjoyed, as the case may be, by the vast majority of citizens in Manchester in the 19th century. A lot of money flowing in, but a lot of folks were having their rights breached repeatedly. There was child labour and a massive fatality rate in the workplace. It reminded me a little bit of the last week here in Alberta. It was just generally speaking not a great place to be, and it was thanks to the labour movement that that trend started to reverse so that regular working folks could start to get

the benefit of all the money that was being made as a result of the Industrial Revolution.

Anyway, I digress, so I will go back to my previous points. I just think that at the end of the day what's really important is to make sure that we get this issue right. My concern is that by accepting what is, in our view, a limited and short-sighted correction to the act as required by the Supreme Court of Canada, we will not devote an adequate amount of time to a more comprehensive review when it comes time for this matter to be reviewed in committee this summer. Whereas if we were to simply not pass this bill and have PIPEDA be the governing legislation for a period of time, there might actually be more motivation for members opposite to engage in a more meaningful way when we engage in the committee review of this legislation.

I've been sorely disappointed over the last eight or nine months at the way in which all-party committees have been functioning. You know, there's been really very little interest in engaging in a comprehensive analysis of the legislation that's put in front of us or asking Albertans to submit their positions or listening to those submissions when they are actually submitted or, heaven forbid, deliberating on what some of the issues were that Albertans raised. That has been kind of lacking from the work of our all-party committees more recently. Rather, they've just sort of been marching in, and the chairs have been given their scripts to read, and everyone votes when told to, and then nothing is really discussed. We all leave the committee really early, and things carry on the same way.

If we were to actually create a motivation to have a made-in-Alberta privacy legislation that meets the needs of the Supreme Court of Canada . . .

The Deputy Speaker: Thank you, hon. member.

Standing Order 29(2)(a) is available.

Seeing none, I'll recognize the next speaker. The Member for Calgary-Buffalo.

Mr. Hehr: Well, thank you, Mr. Speaker. I appreciate the intent of the motion put forward by the New Democrat caucus. I do have some concerns with voting in favour of this motion at this time.

10:00

Now, I do realize that I did vote in favour of the last amendment because hypothetically we could have gotten this to an all-party committee, where we would discuss this, come up with an adequate discussion, look at the relevant context of the bill, add to it the provisions that may make us more in line with those decisions, and have an Alberta act ready and on the go for, hopefully, sometime in the very near future.

If you look at this act in its entirety, it's simply keeping us from moving forward on the Personal Information Protection Act in this province. What this would entail would be for members on this side to believe that the government on its own is going to go away and do this work and come up with a new bill and implement something at some future date that would more adequately reflect some of the concerns we brought up in this House. And, in my view, that is not reality.

Accordingly, I think that given that the Supreme Court of Canada has sent it back to us, given that I think it's important for this province to at least have some law on the bill, even though it may be a flawed law, it is important for us to go forward.

Furthermore – and I've brought up some points consistently in the debate here tonight – in my view if you look at much of the case law surrounding the context of what brought this issue before the Supreme Court, what caused them to strike down our entire legislation was the fact that our legislation was narrow. It didn't understand the right of unions to be able to adequately and effectively engage in legal strikes, but also there was much rhetoric in that case and, in fact, other cases about unions' ability to comment on social issues, and much has been made about the contributions of trade organizations and unions to the betterment of our society. No doubt we see that, from national health care to reasonable working standards to the weekend of all things, which you and I both enjoy, and I'm glad that the union movement led the charge on this.

But at this time I think that moving to this would be not in the best interest of our province. With at least the passing of this legislation I think there would be an opportunity to then have it on the record, on the books. Then should some trade union or other interested body actually wish to challenge it, it can start the process of going down the path to eventually get us to a place where it is heard by the Supreme Court of Canada and actually gets back to this Legislature so we can actually make a law that fundamentally would reflect those goals attributed in that Supreme Court decision.

I think this motion is misguided in the fact that not having a law on the books is simply not going to happen at this time; that reflects that the government go away and decide something differently than it has. So given that reality, it's better for us to pass this legislation, to have it go ahead, and to allow us to evaluate it, then, in future court cases.

I will also note that although the Privacy Commissioner has made comments along the way, in various degrees saying that this bill may not go far enough, that they may not be able to actually square all the circles and the like, I think it's important to note that she did support the actual passing of this bill at least to get us a start on where we need to go in this province.

In my view this is redundant, and it will not actually serve the best interests going forward. We need to get legislation on the books so that our trade unions and other people know what their effective rights are in this province. The sooner that's on the books, the sooner we can get to evaluating whether it fits within our court structure.

I'll be urging members to vote against this hoist amendment. Thank you very much, Mr. Speaker.

The Deputy Speaker: Thank you, hon. member.

Standing Order 29(2)(a)? No?

Okay. Then I'll recognize the next speaker, the hon. Member for Edmonton-Beverly-Clareview.

Mr. Bilous: Well, thank you very much, Mr. Speaker. It's my privilege to rise and speak to this bill. It's likely the last chance I'll get to speak to Bill 3, the Personal Information Protection Amendment Act, 2014. I just wanted to clarify really briefly that I believe I was a little incorrect earlier when I spoke in that I mentioned that when this bill was in Committee of the Whole, it wasn't actually on the Order Paper. It, in fact, was – my hon. colleague reminded me – but it wasn't on the projected business of the day. So I confused those two, and I apologize for that.

As the hon. Member for Edmonton-Strathcona pointed out, it is a long-standing tradition in this House, Mr. Speaker, that when the House leaders speak and the Government House Leader decides what the business of the day will be, it is understood and respected between all of the parties. Especially with the fact that when there are numerous pieces of legislation coming forward, for the smaller parties it is sometimes a challenge, as you can imagine, but we do want to ensure that we're doing the best job possible. It's very restrictive if bills or readings are moved forward when opposition parties aren't ready for them.

In this case we had gone through the legislation, and we had amendments with Parliamentary Counsel that hadn't yet been returned. I will say, Mr. Speaker, that it's important to note that in my short two and half years here as a member in the House never have I seen the government move forward when there are amendments waiting to be approved. It's not that we had said, "Yes, they're coming," and government had no idea. It's that there were several amendments waiting for approval from Parliamentary Counsel, and the bill was rushed through. I mean, that I do take issue with in that it does inhibit or restrict severely the ability of opposition members in this House to do our job.

Now, as has been said a couple of times, the reason I'm speaking in favour of this amendment that the bill be not now read a third time but six months hence and therefore be removed is because we foresee the challenges that lie ahead should we pass this PIPA legislation today. There are going to be court challenges. Likely it's going to be ruled unconstitutional just because it's not constitutionally compliant. In our view we will see that very, very soon, Mr. Speaker. We'd rather get it right.

The good news is that despite what some members in the House may think, that we have to get this PIPA legislation through right now – yes, the Privacy Commissioner did put a timeline on this – the fact of the matter is that if Alberta didn't put forward its own PIPA legislation at this point in time, we would still fit under the umbrella of the federal legislation, PIPEDA. So we're not in as much of a bind as we may think we are. You know, I've always been of the mindset of: let's do it once, let's do it right, and let's get it right the first time as opposed to passing through poor legislation and then having to come back with a series of amendments and waste people's time and the resources of the Alberta treasury.

Mr. Speaker, just to go over some of the points here, you know, talking about the restriction that Bill 3 has on our freedom of expression, the principle that unions have the right to freedom of expression by communicating with the public, not just their own union, in trying to persuade them is so fundamental in general and in particular so fundamental to the objectives of collective bargaining that even the Supreme Court in its decision reiterated this.

10:10

Now, as we know, Mr. Speaker, for unions to be effective in protecting the rights, interests, and well-being of their members, they need to use a number of measures to represent those interests. Among these, communication – in other words, the ability to express themselves freely – is one of the most important tools that they have at their disposal. For example, unions need to be able to communicate with the public or the government, as I mentioned earlier, about unsafe workplaces. They need to be able to communicate with the public in order to influence pressure and public opinion in the context of labour disputes and negotiations processes.

Now, Mr. Speaker, the Supreme Court was unequivocal in saying: "PIPA imposes restrictions on a union's ability to communicate and persuade the public of its cause, impairing its ability to use one of its most effective bargaining strategies in the course of a lawful strike." That came from paragraph 37 of the Supreme Court's ruling.

Furthermore, at paragraph 29 the Supreme Court says:

> This Court has long recognized the fundamental importance of freedom of expression in the context of labour disputes . . . "[f]or employees, freedom of expression becomes not only an important but an essential component of labour relations."

The court has also been clear, Mr. Speaker, over the years that picketing is a legitimate form of expression, not just in cases of lawful strikes, I might add, which is the only narrow exception carved out by Bill 3. Again, picketing is far from the only important communication tool available to unions. I brought forward the example of XL Foods, that took place in Brooks, Alberta, in 2012, and the fact that much of that could have been averted and the fact that, you know, the union raised concerns publicly about the issues in the plant that were leading to contaminated meat.

I just want to say that Bill 3 does nothing to address the potential restrictions of these types of communication activities by unions or anyone, and these rights to free expression don't just benefit unions. I mean, this is the important component for members to grasp here. Obviously, a major purpose of unions is to address the political and social issues of the day but also to work for social justice for all Albertans. So by denying them a key right necessary for them to communicate and achieve these objectives, this bill is so restrictive to the well-being of all Albertans and our democracy, which is affected.

Mr. Speaker, the Bill 3 exceptions are narrow in that it applies to a union that's engaged in a lawful strike, not even other unions or affiliates or those with an interest in the matter, which greatly restricts many different organizations. It does nothing to extend and improve the right to freedom of expression for most Albertans outside of the scope of the individual union that it applies to.

Now, Mr. Speaker, let's consider the fact that strikes are not the only part of the labour negotiation process, which requires freedom of expression for unions to advocate for their members. From the beginning of the process until the end these organizations need to be able to communicate freely to advance their interests and to make up for the inherent power imbalance between employer and employee. By carving out such a narrow exception, that it only applies to strikes, Bill 3 leaves all restrictions on all of these other forms of expression, which are crucial in the labour negotiation process.

Furthermore, Mr. Speaker, by extending the right to collect, use, and disclose personal information only in the context of a labour dispute, this bill flies in the face of the Supreme Court's findings and their advice. The Supreme Court directly advised against this, broadening the definition, and they wrote very clearly in their decision that freedom of expression is crucial in all parts of the labour context, not just in the event of a strike. So this limited definition here does not serve and actually goes counter to the decision the Supreme Court made.

When this bill, should it pass through third reading, gets challenged in the courts and works its way back to the Supreme Court, the Supreme Court is going to see that they've already ruled on this and that this bill never should have passed through this Assembly. We as members have a responsibility to look at past legislation, look at precedent-setting legislation, and determine if something is going to meet the criteria of past decisions. From numerous examples this piece of legislation does not do that, Mr. Speaker. For those reasons, you know, likely this bill will be challenged and will be thrown out, and I see a need for not wasting this Assembly's time or the court's time.

Now, what I want to mention, Mr. Speaker, is that, you know, the Alberta NDP supports necessary limits to protect individual privacy, so we do support the basic objectives of PIPA. But, similar to the Supreme Court, it seems that it's overbearing and it goes too far in denying Albertans their right to freedom of speech.

We understand the need to strike the right balance between protecting personal information and privacy and the fundamental rights of freedom of speech. Again, PIPEDA, the federal legislation, addresses this balance by restricting the collection, use, and disclosure of information only when it's being used for commercial purposes. PIPA, on the other hand, applies to all personal

information no matter what the purpose or context of its collection. As the Supreme Court points out, PIPA prohibits the collection, use, and disclosure of information without distinguishing the nature of the information; the purpose for which it's collected, used, or disclosed; or the situation or context.

Bill 3 does nothing to change these flaws in the legislation, Mr. Speaker. The exception is so narrow that in the vast majority of cases the collection, use, or disclosure of information will remain prohibited. This doesn't address the issue of unconstitutional restrictions on freedom of expression, nor does it address the spirit of the Supreme Court ruling, which was to broaden and better protect constitutionally protected rights.

Mr. Speaker, it's for those reasons that I will strongly urge members of this Assembly to vote in favour of this amendment. Let's rewrite this legislation. Let's get it right the first time.

Thank you, Mr. Speaker.

The Deputy Speaker: Standing Order 29(2)(a) is available.

Seeing none, are there other speakers? The Member for Edmonton-Calder.

Mr. Eggen: Well, thank you, Mr. Speaker. I just want to be very brief in closing. This is my referral. Certainly, I recognize all of the arguments that have been made here this evening. Just, you know, quickly an overview. It's very important that we don't duplicate services and ways by which we can negotiate both information and labour in general. The way that things have been kind of set up here now, I'm just concerned about putting undue pressure on the Privacy Commissioner and having that office adjudicate things that should really be dealt with in the realm of the labour board. I mean, that's one issue that I think bears a reason to review this in the future. Let's not forget that we do have this provision for 2015. I think my referral is very similar to that.

As well, we must always be careful at every juncture that we don't in this Legislature step on people's capacity to express themselves in groups. It's very important that we recognize the means and the terms by which individuals and organizations can in fact communicate with the public to further their endeavours, regardless of what they happen to be up to, within the realms of the law. To communicate, especially in a labour dispute, is probably the best way to dissipate and to seek resolution – right? – as information is usually one of the stumbling blocks in a labour dispute. So if you in fact do have an opportunity to express more information, then the chances are that we end up with more labour stability in the end and fewer strikes and other forms of labour strife.

10:20

Certainly, the privacy office has offered us some interesting perspective on this, but, you know, we have to go right back to the reason that we are debating this here in the first place, which is that the Supreme Court made a very specific ruling on this. It was unequivocal, and it was a very strong ruling as well. I think that always should give us pause as legislators. When the judicial arm of government gives us a direction, we should take it and move through it in the most thorough and complete sort of way possible.

I'm concerned about the narrowness of the legislation that we've formed here today in regard to when there's just a strike on. Right? I mean, as we've said very clearly before, there are many groups that don't strike. They can't strike, it's against the law to strike, maybe they're just seeking first contract, and so forth. We don't want to exclude that either. Ultimately, we want to build legislation that is organic and that can be serving changes in our society and changes to how information is disseminated and communications are performed over time. Let's not try to restrict ourselves too much.

Mr. Speaker, it's been a very interesting process here, and I do recommend and encourage everyone to vote for my referral if you don't mind.

Thank you very much.

The Deputy Speaker: Thank you, hon. member.

Standing Order 29(2)(a).

Seeing none, are there other speakers?

Hon. Members: Question.

[Motion on amendment HA1 lost]

The Deputy Speaker: Hon. members, the hoist having been defeated now puts the question on third reading of the bill.

[Motion carried; Bill 3 read a third time]

Government Bills and Orders
Second Reading

Bill 7
Chartered Professional Accountants Act

The Deputy Speaker: The hon. Minister of Jobs, Skills, Training and Labour.

Mr. McIver: Thank you, Mr. Speaker. I'm pleased to rise and move second reading of Bill 7, the Chartered Professional Accountants Act, 2014. Before us today is a set of proposed legislative changes related to the accounting profession in Alberta. Please let me give you a little bit of background. For the last year our government has been working with three self-regulating accounting professions in Alberta as they approached us to move forward on their desire to merge into one association offering a single professional designation.

Currently we have three separate associations offering their own professional designations. They are the chartered accountants, or CAs, represented by the Institute of Chartered Accountants of Alberta; the certified management accountants, or CMAs, represented by the Certified Management Accountants of Alberta; and the certified general accountants, or CGAs, represented by the Certified General Accountants' Association of Alberta.

To be clear, Mr. Speaker, they all do a great job. However, they have said that the time has come for a merger. It's a part of a national and international movement in the accounting profession. The new association would be known as the chartered professional accountants of Alberta. It would issue just one professional accounting designation, the chartered professional accountant, or CPA.

What we have before us is a series of proposed changes repealing the Regulated Accounting Profession Act, the existing overarching legislation that governs all three accounting bodies. The most significant change proposed is the dissolution of the existing three accounting organizations and their merger into one unified association.

As I mentioned a moment ago, unification in the accounting profession is a growing national and international trend. Mr. Speaker, this proposed merger respects the democratic will of Alberta's professional accounting regulatory bodies and their combined 24,500 members. As you can imagine, merging three organizations that previously competed for membership is no easy task, yet all three recognize the benefits of creating one organization with one designation. To make this major change happen, the three associations formed a unification agency, which

went to work to design what a single organization would look like, how it would be governed, and, most importantly, set the rules in place for issuing the new CPA designation.

Geographically you should know that the consolidation of accounting professions began last year at the national level with the merger of two governing bodies, creating a new Canadian designation of chartered professional accountant under CPA Canada. Today every province and territory is working toward the necessary legislative and regulatory changes to enable unification. In fact, more than 50 per cent of Canada's professional accountants are already using the CPA designation.

If passed, the CPA Act will bring Alberta in line with Quebec, Ontario, British Columbia, and Prince Edward Island, where accountants are already using the CPA designation. Saskatchewan and New Brunswick recently have proclaimed their legislation, and several other provinces are expected to introduce similar unifying legislation this fall. Mr. Speaker, this legislation, if passed, will ensure that Alberta accountants remain competitive and have improved professional mobility.

The unified profession's vision is "to be the preeminent, internationally recognized Canadian accounting designation and business credential that best protects and serves the public interest." I wholeheartedly support this vision. By having a single designation and by being onside with our Canadian neighbours, this merger will help Alberta to continue to attract and retain the best and brightest accountants from across this country.

Mr. Speaker, in summary, with a single governing body and a single designation, these amendments support crossjurisdictional consistency, national labour mobility, and effective streamlined use of resources under one educational program. I believe the introduction of a single professional designation marks a step forward for the accounting profession in Alberta. The proposed CPA Act will keep our province in step with the rest of Canada and the world so that Albertans can continue to benefit from the highest standard of accounting services. I'm proud to carry Bill 7, the Chartered Professional Accountants Act, 2014, and I encourage all of my colleagues in the Legislature to support it.

Mr. Speaker, I now move to adjourn debate.

[Motion to adjourn debate carried]

Bill 8
Justice Statutes Amendment Act, 2014

The Deputy Speaker: The hon. Member for Calgary-Varsity.

Ms Kennedy-Glans: Thank you, Mr. Speaker. It's my honour to rise and speak on behalf of Bill 8, the Justice Statutes Amendment Act, 2014. This is a lawyer's bill. It amends several pieces of legislation: the Court of Queen's Bench Act, the Estate Administration Act, the Family Law Act, Limitations Act, Notaries and Commissioners Act, the Oaths of Office Act, the Perpetuities Act, the Provincial Court Act, the Wills and Succession Act, and effects minor housekeeping changes to several other acts. These are amendments to update several justice-related acts to ensure provincial legislation is clear, consistent, and efficient.

I will now provide some details about the proposed changes, the most significant of which are to the Family Law Act. The amendments to the Family Law Act are specific to the child support recalculation program. The program helps separated and divorced parents update their court-ordered child support amounts to reflect changes in their income. It gives Albertans a low-cost and convenient way to ensure their child support amounts are kept current without continually having to go to court.

10:30

The child support recalculation program is a separate program from the maintenance enforcement program, known as MEP, although the two programs do work closely together. MEP collects or enforces child support court orders while the recalculation program adjusts child support amounts. Just to note, the recalculation program has nothing to do with withholding drivers', hunting, or fishing licences from those who don't pay their court-ordered support. Those are MEP sanctions.

Since the recalculation program began in 2010, it has helped many Alberta families avoid having to go back to court, reducing pressure on parents and on the court system. While the program has been successful, there are many opportunities to improve it to help more vulnerable Albertans, enhance client service, and further increase access to justice. Under Bill 8 there are four proposed amendments, which are supported by feedback from clients, lawyers, and judges in response to consultations earlier this year.

First, a mandatory clause will be required in all future child support orders to specifically indicate whether or not the support may be recalculated by the recalculation program. This requirement will create more awareness of the recalculation service so parents understand they have an option to update child support without having to go to court.

The second amendment will allow the recalculation program to always recalculate child support based on the anniversary date of the court order rather than the date specified by a judge or counsel. This will ensure recalculation work is spread over the course of the calendar year. As a result, the program will continue to be available for eligible parents who wish to register their court orders.

The third amendment provides further incentive to parents to disclose their income tax returns to the program. It sets a minimum income for nondisclosing parents based on that parent working 40 hours a week for minimum wage. The recalculation program needs parents to provide their tax returns and notices of assessment so staff can adjust the parent's child support. Currently if a parent doesn't provide their tax information, the program can deem the nondisclosing parent's income to have increased between 10 to 25 per cent the longer it has been since the person's income was last set.

The current percentage formula works well in most cases as a way to deal with parents who don't want to share their income tax information except when the recalculation program is dealing with incomes that are set at a very low level; for example, when the parent was a student or between jobs. These individuals were found in the past to earn an income between zero and $19,000 per year. Currently these parents have no incentive to provide income disclosure when their earnings improve, so some choose to thwart the recalculation program by withholding their income tax information.

To close this loophole, the proposed amendment will create a minimum level of income based on minimum wage earnings that would be attributed to a parent who does not provide their income tax information. It's important to remember that the new minimum wage income will only be applied to people who don't provide income disclosure and whose current guideline income is extremely low. For the vast majority of cases the recalculation program would continue to use the percentage increases that currently exist and have been effective. This new proposal is an additional tool to manage a very small number of previously low-income clients by bringing them into an earnings bracket where child support would be required.

The fourth amendment clarifies the information a parent must submit to a judge in their court application if they're objecting to a recalculation decision.

I will now move on to the Provincial Court Act. The proposed amendments to this act include streamlining the process for renewing judicial appointments. These amendments are supported by the Chief Justice of the Provincial Court.

Another act relating to courts is also being amended. The Court of Queen's Bench Act will formally recognize case management counsel as officers of the court. It gives the Chief Justice authority to assign duties to them, which will enhance their ability to assist in moving actions to early resolution. Other proposed changes to this act will streamline the process for renewing masters' appointments. Again, these amendments are supported by the Chief Justice of the Court of Queen's Bench.

Next, numerous acts are being amended to ensure consistent language with the statutes and the *Alberta Rules of Court*. Included is an amendment providing the authority to make omnibus amendments to regulations to ensure consistent language within the regulations and the *Alberta Rules of Court*. The other ministries affected by this act have been informed of the amendments, and there are no concerns.

Next, following a recommendation from the Alberta Law Reform Institute a housekeeping amendment is being made to the Oaths of Office Act to make it more consistent with other legislation.

Next is the Notaries and Commissioners Act. Passed in 2013, it updates and modernizes the Notaries Public Act and the Commissioners for Oaths Act. Before it can be proclaimed into force, it requires two minor amendments so the act meets its original intent. Both the Canadian Bar Association and the Law Society of Alberta support these amendments.

Next, housekeeping amendments are required to the Wills and Succession Act and the Estate Administration Act to ensure the two are consistent. A number of minor amendments will also be made, including clarifying the current law that a will revoked under the prior legislation remains revoked under the current act. The Wills and Succession Act provisions apply only to a marriage or divorce occurring on or after February 1, 2012, when the act came into force. In addition, persons who are required to be served with notice of a family maintenance application will be allowed to obtain disclosure of the same financial information available to a family member or the personal representative. The Canadian Bar Association was consulted to identify amendments to the Wills and Succession Act.

Next, the Limitations Act will confirm the time period during which court actions can be started for contribution claims. A discussion paper on the proposed limitation period was posted online earlier this year. Feedback was received from a number of stakeholder groups, including the Law Society of Alberta, the Canadian Bar Association, the Alberta Law Reform Institute, and others. All the responses were supportive.

Lastly, the Perpetuities Act codifies the rules against perpetuities in Alberta. Under this act qualifying environmental trusts, which are special trusts for funding environmental reclamation at the end of a development project's life, are likely to be subject to the rule against perpetuities. The proposed amendments will exempt qualifying environmental trusts and remove an impediment to the funding of environmental reclamation. If passed, the exemption will apply to trusts entered into in 2014 and later to enable pipeline companies to establish trusts in Alberta without special provisions. The amendments were requested by the Canadian Energy Pipeline Association on behalf of pipeline companies. The act is also supported by Treasury Board and Finance, Energy, and Environment and Sustainable Resource Development.

Mr. Speaker, these amendments will help ensure our legislation is up to date and reflects the changes in our province. Albertans expect and deserve clarity and consistency, and Bill 8 will help achieve that.

Mr. Speaker, I now move to adjourn debate.

[Motion to adjourn debate carried]

Government Bills and Orders
Third Reading
(continued)

Bill 1
Respecting Property Rights Act

[Adjourned debate November 26: Mr. Oberle]

The Deputy Speaker: The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you, Mr. Speaker. I rise to speak to this bill, and I've been waiting six years for this day. What you need to know is that when this bill was first announced, long before it was introduced, I was travelling out in the public opposing this bill with every ounce of energy I could bring to bear. So, for me, this is a pivotal moment, and I will not allow this moment to go unannounced. This minister, this Premier have done more in one hour for property rights than the previous two Premiers did in their whole tenure. I will give credit where credit is due, and I will not tolerate the Wildrose marginalizing this bill and minimizing what this bill has done.

10:40

This bill has come forward, as far as I'm concerned, at precisely the right time as more and more people stood up and were finally heard. The Wildrose actually ran on this bill. They ran on a platform to kill Bill 19, kill Bill 50, kill Bill 36. Those signs are still out in the public today. You can travel to Cypress-Medicine Hat and you can find those signs out in the rural areas. Those signs are out in the rural areas all around southern Alberta still today – Kill Bill 19, Kill Bill 36, Kill Bill 50 – yet I'm hearing that this is not good enough for the people who ran on this. In fact, when you look at what has happened and the progress we are now finally making, somebody has to stand up and say that we're finally making ground. For this Premier to go out into the public and hear this issue and act on it, I think this is a great thing, and I want to commend the party and the Premier for doing this. But I'm going to show some of the inconsistencies and the hypocrisy of the Wildrose, the so-called protectors of property rights, who think that somehow they are the sole guardians, yet they leave this issue behind when they say that this is not good enough.

This is the right step, and I'm going to show this. I'm not going to speak of these other laws, but what I will do is that I will speak in the context of the bill numbers. All they are is contextual, and we need to understand that. You look at things like Bill 50. We've heard a lot about that. Heck, I stood up today and even brought up two points of order on Bill 50. The fact is that when you look at who supported and who did not, the Member for Whitecourt-Ste. Anne, if I remember correctly, tabled a letter from one of his constituents very concerned about the cost of those transmission lines and what it would do to the industry. He stood up and he brought those concerns forward in this Assembly.

I will have you know, Mr. Speaker, that two members of the Wildrose voted for the bill when they were on that side. That's an interesting contextual comparison in the fact that one member on that side stood up, and two members on this side who claim that they ran on this actually voted in support of the bill. It's pretty interesting. Yet you still get these members – the Member for Strathmore-Brooks stood up and talked about: why aren't they building the transmission lines for the cogeneration up in Fort McMurray? I can't forget that question because that's a Bill 50 transmission line. It didn't make sense on the property rights issue.

Regardless of that, Mr. Speaker, I noticed that the Member for Calgary-Shaw, when he stood up on property rights, claimed that this was not enough. I made note of the fact that he put on his website that he voted to eliminate a landowner's or property owner's right for a notice of an application, a reasonable opportunity for a landowner to learn the facts. He voted against the landowner having a reasonable opportunity to file a statement of concern, and he also voted against the landowner having a reasonable opportunity to cross-examine evidence. He voted against a landowner's right to a hearing plus for the removing of the public interest test on the property rights issue.

But that's not even the great tragedy here. You heard from every member when they stood up and they spoke about this bill. They all referenced how incredibly bad – how incredibly bad – the Land Assembly Project Area Act is and how that is the most crucial bill. And I will tell you this. They referred to it as Bill 36, but I'm going to quote right out of *Hansard*, Mr. Speaker, from the House leader of the Wildrose when he stood up to support this bill. What he said was: "I am very excited to see this bill proceed. I support it, and I urge all members of this Assembly to support it as well." Now, it is a conflict or straight hypocrisy when somebody says that this is the most egregious bill that they possibly know, yet the member right there that is making these assertions actually voted for it. By the way, he also went on to say, "It is an unprecedented victory for the rights of landowners in this province." Well, you never heard me say that, but some over there apparently have.

Clearly, when it comes to the issue of property rights, they are not the only champions of property rights or the only advocates of property rights. The fact is that it is the duty of everybody in here, and the fact is that finally – finally – we have a Premier that has heard property rights issues from landowners and has taken the first step. He has also indicated that they are taking further steps, and we have a committee that has now been tasked with taking a look at this issue further along, but I want to point out what are some of the major, major issues and why it is important that this bill be passed.

The Land Assembly Project Area Act has been passed into law. No, it has not been proclaimed, but this government could proclaim it at any point in time. They just have not proclaimed it, which is a good thing. I can't show you anyone that has been violated by Bill 36 or Bill 19, but I will tell you that the whole price of Bill 50, in my view, is a price that the public is paying. We don't know if there's a price on that Bill 24. We just know that the government did expropriate four spaces unilaterally across the province. What's the price of that? I don't know. No one knows. If the government actually addresses those issues, then they will have covered the full gauntlet, the full gamut of the property rights issues that have affected and concerned most property owners.

With Bill 19 what is absolutely important is this. It's the power that the government gave itself. It wasn't that the government abused anyone. It was the power that the government gave itself to abuse. That's why this bill was necessary today, Bill 1, to remove this legislation so that that power to abuse is no longer in existence on this particular issue dealing with utility corridors, and that's really important.

I want to point out a couple of things in this bill that are absolutely essential. In section 7 of the Land Assembly Project Area Act what it said is that if in the opinion of the minister it appears that a person has done, is doing, or is about to do something, then the minister could issue an enforcement order, and that enforcement order would carry the effect of a judgment of the Queen's Bench, and it could carry a $100,000 fine in penalties or two years in jail. Now, you think about that in the context of the way it was written. Basically, if you've not done anything but the minister was of the opinion you were going to do something, the minister could issue an enforcement order to tell you to stop doing what you have not yet done, and if you didn't behave and do what the minister told you to do, you could be looking at two years in jail or a $100,000 fine. It was an absolutely ludicrous piece of legislation, and that's why it is so important that it be removed. [interjection] We'll get the Education minister under control in a second. Don't worry. He's excited about the bill. I know he is.

The whole issue of dealing with utility corridors is now back into the realm of dealing with restricted development areas in schedule 5 of the Government Organization Act, and that's where it belongs. Now, if the government decides it wants to move it elsewhere again, so be it, but what's most important, the biggest single issue for all property owners, is one word: process. That's it: process. What they want is a fair and just process, that they can be heard and that if land is taken, if property is taken, it is taken for a legitimate public interest and that the property owners themselves would be made whole. That's it. They want that consistent process, that they can be heard when property is taken. Once this government achieves it, it will have succeeded in dealing with this issue. That is the most important aspect of what is transpiring here today with the start of restoring property owners' rights. In my view, eliminating the Land Assembly Project Area Act is the right thing to do.

What I would ask the government to do as they say they're moving forward is to revisit the Land Stewardship Act because it cannot be repealed right now because of so many different things that have taken place, but there are provisions in that act that can be adjusted to restore process, a fair process to make property owners whole.

The other issue that needs to be addressed is glaring. It's the whole issue of carbon capture and sequestration, where the government unilaterally expropriated all the pore spaces under everybody's property. What they should do is rescind that and deal with each property owner as required should this technology move forward. I will tell you that I still don't believe that CCS will move forward. I really believe that we need to do something different to reduce our carbon emissions and to show the world that we're going to be a leader in the environment versus just pumping it underground.

With that, I want to point out one last sort of curious contradiction. If you are the so-called advocate, defender, or friend of property rights – we had an incident here, right in our own Assembly, where a member had their coffee cup, personal property, destroyed by the so-called advocates of property rights. That is a terrible thing when you think about the assault on property rights. Granted it's a $3 cup, but I will tell you this, Mr. Speaker. When they come for my coffee cup, in the words of Kikki Planet: we will make the Vietnam War look like a tailgate party. I will fight to the last coffee bean. They will never get my coffee cup. I'll defend that. I was dying to say that, Mr. Speaker.

With that, I will sit down, and hopefully we can vote on this.

10:50

The Deputy Speaker: Thank you, hon. member.

Are there other speakers? The hon. Member for Edmonton-Calder.

Mr. Eggen: Well, you know, it's always hard to get up on stage after a performance like that, but I just wanted to say a couple of words in regard to Bill 1. We certainly are supporting the bill. It was an interesting about-face that we saw this government do. We knew from the beginning that it was a chance for the PC government here to move to the right and try to absorb some of the lost votes that they had almost five or six years ago now. It was a way by which the Wildrose really built their rural base. Something, I think, had to be done, but it's more of a political move, Mr. Speaker, I believe, than an actual substantial commitment to property rights.

You know, the repeal of Bill 19 is all fine and good, but there's a whole suite of bills that I think really were onerous to the landowners in rural areas and in urban areas, too. It seems as though this was a way to signal not a new management, really, but signal the government's intentions to move to the right. We certainly saw another manifestation of that today. It wasn't pretty, and I think that Albertans will be watching with skepticism as to how really new these PCs are because, in fact, this feels a lot more like 1974 than 2014 with many of these things that we've seen recently.

Yeah, I mean, we're certainly supporting this bill, and it's an interesting part of the political drama more than it is of substantial legislation that actually affects things here in the Legislature.

Thank you.

The Deputy Speaker: Standing Order 29(2)(a) is available.

Are there others? The hon. Member for Calgary-Buffalo.

Mr. Hehr: Well, thank you, Mr. Speaker. I, too, shall be brief. This is speaking on the Respecting Property Rights Act, brought in by the new Premier. I tend to agree with the hon. House leader for the New Democratic Party that this is really a bill more about politics rather than substance. If you look at the Land Assembly Project Area Act, it was never proclaimed when it came before the House in 2009. Nevertheless, the bill, I guess, serves the government's purposes, at least rhetoric on acknowledging property rights in some form and fashion.

I will also note that there were a series of bills that did come through which, at least for a time, had coalesced, I guess, power in the government's hands, to not put too fine of a point on it, and it caused a great deal of concern. I know our party voted against numerous bills that were passed by the government in this House as we saw similar concerns that these powers had devolved to a cabinet decision-making process rather than doing it in an open and transparent fashion and the like.

We still have some concerns out there if you're actually talking about people's ability to be heard under the new regulator. Under our new energy regulator act there's no ability for people directly adversely affected to be heard at a hearing, and it narrows the scope of that. Those types of issues are still out there that allow for Albertans to have a public forum.

Nevertheless, you know, it is what it is. The politics of the day dictated that the government do something. This appears to be their attempt, anyway, to do something even though it's largely symbolic. I think we've always had the ability to do things for the public good when it has come to property as long as fair compensation was given. That's always been provided for under the Expropriation Act. I think that once it's clarified to people how the Expropriation Act works, how it is in the mix and how it, hopefully, goes forward – I think that's more important than this current political posturing, anything to that effect.

Those are my comments. I appreciate the theatre and the like surrounding this as it is always a great deal of fun and games, but whether it has actually changed anything, I'm not so sure.

Thank you very much, Mr. Speaker.

The Deputy Speaker: Thank you, hon. member.

Standing Order 29(2)(a) is available.

Other speakers?

Hon. Members: Question.

The Deputy Speaker: Seeing none, the question has been called.

[Motion carried; Bill 1 read a third time]

Bill 4
Horse Racing Alberta Amendment Act, 2014

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

Mrs. Klimchuk: Thank you, Mr. Speaker. I'm pleased to rise today on behalf of the President of Treasury Board and Minister of Finance to move third reading of Bill 4, Horse Racing Alberta Amendment Act, 2014.

Bill 4 proposes changes to the composition of Horse Racing Alberta's board of directors to provide greater public representation on the board. These changes are in line with the Alberta Public Agencies Governance Act. The Premier has committed to merit-based appointments in all government organizations. This ensures that the right people are in the right jobs, and Horse Racing Alberta will be no exception. This bill is part of the Premier's commitment to a stronger public agency board governance, and it will further support the board's accountability and transparency.

I'd like to share a few facts about horse racing in Alberta. Mr. Speaker, horse racing has a long history in the province, and the industry supports over 8,000 Albertans. Studies indicate that the racing sector is connected to nearly $400 million in annual direct, indirect, and induced economic benefits in Alberta. The horse-racing industry delivers a positive economic impact from gaming revenues at racing entertainment centres as well as from related agricultural activities. The horse-racing industry also benefits rural communities where breeding and raising racing horses is of great significance.

I'd like to thank the hon. Member for Strathmore-Brooks for agreeing with us that the horse-racing industry is important to Alberta. He and others will be happy to know that one of the key reasons we would like more public representation in the sport is to increase the accountability of the board with regard to taxpayers' dollars.

Mr. Speaker, the proposed legislative amendment to the Horse Racing Alberta Act will decrease the HRA's board of directors from 12 members to 11 and increase the number of public members from 3 to 6. These changes will strengthen HRA's governance structure. In consultation with HRA all public members will be selected from an open competition and screened for the relevant experience and expertise. The board will also have five industry-nominated members. These members will be nominated by their respective industry groups. All board appointments, both public and industry-nominated, will be made by an order in council.

11:00

Mr. Speaker, with these proposed changes, more than half of the board will be public members appointed by the Lieutenant Governor in Council, and one of these non-industry members will be designated as chair of the board. These changes strike the right balance between public accountability and industry representation. Furthermore, remuneration for board members will be determined by the Lieutenant Governor in Council, and the community remuneration order will apply.

In closing, I would like to reiterate that these legislative changes are part of our commitment to strong policy on agency board governance. I encourage all members of the Assembly to support this bill.

Thank you, Mr. Speaker. I would like to adjourn debate.

The Deputy Speaker: The hon. Deputy Government House Leader has moved to adjourn debate on third reading of Bill 4.

Mrs. Klimchuk: Sorry. I take that back.

The Deputy Speaker: That wasn't quite what I heard?

Mrs. Klimchuk: I take it back. I just want to move it, please.

The Deputy Speaker: Okay. I'll look for other speakers.

The hon. Member for Edmonton-Beverly-Clareview.

Mr. Bilous: Thank you very much, Mr. Speaker. I will attempt to keep my comments fairly brief. I'm going to speak on behalf of my whole caucus here with my comments. I'm going to go through a bit of history. I apologize because I'm starting to get a bit of sore throat, as are other members in the Assembly. Quite frankly, Mr. Speaker, I and the New Democrat caucus do not support this bill. I recognize that some of the changes introduced are necessary in order to increase transparency, but there remain considerable issues with the act as it is proposed. You know, the biggest opposition that I have to this bill and that we've had since 2002 and even before then – and I'll go through the history. We oppose the continued subsidization of the horse-racing industry in this province.

The change made in this bill in regard to remuneration, the payment of expenses to board members, we recognize was necessary. We do agree that the ability of the board to determine their own rate of remuneration and payment of expenses needed to be changed. However, the proposed change is not much better. It keeps decisions regarding the remuneration and payment of expenses behind closed doors. For a government that loves to talk about transparency and openness, the proof is in the legislation when it actually does the opposite. This is neither transparent nor accountable for the people of Alberta.

Not only is the government secretive, clearly, by allowing remuneration payment of expenses to be debated and decided behind closed doors, which is quite opaque, the government is showing that it's quite out of touch with the reality of many Albertans in the fact that the bill doesn't end subsidies given to the horse-racing industry.

Now, industry insiders will claim that there are no subsidies for this industry. The Alberta Standardbred Horse Association states in a document about slot revenue in Horse Racing Alberta: "Let's be very clear; horse racing in Alberta is not subsidized by the Provincial Government." However, the annual report of Horse Racing Alberta, the board in question in the bill, shows that more than 50 per cent of revenue from slots goes to Horse Racing Alberta, not the lottery fund. This is compared to 70 per cent of casino slot revenue and 85 per cent of the VLT revenue, which goes to the Alberta lottery fund. Had 70 per cent of the revenue of slots at race tracks gone to the Alberta lottery fund, it would have amounted to an increase of more than $8 million more in 2012 and more than $7.5 million more in 2013. Not only is the horse-racing industry benefiting from their ability to keep more of the revenue generated by slot machines than casinos do, they're also benefiting through the exception that allows them to have these slot machines in the first place, Mr. Speaker.

In 1996 the government allowed horse-racing tracks to have slot machines, going against previous government policy, which stated that casinos were the only place slot machines were allowed. The program gave the same 15 per cent of revenue that they gave to casino owners to the tracks; however, it is the rest of the profit, most of which normally goes to charity, in this industry that is largely kept by the industry.

In 2008, Mr. Speaker, $35 million from slot revenue at Alberta's three race tracks went to the horse-racing industry; in 2012, more than $22 million; in 2013, more than $21 million. Between 2001 and 2011, in that 10-year span, over $260 million has gone to the industry through shared slot revenue. So it's clear that the industry is being subsidized.

However, what is also clear is that even with the subsidies provided by the government, Horse Racing Alberta continues to struggle, consistently posting annual deficits. In 2009 their deficit was almost $750,000, in 2012 a deficit of over $150,000, in 2013 their deficit was $970,000, and in 2013 their cumulative deficit was over $320,000. Clearly, despite the subsidies this industry, horse racing in Alberta, continues to struggle, posting considerable deficits in three years between 2009 and 2013. Almost 20 years since receiving slot machines, this government continues to subsidize an industry that is still struggling.

Now, Mr. Speaker, I mean, I can tell you that that is our biggest objection to this, the fact that, you know, the minister stands up and speaks about openness and transparency, which there isn't in this nor in this bill. My frustration is that we continue to subsidize an industry that is losing money, that only benefits select Albertans. This isn't improving the general well-being of all Albertans. Again, had much of the profits from the slot machines gone into the general Alberta lottery fund, which does fund a lot of great projects and programs throughout the province, there would've been millions more dollars gone toward services and programs that Albertans need and rely on.

For these reasons, Mr. Speaker, we cannot support this bill. It is our contention that Horse Racing Alberta should not continue to be subsidized by the Alberta treasury and by Albertans.

Thank you, Mr. Speaker.

The Deputy Speaker: Thank you.

The hon. Member for Calgary-Buffalo.

Mr. Hehr: Well, thank you, Mr. Speaker. On behalf of the Alberta Liberal caucus I, too, will be voicing our opinion as to why this bill should not go forward. Largely, it's very similar to those presented and which we made in second reading here in this House. But, you know, we as a caucus cannot see why we continue to subsidize the horse-racing industry.

It is clear from the arrangement that has been made with this government that Horse Racing Alberta enjoys a unique position of deriving profits from video lottery terminals. That is different than other organizations that are across this province. It has become clear that because of their unique ability to have slot machines at their race tracks that pay out at different rates to this one unique group at the expense of all other groups combined, it is, to me, one of those things that I really can't believe is still happening in this province. It's happened for a long time, Mr. Speaker. I think the

numbers were that over $200 million has gone into this industry. Really, is it time that this ends? Well, we've said long ago that it should never have started. Really, it should be ending today, but it doesn't look like that's going to happen.

If we're looking at some of the contentious points of the bill, really, there's been no openness and transparency here. We're not able to look into what the expenses are, what the structure is doing. In fact, what bothers me very much so about this bill is the fact that the Auditor General can't even look at what is happening in this organization. Somehow it has stayed out of the financial management act. When everything else is involved in this province, the Auditor General can look at it to make recommendations, to look at whether it's serving the Alberta people, whether we're getting value for money for the investments being made, and the like. I think the simple fact of the matter that this government bends over backwards to keep it out of this act speaks volumes as to, you know, the lack of openness and transparency with this unique group.

11:10

I can also say that I can't see that it is really moving the betterment of society forward. It serves a narrow group of interest. In fact, if we look at whether this revenue would go back into the lottery fund as it, in my view, should, you'd have $8 million, which would do more for the public good. As indicated, there are lots of good charities supported by the Alberta lottery fund that could use our support, that deserve our support, and the like, and we ought to be maximizing revenue streams towards those groups.

I can say that despite this subsidy that is going to this association that looks like it's struggling financially, one wonders whether it's dying a slow death despite the propping up of it. I don't know whether it's diversifying the economy. I don't know whether gamblers are even choosing this as a method of entertainment anymore. You know, you can go to off-track betting throughout this province, and it's all over the place. Maybe they have been deciding with their feet where they wish to go to make their gambling choices, and that's just the simple fact of the matter. I guess there is some minor lipstick. I think the move to have more public members is a small step in the right direction.

For the simple fact that this government should not be involved in subsidizing this industry, our caucus will be voting against this, and we'd urge all members or urge the government at some point in time to really evaluate whether this is in our best interests for the long run, what this group actually does that is uniquely different from all others in this province to deserve this sweetheart deal. I pointed out in my first comments, you know, that bingos appear to be dying a slow death, yet we haven't reached out and done some magical VLT deal with them. So, you know, there doesn't seem to be precedent around whether these are actually good things, and I would put forward that they're not.

It's time for us to look at whether this is in fact reasonable, and for all the reasons that I said, we will not be supporting this bill.

Thank you very much, Mr. Speaker.

The Deputy Speaker: Thank you.

Standing Order 29(2)(a) is available.

Are there other speakers?

Seeing none, hon. Deputy Government House Leader, do you wish to close?

Hon. Members: Question.

[Motion carried; Bill 4 read a third time]

Bill 5
Securities Amendment Act, 2014

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

Mrs. Klimchuk: Thank you, Mr. Speaker. On behalf of the President of Treasury Board and Minister of Finance I'm pleased to rise today to move third reading of Bill 5, the Securities Amendment Act, 2014.

As the Member for Edmonton-Highlands-Norwood pointed out, securities regulation is a provincial jurisdiction, but this law has changed since the division of powers was set out in the Constitution Act, 1867, and the change keeps coming now and into the future. That's why Alberta along with other provinces and territories continue to amend their securities legislation to keep pace with changes in technology, new products, and market innovations and to support the ongoing reform of the system. The changes proposed in Bill 5 further modernize, harmonize, and streamline Alberta's securities laws and support the ongoing reform of Canada's securities regulatory system and help Canada in meeting its international commitments.

As I mentioned earlier, the amendments relate to several aspects of securities regulation. In addition to allowing for the continuing harmonization of general derivatives provisions, Bill 5 also supports recognition and oversight of the Canadian Public Accountability Board as an auditor oversight organization, incorporation of representatives of registered brokers and advisers, enhanced enforcement provisions, fee-setting provisions for the Alberta Securities Commission, and other housekeeping amendments to the Securities Act and consequential amendments to related legislation.

You're all aware of the federal government's efforts to establish a co-operative capital markets regulator. Some of you might be wondering why we don't wait to see what happens with that before updating our legislation. The reality is this. We do not definitely know if or when the federal government's proposed system will proceed. The federal government anticipates that it will be operational in fall 2015, but the timelines continue to change. There's no guarantee that this milestone will be met. Five provinces have joined, but five have not.

The trading of securities does not stop to wait for governments to sort out their differences. Taking a wait-and-see approach will compromise our efforts to maintain up-to-date and responsive securities regulation in an environment that is more complex, more sophisticated, more international in scope, and more driven by technology than ever before. Mr. Speaker, the Alberta government is committed to continuous improvement of our securities regulatory system and ensuring that it is operating as efficiently and effectively as possible while protecting Alberta's investors and maintaining Canada's reputation as a highly regarded leader in securities regulation. Bill 5 supports that commitment.

In this spirit I move third reading and ask that all members of the Legislature support this bill so this important work can continue.

Thank you, Mr. Speaker.

The Deputy Speaker: Thank you.

Speakers to the bill? The hon. Member for Calgary-Buffalo, followed by Edmonton-Beverly-Clareview.

Mr. Hehr: Well, thank you, Mr. Speaker. In the main our caucus supports this bill. It goes some measure in trying to bring about some protection for investors in this province. Largely it's a result of the 2008 market collapse, which was largely attributed to derivatives trading.

I would be remiss if I didn't note that, you know, a large part of the reason why we in this country were spared some of the calamity of others, in the United States and around the world, was

that we resisted many of the changes to banking laws that were made in the United States and other places, that saw a merger of both the securities and the lending arms of banks and that were actually being proposed up here by, I guess, the federal Conservatives at one point in time, that thought this was a good move. At that time I'm glad it was resisted by then Prime Minister Chrétien and Finance minister Paul Martin. It saved us from a lot of the problems that we would have had, and it was recognized that Canada's banking system, as a result of resisting these changes, was able to hold up fairly well in comparison to the rest of the world when markets were crumbling and the like.

I think it's important to note that oftentimes the profit motive doesn't always lead to individuals or companies or the like going forward in the most open and honest ways, so we must ensure that we have structures in place that make the market system efficient and fair, that investors are protected from these unknowns in the marketplace, and that we put people in power to figure out and to ensure that there are no underhanded dealings going on. This is ongoing work, and we should always be diligent in ensuring that investors are getting an open, honest, and fair bill of goods when they are making purchases and the like.

I think, you know, that this move is working with the decentralized securities regulatory regime, and provincial governments must keep acting in co-ordination together to try and balance this protection given that under property and civil rights the securities industry is a provincial responsibility. It's a delicate balance of how we can keep it within Alberta's jurisdiction as well as work with our other Canadian counterparts to ensure that we have fair markets that reflect adequately investor protection, banking system protection, and the like.

So as I stated, in the main we're supportive of these changes, and we hope that the government continues to provide for fair markets with reasonable penalties for violators and to ensure that we are looking out for the best interests in the long run, not necessarily short market-making opportunities that may improve the bottom line temporarily but leave people hung out to dry when stuff hits the fan, if you know what I'm saying, Mr. Speaker.

Thank you very much.

11:20

The Deputy Speaker: Thank you, hon. member.

The Member for Edmonton-Beverly-Clareview.

Mr. Bilous: Standing Order 29(2)(a)?

The Deputy Speaker: No. That's after you.

Mr. Bilous: Okay. Thank you, Mr. Speaker. I will keep these comments fairly brief. I rise today to speak to Bill 5, Securities Amendment Act, 2014. I'll start off by saying that this act is a good step in many respects to harmonize our laws with the rest of the provinces and to provide some increased investor protection, but just like these security amendment bills get repetitive, it gets repetitive for us to point out to the government that we wouldn't need to waste valuable time and resources amending the Securities Act every few months if we would just join the other provinces in supporting a national regulator.

Moving on to auditor oversight, we're happy to see better oversight of auditors as well, Mr. Speaker. The Canadian Public Accountability Board, or CPAB, needs the powers and protections necessary to improve financial reporting by public companies in Canada. All we need to do is look at Enron and WorldCom, in the early 2000s, to know that auditor oversight is very important to protect not just individual investors but also to protect the entire global market.

We also approve of bringing our laws closer to those in other provinces, though it's worth repeating that these repetitive security amendment bills wouldn't be necessary if Alberta would agree to discuss a national regulator, which is the case for most other jurisdictions, most other countries around the world. Of those which regulate securities, interestingly, Mr. Speaker, Bosnia and Herzegovina is the only other country in the world besides Canada without a national securities regulator, so that puts us in a very interesting category.

Calls for a national regulator date back to 1935 and include the 1964 Porter Commission, a 1979 study by the department of consumer and corporate affairs, the 1994 memorandum of understanding between the Atlantic provinces and the federal government, the 2003 Wise Persons' Committee report, and the 2006 Crawford panel. As it stands, Mr. Speaker, B.C. and Ontario and the federal government are going to be entering into a co-operative regulatory system, and Alberta will be left out.

The need for this legislation perfectly illustrates the absurdity of continuing on without a national regulator. We have to keep wasting government time and resources or those of the ASC in updating legislation and harmonizing it with other jurisdictions across the country as opposed to joining the national regulator. We wouldn't have to continue to do this every few months. Mr. Speaker. Another point is that all of the time and resources that are being expended on this and coming back to the Legislature to update the legislation could be better spent on enforcement and investigation to better protect Alberta's investors.

Capital markets are increasingly integrated, and so is our global market, so it's inefficient and in many cases impossible for a provincial regulator to handle these complexities. In other words, a provincial regulator would have to work with a national regulator regardless, so there is a duplication and a waste of services and dollars here. You know, a system of 13 different territorial and province regulators also leaves us vulnerable to fraud or simply just increased regulatory failure.

Another point, Mr. Speaker: Canada's financial services industry and indeed all industry is less competitive without a national securities regulator. There are significant costs to companies and investors when they need to research 13 different sets of laws and rules applied through the 13 different security commissions for each deal or investment. You know, we talk about wanting to attract investment in this province. Well, having separate securities regulators is going to detract investment and be very timely and inefficient costwise for investors. The lack of a national regulator also places a significant regulatory burden on small and emerging companies, who don't have the resources of major companies to deal with regulators' filing fees and requirements. So the frustration here for us is that money could be better spent, time better used if we had one national securities regulator.

Did you know, Mr. Speaker, that Canadians as a whole lose billions of dollars a year to securities fraud? You know, it is our contention that you would have less securities fraud if we had one national regulator and the money that we spend on updating this legislation went into enforcement and protection of Albertans.

Mr. Speaker, I will close by actually saying that, yes, it seems that I have very little choice but to support this bill because it is necessary, but I do urge this government to consider becoming part of a national securities regulator, which most other countries – I believe we're the only G-7 country that doesn't have one. It seems like we're not putting the best interests of Albertans and Canadians first by refusing to join a national regulator and insisting that we have individual ones for each province.

Thank you, Mr. Speaker.

The Deputy Speaker: Thank you, hon. member.
Standing Order 29(2)(a) is available.
Seeing none, are there other speakers?

Hon. Members: Question.

[Motion carried; Bill 5 read a third time]

Government Bills and Orders
Committee of the Whole

[Mr. Rogers in the chair]

The Chair: I'd like to call the Committee of the Whole to order.

Bill 6
Statutes Amendment Act, 2014 (No. 2)

The Chair: We are on amendment A2. Speakers to amendment A2?
Seeing none, I'll call the question.

[Motion on amendment A2 lost]

The Chair: We're back to the bill. Speakers on the bill? The hon. Member for Edmonton-Calder.

Mr. Eggen: Well, thanks a lot, Mr. Chair. Certainly, I just want to maybe briefly remind people about the overall more global problem with Bill 6, which is that it creeps into this territory that I really don't want to see here in this Legislature, which is the omnibus bill – right? – that has many different sort of tentacles reaching out to cover things that need to be dealt with here in a housekeeping sort of way. But if we insert some elements of more substantive legislation into that sort of miscellaneous statutes bill, then it changes its character. It moves from something that's benign to something that can be a real problem.

You know, I've said it before, and I'll say it again: let's say no to omnibus bills. Right? Let's keep Alberta omnibus bill free, and let's debate these things on an individual basis or come to a consensus agreement through the House leaders if that's the route that we need to or choose to go.

Thank you very much.

The Chair: Thank you.

Mr. Hehr: I, too, would like to reiterate the point that we have a whole series of amendments that are incorporated into one bill. In the main we should try to avoid that practice.

There is a very contentious issue when it comes to WCB and the merits that that change made, that would have been better purported to be on its own. It just makes it easier, more clean, and gives the ability to discuss issues on their merits and allows opposition parties to look at the issues more closely and to in fact get a better briefing from the minister and things of that nature.

Thank you very much, Mr. Chair.

11:30

The Chair: Thank you, hon. member.
Are there others? The hon. Minister of Jobs, Skills, Training and Labour.

Mr. McIver: Thank you, Mr. Chair. I will be brief. The WCB example is really why we need to pass this bill. The Privacy Commissioner has asked for changes, and the changes only really enable us to keep sharing information with the Appeals Commission so that they can hear appeals. There are thousands of Albertans that need the service of WCB, thousands that have appeals crop up over the course of the year, and of course we need to be able to share the information with the appeals commissioner in order to have that happen.

Mr. Chair, this very much is housekeeping based on requests from the Privacy Commissioner, and I urge all members of the House to vote in favour of this important piece of legislation.

The Chair: Thank you, hon. minister.
The hon. Member for Edmonton-Beverly-Clareview.

Mr. Bilous: Thank you, Mr. Chair. You know what? I just want to clarify for the minister that this isn't just housekeeping. Under the proposed amendments there are fewer safeguards to ensure that employers don't see irrelevant details about an employee's claim like their medical history, medications, or claims made previously in other jurisdictions. You know, WCB claimants should be entitled to privacy from their employers just like any other Albertan. When the power and balance between employer and employee is heightened by the filing of a claim, the rights of the employee need to be given special consideration in these circumstances. This process needs to be transparent so that employees understand what's being done on their behalf and their rights are not being trivialized merely because they've decided to make a claim against their employer.

It's for these reasons predominantly, Mr. Chair, that I will not be supporting this bill. Thank you.

The Chair: Are there other speakers?
The question has been called.

[The remaining clauses of Bill 6 agreed to]

[Title and preamble agreed to]

The Chair: Shall the bill be reported? Agreed?

Hon. Members: Agreed.

The Chair: Opposed? That is carried.
The hon. Deputy Government House Leader.

Mr. Oberle: Mr. Chair, I would like to move at this point that we rise and report.

[Motion carried]

[The Deputy Speaker in the chair]

The Deputy Speaker: The hon. Member for Calgary-West.

Mr. Ellis: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration a certain bill. The committee reports the following bill: Bill 6. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

The Deputy Speaker: Thank you.
Does the House concur in the report?

Hon. Members: Concur.

The Deputy Speaker: Opposed? So ordered.
The hon. Deputy Government House Leader.

Mr. Oberle: Thank you, Mr. Speaker. In consideration of the hour and the considerable progress made this evening, I'd now like to move that we adjourn until 1:30 tomorrow.

[Motion carried; the Assembly adjourned at 11:35 p.m. to Tuesday at 1:30 p.m.]

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