



Province of Alberta

The 28th Legislature  
Third Session

# Alberta Hansard

Monday evening, March 23, 2015

Issue 25e

The Honourable Gene Zwozdesky, Speaker

# Legislative Assembly of Alberta The 28th Legislature

Third Session

Zwozdesky, Hon. Gene, Edmonton-Mill Creek (PC), Speaker  
Rogers, George, Leduc-Beaumont (PC), Deputy Speaker and Chair of Committees  
Jablonski, Mary Anne, Red Deer-North (PC), Deputy Chair of Committees

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Donovan, Ian, Little Bow (PC)  
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Fritz, Yvonne, Calgary-Cross (PC)  
Goudreau, Hector G., Dunvegan-Central Peace-Notley (PC)  
Hale, Jason W., Strathmore-Brooks (PC)  
Hehr, Kent, Calgary-Buffalo (AL)  
Horne, Fred, Edmonton-Rutherford (PC)  
Jansen, Sandra, Calgary-North West (PC)  
Jeneroux, Matt, Edmonton-South West (PC)  
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Stier, Pat, Livingstone-Macleod (W),  
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Swann, Dr. David, Calgary-Mountain View (AL),  
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VanderBurg, George, Whitecourt-St. Anne (PC),  
Government Whip  
Weadick, Greg, Lethbridge-West (PC)  
Wilson, Jeff, Calgary-Shaw (PC)  
Woo-Paw, Hon. Teresa, Calgary-Northern Hills (PC)  
Xiao, David H., Edmonton-McClung (PC)  
Young, Steve, Edmonton-Riverview (PC)  
Vacant, Battle River-Wainwright  
Vacant, Spruce Grove-St. Albert

## Party standings:

Progressive Conservative: 70      Wildrose: 5      Alberta Liberal: 5      New Democrat: 4      Independent: 1      Vacant: 2

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| Robert H. Reynolds, QC, Law Clerk/<br>Director of Interparliamentary Relations | Nancy Robert, Research Officer   | Chris Caughell, Assistant Sergeant-at-Arms  |
| Shannon Dean, Senior Parliamentary<br>Counsel/Director of House Services       | Philip Massolin, Manager of Research<br>Services                       | Gordon H. Munk, Assistant Sergeant-at-Arms<br>Janet Schwegel, Managing Editor of <i>Alberta Hansard</i> |

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| Manmeet Singh Bhullar | Minister of Infrastructure   |
| Robin Campbell        | President of Treasury Board and Minister of Finance  |
| Jonathan Denis        | Minister of Justice and Solicitor General  |
| Gordon Dirks          | Minister of Education  |
| David Dorward         | Associate Minister of Aboriginal Relations   |
| Wayne Drysdale        | Minister of Transportation   |
| Kyle Fawcett          | Minister of Environment and Sustainable Resource Development   |
| Jeff Johnson          | Minister of Seniors  |
| Stephen Khan          | Minister of Service Alberta  |
| Heather Klimchuk      | Minister of Human Services   |
| Maureen Kubinec       | Minister of Culture and Tourism  |
| Stephen Mandel        | Minister of Health   |
| Everett McDonald      | Associate Minister of Agriculture and Rural Development  |
| Ric McIver            | Minister of Jobs, Skills, Training and Labour  |
| Diana McQueen         | Minister of Municipal Affairs  |
| Frank Oberle          | Minister of Energy   |
| Verlyn Olson          | Minister of Agriculture and Rural Development  |
| Donald Scott          | Minister of Innovation and Advanced Education  |
| Teresa Woo-Paw        | Associate Minister of Asia Pacific Relations   |

## STANDING AND SPECIAL COMMITTEES OF THE LEGISLATIVE ASSEMBLY OF ALBERTA

### Standing Committee on Alberta's Economic Future

Chair: Mr. Amery  
Deputy Chair: Mr. Stier

|               |        |
|---------------|--------|
| Barnes        | Quadri |
| Dallas        | Rogers |
| Eggen         | Rowe   |
| Fox           | Sarich |
| Hehr          | Starke |
| Kennedy-Glans | Towle  |
| Luan          |        |

### Standing Committee on the Alberta Heritage Savings Trust Fund

Chair: Mr. Casey  
Deputy Chair: Mrs. Jablonski

|          |         |
|----------|---------|
| Amery    | Mason   |
| Barnes   | Sherman |
| Ellis    | Smith   |
| Lukaszuk |         |

### Standing Committee on Families and Communities

Chair: Ms Olesen  
Deputy Chair: Mr. Barnes

|           |           |
|-----------|-----------|
| Cusanelli | Quest     |
| Eggen     | Rodney    |
| Fenske    | Sandhu    |
| Fox       | Strankman |
| Fritz     | Swann     |
| Leskiw    | Weadick   |
| Pedersen  |           |

### Standing Committee on Legislative Offices

Chair: Mr. Jeneroux  
Deputy Chair: Dr. Brown

|          |           |
|----------|-----------|
| Blakeman | Saskiw    |
| DeLong   | Strankman |
| Eggen    | Wilson    |
| Leskiw   | Young     |
| Quadri   |           |

### Special Standing Committee on Members' Services

Chair: Mr. Zwozdesky  
Deputy Chair: Mr. VanderBurg

|             |            |
|-------------|------------|
| Forsyth     | Mason      |
| Fritz       | McAllister |
| Hale        | Sherman    |
| Johnson, L. | Strankman  |
| Lukaszuk    |            |

### Standing Committee on Private Bills

Chair: Mrs. Leskiw  
Deputy Chair: Ms Cusanelli

|        |           |
|--------|-----------|
| Allen  | Jablonski |
| Barnes | Olesen    |
| Bilous | Rowe      |
| Brown  | Stier     |
| DeLong | Swann     |
| Fenske | Xiao      |
| Fritz  |           |

### Standing Committee on Privileges and Elections, Standing Orders and Printing

Chair: Mr. Luan  
Deputy Chair: Mr. Rogers

|           |          |
|-----------|----------|
| Bilous    | Pedersen |
| Calahasen | Rodney   |
| Casey     | Saskiw   |
| Ellis     | Starke   |
| Kang      | Stier    |
| Olesen    | Wilson   |
| Pastoor   |          |

### Standing Committee on Public Accounts

Chair: Mr. Saskiw  
Deputy Chair: Mr. Young

|          |          |
|----------|----------|
| Allen    | Horne    |
| Anderson | Jansen   |
| Anglin   | Jeneroux |
| Barnes   | Luan     |
| Bilous   | Pastoor  |
| Donovan  | Sarich   |
| Hehr     |          |

### Standing Committee on Resource Stewardship

Chair: Mr. Goudreau  
Deputy Chair: Mr. Strankman

|           |             |
|-----------|-------------|
| Allen     | Hale        |
| Bikman    | Johnson, L. |
| Blakeman  | Mason       |
| Brown     | Stier       |
| Calahasen | Xiao        |
| Cao       | Young       |
| Fraser    |             |

## Legislative Assembly of Alberta

7:30 p.m.

Monday, March 23, 2015

[Mrs. Jablonski in the chair]

**The Acting Speaker:** Please be seated.

### Government Bills and Orders

#### Third Reading

#### Bill 18

#### Appropriation (Interim Supply) Act, 2015

**The Acting Speaker:** The hon. Minister of Human Services.

**Mrs. Klimchuk:** Thank you, Madam Speaker. On behalf of the Minister of Finance it's my privilege to rise today and move third reading of Bill 18, the Appropriation (Interim Supply) Act, 2015.

**The Acting Speaker:** Are there any members who would like to speak in third reading on Bill 18? The hon. Member for Drumheller-Stettler.

**Mr. Strankman:** Yes, Madam Speaker, that's the place. It's the diverse constituency of Drumheller-Stettler. It's unfortunate that I can't get the name of the fabulous constituency of Edmonton-Centre, but I'm adapting or trying to adapt.

Madam Speaker, it's an interesting time when I am able to speak to the Chamber here in regard to this. Today in the House there was a question in regard to allocation of funding for one golf course in the province, and that's been under review or what I understand to be under review. So we have questions as to how those funds are going to be allocated, where they're going to be finally disbursed, who the disbursers are going to be, and to whom that will be. We have questions on that.

Also, I want to make it known that in this time where we may be facing increased taxes – and all things point to increased taxes because of the low petroleum prices – it certainly will be onerous for the government to try and raise funds or have funds available for projects, especially projects like this, Madam Speaker. It's certainly challenging times.

I think that's about all that I really wanted to get on the record, Madam Speaker, this party's position of concern in relation to that disposition of funds. I'll leave it at that.

**The Acting Speaker:** Thank you, hon. member.

Are there any other members who wish to speak on Bill 18, Appropriation (Interim Supply) Act, 2015? The hon. Member for Calgary-Buffalo.

**Mr. Hehr:** Yeah. Well, thank you, Madam Speaker. It is an honour to speak to third reading of the appropriations measures that we brought in to get us through this budget period before everything lines up. I would be remiss not to note that I just came from an Auditor General's meeting, where we touched on many things that are going on in this province. We talked about the fact that we have chronic difficulties in our Northland school division with absenteeism. Some suggestions were made there on how to alleviate that and how to get systems in place and, primarily, more resources up there to assist in trying to get kids to school and having parents understand the importance of that, because if they're not attending school, well, they're not able to learn and become productive members of society.

You know, we also skipped down the thing and went through the Alberta Energy Regulator, and the Auditor General noted some issues there that were stemming from a lack of manpower and a lack of resources over there to introduce some robust systems into place that are needed on that end.

Then we go to the third part of the Auditor General's report, which touches very squarely on what we've discussed here in the appropriations measures. It discussed flood mapping and what we have done or the lack of what we've put together going back to 2006, when it became apparent after the High River flood that we needed new flood maps drawn. Obviously, after the 2013 floods it became very apparent that our flood mapping was out of date and not up to snuff when it comes to dealing with a 1 in 100 year flood, probably more frequent given global warming and the like and weather patterns here in Alberta. Again, what the Auditor General could only point to was that there is a lack of capacity within the department, a lack of expertise to actually do the work of government, and it came right back down to resources.

So if you look at this, there continues to be a chronic need for us to look at this. I know I have made this speech before; nevertheless, there is the need for us to get some handle on our revenue streams. The fact that we've spent all the oil wealth in one generation and now have gone into massive debt and have the inability to produce adequate flood maps can only lead to the conclusion that things are not all well in the province of Alberta. So this appropriation time – in particular, the Auditor General's comments in regard to flooding and that we're still not prepared. We still haven't woken up to what our responsibilities are to not just protect the citizenry but to get it right and develop plans and legislation that ensures we're doing things right going forward.

I bring that up because the hon. minister is here, and I know full well that he wants to get a handle on this flooding and this flood mapping and building berms and dams and dikes all over this province to ensure that, going forward, we're okay. But I just note that the Auditor General has commented on these things, that we've commented here on what we're doing. It appears that even though it seems that we're advancing quite a bit of money to the departments, it doesn't appear to be able to get to what we need to do to provide good government in this province.

Nevertheless, thank you very much, Madam Speaker.

**The Acting Speaker:** Thank you, hon. member.

The hon. Member for Edmonton-Beverly-Clareview.

**Mr. Bilous:** Well, thank you very much, Madam Speaker. It's my privilege to rise and speak to third reading of Bill 18, which is our interim supply. You know, I appreciate the fact that what we're debating and will be voting on shortly is the interim budget and what the government needs to continue its operations. My only concern comes in a couple of areas, where if we look at the fact that this is roughly for one quarter, the funding is inadequate for the need.

I'll draw attention to, first of all, the area of Health and the fact that, you know, we've got crumbling infrastructure happening throughout the province and that there hasn't been a sufficient investment both on the infrastructure side and on the staffing side. When we look at a quarter of what should be spent – just let me see here – I would expect there would be 25 per cent of the yearly funding for 2014-15 in the interim. When it comes to the Ministry of Health, this bill only allocates 17 per cent of what was given, so a shortfall that's quite significant when it comes to ensuring Albertans can get the access to health care when they need it and to ensure that our facilities are being properly maintained and invested in.

As well, in this bill, Madam Speaker, I'm looking at Infrastructure and the fact that in the '14-15 general estimates the budget for capital spending was \$1.143 billion of it. In interim estimates we only show \$153 million, or 13.4 per cent of the budget of '14-15, being invested in these three months. Again, when we look at the deferred maintenance price tag that exists throughout the province when it comes to, you know, the integrity and infrastructure of our schools, of our hospitals – and I would extend that to, as well, our roads and bridges – there's a real concern if this is the forecast of what will be spent throughout the year and what's coming down on Thursday. I think some Albertans are going to be more than a little concerned with what's being outlined in here.

I do want to echo some of the comments made by the Member for Calgary-Buffalo as far as the Public Accounts meeting that we were just at with the Auditor General. Again, I look forward to bringing this up if we debate the education bill this evening, Madam Speaker. You know, I find it quite alarming that in the Auditor General's report it was brought to our attention that in the Northland school division there are over 900, or one-third of students, who are chronically absent from school, which is obviously a major concern because if students aren't attending, then they can't possibly be learning and developing the skills and tools they'll need to continue moving forward.

7:40

As well, I found the conversation this evening very enlightening looking at the issue of flood mapping and the fact that there are some roadblocks that are currently in the way of moving forward with updating a lot of the flood maps. Despite the fact that, you know, there has been \$8.7 million allocated to updating the maps, there is some bottleneaking going on. The fact of the matter is that I really hope the ESRD minister is not only aware of this but, hopefully, is working diligently toward whether it's bringing forward legislation or ensuring that we can get on with having adequate and updated flood maps so that the province, obviously, can work toward prevention so that we don't have a recurrence of what happened a couple of years ago, Madam Speaker.

As I said, you know, I appreciate the fact that this is only for a three-month window, this bill that we're debating. Again, I find it interesting that many of the opposition members and media, obviously, have derived the fact that we will likely be going into an election because of the \$28 million allocated to the Chief Electoral Officer, despite the fact that when questioned numerous times in this Chamber, neither the Premier nor the front bench have been forthcoming with members of this House and with Albertans as far as whether we are in fact going to a general election a year earlier than what was established in this House and also what was a piece of legislation that was brought forward by many of the members that sit opposite.

With that, Madam Speaker, I will take my chair. Thank you.

**The Acting Speaker:** Thank you, hon. member.

Are there any other members who wish to talk to Bill 18, Appropriation (Interim Supply) Act, 2015, in third reading?

Seeing none, shall I call the question?

**Hon. Members:** Question.

**The Acting Speaker:** Would the minister like to close debate on Bill 18?

**Mrs. Klimchuk:** I move that we close debate.

**The Acting Speaker:** The question has been called.

[Motion carried; Bill 18 read a third time]

## Government Bills and Orders Committee of the Whole

[Mrs. Jablonski in the chair]

**The Deputy Chair:** I would like to call the committee to order.

### Bill 20

#### Municipal Government Amendment Act, 2015

**The Deputy Chair:** Are there any comments, questions, or amendments to be offered with respect to this bill? The hon. Minister of Municipal Affairs.

**Mrs. McQueen:** Well, thank you very much, Madam Chair. Before I start, I'd like to first of all commend and thank the hon. Member for Lethbridge-West for carrying this excellent bill and for the outstanding job that he's doing with this.

Madam Speaker, as you know, last fall our Premier and I signed a framework agreement with the mayors of Edmonton and Calgary in order to forge a new partnership that recognizes the unique challenges and capacities of these two great cities. More specifically, it was agreed that phase 1 of this initiative, which includes development of an appropriate implementation mechanism, would be complete by spring 2015.

Bill 20 creates enabling authority to move forward with charters; however, during second reading debate we heard some concerns about some of these authorities. Specifically, we heard concerns about the transparency of the development of charters and the ability for municipal bylaws in a charter to take precedence over other provincial enactments. In response to this, Madam Chair, we have prepared an amendment to the bill that will provide additional clarity to these important matters. I would like to make a motion to introduce those now, and I'll wait for a moment while those are being distributed.

**The Deputy Chair:** Thank you, hon. member. The amendment that is now being distributed will be known as amendment A1.

Hon. member, you may continue.

**Mrs. McQueen:** Well, thank you, Madam Chair. Please allow me to walk briefly through this amendment with everyone. To begin, for ease of interpretation of the proposed charter section, section A(a) amends the definition of a charter to provide clarity about when the term also includes an amendment to a charter.

Section A(b) adds a provision requiring any new charter or amendments to a charter to be published to the Municipal Affairs website for at least 60 days before it is put into effect. This will ensure that residents, businesses, and industry in a proposed city charter will have the opportunity to see what is planned before the changes come into effect. This additional measure for transparency adds to the fact that as a regulation a charter will also be published in the *Alberta Gazette* and posted on the Queen's Printer website after it is approved by the Lieutenant Governor in Council.

We also heard during second reading, Madam Chair, debate, concern over the transparency of a charter being developed as a regulation that would be approved by cabinet before it would take effect. I want to be clear. This amendment will not alter that approach. If we were to require that charters could only be implemented as legislation rather than through regulation, charters would take considerably longer to develop, and this would not be in the spirit of the agreement we signed in the fall.

Another concern, Madam Chair, we heard during second reading debate was in reference to authorizing a charter city to create bylaws that take precedence over other provincial enactments.

Section A(c)(i) of this amendment provides clarity to the intent of this bylaw clause by specifically stating that any such bylaws would only apply to the city charter and only be able to change an enactment in accordance with the parameters set out in the charter itself. A charter is not a blanket licence to change provincial law. Rather, it may authorize the change of specific enactments as is appropriate for the specific needs of the city.

Finally, as an additional measure of transparency to the charter process section A(c)(ii) of the amendment would require that any bylaw made under the authority we just discussed be advertised and subject to a public hearing in accordance with the rules already in place under the MGA. Madam Chair, this amendment adds clarity and transparency to the charter provisions in Bill 20. It will help potential charter cities to define their charter development processes, help their residents feel informed and engaged. Therefore, I'd like to encourage all members in the House to support this amendment.

Thank you, Madam Chair.

**The Deputy Chair:** Thank you, hon. minister.

Are there any others who wish to speak to amendment A1? The hon. Member for Edmonton-Beverly-Clareview.

**Mr. Bilous:** Thank you very much, Madam Chair. I'm pleased to see this amendment coming forward. I just had a question of clarification for the minister on this amendment, and then I would like to also propose questions just on the bill in whole. Now, to clarify my understanding and also for Albertans to understand this very clearly, in the case of a charter city putting forward a bylaw, that bylaw cannot conflict with the existing MGA. The MGA legislation will be the parent legislation, so to speak. If there is a conflict between the two, it's my understanding that it is the MGA itself that will prevail. I'm hoping the minister can just clarify that question, please.

7:50

**The Deputy Chair:** The hon. minister.

**Mrs. McQueen:** Thank you, Madam Chair. Yes, the hon. member is right. It cannot conflict with that or any other provincial enactment, just for clarity.

**The Deputy Chair:** Hon. member, any more questions?

**Mr. Bilous:** Sure. Thank you, Madam Chair. A question that deals with the MGA, and it's jumping to codes of conduct if I may. Just to clarify for, again, Albertans, if there is a breach in the code of conduct – because in this act there are provisions for municipalities to enact codes of conduct for their council and mayors – I'm just curious as to what, if there is a breach in a code that a municipality does pass as a bylaw, are either the tools available or the recourse. What are the actions that would follow in the case of a breach?

**The Deputy Chair:** We are speaking on amendment A1.

**Mrs. McQueen:** Well, I could speak on that, but those will be developed in the regulations. It isn't really pertaining to the amendment, but just to answer the hon. member's questions with regard to codes of conduct, those will be developed with regulations in consultation with the municipalities.

**The Deputy Chair:** Are there any other members who wish to speak on amendment A1? The hon. Member for Livingstone-Macleod.

**Mr. Stier:** Yes. Thank you, Madam Chair. I did not hear all of the last conversation, so this may be redundant, and I do apologize in

advance. With this amendment there's going to be a question here. I think that perhaps you can provide some detail. The charter documents which may be developed by regulation: will the cities have the power to change any provincial laws that apply to those regulations? It seems like there's a very broad power indicated here, and I'd like to hear more about how this power will work. What does this power mean for cities and for the relationship between the province and the municipalities? I'm not sure if that's the same as what the hon. Member for Edmonton-Beverly-Clareview asked over here. Did he? Okay. Then I'll withdraw.

Thank you.

**The Deputy Chair:** Thank you, hon. member.

Are there any other questions on amendment A1?

Seeing none, we'll call the vote.

[Motion on amendment A1 carried]

**The Deputy Chair:** We'll go back to Bill 20, the Municipal Government Amendment Act, 2015.

The hon. Member for Lethbridge-West.

**Mr. Weadick:** Well, thank you, Madam Chair. It's my pleasure to present to the committee today Bill 20, the proposed MGA, 2015, especially with the amendments that have been made today. I'd like to thank all members who participated in second reading debate and for their supportive comments.

Madam Chair, Bill 20 is the first step in meeting the commitments made in the January 22 memorandum of understanding between the province, the Alberta municipalities association, and the Alberta Association of Municipal Districts and Counties. This commitment is one that we made with Alberta's municipal associations to reflect the relationship we have with municipalities, one that is predicated on partnership. Mr. Mason asked about this relationship during second reading debate. I want to be clear that we are working with municipalities, government to government, to achieve our shared outcomes.

The parties of the memorandum of understanding agreed to a three-phased approach for completing the review. This bill represents the first phase, which captures the areas of agreement between municipal and industrial stakeholders on issues that were identified by Albertans, municipal partners, and other stakeholders during the 2014 consultations on the MGA.

The second phase will introduce legislation amendments in support of more complex items, considered through the MGA review policy discussions. Meetings with key stakeholders are already under way on these items, and we're pleased that this process has already yielded results, with consensus being reached on several of these items already.

The third phase will see refinement of the legislation and work on regulatory development.

As we discussed in second reading, Bill 20 contains provisions allowing for city charters. To be very clear, we are not creating the content for the city charters through Bill 20. We are merely allowing for the provision to establish city charters. These provisions are a key element in fulfilling the Premier's commitment to the cities of Edmonton and Calgary to demonstrate meaningful progress in the development of charters by the spring 2015. We will be talking to the cities, stakeholders, and to all Albertans, taking their input into consideration before any decision on the content of the charters is decided. The cities will continue to be subject to the MGA and other provincial legislation except in those specific instances where the cities and the province agree that their unique circumstances justify an alternative approach.

Bill 20 also clarifies the administration of off-site levies but does not address the scope of these levies. The bill contains provisions to elevate the substance of several regulations made under section 73(3) of the MGA into the act or to create a new regulation-making authority to continue the existing policies as appropriate.

Finally, the bill contains some general housekeeping items to add clarity to parts of the MGA. The bill is organized in the order of the MGA, so please bear with me as we will be jumping back and forth between policies as we move through the bill.

Section 2(a) is miscellaneous and housekeeping. To begin, section 2(a) contains new and updated definitions. A new definition of "ALSA regional plan" has been added for consistency with the Alberta Land Stewardship Act. The reference to "business revitalization zone" in clause (aa)(iii) has been changed to "business improvement area" at the request of business revitalization zone constituents for consistency with other Canadian jurisdictions.

Sections 2(b) and 2(c): open council meetings. The new regulation-making power allowing the minister to define meetings for the purpose of the MGA and its regulation has been added.

Section 2 also adds a new definition for closed meetings as it relates to municipal councils, council committees, or other bodies. This new section provides clarity on when a meeting is considered closed such as when the public is not permitted entry, when the public is asked to leave a meeting, or when council leaves the room to hold discussions elsewhere. This definition will help in interpreting other parts of the MGA relating to meetings.

In sections 3 through 7 we're doing miscellaneous housekeeping. Section 3 is a housekeeping amendment of section 13 of the MGA to ensure consistent wording throughout the act relating to conflicts and inconsistencies between documents. Sections 4, 5, 6, and 7 are housekeeping amendments to ensure that the change in name from BRZ to business improvement area is captured in various sections throughout the MGA.

Section 8: the section 73(3) regulation, or control of corporations. Section 8 creates a new regulation-making authority that will enable the creation of new regulations to carry out policy decisions that will come after our full review of all matters related to municipally-controlled corporations. There's currently no change to the requirements for municipalities through these amendments.

In sections 9, 10, 11, and 12: amalgamations. These sections introduce a new, streamlined process for municipalities who wish to voluntarily amalgamate. This will increase efficiencies and encourage a co-operative approach to amalgamation. Section 9 allows for the amalgamation of non-contiguous summer villages adjacent to a common water body. It also ensures that when contiguous summer villages amalgamate, the new municipality may be a summer village or may be a different municipal status type if it meets the requirements for that status type.

Section 10 is related to the initiation of the amalgamation proceedings. The amendment allows for the current model of initiating the process but also adds the ability for two or more municipalities to jointly initiate the amalgamation process.

Section 11 amends section 105 of the MGA on the report of negotiations to provide clarity on what is required in reporting. The report must include a list of the items on which the municipal authorities in question are not agreed and those on which they are agreed. The report must include a certificate stating that the report accurately reflects the results of the amalgamation negotiations and that the report must be approved by resolution of the councils involved in the amalgamation. Should a municipal authority council not pass a resolution approving the report, the study may include the authority's reasons for not approving.

Section 12 adds a section allowing the minister to make regulations to allow municipalities to jointly initiate an amalgamation as well as the procedures of joint initiation of amalgamations.

8:00

Section 13, annexation. This section allows the minister to make regulations respecting annexation procedures. Annexations can be controversial, and municipalities have indicated that clear and consistent procedures would be helpful.

Section 14, which we just spoke about in the amendment, is city charters. Section 14 introduces a new part, 4.1, on city charters to the MGA, which is an important step towards realizing our shared commitment for the development of charters for the cities of Calgary and Edmonton. These provisions are only enabling provisions. The contents of the charters continue to be developed and will be announced at a future time.

Section 14 establishes the purpose of the new part and that on the request of the city the Lieutenant Governor in Council may by regulation establish a charter for that city. A charter will allow for the legal recognition of the evolving responsibilities and capabilities of cities and of the needs of their communities by setting out that portions of the MGA may not apply or apply differently to a charter city, setting out unique provisions that apply to the charter city in addition to or instead of provisions of the MGA or other enactments. It may authorize the charter city to modify or replace a provision of the MGA or any other enactment by bylaw.

Section 14 also establishes administrative matters relating to charters such as interpretation, the application of the MGA and other legislation to a charter city, the charter prevailing in cases of conflict or inconsistency between the charter and the MGA or other legislation.

Finally, section 14 also establishes that unless a charter provides otherwise, the legal status or the rights and obligations of a city are not affected by the establishment of a charter for that city, nor are the rights of the Crown in Alberta affected by the establishment of a charter for a city.

Sections 15 through 19, accountability and conduct of elected officials and open meetings. In sections 15 and 16 we introduce new provisions related to the accountability and conduct of elected officials. Section 15 is an administrative change to recognize the new division on codes of conduct being created through section 16.

Section 16 adds a new division to the MGA on codes of conduct. This section adds a new requirement for councils to establish a code of conduct governing the conduct of councillors. Section 16 also establishes that a councillor cannot be disqualified or removed from office for a breach of the code. This section also allows the minister to make regulations respecting matters that a code of conduct must address. These matters are respecting the date by which councils must establish a code of conduct, sanctions to be imposed for breach of a code of conduct, matters that must be taken into consideration when establishing a code of conduct, implementation of codes of conduct, and any other matters the minister considers necessary to meet the purpose of the new code of conduct requirements.

To address some of the comments made on this matter in second reading, it might be helpful to consider a few examples of matters that may be included in a code regulation. For example, it could include that councillors must govern their conduct in accordance with the requirements and obligations set out in municipal legislation; not use confidential information for personal profit for themselves or any other person; not communicate confidential information to anyone not entitled to receive the same; not use their position to secure privileges, favour, or advantages for themselves or any other person; and preserve the integrity and impartiality of council. This regulation



will be made with the active engagement of our municipal partners to ensure that it meets the intended outcome of this important policy issue, to which everyone has agreed.

Section 17 clearly states that it is a councillor's responsibility to adhere to the codes of conduct introduced through these amendments that we have already discussed. Sections 17, 18, and 19 are related to increased transparency in council meetings and sharing information amongst councillors. Section 18 adds a new section, 153.1, stating that if a chief administrative officer of a municipality provides information about the operation or administration of the municipality to a councillor, then that same information must be provided to all councillors as soon as practical. This provision ensures that all councillors are given the same information about the operation or administration of their municipality on which to base their deliberations and decisions.

Section 19 provides clarity about the procedures relating to closed meetings. This helps to ensure transparency on the basis by which all or part of the council meeting is closed to the public. Clarity is provided for how a meeting or part of a meeting is to be closed, how any member of the public who is present is informed, and on the presence of other persons at closed meetings. Section 19 allows the minister to make regulations to list matters that may be discussed in closed meetings in addition to those matters that are already eligible to be discussed in closed meetings pursuant to the Freedom of Information and Protection of Privacy Act.

Sections 20 through 23, responsibilities of council administration. Sections 20, 21, 22, and 23 are related to the roles and responsibility of council administration. Section 20 removes the current section 201(1)(b), related to council's role, as this section was too general in its wording and could result in municipalities taking on administrative functions outside their legislative roles. Section 21 adds a clause to ensure that the council's role in oversight of the chief administrative officer is clear. Section 22 provides a new section 208, that condenses and clarifies the list of responsibilities of the CAO, for existing section 208 of the MGA. Section 23 amends section 209 to clearly establish that the duties of the CAO as outlined in section 208 can be delegated to a designated officer or employee of the municipality.

Public participation policy. Section 24 introduces a new requirement for all councils to introduce a public participation policy for their municipality in order to ensure that the municipalities are effectively engaged with the public, residents, business, and industry as well as other stakeholders. This section also states that the minister may make regulations respecting the content of public participation policies, the considerations to be taken into account by council in establishing the policy, a date by which every municipality must have its first policy in place, requirements for a council to periodically review its public participation policy, and requirements to make that public participation policy public.

Section 24 also establishes that the public participation policy does not affect any other right or obligation held under the MGA or any other act and that "no resolution or bylaw of a council may be challenged on the ground that it was made without complying with a public participation policy established by a resolution of the council."

In sections 25 through 30, the petitioning process, there are requirements for petitions to a municipal council by the minister. Current petition requirements can make it very difficult for the public to successfully petition a municipality. Sections 25 and 26 are amendments consequential to the addition of a new section, 226.1, in the MGA on bylaws modifying petition requirements. Section 27 adds the requirement for a petitioner to include a telephone number or e-mail address, if any, when signing a petition.

In some cases this additional information would assist a municipality and the ministry in validating the petition. Section 28 is also consequential to the addition of a new section, 226.1, in the MGA on bylaws modifying petition requirements. Section 29 extends the time frame, from 30 to 45 days, that a CAO has before making a declaration about whether the petition is sufficient.

Section 30 adds a new section, 226.1, to the MGA, that allows municipalities to modify the requirements for petitions to municipal councils by bylaw, including decreasing the percentage requirement for sufficient petitions, accepting online petitions, outlining online petition validation requirements, extending timelines for the collection of petition signatures, and allowing petitioners to remove their names from a petition within a specified number of days from the date the petition is filed with the CAO. This section also specifies that these bylaws cannot be the subject of a petition and that a bylaw made under this section must not take effect earlier than 90 days after it's passed. This section also adds a provision to protect personal information collected in petitions to ensure that it is only used for its intended purpose.

#### 8:10

Section 31 includes a provision to ensure that appropriate notice of public hearings is given in accordance with the act as well as some amendments to clarify that the rules of public hearings apply to those hearings that are legally required to be held.

Section 32 is an amendment consequential to the addition of a new section, 226.1, in the MGA on bylaws modifying petition requirements.

Sections 33 through 36 all work to elevate the content of the current municipal finance clarification regulation, which was made under section 603 of the MGA. There's no change to the requirements for municipalities through these amendments.

Sections 37, 38, and 39. Currently the responsibilities listed in these sections are ascribed to the CAO in section 208 of the MGA. These amendments have transferred these responsibilities more broadly to the municipality so that it is clear that the CAO does not have to personally carry out these responsibilities.

Section 40 introduces new provisions requiring municipalities to at a minimum prepare a three-year financial plan and a five-year capital plan. This section also allows the minister to make regulations respecting financial plans and capital plans as well as transitional provisions for introducing these financial plans.

Section 41 is a housekeeping amendment related to how assessments are prepared. Sections 41(b) and 42 elevate the content of the current SuperNet assessment regulation, which was made under section 603 of the MGA, into the act. There are no changes to the requirements for municipalities through these amendments.

Sections 43 through 46 are housekeeping amendments providing clarity, correcting typo errors, and updating references to other legislation.

**The Deputy Chair:** Thank you, hon. member.

Are there any other members who wish to comment on Bill 20? The hon. Member for Edmonton-Beverly-Clareview.

**Mr. Bilous:** Thank you very much, Madam Chair. It's my honour to speak briefly to this. I do appreciate the work that's been done and put into this bill. You know, I'm always happy to hear when appropriate organizations and bodies have been consulted and have had the opportunity to provide input. I know that AUMA, AAMD and C, and the mayors of Edmonton and Calgary, among other mayors and councillors, I should clarify, around the province have been able to give their feedback to the government and have input into this bill.

You know, as I've mentioned at other points in time, I do think that this bill takes all of the items that were agreed upon via consensus and puts them forward right now. The cynical side of me does have to ask about the timing, the fact that anything that is controversial or that will need much more time is obviously getting pushed into the fall and likely after the election when folks don't really have much of a say as far as if there's bad news to be given.

A couple of things that I did want to flag. First, I will comment on the fact that amalgamation has been updated and discussed. I do know, you know, having the Municipal Affairs file for the Alberta NDP, that amalgamation and the existing wording in the MGA were something of a concern to a lot of different municipalities, especially summer villages. I do appreciate the fact that their concerns were heard by the minister and that the amalgamation piece has been updated. I do think that that's a positive.

Then I do want to just, you know, question the fact that in this legislation city charters are referred to exactly as that, placeholders for city charters, when the cities of Edmonton and Calgary, the two largest cities in the province, have been very vocal over the last few years in advocating and requesting a big-city charter, or a city charter that applies to both the cities of Edmonton and Calgary. Essentially what they are asking for is special status versus the other 345 municipalities, if my math is correct.

I would like to just take a moment to explain the need for a charter that applies directly to the cities of Edmonton and Calgary. I mean, first and foremost, Edmonton is more than 10 times the size of the third-largest city in the province, and therefore, just based on population alone, the two largest cities, because of their size, are very unique in the sense that there are programs, specialized services, that are only offered in Edmonton and Calgary.

I know from speaking to councillors and the mayors from both cities that part of their struggle is the number of Albertans who come into the cities to use our amenities, to see specialists, et cetera. They have no other choice but to come to Edmonton and Calgary because they're only here. But the challenge that that places on the cities is that you have, you know, thousands, tens of thousands if not hundreds of thousands of Albertans accessing services, using services and infrastructure that the city of Edmonton and Calgary are providing. The challenge is that those two cities do not collect any revenue from those individuals in the way of property assessment, one of the only tools that the cities have at their disposal. So this puts significant restriction or constraint on the two cities because they need to be able to leverage many more dollars.

At the same time, I know the cities have also said that they are more than happy to step up as far as increasing their role as the two major cities in the province. You know, I appreciate the fact that the charter placeholder is in this bill – that is something that's very much needed – but the way that it's framed, again, for just city charters, well, many municipalities could apply for a charter. The argument that I'm going to make is that if all 347 municipalities are going to be granted or if they were granted the same tools, then essentially we're right back to an MGA that applies to all 347 municipalities as opposed to acknowledging the uniqueness and the significant responsibilities that the cities of Edmonton and Calgary have. You know, I'd appreciate it if the minister would be willing to comment on this.

But, for me, again, it is very important that we distinguish the roles that Edmonton and Calgary have and the fact that they do need to be recognized. They do have additional costs and other restraints that many of the other municipalities don't have. They don't have the same challenges that other municipalities have, and they have been asking the province to acknowledge their uniqueness and also to ensure that they have the tools at their disposal.

Now, again, I am well aware that the details of these charters will be forthcoming, and hopefully we'll have more details by the fall, but again it's very important to note that Edmonton and Calgary do deserve and need to be treated differently than the other municipalities just because of the size and scope.

Thank you very much, Madam Chair.

**The Deputy Chair:** Thank you, hon. member.

The hon. Member for Calgary-*Buffalo*.

**Mr. Hehr:** Well, thank you, Madam Chair. It's an honour and privilege to be able to speak to this bill. Frankly, it's a good bill that goes forward and that seems to get the ducks in a row, so to speak, to see the development of city charters.

There's been a note that this has been a policy that has been long overdue. You've had the cities of Calgary and Edmonton, going back to around 2008, who have been wanting a big-city charter. I believe it is something that is a necessity given the size and the responsibilities that those municipalities face. Simply put, they're the arm of government that is closest to the people. They don't simply build roads and segregate different areas for different development. They're playing a role in the lives of their citizenry, whether you go from affordable housing to FCSS funding with many of our nonprofit groups to working on flood mitigation and disaster relief alongside the provincial government. There has to be a recognition that both Calgary and Edmonton, because of their unique size and their unique roles, need that special treatment as to what defines their roles and responsibilities.

8:20

I think this bill goes some way to providing the clarity that people want in that fashion. I know the mayors of both cities have been asking for this repeatedly. In fact, I think there was some reference to it – well, there was reference to big-city charters in the 2008 and 2012 Alberta Liberal platforms, and I think it was in you guys' platform in 2012. So this goes some measure to seeing that we're moving along that path.

I will note that for some time here in this Legislature big-city charters seemed to be at a standstill. There seemed to be no clarification between what the front bench wanted, what the municipalities wanted, and what the minister wanted, and it seemed to be that this call for big-city charters was not going to see the light of day, but I'm glad to see that we're at least plodding along that course.

There has to be a recognition, because of the role of Calgary and Edmonton, that they need new tools to engage with their citizenry. My hope – and this won't be decided till the fall, most likely – is that there will eventually be a recognition that the tax generation made available to the cities through property assessments is simply an outdated tool that doesn't serve its citizenry well. Frankly, as the local arm of government closest to their citizens, they should actually be able to engage in debate with their citizens on what they want from a city and how much they want to pay for it. This should be the primary job of the city and its citizens. Because of their unique size and stature and the way they've developed, this has to be a new means of going forward.

Yes, it's going to entail that the provincial government release some of those primary strings that you have on raising revenue from your citizens. I full well admit that, and I think everyone here will as well. But I think it's an idea that big cities in Canada have evolved to the point where they are capable of that responsibility. There's been a call, and many discussion papers out there have said that this is good public policy.

I think the federal government, too, needs to play a role in assessing what tax tools they have and sharing that with their cities in regard to infrastructure and the like and how cities can be more apt to address transit concerns, whether that be by automobile, by bus, by train, and having on those revenue generations that honest discussion with the citizens, the ratepayers, of their cities as to what they truly want. We've got to get to the principle that if you want the services, you should pay the tax, and if you don't want the services, well, then, you don't have to pay the tax.

It seems pretty simple to have that debate on whether you want to live in a city with great things – great access to public transportation, great amenities, performing arts centres, and the like – or you want to live in a minimalist city. I think that debate has to happen at the local level. Far too often there's a lot of bafflegab in between whose responsibility it is, whether it's the province's or the city's. You know, the province will say, "Well, we give the city more than enough money; we don't know why they can't do everything," and the city will say, "Well, they don't give us near enough money; no wonder we can't do everything."

Well, having a big-city charter will clarify those roles to allow more of a distinction between what each level of government does, and frankly I think it will be better for everybody. There will be less finger pointing and more accountability to your local citizens as to what you provide and less, I guess, three-card monte as to who is actually responsible for providing this.

Nevertheless, I'm hopeful this sets us in the right direction. I think this sets the framework to have the tools in place to be able to do that should this government be willing to implement good public policy for the long run, which, you know, at least in my time here they've been awfully timid at doing.

You know, I think we can look at this situation where we are, where we can find ourselves, and say: my goodness, have we really instituted what's been in our best interests for the long run and made that case to the citizens on whether we've actually had representative democracy, which is supposed to have our best long-term interests at heart? I haven't seen a lot of that in my time here at the Legislature.

My hope is that maybe a new day is around the corner, where we understand that we've grown up, where some of the old sacred cows that we held dear and near to our hearts may not be so relevant anymore, where we've matured as a democracy and understand that government has a role to play in our lives; that having functioning schools, roads that are built, and hospitals that are running is part of that equation and that we should as a citizenry participate in contributing to those necessary functions; that the government has a responsibility, in collecting that, to ensure that kids get educated and ensure access to not only good K through 12 education but early childhood learning opportunities, postsecondary opportunities, that our elderly are cared for in dignity, and that we're not simply scrambling around trying to put Band-Aids on problems that we know won't go away unless we act.

I'm hoping that the big-city charter piece will ensure the ability of cities to react to what their citizens' needs are and how we can run more efficient cities and better operating cities and more serving-the-public cities for everyone who lives there.

Thank you very much, Madam Chair.

**The Deputy Chair:** Thank you, hon. member.

The hon. Member for Livingstone-Macleod.

**Mr. Stier:** Thank you, Madam Chairman. It's a pleasure to get up this evening and speak a little bit about Bill 20 and the MGA, one of my favourite topics and one that I have a little experience in for a change.

Anyway, I'd like to offer my congratulations to the Member for Lethbridge-West in his comments and the work he put into this as well as the minister on this file. I think this is something that has been long overdue, and there have been a lot of experiences in a lot of communities around Alberta where they've had various issues, including in my own riding, that some of these changes will assist, for sure.

We're fairly supportive of this review and have been from the beginning. We know that the AUMA and the AAMD and C have been involved, and I think that's just great. That's a good way to go. The stakeholders have therefore been consulted heavily, and I think that's really important. You know, it's good to see some of these things moving forward now finally, and some of the things like closed meetings and new rules for notifying the public are all also very important. So we're pretty supportive of that.

I'd like to speak, though, a little bit more on some of the stuff that has been mentioned already, just briefly. I don't want to be redundant and hold us here all night. The city charter thing is a new direction that's being considered here, and, you know, there are a lot of people that we're hearing from who are still nervous about some of the things that may be in the city charters. I think everyone knows that. The taxation powers are, of course, one of the things that a lot of people were concerned about. We've expressed support for a charter, and we think it helps the cities, helps some of the problems they face, whether they're current or the one-size-fits-all legislation, which hasn't necessarily worked that well in the past.

You know, we generally support the charter idea, but we have always been clear that the residents of Alberta should not be faced with any new taxes imposed on them through this process. Actually, I had an amendment that we were going to bring forward about that, but it kind of got circumvented by some of the process we have witnessed here tonight. Nonetheless, we do have things that are worrisome in that regard. We still don't know how it's going to unfold, but I gather that as it proceeds along, we'll see that. But we all think that having extra taxes is not necessarily the greatest thing in this kind of environment. Nonetheless, it's moving quickly here.

You know, there are a lot of things that we get worried about when it comes to my own area, being close to the city of Calgary, like annexation, amalgamation, all these kinds of things. Sometimes there are some very difficult situations that arise out of those negotiations. We're seeing that with Leduc and the city of Edmonton and so on. I will be monitoring that and looking forward to seeing how that comes about.

8:30

That being the case, you know, it will be interesting to see how the city charter thing goes. We'll be monitoring it. We think that there will be a lot of impact to this. There will be some adjustments and so on and so forth, but we're generally in favour of this, and we look forward to hearing from others and what they say.

Thank you very much.

**The Deputy Chair:** Thank you, hon. member.

Are there any other members who wish to speak to Bill 20, Municipal Government Amendment Act, 2015, in Committee of the Whole?

Seeing none, shall I call the question?

**Hon. Members:** Question.

[The remaining clauses of Bill 20 agreed to]

[Title and preamble agreed to]

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

**Hon. Members:** Agreed.

**The Deputy Chair:** Opposed? That's carried.

**Bill 12**  
**Common Business Number Act**

**The Deputy Chair:** Are there any members who wish to comment, question, or have any amendments to be offered with respect to this bill? The hon. Member for Strathcona-Sherwood Park.

**Mr. Quest:** Just some opening comments, Madam Chair. I'm pleased to speak to the Committee of the Whole respecting the Common Business Number Act. To begin, I'd just like to reiterate what this bill is intended to do. Bill 12 establishes a legislative framework that enables our province to enter into a partnership with Revenue Canada to adopt a common business number. By doing so, Alberta businesses will be able to conveniently identify themselves to participating provincial programs using a single identification number.

Use of the common business number is already expanding to government programs across the country. Five federal departments and agencies use the business number, and the government of Canada is examining the mandatory use of the common business number for all federal programs. The provinces of British Columbia, Saskatchewan, Manitoba, Ontario, Nova Scotia, and New Brunswick have adopted a common business number for corporate registrations and other programs such as taxation, workers' compensation, permitting and licensing of alcohol and tobacco. Passing this legislation is the first step in implementing the common business number, and it will demonstrate Alberta's ongoing commitment to reducing red tape, improving services for businesses, increasing the competitiveness of Alberta-based businesses, and maintaining a positive investment climate.

I'm looking forward to any other comments on this bill. I'd be happy to answer any questions. Thank you, Madam Chair.

**The Deputy Chair:** Thank you, hon. member.

Are there any other members who wish to comment? The hon. Member for Livingstone-MacLeod.

**Mr. Strankman:** Ma'am, it's Drumheller-Stettler.

**The Deputy Chair:** Oh. I'm sorry.

**Mr. Strankman:** It's still the diverse constituency of Drumheller-Stettler.

**The Deputy Chair:** The hon. Member for Drumheller-Stettler.

**Mr. Strankman:** Thank you, Madam Speaker – Madam Chairman. I'll get it right, too.

I think this is an interesting bill, and from my business background, an agricultural background, and growing up having a social insurance number, a corporate number, a farm fuel distribution number, a lot of this sort of thing, PIN numbers of various arrangements, although this doesn't relate to that, I think common business numbers are a boon. The concern I have is the possible cost of implementation, but once it's arrived at, I think it will be a benefit and a bonus going forward.

I'd just like to get those comments on the record from Drumheller-Stettler, Madam Chairman. I'd just like to leave it at that. Thank you.

**The Deputy Chair:** Thank you, hon. Member for Drumheller-Stettler.

The hon. Member for Edmonton-Beverly-Clareview.

**Mr. Bilou:** Thank you very much, Madam Chair. It's my honour to speak to this bill. You know, first of all, I think it's important, and I speak on behalf of my whole caucus when I say that we support the development of customer-oriented services for businesses in Alberta, and that obviously includes developing a system of common business numbers between our federal cousins and provincial governments.

Interestingly, though, what needs to be pointed out is that I'm happy to see our government finally catching up to something that many of the other provinces already have, most notably in Manitoba. It's worth noting that Manitoba's NDP government brought in a similar system a number of years ago. In fact, what's interesting, Madam Chair, is that the text of the bill is almost word for word the same as the equivalent bill passed in Saskatchewan in 2013. You know, it's unfortunate that it took us this long to get here, but I am happy to see that the government is finally catching up and decided to get on with this.

Madam Chair, it's important to modernize government operations in order to support businesses in Alberta. We need to also ensure, though, that privacy, convenience, and flexibility are respected at every step of the process. I mean, that's going to be the focus of some of my comments. Again, I do want to mention that the Alberta NDP are strong supporters of small business. We recognize that 95 per cent of Alberta's economy is driven by the small-business community. Interesting to note that we were the only party three years ago proposing a small-business tax cut, and our party has actually increased that to cut small-business taxes down to 1 per cent in the province of Alberta.

To continue with ensuring that privacy is respected as well as convenience and flexibility, just a couple of minor questions or concerns that I have that I'd like to share with Albertans and members of this Chamber. Subsection (2) enables the minister to enter into an agreement with the government of Canada to establish a system of common business numbers. Now, as much of the act is worded, it's fairly vague, Madam Chair, and it's important that the government is very up front with Alberta businesses about how the system will be implemented. Specifically, will the common business numbers be the same as those used by the Canada Revenue Agency?

Another area of the bill, section 4, which is equally vague is that the purpose of establishing a system of common business numbers enables any public entity to share business information with any agency in the government of Canada. I'm curious. Why is such broad permission required if communication is really only needed between the province and the Canada Revenue Agency? Or is it as well with a number of participating federal programs?

Section 4 also enables a public entity to require information from a business entity in order to assign a common business number. It also allows the public entity to provide this information to the government of Canada or one of its agencies. The public entity may also use the information currently in its possession for this purpose. Given the extent of the information being shared, there must be adequate systems or regulations in place to ensure that business information is used only for the purpose of assigning a common business number.

As well, section 4 creates a sanction, that any public entity may refuse to act on information provided to it by a business entity should the business fail to provide the information necessary for the system of common numbering. Now, if a business has legitimate concerns about the privacy implications of this information sharing, why shouldn't it be able to opt out without penalty?

Section 4(3) requires that a business's information be provided in any form or format that the public entity considers appropriate. Now, whatever that format is, it must not place an additional burden

on the business. Preferably, businesses should have the option of providing the information in different formats depending on what's best suited for their needs, again keeping in mind that we don't want to be burdening businesses any more than we have to.

Sections 4(5) and 5(4) require that business information received by public entities be provided to the minister. Now, there are no restrictions on the use of this information nor direct justification for this clause with respect to establishing a system of common business numbers. If public entities may provide business information to the government of Canada themselves as per section 4, why must the minister receive the information as well? The role of the minister in implementing this system must be clarified, and I really hope that the member sponsoring this bill and the minister will clarify this.

Section 6 pertains to the creation of an information system for the common business numbers. As per 6(2)(d) the information system may hold any other prescribed information about the business. So who will make the prescription? What limitations will be placed on it? Will the information system be expanded or be capable of storing information other than the information set out in section 6? If so, how will the scope of the information system be expanded?

Section 6 also fails to identify where the information held in the information system will be stored and who will be responsible for controlling access to the information other than the minister.

8:40

Madam Chair, we must ensure that these things are clear in the regulations such that information remains secure. Again, I think most businesses, if not all, throughout the province, you know, will want to know that the information is going to be secure, that privacy is of the utmost importance in the passing of this legislation.

Section 7(1)(a)(ii) enables the minister to disclose the information in the information system to a public entity for the purpose of law enforcement. However, given the murky scope of the information to be held by the information system, it's a little disconcerting that it may be used for law enforcement purposes. Businesses must know what information will be held in the information system before being forced to comply with the legislation.

Lastly, Madam Chair, section 11 pertains to regulations. Here 11(a) sparks the most concern because it enables the Lieutenant Governor in Council to define, enlarge, or restrict the meaning of any term or expression used in this act but not defined in this act. In other words, the government may significantly alter the implications of the legislation without ever having to formally amend it. I mean, that is and has always been a concern of mine and my colleagues when we're giving, you know, complete authority to a minister or in this case to the Lieutenant Governor in Council to be able to alter the act significantly without it ever having to come back to the Legislature to be adequately, publicly, and properly debated. So that is another great concern that I have with the current legislation as it's written.

Madam Chair, you know, we want to make sure that Alberta's businesses benefit from this bill as opposed to simply handing over more information to the government with less oversight. Again, it's of utmost concern to us or a very large priority that we are respecting the privacy of businesses, that we are ensuring that any information that is being stored is in fact secure and that, obviously, businesses are made completely aware of what information will be stored, how it's going to be stored, how it's going to be used – the last thing we want to see is a very vaguely worded bill passed and the intention, the spirit, of the bill altered or misinterpreted down the road because it's not specifically and clearly outlined in this bill – and, again, most importantly, you know, that it's publicly debated,

that it's given the opportunity to be discussed and scrutinized by all members of this House and not done behind closed doors.

With that, Madam Chair, I will take my seat. I truly hope that members opposite were taking note of some of the questions and concerns I have. I would love to hear some of the answers so that we can move forward in our debate.

Thank you.

**The Deputy Chair:** Are there any other members who wish to speak on Bill 12?

**Mr. Hehr:** Yeah.

**The Deputy Chair:** The hon. Member for Calgary-Buffalo.

**Mr. Hehr:** Well, thank you, Madam Chair. My goodness, the hon. Member for Edmonton-Beverly-Clareview did such a good job going through the details of that bill. I'm not going to muck it up further by getting to details in the weeds there.

Nevertheless, I look at this, and some broad comments sort of pertaining to small business come to my mind here. It looks to me like our small-business community actually is one of the engines that is trying to survive and thrive here in Alberta, is adding value to our economy, and is not necessarily tied to our oil and gas industry, which is a good thing as we all well know that many of our eggs are tied to the one basket. It's natural that a commodity like oil and gas, that generally sells at large profit margins and can provide good wages and actually has people going into that business for many good reasons, is your dominant driver of the economy. Small businesses appear to be one of the ways to balance that approach.

I, too, would echo the comments that I note the hon. minister of jobs indicated, that he enjoyed our conversion on the road to Damascus on small business taxes. I would actually share that conversion on small businesses as it appears to be a reasonable way to try and get more people involved in the economy and starting different businesses. The hope is that with those companies some good ideas emerge, and eventually they become big companies, and then we can take our pound of flesh – right? – Minister of Jobs, Skills, Training and Labour. I'm joking here. I'm joking.

Nevertheless, I think it's important that we foster that sense of opportunity amongst people who want to go out and try new things. It may actually be a way to slightly diversify our economy. That always brings me back to note that now the government of the day is pounding a diversification drum again. I'm interested to see what that actually means as many economists that I read and the Alberta Treasury Branch's Todd Hirsch have indicated that this seems to be a very difficult thing to do and almost, even, a dangerous one. I note that he notes for many reasons like I do that we're very good at oil and gas, and it is the driver of our economy and the like.

I have a sense that what should be done with that oil revenue is for it to be saved in the heritage trust fund for the day when oil and gas eventually runs out, or probably what happens more quickly is that the world moves on. Being prepared for that day is primarily through that vehicle, the heritage savings trust fund, which we've ignored for the last 25 years. Or if you're looking at another avenue instead of that, it would be maybe to make the best universities in the world or something if you found a public good where the opportunity costs outweighed the savings. I haven't seen that argument made, and maybe that's what is going to be forthcoming from the government.

But I look at the diversification thing. It's always something that's easy to say, and it might make for good election politics, but I'm not certain how to do it. So I'm looking forward to the government enlightening me on that. Of course, we look to solar

and wind and many of those things. As the minister pointed out today in question period, she noted that we have had some successes in that event. Maybe there are some other things we can do in that regard, but that doesn't seem to be diversification but more energy production. Maybe I'm wrong on that.

All I'm saying is that it appears that small business is one of the ways that we actually have a tried-and-true mechanism for diversifying the economy that may actually work and has proven to work. My hope is that this new common business number – it looks like it's been implemented elsewhere successfully. I'm sure they've dealt with some of the challenges brought up by the Member for Edmonton-Beverly-Clareview. Hopefully, we're following along with best practices that have been done by provinces before us to ensure that small businesses are getting the information they need and are providing the information that's required yet is not an undue burden on their business practices nor on the privacy concerns of theirs and their customers, which is a slippery slope, as we all know in this day and age, and the like.

Nevertheless, I think it's a good measure forward. I'm looking forward to the government's responses to those questions. I'm always interested in hearing how we're going to diversify things because, you know, it's easier said than done. So I look to be illuminated here in the next little while.

Thank you, Madam Chair.

**The Deputy Chair:** Thank you, hon. member.

Are there any other members who wish to speak on Bill 12, the Common Business Number Act, in Committee of the Whole? The hon. Member for Strathcona-Sherwood Park.

**Mr. Quest:** Well, thank you, Madam Chair. I appreciate the comments from Calgary-Buffalo and Edmonton-Beverly-Clareview. Just to clarify a couple of the hon. Member for Edmonton-Beverly-Clareview's questions, first of all, about the security of it and what's being collected. The intent is really to collect no more, of course, than is necessary. The information that is collected for the common business number will be shared only between public entities, Service Alberta, and the Canada Revenue Agency, and it will be completely secure through an information exchange hub.

8:50

Also, section 4, the question about if they actually want to opt out. Well, they can't really opt out on the Revenue Canada number, and this is basically the same information. If they choose to opt out, then that'll be their choice, but they would assumedly, then, still have two business numbers, which really is kind of counterproductive. But I suppose they have that option. We wouldn't be able to co-ordinate the common business number for those few cases that may decide to opt out.

With respect to the burden to small business I think we're all agreed that this reduces that burden. This government will do anything and everything it can to continue to reduce the administrative burden to small business.

More questions on sections 4(5) and 5(4). Again, I think we've covered the security part. It will be completely secure through this information exchange hub. With respect to the data collected, we don't expect that we need to collect and store any additional business information other than for the purpose of administering the common business number.

Other than that, I think that covers some, if not most, of what the hon. Member for Edmonton-Beverly-Clareview was asking. With that, I'll take my seat if there are no further questions.

Thank you, Madam Chair.

**The Deputy Chair:** Thank you, hon. member.

Are there any other members who wish to speak in Committee of the Whole on Bill 12, Common Business Number Act? The hon. Minister of Jobs, Skills, Training and Labour.

**Mr. McIver:** Thank you, Chair. I'll be brief. I just wanted to thank the hon. member for bringing this forward and the minister responsible. I think that if we carry on this way, people will start to believe that government is acting in their best interests even more so than they already do. I think it's a good example of trying to actually cut some red tape for business, and I intend to support it.

I hope that was as brief as I advertised.

**The Deputy Chair:** Thank you, hon. minister.

Are there any other members who wish to speak on Bill 12? Seeing none, shall I call the question?

**Hon. Members:** Question.

[The clauses of Bill 12 agreed to]

[Title and preamble agreed to]

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

**Hon. Members:** Agreed.

**The Deputy Chair:** Opposed? That's carried.

The hon. Deputy Government House Leader.

**Mrs. Klimchuk:** Thank you, Madam Chair. I move that the Committee of the Whole rise and report.

[Motion carried]

[Mrs. Jablonski in the chair]

**The Acting Speaker:** The hon. Member for Calgary-East.

**Mr. Amery:** Thank you, Madam Speaker. The Committee of the Whole has had under consideration certain bills. The committee reports the following bill: Bill 12. The committee reports the following bill with some amendments: Bill 20. I wish to table copies of all amendments considered by Committee of the Whole on this date for the official records of the Assembly.

**The Acting Speaker:** Thank you, hon. member.

Does the Assembly concur in the report?

**Hon. Members:** Concur.

**The Acting Speaker:** Opposed? So ordered.

## Government Bills and Orders

### Second Reading

#### Bill 14

#### Agricultural Societies Amendment Act, 2015

[Adjourned debate March 12: Mr. Scott]

**The Acting Speaker:** The hon. Minister of Innovation and Advanced Education.

**Mr. Scott:** Question.

**The Acting Speaker:** Are there any other members who wish to speak in second reading on Bill 14? The hon. Member for Drumheller-Stettler.

**Mr. Strankman:** Thank you, Madam Speaker. It's indeed a pleasure to be recognized from the diverse constituency of Drumheller-Stettler. I was fortunate enough to attend the briefing that the agriculture minister held in regard to the Agricultural Societies Act.

Being from a rural constituency, I think it's important that this bill be brought forward, and I will be supporting it. What it does is modernize the Agricultural Societies Act in an important way by bringing it to a third-person atmosphere, much like a corporation does. Currently there are almost 300 agricultural societies in the province, and this is an important way of bringing those organizations in tune with the modern era. It modernizes legislation, and it better aligns the Agricultural Societies Act with the Societies Act. Period. It makes it less prescriptive in recognition that different agricultural societies need to have the ability to structure themselves to meet their own needs, and it requires all agricultural societies to have effective bylaws in place to ensure good governance.

One of the things that I found interesting was the stipulation that some of these societies have to maintain a specific distance apart so that there is not overlapping of regulation.

Madam Speaker, I think that the proposed changes are a sensible approach to modernizing these organizations in rural communities. Our rural communities are in some cases, in the constituency of Drumheller-Stettler, becoming further and greater distances apart, so we have to modernize the way that these function. This will allow them to function in a more autonomous fashion and allow them to meet the local goals by developing their local bylaws and objectives.

There are some negative parts to it, but I believe that they are far outweighed by the progressive side or the innovative side coming forward here.

With that, Madam Speaker, I'll resign the floor to you and to anyone else who wishes to speak to the act.

**The Acting Speaker:** Thank you.

The hon. Member for Edmonton-Beverly-Clareview.

**Mr. Bilous:** Thank you very much, Madam Speaker. With regard to the Agricultural Societies Amendment Act, 2015, I do want to just make a couple of brief points. The Alberta NDP does recognize the importance of agricultural societies and the contributions that they make to our communities.

Interestingly, for over a century agricultural societies have provided communities in Alberta with opportunities to come together, exchange knowledge, and share in the bounty produced by our vital agricultural sector. In 1879, Madam Speaker, the Edmonton Northlands agricultural society was established. Today there are over 295 active agricultural societies. However, unlike the societies themselves, the legislation surrounding them has not been significantly modified since the late 1800s. You know, we recognize that this bill intends to modernize the legislation surrounding these societies to enable them to function to their full potential.

I'm happy to learn and to know or to comment on, Madam Speaker, that an extensive consultation process with agricultural societies found there was broad support for these changes. Certain prescriptive details are removed from the act, which should make life easier for these valuable community organizations.

One of the most important amendments contained in this bill will broaden the object statement to reflect the broad community presence of agricultural societies. However, a few other changes are noteworthy, Madam Speaker. One is the addition of a section on amalgamation of agricultural societies. I'm curious to know why the minister sees fit to add such a section. I mean, it is important to clarify whether the minister anticipates that societies will have to

amalgamate due to changes in funding or if there are other reasons which we're not aware of.

**9:00**

In addition, the government will no longer guarantee agricultural societies' loans. Ministry staff have indicated that while they felt the provision was unnecessary as it is no longer used by agricultural societies, no consultation, to our knowledge, was conducted on the change.

Significantly, we see in this bill a substantial broadening of the minister's regulation-making powers. For example, he or she may now make regulations "exempting a society from the application of any provision of this Act or the regulations, subject to any terms and conditions that the Minister considers appropriate." Now, again, Madam Speaker, for us and for many Albertans clearly this raises some concern and some flags since the scope of the power that the minister now has is extremely broad.

Any time in this House that bills come forward that allow the minister to make sweeping changes without having to work through the Legislative Assembly is a cause for concern, Madam Speaker. Again, we're not talking about questioning the current minister's integrity or intentions, but the concern, obviously, is that once a bill is passed through this House today, it will stand for many years to come, similar to the fact that the original bill was written in the 1800s, and now, well over a hundred years since, we're making significant modifications to it.

So that concern, I think, is noteworthy, Madam Speaker. It should be clearly outlined in the bill so that it can be debated publicly and so that all members may participate in that debate. That's probably my largest concern with this bill. Having said that, though, I think it's important that agricultural societies receive and continue to receive stable and predictable funding for their activities, which I think all Albertans would agree are of vital importance to the communities that they serve.

Thank you, Madam Speaker.

**The Acting Speaker:** Thank you, hon. member.

Are there any other members who wish to speak in second reading for Bill 14, Agricultural Societies Amendment Act, 2015?

Seeing none, would the hon. Minister of Innovation and Advanced Education like to close?

**Mr. Scott:** We move to close and move this forward.

[Motion carried; Bill 14 read a second time]

### **Bill 19 Education Amendment Act, 2015**

**The Acting Speaker:** The hon. Minister of Education.

**Mr. Dirks:** Thank you, Madam Speaker. I ask leave to move second reading of Bill 19, the Education Amendment Act, 2015.

Bill 19 is the result of due diligence prior to proclamation in ensuring the Education Act will be effective in serving the long-term needs of Alberta's students. Bill 19 does not in any way change the intent or overall policy objectives of the Education Act. The amendments are administrative in nature. They were identified during the regulatory review process and ensure that the Education Act will be able to fulfill its full purpose upon proclamation. Amendments of this nature are not uncommon in large, complex pieces of legislation. These amendments aim to achieve further clarity and accuracy of the policy directions of the Education Act. This is beneficial for our stakeholders as they continue their hard work in preparing for the act to be proclaimed.

Bill 19 includes a relatively extensive list of amendments. Let me just give you perhaps one or two examples of these kinds of changes. Again, these amendments are administrative in nature. They do not change the intent or overall policy objectives. Section 18 deals with courses as well as programs of study. As it is currently worded, this section allows the minister, by order, to “prescribe courses or programs of study” and “prescribe requirements for the granting of credits, certificates and diplomas,” course sequencing, and more. Requiring an order for each of these purposes would become an administrative burden and, in fact, is not currently required under the School Act. For this reason, the amendment proposes the minister may prescribe or grant items in this section by means other than an order.

There are some other aspects as well. Perhaps a second amendment, section 56. Through Bill 19 this section would be amended to ensure all requirements regarding records of students and children, the access to these records, the ability to ask for copies or corrections, that these kinds of matters are consistent across all types of school authorities, which would include school boards, private schools, and private early childhood services operators.

I believe these amendments assist in highlighting the importance of Bill 19. I see the true value of Bill 19, the Education Amendment Act, 2015, as helping empower the Education Act, which is a landmark piece of legislation and will have a significant long-term impact on our education system. The purpose of Bill 19 is to ensure the Education Act will be effective in serving the long-term needs of our students, and I sincerely hope that the House will join me in supporting this important piece of legislation.

Thank you, Madam Speaker.

**The Acting Speaker:** The hon. Member for Livingstone-Macleod.

**Mr. Stier:** Thank you, Madam Speaker. It’s a pleasure to rise on Bill 19. We just have a few comments on this, and I’ll get through them as soon as I can due to the lateness of the hour. There seem to be a number of changes here to mostly take care of some housekeeping items, I understand, as the minister has said. I gather many of them come from the shift in term for the school board trustees from three to four years, et cetera.

We’re generally supportive of Bill 19, but there are a few changes that we do have a few concerns about, where there are some word changes from “evaluation” to “assessment” in provincial achievement tests, and so on and so forth. We realize that’s been taken out, but we think that one of the responsibilities of the education system should be to measure how our students are doing and report that measurement to the students and their parents. For a number of years now, as everyone knows, we’ve had the provincial achievement tests in Alberta, which were taken at the end of grades 3, 6, 9, et cetera.

While there have been, certainly, some concerns raised about PATs and whether they are the best tool for everyone, the Wildrose has been on record defending some form of standard testing. We feel that’s very crucial. The province has recently been piloting a different test called the standard learning assessment, which does not test the curriculum. Instead, it is taken by students at the beginning of the year, I understand. However, it isn’t clear that SLAs will do everything that PATs do. Bill 19 doesn’t actually make this change from PATs to SLAs, but it strikes out the exact phrase “provincial achievement tests” and replaces the term with “provincial assessments.”

These changes are not unexpected, but we have to make sure that we are making the right moves for students and for the whole system. It’s so important that we have consistent, transparent measures of how our children are doing in school. It helps everyone

involved: teachers, parents, and the students themselves. To make good decisions about what a child needs to support their education, we need qualitative grading and quantitative grading. This change is part of a policy shift away from the standardized testing, and we need to make sure that we have good, transparent reporting methods in our schools.

Thank you very much.

**The Acting Speaker:** Thank you, hon. member.

The hon. Member for Bonnyville-Cold Lake.

**Mrs. Leskiw:** Thank you, Madam Speaker. It’s a pleasure to be able to rise and speak to this legislation. I agree with my colleague the Minister of Education that Bill 19 is effectively a means to an end. It is a piece of legislation that will enable a second very significant piece of legislation, the Education Act, to be effective. As the Education Act has already received royal assent and Bill 19 does not change the intent or the overall policy of the act, I don’t see any reason to withhold support of the Education Amendment Act, 2015.

Looking through the bill, it’s quite clear to me that the amendments are as represented; they are administrative in nature. For example, I see that Bill 19 includes changes to several sections of the Education Act that are a direct result of amendments that have been made to the Local Authorities Election Act. In recent years the Local Authorities Election Act shifted the term of office for school trustees from three years to four years. Some of the amendments contained in the bill would make the same changes in the Education Act. It is clear that without the corresponding adjustments, the Education Act would be in some aspects outdated or incorrect at the time of proclamation.

**9:10**

I appreciate that the Education Act is a complex piece of legislation. In these cases it is understandable, even logical, that minor changes may be identified and addressed before proclamation. In the case of the Local Authorities Election Act the legislative amendments caused a domino effect that should be rectified. I can appreciate that as a result of additional feedback and review of the act by both governments and stakeholders such a large piece of legislation could, when put into practice, stand to benefit from minor adjustments to increase clarity and accuracy.

I support the content of Bill 19 and also its timing. I believe it is sound practice to make these amendments prior to proclamation as opposed to opening up the legislation once it’s already come into force. In some cases the amendments in Bill 19 are actually necessary for progress towards proclamation to continue.

As a former teacher I believe that the Education Act will have a positive long-term impact on the education system in Alberta. Albertans and stakeholders have been involved in the Education Act and, I believe, will be supportive of Bill 19 moving forward. For these reasons, I see Bill 19 as an important checkpoint in the preparation process for the Education Act, and I’m supportive of this legislation.

Thank you, Madam Speaker.

**The Acting Speaker:** Thank you, hon. member.

Standing Order 29(2)(a) is now available for anybody who wishes to make comments or questions.

Seeing none, we’ll move on to the next speaker. The hon. Member for Edmonton-Beverly-Clareview.

**Mr. Bilous:** Thank you very much, Madam Speaker. It’s my honour to rise and speak to Bill 19, the Education Amendment Act. You know, I don’t disagree with the hon. minister that much of this



act has to do with making some administrative changes, including extending the trustee's position from three years to four years and just harmonizing that with what we've done for our municipal leaders, which I am in agreement with. For me, Madam Speaker, there are three areas of concern that I do have, which took quite a bit of thorough examination of the bill and speaking to some school boards throughout the province on this bill.

The first one on what the bill might do and the concerns that I have is around residency requirements. Now, as we understand it, the changes made in sections 2 and 3 are meant to be in line with other changes in the Education Act which focus on the student rather than the parent. For us, obviously, while a focus on students when it comes to education is definitely a positive step, it may be a little more difficult when it comes to proving where a student lives. Now, this is because the parents have bills; they have ways to prove what their residence is. If a child says that they're living with a friend, for example, it can be difficult to prove. It could also lead to difficulties for school boards in ensuring that schools don't become too full and classrooms don't become unmanageable because, again, a student could say that they're living with a friend within the catchment area, and a school board that's already, you know, close to maximum capacity or at that capacity might then be over capacity.

There are going to be difficulties that are raised in terms of funding when it comes to special programming. This is probably the larger concern, Madam Speaker, that students may not have in their home jurisdiction – well, I'll give an example: the Alberta School for the Deaf. It costs a great deal to offer the right programming for students who are deaf. However, the costs of such programs greatly exceed the current per-student level funding that the province gives to the school boards.

Now, this could pose a problem. For example, let's say a child comes to Edmonton to go to the School for the Deaf, and the parents live in Grande Prairie. When the funding falls to the parents' residence, both the parents' home jurisdiction and the board – in this case, Grande Prairie – would work with Edmonton public or the board which offered the special program and would agree to split the additional costs for any special programming from their general revenue. If the funding switches and follows the child instead of the parents and the board follows the child and the board of the residence of the child, the one offering the special programming will not have assistance from the board where the parents are from. Therefore, that board would be solely responsible for the programming for that student.

Again, what this would do, Madam Speaker, is that it would result in a great deal of costs for the boards offering these special programs. Quite frankly, there is concern throughout the province with some of the boards in that if they do not have the ability to share some of those costs with boards from the jurisdictions that the students are coming from, it may end up being so costly that down the road the board may not be able to afford to offer these types of programs. I mean, as a result, it's going to be more difficult to offer specialized programming because of the reduced transfers the boards offering specialized services would receive. That's one concern, which I do hope – and I appreciate the fact that the minister is listening intently to these concerns – that he will be able to address. I think it is a very valid concern that I'm raising.

The second point, Madam Speaker, is ministerial appointment of an official trustee. Sections 15 of the bill and 72 of the Education Act deal with ministerial appointment of an official trustee to conduct the affairs of a board when the minister considers it important for the public interest. Now, we've seen this done in Northland school division. In January of 2010 the then Minister of Education appointed an official trustee to replace the board of

Northland school division. They did so because of the serious concerns regarding student achievement with this board. The act, Bill 19, that we're debating here, as it currently stands, does not include any term limit for the appointment of these official trustees. The current official trustee for Northland school division has been in place for five years. Community members, I can tell you, Madam Speaker, in Northland are getting frustrated with the way that this is going and very much want an elected board in place.

You know, there are many challenges that continue to be faced by students and the community in Northland school division, and this was highlighted in the Auditor General's report that just came out, the one which I referenced earlier, that we were talking about tonight in Public Accounts. There are still great challenges regarding improving student outcomes. As well, there were recommendations from many different studies and reports that were made: the need for the schools to be more community centred, including their administration, which is not likely being done with an official trustee appointed by the provincial minister;

the need for a governance structure that supports the principle of local control based on a democratic, representative electoral process while recognizing the need for an ongoing educative support system that enables governors to implement visionary, policy driven practices and avoid –

I'm going to leave out that last part.

What the report from the AG shows us is that even after five years of having an official trustee, there have not been huge improvements in attendance. In fact, it says that "poor attendance is . . . often accepted as the status quo." I found it quite alarming, Madam Speaker, the fact that one-third of students, or 900 out of 2,700, are chronically absent in Northland school division. There are a number of recommendations that the Auditor General has come out with.

Now, these are issues that I'm speaking of that remain within the Education Act that could have been addressed with this legislation. Again, without providing a term limit, who knows how long an appointed trustee can remain in place as opposed to a democratically elected board of local representatives?

My third point, Madam Speaker – and hopefully I don't run out of time here – is about the subject of dysfunctional boards. Now, some of our community stakeholders are concerned with the power currently given to a board to dismiss trustees. This section of the Education Act as it currently stands, section 87(1)(c), states that a trustee may be "disqualified from remaining as a trustee" if they have "breached the code of conduct," and the board can determine if they should be disqualified.

Now, rather than allow the public, who elected the trustee to be involved in any decision that may disqualify them from their position, it's letting the trustee's colleagues, or board members, make all the determinations.

**9:20**

Now, as a result of this significant power in the hands of the boards, there have been concerns – and I have been approached, Madam Speaker – that this may result in the unfair dismissal of some unpopular board members. I appreciate the fact that it's not in the scope of this current legislation, Bill 19, that we're debating to deal with such a change. It is something that's an important issue, that I felt should be flagged, and it should be addressed – and therefore I'm sharing it with the minister and all members and Albertans – either by giving the minister the power to oversee it or by allowing a public recall of the trustee or some other recourse rather than simply a disqualification by the board on which the trustees themselves work.

The concern really comes from, Madam Speaker, I mean, the liberty that the opposition members have in this House to express

our opinion, to critique legislation, and knowing that we are protected in this House. It is really the cornerstone of our democracy that we can disagree and debate and have a fulsome debate and I don't have to worry about recourse from, say, government members deciding to unelect me or vote me out because they disagree with my opinion or my stance on certain positions. The concern here is that if you have a trustee that is constantly raising either contentious points or who disagrees with the rest of the board, the board has the authority to remove that trustee. I'm not talking about examples where a person is either trying to abuse their position or to be a troublemaker; I'm talking about if they legitimately are raising points that differ from the perspective of other members of the board.

I will point out in my last few seconds here that what's interesting to look at is our municipal legislation, where city councillors may be removed from their position after council forwards a complaint to a judge, who then examines the case and then makes a decision. So there are multiple steps for a council to get a colleague removed from their board, but there's still the possibility for the councillor in question to appeal the decision. There are opportunities and processes in place to ensure that a person doesn't get picked on or ganged up on or, you know, unfairly dismissed from a position via the MGA.

This is a concern that I wanted to raise with the minister. I acknowledge the fact that it's not in the current legislation, but this is a concern, and we need to make sure that there is a proper process. In my opinion, again, if it's the public and Albertans who are electing our trustees, well, they should in fact have a say if a trustee is behaving in a way that they feel they should be removed for as opposed to solely giving that power to their colleagues.

So, Madam Speaker, I will take my seat. I will be supporting this bill. Again, I just wanted to raise some of my concerns. I appreciate the fact that the minister is, you know, acknowledging and taking notes on some of these questions. I look forward to his answers and to further discussion on this.

Thank you, Madam Speaker.

**The Acting Speaker:** Thank you.

Standing Order 29(2)(a) is available. Five minutes of questions and comments. Anybody on 29(2)(a)?

Seeing no one, the hon. Member for Calgary-Buffalo.

**Mr. Hehr:** Well, thank you, Madam Speaker. I may be brief because many of my concerns have already been noted. Just two things. I, too, am concerned about the Northland school division. An example that has been pointed out there is that we've had a trustee now in place. What are the term limits? How are we going to get back to local school board control and hopefully effective mechanisms to move the community forward?

I would be remiss if I didn't add that I thought initially, when the Education minister dismissed the board in the first place, it was probably a good move. Okay? There was clearly some situation that was emerging in the Northland school division that was seemingly not moving that jurisdiction forward, and there were some real concerns whether the kids were being educated. That being said, one would think that when this government took that bold a step – they went in in a heavy-handed fashion – they would roll up their sleeves and try and fix the problem.

Lo and behold, here we get an Auditor General's report where five years after they've instituted a trustee, five years after they knew some really serious and egregious practices were emerging that were not getting kids educated, we learned from the Auditor General that things may actually be worse today, worse than they were when this government took the approach of dismissing an

entire elected school board. That to me is dumbfounding, Madam Speaker, how they could actually digress even further with the minister and this government taking charge of a board and seemingly recognizing the problems yet seemingly doing nothing over the course of the last five years to make the situation better.

We learned from the Auditor General today that roughly one-third of the students in the Northland school division are chronically absent. That is what we learned. That is a shame, Madam Speaker, where we have a school system that is clearly – and the government knows this – falling down, needing help, needing support, needing a full-scale intervention. The government knew this, and seemingly they have done nothing over the course of the last number of years. That to me is disappointing as all getup, and it really should be addressed in some form or fashion by the new minister because we're failing a generation of kids up there. It hasn't gotten better in the last five years, and I have a suspicion it's been going on for a lot longer or else you wouldn't have had a former minister, actually former Premier now, of this province take the bold action of dismissing the board because he recognized the problem. Yet nothing has been done about it.

That dovetails into the whole conversation that we can have great legislation, we can have glorious intentions and well-written documents, but simply put, if you're not providing the mechanisms or the support and the actual dollars behind your education system, well, it doesn't amount to a hill of beans. There truly have been since 2008 winners and losers in the province of Alberta. Let me be clear. I don't believe the kids of Alberta have been winners during that time period. If we would have even kept the funding at '08-09 levels, we would have 2,500 more teachers in our classrooms today if we had kept up with population growth at that spending rate. Clearly, that has not occurred.

We've seen it nickelled and dimed, not doing the best we can. We haven't moved on full-day kindergarten. In fact, some jurisdictions are even unable to provide full-day kindergarten in jurisdictions where it is much needed. It was targeted where those areas were that were getting full-day kindergarten by the boards in question. They recognized that they needed that support, and that is no longer being provided.

In my view, I think this government knew in '08-09. That's when you saw the publishing of the Emerson report, where it recognized that our fiscal structure was broken. It sort of was paralysis by analysis when this government looked at it and said: "We'll, we're going to do nothing. We're going to drain down the contingency account. We're going to cut public funds to education and health care and infrastructure spending, and – my goodness – there are going to be some people who may not be successful. Hopefully, we'll get to 2020 where we go from 2 million barrels a day sold to 3 million barrels a day sold to maybe reaching payout on a few payments, and maybe no one will notice." Well, guess what? I noticed, and kids in this province noticed, and we may have actually not served them in their best interest.

Yeah, it may have been good politics. But remember, there were winners and losers as a result of the action that we didn't take when, I believe, this government had full knowledge of what was facing us, what the next eight years would look like, and where we, in fact, are today, which is that we've substantially spent all the oil wealth in one generation, gotten into massive debt, and now our . . .

**Mr. Dirks:** Point of order.

**The Acting Speaker:** Excuse me, hon. member. The Minister of Education has called a point of order.

Carry on, Minister.

### Point of Order Relevance

**Mr. Dirks:** I believe Bill 19 deals with some very specific administrative amendments to the Education Act, and it seems to me that the member's comments are straying well beyond the intent of Bill 19. I would ask that you consider that and ask him to focus his comments on the specific nature of Bill 19.

### 9:30 Debate Continued

**The Acting Speaker:** Thank you, hon. minister.

Hon. member, please keep your comments directed towards Bill 19.

**Mr. Hehr:** I understand that Bill 19 is meant to make a better education system, so I'm commenting directly on those amendments and what actually would give those amendments some teeth and allow, actually, for kids to learn in a better place. I'm surprised that the hon. minister would actually not want to hear my thoughts on how to actually make that better, but I've only got about eight minutes left and, frankly, not much time after that. Many people have heard this rant before, so maybe they're more used to giving some leeway on it. The hon. member has just begun to hear this speech, so maybe it's new to him. Nevertheless, there we go.

**The Acting Speaker:** Hon. member, keep your comments relevant to Bill 19.

**Mr. Hehr:** To education and Bill 19 and how it pertains to our kids in this school system and how it is serving them now and how it goes forward.

I'm concerned, too, as the hon. member is, on section 87. Now, let's go back to, actually, the Northland school division, you know, and primarily having that trustee in place, where I thought this province put the trustee in place to make education better. Why was that not successful? Was it because maybe we didn't have the term limit in place? Maybe we didn't put an elected board back in? I don't know. Was that the only failing? Or maybe it was some of the things I was talking about before, that we maybe didn't go to having a community adviser who went in and worked with the parents and the kids and maybe went out to the houses and said: "Hey, look, how are you really feeling today? Do you think it may be wise for you to go to school? Can we work through this?"

You know, maybe with that amendment that we're talking about here on having term limits, if we would clarify that in this legislation, it would allow this government to see the true problems that are up there. It's a fact that 900 of our kids are not going to school and that that problem hasn't gone away in the last five years, and this government has seemingly not done anything about it. Maybe that amendment directly has something to do with the fact that we're failing 900 of our kids. You see how it's connecting right to that amendment, Madam Speaker, and connecting right to the heart of the matter, the education of our kids?

That amendment: it's important for that clarity and how then that term "limited person" can get the information back to this government of how they're failing a whole group of kids up there. Maybe if that amendment is cleared, maybe the minister would have better success in understanding the funding challenges and the differences in community approaches, you know, that have shown: look, they haven't kept up with population growth. If we had that amendment straightened out, maybe they would have called up the minister and said: "My goodness, you know, our population is growing, yet our teacher numbers aren't going up. Why is that? Why is it that our per-pupil funding has gone down over the course of this

year when I've got 900 kids who are not coming to class and we have no outreach mechanism?"

That amendment would be great if it got clarified because then maybe we'd have that openness and transparency and that board in place that seemingly could have told this government over the course of the last five years, "We're struggling; our kids aren't succeeding" despite the fact they should have known about it because the former Minister of Education a couple of terms ago eliminated a whole elected board. That's how that amendment connects to the chronic what we have done in this Legislature over the last eight years.

With that, I look for the minister to clarify that amendment and, hopefully, put some progress in place to ensure all of our kids get educated. Thank you very much, Madam Speaker.

**The Acting Speaker:** Thank you, hon. member.

Standing Order 29(2)(a), a five-minute period for questions and comments. Is there anyone who wishes to speak under 29(2)(a)?

Seeing none, we'll move on. Are there any other members who wish to speak in second reading on Bill 19, Education Amendment Act, 2015?

Seeing none, the hon. Minister of Education to close debate?

[Motion carried; Bill 19 read a second time]

### Bill 21 Safety Codes Amendment Act, 2015

**The Acting Speaker:** The hon. Member for Banff-Cochrane.

**Mr. Casey:** Thank you, Madam Speaker. Today it's my pleasure to move second reading of Bill 21, the Safety Codes Amendment Act, 2015.

Bill 21 addresses areas of concern that have been identified by key stakeholders. The proposed legislation also addresses opportunities that will enhance and strengthen the safety codes system.

The first proposed change would enable new additions of codes and standards that Alberta has already adopted under regulations of the Safety Codes Act to be automatically adopted. The new addition of codes and standards would come into force 12 months after their publication or by ministerial order. This means that when new codes are developed by nationally or internationally approved agencies, they will automatically be approved in Alberta. It is important to note that the in-force date, however, is not the same as the approval date. For most codes they will come into force 12 months after their publication. The codes may also come into force early by ministerial order or may be delayed if necessary.

The adoption of codes and standards upon publication will allow the minister to implement codes and standards in a time frame that meets the needs of municipalities, industries, and the public. This proposed legislative change would improve the adoption of codes and standards in Alberta while providing appropriate transition time for new stakeholders to prepare for new additions of codes.

The second proposed change would be the transfer of the administration of the act in unaccredited municipalities to the Safety Codes Council. Currently the province is responsible for providing permitting and inspection services for nonaccredited municipalities, largely smaller municipalities. Nonaccredited municipalities are not authorized under the Safety Codes Act to provide services such as permitting and inspections, and they do not have safety codes officers on staff to complete this work. The proposed legislative change would have the Safety Codes Council, through the establishment of the Alberta safety codes authority, manage and monitor the agencies. The authority would ensure appropriate delivery of services for permitting, inspection, and enforcement services to unaccredited municipalities of the province.

A critical component of the proposed change is that the Alberta safety codes authority would use a fee-for-service approach, remitting permit funds to the accredited agencies as work is completed. This is consistent with sound business practice. If an agency failure occurs, the authority would have the funds to complete the outstanding files. This legislative change will result in better services to unaccredited municipalities, greater consistency, improved agency accountability, better performance, and will support the establishment of a more resilient safety codes system.

Madam Speaker, the third proposed change included in Bill 21 would be to enhance the current compliance tools under the act by enabling administrative penalties to be issued. Currently the only enforcement tools available under the act are orders issued by a safety codes officer and prosecutions. Administrative penalties would be issued for repeated noncompliance with orders or for serious accidents that may cause injury. For example, administrative penalties could be used to address serious accidents related to faulty amusement rides, entertainment stages exceeding occupancy loads, and many others. This proposed legislative change would focus on encouraging compliance and remedial action rather than punish noncompliance.

The proposed legislative change would also align with other Alberta statutes such as the Occupational Health and Safety Act, the New Home Buyer Protection Act, and the Fair Trading Act. These statutes provide authority for administrative penalties to be issued for contraventions under those statutes.

**9:40**

The fourth proposed change, Madam Speaker, would be to provide the Safety Codes Council with greater operational independence and to strengthen the council's accountability framework. Currently the council is governed by a co-ordinating committee which is established by council bylaw. In addition, the council membership is appointed by both the minister and the co-ordinating committee. As well, the bylaws that govern the council must be approved by the minister prior to coming into force. In an effort to ensure operational independence, a proposed legislative change would replace the co-ordinating committee with a board of directors as established in the act. This would reduce the number of ministerial appointments and remove the requirement for ministerial approval for council bylaws. These changes will help reinforce the council as an independent body and will clarify roles and the reporting structure for stakeholders and the public.

The last key proposed change in Bill 21 would provide authority for municipalities to establish bylaws with respect to private sewage disposal systems. Currently the act does not allow municipalities to create bylaws that regulate matters under the act. The proposed legislative change would provide an opportunity for some municipalities to address private sewage issues in their communities.

In addition to the key proposed changes discussed, Bill 21 includes a number of other necessary housekeeping and clarification amendments to the act. These proposed changes include amendments to revise or add definitions for clarity; amendments to clarify that the Regulations Act applies to ministerial exemption orders issued under the Safety Codes Act and that these ministerial exemption orders "exempt any person or municipality or any thing, process, or activity from any or all provisions" of the act; amendments to liability protection to ensure the council employees and officers are provided liability protection in carrying out their duties under the act; amendments to clarify the role of provincial safety codes officers within the safety codes system; amendments to clarify that a refusal to issue a written variance by a safety codes officer may be appealed to the council; amendments to align requirements under the Architects Act and the Engineering, Geological and Geophysical Professions Act; amendments to provide authority for costs and expenses to be recovered by municipalities and

the Crown in case of emergencies; amendments to provide authority for provincial safety codes officers to obtain telewarrants in the course of an investigation; amendments to clarify that both administrators and provincial safety codes officers may enforce orders in both accredited and unaccredited municipalities; deletion of areas of duplication such as release of information provisions that conflict with the Freedom of Information and Protection of Privacy Act; as well as other minor housekeeping amendments, including transitional provisions, commencement dates, and coming-into-force dates that support the implementation of the proposed legislation.

Madam Speaker, the key proposed changes in Bill 21, the Safety Codes Amendment Act, 2015, will address concerns brought forward by safety codes stakeholders and enhance the safety codes system. The other proposed changes will provide necessary clarification to industry, municipalities, and the public while strengthening the administration, governance, and enforcement of the safety codes system throughout Alberta.

Thank you, Madam Speaker.

**The Acting Speaker:** Thank you, hon. member.

Are there any other members who wish to speak to Bill 21, the Safety Codes Amendment Act, 2015? The hon. Member for Livingstone-Macleod.

**Mr. Stier:** Well, thank you, Madam Speaker. I'm happy to rise this evening and speak in general support of Bill 21, actually. It seems like there are some positive changes here regarding the timely enactment of the codes and standards and so on, as the international and national bodies seem to have. It's my understanding that a lot of stakeholders have confirmed the widespread desire for amendment to this, and with that consultation with the government it seems that the government has listened and that they're going to go forward with that.

While it will provide some predictability to our code update process, we think it's important that we retain the ability to implement standards that are unique to Alberta's circumstances and our specific needs. It looks like this is probably going to be meeting those requirements, so that's good as well.

With respect to the administration it seems like the proposed changes will allow the Safety Codes Council to assume administration of this, and this will manage some of the agencies and some of the municipalities that aren't set up, or it should improve the accountability of some of the third-party inspectors. We think this, too, is a sensible change to improve accountability to residents and municipalities for work done by these accredited agencies.

As far as administrative penalties, another of the proposed amendments in here looks as though it's going to have a section on the introduction of penalties. I think that it's important to have enforcement in these sorts of situations. We support these measures to the extent that they should be levied in a fair and transparent, consistent fashion and certainly to address some of these offenders that have been noticed in the past, and that's the intent of this bill, to try to fix that. I think that's good as well.

There's another section there with regard to private sewage disposal systems. It seems like this, too, is a reasonable change that grants greater authority and responsibilities to those people that are in touch with residents that are working on these situations as they come about.

In a very quick fashion, as you can tell, due to the lateness of the evening, we're fairly supportive here. We believe these amendments are constructive and practical and allow for some flexibility of the safety codes as well as conformity to the codes. With that in mind, I'll let the others take a chance.

Thank you.

**The Acting Speaker:** Thank you, hon. member.

The hon. Member for Edmonton-Beverly-Clareview.

**Mr. Bilous:** Thank you very much, Madam Speaker. It's my honour to rise and speak to Bill 21. I'm going to keep my comments fairly brief. I do acknowledge the importance of harmonizing our codes with our federal cousins' and understand where that's coming from. I do like the fact that we are updating our safety codes. I mean, I'm a big advocate of strengthening our codes, whether it's our building codes or our safety codes, and then ensuring that they are adequately funded so that they can be enforced because I think that probably the larger aspect when we bring forward legislation is: do the authorities who are enforcing the legislation have adequate funding so that they can do their job? I do see, obviously, that there are some penalties that will be levied or could be levied. I think that's one form of deterrent. I may speak at a later time toward, you know, the actual dollar amounts of the penalties.

I'm sure that many smaller municipalities have been lobbying the Minister of Municipal Affairs as far as not having the resources to be able to administer this act or the capacity to administer and enforce safety codes, so the creation of a safety codes authority does make sense and, I'm sure, provides some relief for them as well as for the government, I mean, considering that when smaller municipalities can't undertake these responsibilities, they probably, from what I know, defer to the province. Then the province is spending its own resources and time and doesn't necessarily collect or get reimbursed for the resources they're expending.

But at the end of the day, Madam Speaker, I think it's important that we have strong safety codes not only for, again, the safety of the people of this province but looking at having codes and thinking long term. What I mean by that is, you know, the minimum of codes or standards that people or builders or companies have to adhere to. We'll save people money down the road if we increase those minimums. I think strengthening our minimums, whether we're talking about actual building codes themselves, is a long-term benefit. Increasing both the standards and the minimums, I think, is very important.

I do also like the fact in this bill, Madam Speaker, that municipalities can make their own bylaws regarding sewage disposal systems. I think that's very important. I haven't spoken to AAMDC personally about this, but I would imagine that they are on board, and

this is probably even one of their ideas that they were putting forward to the government. Again, recognizing that in this beautiful province of ours we have varied geography, we have different challenges that different municipalities face, giving them the tools to be able to work within their own realities, I think, is very important.

**9:50**

I also want to acknowledge the fact that when we're looking at enforcement in this bill – and I'll specifically speak to section 29 on section 56(1)(b) – when we're talking about Métis settlements and patented land, there has to be written notice given to carry out an order when we're talking about going onto patented land. I think that's very important, again, to acknowledge – well, I don't want to say the independence – the fact that this authority is going onto Métis land, that they should be given proper notice and due course. So I will commend the mover of this bill for ensuring that we are respecting our indigenous people's rights in this province through this bill.

In closing, Madam Speaker, you know, I do appreciate and like the fact that we're moving toward a timely adoption of safety codes. I think this is a step in the right direction, so I will be supporting this bill.

Thank you.

**The Acting Speaker:** Standing Order 29(2)(a). Are there any members who wish to comment or ask questions of the member?

Seeing none, are there any members who wish to comment further on Bill 21, Safety Codes Amendment Act, 2015, in second reading?

Seeing no other members who wish to speak, the question has been called.

[Motion carried; Bill 21 read a second time]

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

**Mrs. Klimchuk:** Thank you, Madam Speaker. I move that we call it a night and adjourn until 1:30 p.m. tomorrow, Tuesday, March 24.

[Motion carried; the Assembly adjourned at 9:53 p.m. to Tuesday at 1:30 p.m.]













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Managing Editor  
*Alberta Hansard*  
1001 Legislature Annex  
9718 – 107 St.  
EDMONTON, AB T5K 1E4  
Telephone: 780.427.1875