



Province of Alberta

The 29th Legislature
Third Session

Alberta Hansard

Thursday morning, May 4, 2017

Day 28

The Honourable Robert E. Wanner, Speaker

Legislative Assembly of Alberta
The 29th Legislature

Third Session

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Anderson, Wayne, Highwood (W)
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Barnes, Drew, Cypress-Medicine Hat (W)
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Carlier, Hon. Oneil, Whitecourt-St. Anne (ND),
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Ceci, Hon. Joe, Calgary-Fort (ND)
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Coolahan, Craig, Calgary-Klein (ND)
Cooper, Nathan, Olds-Didsbury-Three Hills (W),
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Ganley, Hon. Kathleen T., Calgary-Buffalo (ND)
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Stier, Pat, Livingstone-Macleod (W)
Strankman, Rick, Drumheller-Stettler (W)
Sucha, Graham, Calgary-Shaw (ND)
Swann, Dr. David, Calgary-Mountain View (AL)
Taylor, Wes, Battle River-Wainwright (W)
Turner, Dr. A. Robert, Edmonton-Whitemud (ND)
van Dijken, Glenn, Barrhead-Morinville-Westlock (W)
Westhead, Cameron, Banff-Cochrane (ND),
Deputy Government Whip
Woollard, Denise, Edmonton-Mill Creek (ND)
Yao, Tany, Fort McMurray-Wood Buffalo (W)

Party standings:

New Democrat: 55 Wildrose: 22 Progressive Conservative: 8 Alberta Liberal: 1 Alberta Party: 1

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STANDING AND SPECIAL COMMITTEES OF THE LEGISLATIVE ASSEMBLY OF ALBERTA

Standing Committee on the Alberta Heritage Savings Trust Fund

Chair: Mr. Coolahan
Deputy Chair: Mrs. Schreiner

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| Cyr | McKitrick |
| Dang | Taylor |
| Ellis | Turner |
| Horne | |

Standing Committee on Alberta's Economic Future

Chair: Mr. Sucha
Deputy Chair: Mr. van Dijken

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| Carson | McPherson |
| Connolly | Orr |
| Coolahan | Piquette |
| Dach | Schneider |
| Drysdale | Schreiner |
| Fitzpatrick | Taylor |
| Gotfried | |

Standing Committee on Families and Communities

Chair: Ms Goehring
Deputy Chair: Mr. Smith

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| Aheer | Miller |
| Drever | Pitt |
| Hinkley | Rodney |
| Horne | Shepherd |
| Jansen | Swann |
| Luff | Yao |
| McKitrick | |

Standing Committee on Legislative Offices

Chair: Mr. Shepherd
Deputy Chair: Mr. Malkinson

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| Drever | Nixon |
| Ellis | Pitt |
| Horne | van Dijken |
| Kleinsteuber | Woollard |
| Littlewood | |

Special Standing Committee on Members' Services

Chair: Mr. Wanner
Deputy Chair: Cortes-Vargas

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| Cooper | Nixon |
| Dang | Orr |
| Jabbour | Piquette |
| Luff | Schreiner |
| McIver | |

Select Special Ombudsman and Public Interest Commissioner Search Committee

Chair: Mr. Shepherd
Deputy Chair: Mr. Malkinson

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| Ellis | Pitt |
| Horne | van Dijken |
| Kleinsteuber | Woollard |
| Littlewood | |

Standing Committee on Private Bills

Chair: Ms McPherson
Deputy Chair: Connolly

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| Anderson, W. | Kleinsteuber |
| Babcock | McKitrick |
| Drever | Rosendahl |
| Drysdale | Stier |
| Fraser | Strankman |
| Hinkley | Sucha |
| Kazim | |

Standing Committee on Privileges and Elections, Standing Orders and Printing

Chair: Ms Fitzpatrick
Deputy Chair: Ms Babcock

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| Carson | Loyola |
| Coolahan | McPherson |
| Cooper | Nielsen |
| Ellis | Schneider |
| Goehring | Starke |
| Hanson | van Dijken |
| Kazim | |

Standing Committee on Public Accounts

Chair: Mr. Cyr
Deputy Chair: Mr. Dach

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| Goehring | Renaud |
| Gotfried | Turner |
| Littlewood | Westhead |
| Luff | |

Standing Committee on Resource Stewardship

Chair: Loyola
Deputy Chair: Mr. Hunter

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| Clark | MacIntyre |
| Dang | Malkinson |
| Drysdale | Nielsen |
| Hanson | Rosendahl |
| Kazim | Woollard |
| Kleinsteuber | |

Legislative Assembly of Alberta

9 a.m.

Thursday, May 4, 2017

[Ms Sweet in the chair]

Prayers

The Acting Speaker: Good morning.

Hon. members, let us reflect and pray, each in our own way. Once again, let us reflect on the strength of our local communities and the skills and abilities our local leaders and community members bring to our province in order to make it a better place for all of us to live. Let us continue to advocate and commend our community for the great work they do. And May the 4th be with you.

Please be seated.

Orders of the Day

Government Motions

Cancellation of Morning Sitting

18. Mr. Carlier moved on behalf of Mr. Mason:
Be it resolved that, notwithstanding Standing Order 3(1), the morning sitting of the Assembly on Tuesday, May 9, 2017, be cancelled.

Mr. Carlier: Madam Speaker, on March 21, 2017, your office sent a memo to all parties requesting the use of the Chamber for high school students partaking in the MLA for a Day event. This motion will allow the Chamber to be used for that important event on the morning of May 9, 2017.

Thank you.

The Acting Speaker: Thank you, hon. member.

Are there any members wishing to speak to the motion?

[Government Motion 18 carried]

Government Bills and Orders

Second Reading

Bill 11

Public Interest Disclosure (Whistleblower Protection) Amendment Act, 2017

The Acting Speaker: The hon. Member for St. Albert.

Ms Renaud: Thank you, Madam Speaker. It's my honour to rise and move on behalf of the Minister of Labour and minister responsible for democratic renewal the Public Interest Disclosure (Whistleblower Protection) Amendment Act, 2017, for second reading.

If passed, this legislation would further the principles of open government in Alberta by increasing accountability, ethics, and transparency. By strengthening existing legislation and by better protecting whistle-blowers from reprisal, we hope to encourage more people to come forward when a matter needs to be investigated.

Madam Speaker, the Select Special Ethics and Accountability Committee, which was made up of representatives from all parties, reviewed the Public Interest Disclosure (Whistleblower Protection) Act and made recommendations for improvement. I would like to thank all members of the committee for their hard work in this regard.

One of the most important goals of this legislation is to protect whistle-blowers from any sort of punishment or retaliation from their employer. In order to help achieve this goal, the all-party committee recommended that the act be amended to ensure that whistle-blowers are entitled to some sort of remedy if they suffer a reprisal. Under the old legislation, while an employer in the public sector could be charged for committing a reprisal, it did not contemplate what sort of restitution should be made to the whistle-blower.

To solve this problem, we have accepted the all-party committee's recommendation, and this bill will enable the Labour Relations Board to order remedies. The board would appoint one of its senior members, either the chair or one of the vice-chairs, to hear the matter and order the remedy. Hearings would be conducted as determined by the board. They would be able to summon witnesses, and their decision would be final. For example, the board may decide that the whistle-blower should get their job back if they were fired blowing the whistle. In other cases they may be entitled to compensation for lost wages.

Ultimately, it will be up to the board to decide what is appropriate, and the act would set out new enforcement powers which would allow the board to enforce its orders. The board would also be required to provide a copy of all of the restitution orders to the commissioner for inclusion in the commissioner's annual report. Madam Speaker, when someone reports a serious wrongdoing, that person is acting in the public interest, and these changes will help ensure they are protected.

The all-party committee also recommended that the act be amended so that it more clearly applies to ministers and Members of the Legislative Assembly. The way the act stands, it does not afford any protection to political staff working in ministers' offices or the Premier's office. Likewise, it's unclear whether or not ministers may have the whistle blown on them. Staff in constituency offices are already covered by the act. However, the act currently does not allow these staff or anyone else to blow the whistle on elected Members of the Legislative Assembly. Madam Speaker, as you can tell, this can be rather confusing, but our amendments will help clear this up.

The bill clearly lays out that, subject to parliamentary privilege, MLAs, ministers, and the Premier can all be investigated when a disclosure is made to the Public Interest Commissioner. Likewise, political staff will be protected from reprisal should they choose to blow the whistle. Currently no other jurisdiction in Canada has whistle-blower legislation that applies to MLAs in this way, and Ontario is the only jurisdiction that covers ministers. As a result, accepting this recommendation would help make our government one of the most honest, transparent, and accountable governments in Canada.

The new legislation would also allow the Public Interest Commissioner to investigate a wider variety of wrongdoings, including some forms of mismanagement or abuse of human resources in the public sector. Under certain circumstances this may include bullying and harassment in the workplace. Of course, other options already exist to address human resource issues and breaches of code of conduct. We already have human rights legislation and ordinary employment law and collective bargaining mechanisms to help ensure a healthy work environment in the public sector. To be clear, in the event of a wrongdoing related to workplace bullying or harassment in the public, any collective agreement or employer policies would be accessed first, but if these processes are not adequate to resolve the problem, this bill would allow the Public Interest Commissioner to investigate egregious and systemic cases of bullying and harassment.

In addition, this bill would help improve the process whistle-blowers must go through to report a wrongdoing and ensure they are protected when they need it. Under the old legislation a potential whistle-blower is required to report the details of the alleged wrongdoing to a designated officer. Our new legislation would allow potential whistle-blowers to bypass their designated officer and report directly to the Public Interest Commissioner if they so choose. Furthermore, the new act would clarify that a whistle-blower may approach their boss about a wrongdoing, and their protection from reprisal would start at that very moment. In some cases a potential whistle-blower may not know their designated officer, and as a result they may be more comfortable speaking with their supervisor before going to that designated officer. In other cases a potential whistle-blower may prefer to go directly to the commissioner.

The Public Interest Disclosure (Whistleblower Protection) Amendment Act, 2017, would also strengthen the commissioner's investigative powers. With our amendments the commissioner's power to access information would be equivalent to the Auditor General's ability to access information. In other words, the commissioner will be given the right to access records and data at an employer's work site. This is a definite strengthening of the commissioner's powers. It also helps ensure that information requests will remain focused and relevant, thereby avoiding an undue burden on public entities.

The all-party committee also noted that there are many outsourced government functions or governmentlike functions that do not fall within the scope of the act but for which government spends a lot of money to provide a service to the public. In other words, those who carry out activities on behalf of the government should feel safe and free from reprisal when they report serious wrongdoings rather than just those who are directly employed by the government. At the same time, these entities should also be investigated if there is an alleged wrongdoing related to their work in the public sector.

However, the all-party committee also recommended that the act not be expanded to include the private sector. At this time we are accepting the all-party committee's recommendations, but much more work needs to be done to determine how to cover public-sector services carried out by third parties without stepping over the line into the private sector. If this act is passed, we will consult with government contractors and delegated service providers to determine how best to move forward on the details of the recommendation.

9:10

Lastly, our legislation would also better protect the identity of whistle-blowers. For example, the Freedom of Information and Protection of Privacy Act does not apply to records held by the Public Interest Commissioner, but if a designated officer initiates an investigation rather than the commissioner, it is possible for a third party to submit a FOIP request asking for records connected to the investigation. Our new legislation will ensure that the name of the whistle-blower and other identifying information are exempted from these FOIP requests.

As members of the all-party committee will know, there were many more recommendations, and our government considered each and every one carefully. While I have covered the major amendments, I would encourage all members to read through the bill to see other amendments related to process or administration, all of which stem from the all-party committee's recommendations.

Madam Speaker, our government recognizes that the truest reason for exposing a wrongdoing is often not to criticize but to help make amends. In other words, when someone blows the whistle,

they should be celebrated, not cast out. This is the foundation of this legislation, and this is what it was built on.

Thank you.

The Acting Speaker: Thank you, hon. member.

The Member for Olds-Didsbury-Three Hills.

Mr. Cooper: Thank you, Madam Speaker. It's a pleasure to rise today and speak to Bill 11, the strengthening the public interest disclosure whistle-blower act. I'd just like to begin by echoing a few of the comments of my colleague from across the way with respect to the good work that was done on the all-party committee. Certainly, this was the first task that the committee was working on and one that worked really well. Unfortunately, the whole committee didn't end as effectively, if I may say, as it started. Things went along quite well through this portion of the committee work, and then, as you'll know, the government started to make some changes to the way political parties were going to be funded. As my colleague from Rimbey-Rocky Mountain House-Sundre had mentioned on a number of occasions, it appeared that they were trying to stack the deck in favour of the NDP, so that committee didn't end quite as co-operatively as it began.

But that's not to say that good work wasn't accomplished, and certainly Bill 11 is a reflection of that good work that was done, so I would like to thank the former chair and the interim chair, I think, of the committee as well as the Minister of Labour, the then chair of the committee, for the work that was done. Strengthening the public interest disclosure act will make it safer for government employees to expose gross mismanagement of taxpayer-funded resources, and that's something that we should all be focused on, ensuring that those who have the information can provide information that will ensure there isn't mismanagement and that they are protected and able and willing to reveal that information. Employees need the peace of mind to know that they will be free from reprisal when they come forward to report wrongdoing.

This bill is a step forward in eliminating a culture of secrecy, a culture of secrecy that we have seen in Alberta over some period of time. Certainly, it's the opinion of this side of the House that that has continued under this current government. You know, Madam Speaker, that I have risen in this House on numerous occasions to speak specifically about the FOIP challenges that we have and the culture of secrecy that exists in the Department of Justice, the political interference that we've seen the FOIP commissioner speak about inside the Premier's office. We would encourage the government, and we have been, to ensure that they are taking even more steps to rectify those challenges just like – and I'll be happy to applaud them in this case – they have taken steps to ensure there is better protection for whistle-blowers and, as such, that that will hopefully be part of shining light on some of the darker parts of the government.

As I mentioned, last summer the all-party Select Special Ethics and Accountability Committee did meaningful work to improve the legislation, and it was good to see that government members had opened up to good ideas. In fact, there were amendments passed, I believe, that were proposed by all parties in this Chamber, including the two independent members that are at the end of the Chamber here. The bill reflects 20 of the 21 recommendations in the committee's final report.

There needs to be more transparency whenever taxpayer dollars are being spent, especially at the levers of power, including the Premier's office, ministers' staff. These offices needed to be included in this legislation. We have seen political interference on a number of different occasions from this government, so it's important that our public employees or employees in ministers'

offices feel that they have the ability to ensure that light is shone where it ought to be.

Expanding the scope of the act to government-contracted service providers is also important. These contractors provide services in many areas like taking care of our seniors or our children, just to name a few. There are some very, very significant service providers in terms of total amount of resources as well as total amount of responsibility. It's very important that those contractors also feel that they have the ability to shine light or to blow the whistle on areas where it needs to be and also to not fear for their contracts. We know that there is a significant amount of fear in this province when it comes to speaking out against this government, and we need to make sure that that fear is mitigated and that whistle-blowers are able to respond as they see fit.

Whistle-blower legislation doesn't work if employees are too intimidated to come forward. A whistle-blower may not feel comfortable filing a disclosure with their boss or even their boss's boss. It's good to see that in this legislation, the bill provides the provision for whistle-blowers to report directly and anonymously to the office of the Public Interest Commissioner. This is a very positive change. As you can imagine as the Deputy Chair of Committees, there may be some concern if you had a direct challenge or concern with your immediate supervisor. If you only had the ability to disclose to that supervisor your concern, there may be some reservation in your desire to do it. Now, with Bill 11 it provides other avenues to employees, other than their employer, to disclose this information, which I think is certainly a step in the right direction.

Whistle-blowers who have been brave enough to report wrongdoing have unfortunately had their career or their work life suffer at the hands of the people who have committed mismanagement. To ensure that they can remain anonymous and can utilize the Public Interest Commissioner in a much better and more open and transparent manner for the whistle-blower to ensure that there won't be consequences for shining light on a subject. Under the new act those who disclose wrongdoing and face reprisal will be able to seek restitution through the Labour Relations Board.

9:20

One of the concerns that we have – and we recognize that there are some very sensitive issues around this concern – is that, unfortunately, the NDP have chosen not to expand the whistle-blower legislation to protect physicians who are in alternative relationship plans or who have received other forms of payment from this government. Of course, there are some unique circumstances around physicians, which ones are contractors and which ones are AHS employees, et cetera, but all physicians should be protected to ensure that they can receive the same whistle-blower protections as any physician here. The minister should answer why her government thinks it's better to deal with something like this behind closed doors at a later time when the committee recommended that this action be done now.

The bill calls for more detail when the office of the Public Interest Commissioner conducts its annual reporting, which, of course, is very positive. It's important that we have the best available information to make the best available decisions. The Public Interest Commissioner now reports on the types of proven wrongdoing in the disclosure it receives, a summary of the findings in cases where wrongdoing or acts of reprisal are found to have been committed, the specific recommendations made to public entities or offices of the Legislature and the responses to those recommendations, and any offences committed or penalties given under the act.

One of the things that's equally as important as a whistle-blower's ability to report is the public's ability to understand and know what has happened as well as the consequences of those actions. Expanding the ability for the commissioner to report is of critical importance, and it's one of the reasons why we were pleased to see it included in the recommendations.

There are a number of very positive things about this legislation. Certainly, the legislation does significantly more good than harm. That's one of the reasons why I support and encourage all members of our team and of the Official Opposition to support Bill 11. I hope that on a go-forward basis we will be able to do much more work at the committee level just like was done here on the whistle-blower protection act. So much of the bill comes out of that committee.

Now, there was one recommendation and some other discussion that wasn't able to be included in the legislation, and I'm sure some other colleagues will speak specifically to that as they were very passionate about those particular recommendations. It is often the best opportunity for ideas from all sides of the Chamber to win.

The other thing that is great about committee work being done is the time that we have to review important issues, the amount of consultation and feedback that we all receive, not just that the government receives. I know that the government speaks about the consultation and the work they do, whether it's on labour legislation – and we all know that that consultation was rushed. That is information that the government has and is not available to the opposition. So one might be concerned with the government going rogue and not providing the results or not providing all of the content to the opposition.

Really, the opposition's role is to provide those checks and balances. In some ways we are whistle-blowers on the government, so we want to make sure that the consultation is done. When we do it in committee like this, we have the opportunity as well to have access to the experts. I know the commissioner came on a number of occasions to the committee and provided the same information. I know my colleagues from Bonnyville-Cold Lake and Barrhead-Morinville-Westlock and Rimbey-Rocky Mountain House-Sundre and Highwood had some very positive and robust discussions around these particular issues, and as such, I know that they're all very willing to speak in favour of what ultimately is a good piece of legislation and a step forward for our province.

So I look forward to the debate. I look forward to the passage of Bill 11 and ensuring that those who have information are willing to provide it as well as to do so without the fear of significant negative consequences.

The Acting Speaker: Thank you, hon. member.

Are there any other hon. members wishing to speak? The hon. Member for Calgary-Hays.

Mr. McIver: Thank you, Madam Speaker. I appreciate this opportunity to talk about Bill 11. Let me say that because Bill 11 to a large degree grew out of an all-party committee, I think that's an example that we should consider following in the future because there's a lot of work here that is better done in an all-party committee, in a less adversarial environment than the one we're in right now. I think this bill is an example of some of the good things that can grow out of people in this important Legislature being put into an environment where we can work together in a more collegial atmosphere than indeed is in this room many times.

Madam Speaker, there's a lot to like about this bill, but I wonder why committee recommendation 18, on solicitor-client privilege, was deferred. Hopefully, we'll hear some explanation from the government side on that before this debate is completed.

There was a proposed authority for the commissioner to compel testimony. That doesn't seem to explicitly be a recommendation. I'd certainly be interested in hearing what the government side has to say about that.

One of the things that the member said when she was talking and introducing the bill this morning was about that the decision is final. I think that any time you give authority to somebody when the decision is final, unfortunately, you're depending upon the perfection of that person or that body. Certainly, our independent officers are important in the Legislature, Madam Speaker, but just because we're all human beings, I think that depending on someone being perfect and making every decision well, I have to say, personally, or putting in a rule or a recommendation or a piece of legislation or anything that says that all decisions are final is, I think, troubling at all times.

You know, even in the highest courts in the land the decisions are appealable. I think that's something that we need to think about as we go forward. I'm sure that it's well intended. I'm certainly not suggesting otherwise. But depending upon the perfection of every decision of any human being walking this planet is risky. Let's certainly hope that the commissioner is more perfect than I am if all decisions are final. Let me say that much.

9:30

There are several things that are worthy of supporting here. There's a section, I believe, that says that gross mismanagement is defined as an act or omission that is deliberate and that shows a reckless or wilful disregard for the proper management of government resources. I think that's something or I certainly hope that that's something that all members of this House could agree with and get behind. But I cannot help but ponder whether dragging the taxpayers \$71 billion into debt without any plan to pay back even dollar one might even qualify as a reckless and wilful disregard for the management of government resources. That's a question for another day, but it seems to me that that's almost what that section describes. What's happening with the budget that the government was so proud of passing yesterday may actually fall under this category.

Madam Speaker, I think that protecting people at work from unfair management practices, protecting the taxpayers from misuse of government funds, protecting workers that have the courage to step forward and point out wrongdoing and make the world a better place, make their government a better place, make their workplace a better place are all worthy goals that, in my estimation, this legislation strives to achieve. I applaud what I believe are those intentions, and that's why I'm highly likely to support this. As I said, I have a couple of concerns, which I've tried to articulate in the first couple of minutes of my debate, and I'm sincerely hopeful that the government will make some attempt to answer those concerns before the debate concludes.

Thank you, Madam Speaker. It's been my privilege to stand and speak on this bill. Thank you.

The Acting Speaker: Thank you, hon. member.

Are there any members wishing to speak under 29(2)(a)?

Seeing none, I'll recognize the hon. Member for Calgary-Elbow.

Mr. Clark: Well, thank you very much, Madam Speaker. I'm pleased to rise to speak to second reading of Bill 11.

I'll start with some of the background that perhaps some of my colleagues may have touched on in their previous comments about how this bill came to be, where the recommendations that are contained in the bill came from. I really hope – and those who were in the House for my member's statement earlier this week will

understand where this is coming from – that this is another one of those good examples of what it looks like when committees are allowed to do their work freely, where debate is allowed and encouraged by members from all sides, and that good legislation then comes as a result of that.

What I'm really encouraged by in this bill is that it does make Alberta's whistle-blower protection among if not the strongest in the country. That's a great thing. That's something that we in this House all ought to strive for on every front. Everything that we do in this House we ought to be striving to make it the best and also to do that for the right reasons. If there are things that are not being done properly at some place in the provincial government, then I think it's absolutely without question in the public interest that Albertans know about that.

To go back in history a little bit and answer that question of how it is that this bill came to be, where the different portions of this bill came from, it, of course, has its roots in the Select Special Ethics and Accountability Committee. That committee was tasked with reviewing four pieces of legislation, the whistle-blower protection act being the first among them. It took a while. It took, I think, the better part of eight months, if my memory serves, for that committee to actually get into the process of deliberating and making recommendations on the whistle-blower protection act. That committee made 21 recommendations, and by my count 19 and a half of those recommendations have appeared in this bill. That's pretty remarkable.

Again, I want to thank the government and the minister who has brought this forward for their work in incorporating nearly all of the recommendations coming out of that committee. The one and a half recommendations that are not included, the half being to do with physicians on alternative remuneration plans, or ARPs: my understanding is that those changes need to happen in regulation and either can't or for whatever practical purposes have been chosen not to be in the bill itself. I will certainly take the government at their word that that is, in fact, a requirement and also that that is in fact coming at some point down the road once this legislation is passed. That was, again, one of those thoughtful recommendations that were made by that committee.

The other one that isn't there has to do with solicitor-client privilege. Now, I know that, not being a lawyer, I don't have all of the facts about this, but I do know that solicitor-client privilege is a very fundamental aspect of the law and has a lot of very specific meanings and very specific protections that are fundamental to justice. I would like to hear at some point in the debate from the minister what her rationale is for not having solicitor-client privilege included in this bill because I think that is one of those areas, as we've seen from the Information and Privacy Commissioner, that could be used inappropriately or to frustrate the process. We've seen that in FOIP requests where it certainly appears from the Information and Privacy Commissioner's perspective – and I would agree with her – that solicitor-client privilege is used to frustrate the process. It appears that that happens inappropriately. I would certainly hope that that is not something that we have left the door open to by excluding that specific recommendation from this bill.

Again, as the debate moves forward, I would be very interested to hear from the minister or from other members why it is that that has been excluded and if that's something that the government will contemplate including at some point in the future or if they feel that there are other ways of addressing that particular challenge. Again, as much as I love lawyers, any time there's an opportunity for the process to be frustrated through what appear to the outside world as technicalities, potentially putting whistle-blowers at risk or potentially allowing perpetrators of either gross mismanagement or

of intimidation or of inappropriate behaviour within any aspect of the public service, then I think we need to be very careful about enabling anyone to allow that to happen.

Now, I want to be very clear that I don't think that that's happening in any sort of widespread way through Alberta's very capable and very professional public service. But the point of whistle-blower protection is that when you have tens or even hundreds of thousands of employees, just through sheer statistical probability there are going to be a very, very small number of them that may at some point do inappropriate things. There may be gross mismanagement. There may be bullying and intimidation. The committee heard some examples of that, and we've seen some cases where the Public Interest Commissioner has ruled that that has in fact been the case. That's the purpose of having whistle-blower protection. It is absolutely in the public interest to not only have whistle-blower protection but to have very strong whistle-blower protection to make sure that anyone within Alberta's public service has the protection that they deserve should they identify something that's inappropriate: that money is being wasted, that people in a particular department are being bullied. That's why we have whistle-blower protection. That's not to say that these problems are rampant, but it's also not to say that they're nonexistent either.

9:40

So I'm certainly encouraged by the contents of the bill. Again, I'm interested in hearing what the minister has to say about the solicitor-client privilege issue, about some of the issues that the Member for Calgary-Hays has raised as well, some of those questions. I guess I don't want to go so far as to call them issues, but these are questions that I have as well. In general terms I'm very pleased to see that it is in fact possible to have a committee, in this case the Select Special Ethics and Accountability Committee, work well together on this particular area. It's come up with thoughtful recommendations and put those recommendations forward in the form of the bill which is brought before this Assembly and which we have an opportunity now to debate.

At the end of the day, I think without question this improves whistle-blower protection in Alberta. I think, not being an expert on whistle-blower protection around the country, just based on the recommendations that we made, having been on that committee myself and gone through that process, it certainly feels like we've taken a big step forward. It certainly feels like we are now on the cutting edge of whistle-blower protection in the country but also potentially on the cutting edge of whistle-blower protection around the world.

You know, one of the things that we did on the committee was a crossjurisdictional analysis, and this gives me a fabulous opportunity to thank the very, very capable, very hard-working, dedicated people in research services who did remarkable work in providing us with very succinct but thorough research, crossjurisdictional research not only in Canada but other Commonwealth nations, about whistle-blower protection. I know all of us at one point or another have been on a committee where we interact with the people from research services, and they do really, really remarkable work. So I hope they're listening, and I do want to make sure that they know how much we, all of us, I know, appreciate the work that they do. It really enables us to do our work.

It is possible for that committee structure to work. I won't go into some of the things that happened later on in the Select Special Ethics and Accountability Committee. That was unfortunate. It tells me, unfortunately, that it really, I don't think, needed to be that way. That is what it is, but for whistle-blower protection anyway we've proven that that committee process can work and be very effective.

Certainly, I have every intention of supporting Bill 11. I think it's a good piece of legislation. I think it improves the accountability within the public service. It improves transparency for the people of Alberta. It makes it most likely that we will identify any gross mismanagement that may be going on and address that to ensure that we are, in fact, good stewards of Albertans' hard-earned tax dollars that they send to the provincial government.

With that, Madam Speaker, I will return to my place and thank you very much.

The Acting Speaker: Thank you, hon. member.

Are there any members wishing to speak under 29(2)(a)?

Seeing none, are there any members wishing to speak to the bill? The hon. Member for Vermilion-Lloydminster.

Dr. Starke: Well, thank you, Madam Speaker. I've purposely waited until later in the debate. I was hopeful that the effects of some local anaesthetic from some dental work that I had done earlier today would have worn off, but it is a testimony to the excellence of our dental hygienists in our province that my infraorbital nerve block, which has rendered the right side of my face largely anaesthetized, is still very much in effect. So if it does appear to members of the House that I am suffering from some minor form of palsy, that indeed is not the case, but as this will result in my remarks being necessarily brief, I will also remark that this makes it likely that my colleagues in the House will suggest that I obtain dental work on a daily basis.

However, Madam Speaker, I do want to say a few remarks just on the heels of the remarks made by the members for Calgary-Elbow and Calgary-Hays and also Olds-Didsbury-Three Hills. I also appreciate the remarks that were made by the Member for St. Albert in introducing Bill 11. I would certainly echo the comments made by the Member for Calgary-Elbow as a member of the Select Special Ethics and Accountability Committee. We were on a journey in the past year. I think that the resulting bill, Bill 11, is in my view an example of how things can work or perhaps should work when things work well. I think it is, in fact, the result of a collaborative effort on behalf of members of all parties.

I know that my colleague the Member for Calgary-North West and I as well as the Member for Calgary-Mountain View and members from the Official Opposition and the government worked very hard. In fact, of the roughly 12 months that the committee's mandate was in place, this was the piece of work that took up the bulk of the time. It was done carefully and conscientiously, and it was done very thoroughly.

I think that's reflected in this bill. I think this bill does provide improvements to the existing Public Interest Disclosure (Whistleblower Protection) Act that was passed in 2013. These improvements were in many cases recommended by the Public Interest Commissioner but also by other bodies and came about as a result of a very thorough and exhaustive crossjurisdictional survey which was conducted and I think was very useful.

I would like to say that I think some of the particular improvements are the allowing for the direct reporting to the Public Interest Commissioner, which I think is a very positive step. The increase in investigative powers of the Public Interest Commissioner is also positive, and increasing the scope of the act to include parties doing work on behalf of government as contractors without necessarily being government employees is also positive.

I'd also like to point out that, whether this was because of the way the committee approached this issue or something else, this act does not do something that unfortunately we have seen in a number of other pieces of legislation put forward by this government, and

that is that it does not fall into the trap of overreach. There was one recommendation that was put forward – and this wasn't a recommendation of the committee; it was a recommendation to the committee – and that was that whistle-blower protection be extended to the private sector. We considered that recommendation very, very carefully, and after some consideration, it was decided that that would not be something that we felt was a positive step for this legislation in Alberta.

I think that's a reflection of the balance that you have when you have an all-party committee studying these issues. You know, I would say that we've seen many examples of legislation brought forward by this government that represent overreach because that balance was not present in the development of the legislation. I think that's an example of how legislation can in fact be improved if a conscientious and thorough approach is taken.

I wanted to make just a couple of cautionary comments, though. The one that I'm a little concerned about is, again, the expanded role of the Labour Relations Board. We just had discussion on Bill 7, which creates a whole new section of the Labour Relations Board to specifically deal with postsecondary institutions. In this bill the Labour Relations Board is being charged to decide issues of reprisal and whether restitution for those who have suffered reprisals is appropriate and what the level of that restitution should be. This is, again, an expansion of the scope of the Labour Relations Board. I think this is something we need to keep an eye on. I'm not saying that the Labour Relations Board is a body that isn't capable or isn't competent to deal with these things, but I think we are adding additional duties to that board at an alarming rate. I think it's something that we have to keep an eye on, and that is also included in this piece of legislation.

9:50

I do want to loop back, though, to something that was said by the hon. Member for St. Albert and to a certain extent echoed by the Member for Calgary-Elbow when they were speaking about how this gives Alberta the most comprehensive whistle-blower protection act or legislation perhaps in Canada. That does not necessarily translate into making us, as the Member for St. Albert asserted, the most honest and transparent government in Canada. Having really good whistle-blower protection is extremely important, but in order to have good, transparent government, there has to be a culture that encourages whistle-blowing. It doesn't matter how good the protection for whistle-blowers is; if the workers within an organization are not encouraged to point out and to report upon wrongdoings when they see them and when they note them, then it doesn't matter how good the whistle-blower protection is.

I especially note that in my dealings with Alberta Health Services specifically. I think that is an organization we have some very profound challenges with because here within Alberta Health Services we have very dedicated individuals, but my experience when we conducted the rural health services review – and all of the workers for Alberta Health Services would have been protected by whistle-blower protection – was that there was still a reluctance to point out areas where employees of Alberta Health Services were prepared to disclose to our panel issues that they felt were important.

I think we have to be very cautious that we do not equate stronger legislation necessarily with more transparency. Stronger legislation is a tool and an important tool that could bring about or help bring about more honesty and transparency and openness in government. But it does not, in and of itself, create that. What creates that is a culture that, in fact, encourages whistle-blowing, that encourages an open and transparent government.

So I, too, will join with the other members who have spoken in supporting Bill 11. We are looking at the legislation very carefully, and we do believe that there are some minor amendments that would improve the legislation in terms of providing some additional clarity in certain clauses, and we will be running those through Legislative Counsel and seeing if we can bring those forward.

But overall, certainly, I'd like to thank the government for bringing this forward. This was a necessary part of the original public interest disclosure act, that this legislation be reviewed on a regular basis. That review has now been conducted. We have in front of us the updated bill, which I do think provides a number of significant improvements to the original bill, and I'm certainly going to be very supportive of the passage of Bill 11.

Thank you, Madam Speaker.

The Acting Speaker: Thank you, hon. member.

Are there any members wishing to speak to 29(2)(a)? The hon. Member for Calgary-Shaw.

Mr. Sucha: Yes. Under 29(2)(a), just a couple of comments. I first want to say that despite the fact that the member had local anaesthetic, it's great to see that he's still as articulate as always. The second thing is that I just wanted to thank my dentist for accommodating me tomorrow morning as well.

The Acting Speaker: Thank you, hon. member.

Are there any other members wishing to speak to 29(2)(a)?

Seeing none, are there any members wishing to speak to the bill? The Member for Calgary-Shaw.

Mr. Sucha: Thank you, Madam Speaker. Going back and as has been referenced in relation to the Select Special Ethics and Accountability Committee, I had the opportunity to join this committee sort of mid-phase following the cabinet shuffle that we had back last February, and I really thought it was a great opportunity. I don't know if my midi-chlorian counts were a little bit higher, but I found that the bulk of times in committee we have had a lot of success of moving through reviews and moving through legislation, whether it's the Alberta's Economic Future Committee or whether it was us going through the whistle-blowers act.

For the record I would like to thank some of the people in this room who have really contributed to the hard work, whether it's our government whip, the members for Calgary-Elbow, Calgary-Bow, Edmonton-Decore, Edmonton-Whitemud – he wasn't on the committee, but he substituted pretty much all of the time – St. Albert, Vermilion-Lloydminster. I apologize if I missed anyone in relation to that.

I would be remiss on a day like today to not sort of reference popular culture in relation to the whistle-blower act. I took my kids to see *Rogue One* last December. Galen Erso was forced by the empire to build a death star, and I often think that a long, long time ago in a galaxy far, far away if there was whistle-blower protection and he didn't have fear of reprisal for coming forward, he might not have had to leak these death star plans, you know, and we wouldn't have had a hundred thousand people die when Luke Skywalker destroyed it.

Now, I know the Member for Edmonton-Decore is a *Star Trek* fan, so I want to also kind of give a *Star Trek* reference to this because I don't want to discriminate here. In the episode listed as Pegasus – and this is in the future now. Unfortunately, they have lost whistle-blower protections in the future. Commander Riker was forced to do this experiment with his captain – this was when he was an ensign – and it was unethical, and they weren't following some of the rules within Starfleet, and a lot of individuals unfortunately passed away. Fortunately, Riker moved up as

commander, and then he could come forward to his captain about this, but he was actually very concerned about fear of reprisal. It's quite interesting to see that these references get brought forward.

I'm going to kind of underline a lot about reprisal. In my member's statement yesterday I referenced some of the issues that have been happening in workplace bullying with some of our local talent in the WWE. One of the things that has been outlined in that workplace is the fear of reprisal and them not having systems in place to protect people who are coming forward or any systems where someone can go to report any of these claims. It's disconcerting because that's actually a publicly traded company, and if people don't feel comfortable going to their superiors, where can they go when, unfortunately, there is no system in place?

It's remarkable, and it's important for us to really make sure that we're moving forward in relation to this. It was referenced that we wanted to avoid involving the private sector within the whistleblower protection act. I actually agree, and I think we should avoid it because, in fact, a lot of the private sector has actually shown a lot of leadership in relation to it. In some instances – I would say that I will stand corrected once this bill is passed – there are some private-sector companies that actually exceed whistle-blower protection, and they have whether it's ethical lines or ethics lines or things like that, where you can actually protect your identity and come forward. Not only that, but they'll have remediation situations where if you've lost your job and it's been unethical, you can go back and either be posted somewhere else or have your job returned or receive some benefits in relation to it.

Speaking in relation to comments that were said by the hon. Member for Vermilion-Lloydminster, you know, I have a lot of faith that as a lot more work is being put towards the Labour Relations Board, we'll continue to monitor this. But I think it's important that people who are experts on these matters, people who are trained to review a lot of this information, take on this leadership moving forward to help remediate a lot of the process here.

With that being said and since I've kind of made my *Star Wars* references, I move that we adjourn debate.

[Motion to adjourn debate carried]

10:00 Government Bills and Orders Committee of the Whole

[Ms Sweet in the chair]

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

Bill 8 An Act to Strengthen Municipal Government

The Deputy Chair: We are on amendment A2. Are there any members wishing to speak to the amendment? The hon. Member for Livingstone-Macleod.

Mr. Stier: Thank you, Madam Chair. Good morning, everyone in the House today. I see that the Minister of Municipal Affairs may not be here. I had some questions for him, but I can ask some other . . .

The Deputy Chair: Hon. member.

Mr. Stier: Okay. I apologize. I can't say that.

The Deputy Chair: Thank you.

Mr. Stier: All right. Anyway, I noticed that, so I'll try to rephrase some of the stuff I was going to say, therefore. We're on an

amendment, just to remind folks, with respect to the topic of a 5 to 1 ratio, and what we're seeking here is approval to set a timeline for this 5 to 1 ratio to be in place.

The current idea that is in the act that we're debating today is actually without a set timeline. We're concerned on this side, greatly, about that affecting the stability and the predictability of the area in terms of its commerce and trade. We're worried that the oil and gas industry in Alberta will be not able to plan as well if they don't know when these changes would be made exactly. How do you make a plan if you don't know when it's going to change? The current act does not specify. It just has sort of a nice, smooth, goody-goody, "We're going to do it one day" kind of a thing.

I would urge members in the House to have a look at the amendment that we're talking about. What I proposed here was to insert a change and put in a timeline that would give municipalities 10 years to comply with this idea rather than it being left out in the open. It has got some wording. In case you were not in the House when this was being presented before – and I don't know if you have the amendment in front of you today – I'll just read it quickly if I may, Madam Chair. I move that Bill 8, An Act to Strengthen Municipal Government, be amended in section 1(31)

(a) by striking out clause (b) and substituting the following:

(b) by adding the following after subsection (3):

(3.1) If in any year after 2016 a non-conforming municipality has a tax ratio that is greater than 5:1, the non-conforming municipality shall reduce its tax ratio . . . on or before May 1, 2029.

That is a request of 12 years from when this bill is proclaimed, to change it to be coming into effect then, more or less setting a threshold . . .

The Deputy Chair: Hon. member, are you introducing a new amendment?

Mr. Stier: No. This is A2. I'm just supplementing my comments on A2.

The Deputy Chair: Okay. As long as you're speaking to A2.

Mr. Stier: We're asking for a 12-year timeline for municipalities, especially some that have a higher tax ratio – there are about 22 of them – so that they know when the time horizon is set and so that the oil and gas industry knows when to see some of these phased-in changes so they can plan themselves. I remind everyone that municipalities are required to do three- and five-year finance plans in their budgets, et cetera, et cetera, capital plans. Without some specific timeline being put in, there is no real clear way that they can budget when they don't know what their revenue streams are going to look like.

Thank you, Madam Chair. That's all I have to add to this one, and I look forward to support on this amendment.

The Deputy Chair: Thank you, hon. member.

Are there any other members wishing to speak to amendment A2?

Seeing none, I will put the question on the amendment.

[Motion on amendment A2 lost]

The Deputy Chair: We are now back on the original bill. Are there any members wishing to speak? The hon. Member for Lethbridge-East.

Ms Fitzpatrick: Thank you very much, Madam Chair. I'm pleased to stand once again to speak on Bill 8, and I guess I want to begin by reiterating how extensive the consultation was on this bill.

Certainly, I had many, many people in my constituency talk to me about it, from city councillors, the mayor, to people who were in my neighbourhood. I heard lots and lots of questions, so I want to share some of those questions with you this morning.

One of the questions I received was: shouldn't the courts remain the last safeguard to protect the rights of municipal councils and councillors? The response that I received was that the proposed change would not circumvent the court system, which would remain the final authority on such complaints and decisions. The courts would still have the ability to review a ministerial order, but the ministerial order would stay in effect until any court action or decision is made, to ensure smooth, seamless operations of municipalities. Allowing ministerial decisions to remain in place during the court challenges would be in the best interest of the public, whom the municipalities serve. I certainly believe that my municipality does an incredible job of serving my community, and I'm very thankful for that.

One of the other questions I received was: where would this leave councillors or municipal councils who disagree with the decisions of the Minister of Municipal Affairs? The council members could still go to the courts for review but would be required to alert the minister beforehand, which I think would be pretty basic protocol. The minister will only step in after careful review and study. The minister is not entitled to act arbitrarily. Through these proposed changes the minister would have more tools to ensure municipal compliance with ministerial decisions in the very rare instances where this scenario arises.

Third question. The municipal associations have raised concerns regarding the minister's ability to suspend bylaws, resolution-making authority, or to withhold money from an entire council for the actions of an individual councillor. Why is the government still considering these amendments? The proposed changes allow for an expanded suite of tools and enforcement mechanisms so the minister does not have to resort to dismissal immediately. These powers are only available to the minister as a last resort, after specific directives have been issued to a municipality and the municipality has failed to take the steps necessary, with corrective action set out in a directive.

The requirement to use any of these powers is not expected to arise except on rare occasions, as I said earlier. All reasonable efforts to resolve the situation must occur prior to the use of these tools. The proposed changes provide the minister with more tools to support compliance with ministerial orders and to address inter- and intramunicipal conflict. It will also empower the minister to respond in situations where an official administrator is in place.

Some questions were about environmental well-being. Don't municipalities already take environmental issues into consideration when making decisions? Many do, and certainly my community does, but specifically enabling municipalities to consider environmental well-being will encourage them to take a leadership role in addressing this critical issue and will better position them as key partners with the government of Alberta in addressing environmental matters.

10:10

Might this policy give municipalities a blank cheque to take land for environmental purposes? No. This wouldn't allow municipalities to adopt any policies or bylaws that are inconsistent with provincial policy or legislation. It would also not allow municipalities to take environmentally sensitive or valued land without proper compensation. This would empower municipalities to include environmental well-being in their planning and development policies.

Under off-site levies: will setting up such a system be difficult? Off-site levies are an enabling tool for municipalities. This amendment simply adds one more aspect of this tool. It will be up to municipalities to determine whether they wish to use this tool. Municipalities may choose to collaborate on shared off-site levies if they believe there are cross-boundary impacts and that an intermunicipal off-site levy makes sense to share the costs of the facility. Municipal Affairs is working with stakeholders throughout the province to develop further regulatory provisions that will also provide guidance on the requirements for establishing these levies.

On conservation reserves, identification transfers, compensation, disposal funds: why is there a need for clarification of the new conservation reserve category? Some stakeholders have expressed confusion regarding the differences between environmental reserves, ERs, and the new conservation reserve category. This clarification will address that confusion. Many municipalities saw ERs as a way to protect environmentally sensitive lands from development, but ERs are limited to lands that are undevelopable: gullies, swamps, and similar pieces of land. The ER designation is not specifically related to environmental conservation, although it may be a side effect in some cases. Conservation reserves are specifically meant to protect environmentally sensitive land – tree stands, wildlife corridors, et cetera – that could be developed if not protected. Municipalities must offer fair compensation to the developers to preserve these lands.

Why is the province allowing the removal of the conservation reserve designation? Isn't there always an environmental value to such land? In some instances the environmental value of the land may be lost due to unforeseen circumstances outside of the control of the municipalities such as wildfires or floods. In cases where there is no chance of rehabilitation of that land, the MGA could help municipalities better use that land, instead of having it stand empty, while ensuring that the proceeds remain for conservation purposes.

How will you ensure that municipalities don't use the conservation reserve designation and removal of the designation as a way to grab land for future development? Municipalities will have to pay appropriate compensation to the developers for conservation reserves. If the municipality wishes to remove the conservation reserve designation, it will be required to hold a public hearing to allow residents to have a say in that decision. Further, any proceeds from selling former conservation reserve lands will be required to be dedicated to conservation purposes. The municipality wouldn't be able to put their money into general revenue.

On compliance with linked tax rate ratio: why wasn't a sunset clause put into the original policy change under the Modernized Municipal Government Act? Certainly, this speaks to the previous member's comments. We want to hear from municipalities, industry, and residents on how best to support affected municipalities in lowering high ratios. I know that in my community the ratio is 2.59 to 1, so we're well underneath the ratio, and I certainly hope that the 22 communities that aren't are going to get there.

We want to make sure that municipalities don't have to make drastic changes and have sufficient time to adjust to assessment growth rather than changes to residential tax rates. Municipal Affairs will work with the affected municipalities and other stakeholders in developing the regulation. The regulation will be posted online for public engagement over a 60-day period for feedback. There is no rush to put timelines in place. We will take the time to get this right. This regulation would not be put in place before the municipal election this fall.

If a sunset clause does move forward, won't residential taxpayers have to pay more? No. If the nonresidential tax base also grows in these municipalities, it may not be necessary to raise residential tax

rates to move to compliance over a reasonable period of time. The province is committed to working with municipalities and taxpayers to develop a reasonable approach to achieving the 5 to 1 ratio, one that minimizes the impact on residential property owners. As they always must, municipal councils will have to make reasonable budgetary decisions for their community.

What time frame does the minister consider appropriate for municipalities to become compliant? We recognize that affected municipalities will require the time to adjust and plan for that change. What is in the bill is the flexibility to create a regulation in close consultation with affected communities. If a regulation is created, it will not be done quickly. It will be developed by working closely with those affected municipalities in an open and transparent way that values community feedback.

On access to assessment information: why is this change necessary or needed? Municipalities don't currently have the right to access assessment information on designated industrial property, DIP, over which Municipal Affairs will take responsibility through changes to the MGA. Municipalities will need this information as one of the partners in the assessment process. Municipalities have a stake in ensuring that assessments are prepared properly. Giving them a right to access assessment information would ensure that the assessment process is transparent.

If I'm an industry representative, how can I know that sensitive information about my company will be kept confidential if municipalities have access? Municipalities will have to sign a confidentiality agreement to protect sensitive information. This change will ensure the new, centralized industrial assessment process is transparent and fair to all parties involved. This will help build trust as the province assumes responsibility for the industrial assessment.

10:20

Tax receipts. A good time to talk about this. Why can't taxpayers automatically receive tax receipts for their payments? Taxpayers may request and receive receipts from their municipality any time they'd like. It is costly and time consuming for municipalities to provide receipts, particularly where it may be largely unnecessary. This change helps municipalities to save money, reducing the cost to taxpayers.

What is the government trying to hide by not providing tax receipts? All taxpayers will receive receipts when they ask for them.

Will there be a fee for taxpayers to receive receipts? There will be no fee for this service.

Taxation of provincial agencies. Why are you bringing a change that maintains current practice? In other words, why is there a need for clarity for Alberta's agencies, boards, and commissions on paying their municipal taxes? A recent assessment appeal decision found that one of Alberta's agencies should be exempted from property tax. This decision has highlighted that the MGA was not clear enough in setting out the intention that provincial agencies, boards, and commissions should be paying property tax. This formally adds clarity to the MGA that Alberta's agencies, boards, and commissions as defined under the Financial Administration Act must pay municipal taxes as good corporate citizens.

How many agencies, boards, and commissions don't pay their municipal taxes? At the moment we are only aware of one case based upon an assessment appeal decision, but without this amendment other agencies may wish to file similar appeals. The majority of provincial agencies that lease properties pay property taxes through their lease.

Why are you requiring these ABCs to pay taxes instead of the government paying grants in lieu of taxes to the municipalities for these properties, as the province itself does on property it owns?

Having ABCs paying taxes directly is more administratively efficient through the existing tax structure and provides greater certainty for the affected municipalities.

What about the property tax exemption set out in the MGA such as those for Alberta Health Services, housing management bodies, schools, colleges, and universities? Will they continue to be exempt? Yes. The amendments do not impact these exemptions. Exemptions will continue to be provided to qualifying properties in recognition of their public benefit.

Do other provinces in Canada tax their provincial agencies, boards, and commissions? In every province property owned or occupied by the federal or provincial government is exempt from taxation. However, the provinces vary in the taxation of provincial agencies, boards, and commissions. In B.C. ABCs such as the provincial lottery corporation and BC Assessment are subject to property taxes. In Saskatchewan, Manitoba, and Ontario only ABCs named specifically through relevant legislation are exempt from property tax, but they are still subject to a grant in lieu. Other ABCs in these provinces are subject to taxation.

All of those questions are questions that came from stakeholders and citizens, so I think this exemplifies just how much and the kind and quality of consultation that has occurred with the development of this act.

With that, I'll sit down and take another break. Thank you.

The Deputy Chair: Thank you, hon. member.

Are there any other members wishing to speak to the bill? The hon. Member for Livingstone-Macleod.

Mr. Stier: Thank you, Madam Chair. I'm having a lot of trouble with all the paperwork here today – it's covering my microphone – and all other kinds of things at once.

I'd like to take this opportunity to thank the Member for Lethbridge-East for her remarks today. They're appreciated. Certainly, our side here does understand the nature of a lot of the segments of the bill that have come forward, and we don't have a lot of issues with a lot of these things – conservation and parental care and all that kind of stuff, aboriginal issues, et cetera, all great things – but we still take a lot of issue with this 5 to 1 ratio. So, Madam Chair, I would like to bring to the House another amendment, please. If I could get the pages to come and pick that up, and then I'll make some comments as soon as that's delivered.

Thank you.

The Deputy Chair: Hon. member, your amendment will be referred to as A3. Please go ahead.

Mr. Stier: Yes. Thank you. I was just waiting for the delivery. It's being held up.

Ladies and gentlemen and hon. members, in other words, I'd just like to talk a little bit more about the subject at hand. We talked about it a little this morning. I want to talk about, certainly, three or four words that are coming to mind here on this issue. One of the three words is "uncertainty." Uncertainty is a very, very difficult thing to nail down, but uncertainty in a marketplace, uncertainty in business, uncertainty in your life is extremely important. The way this bill is currently worded, it is full of that, and in this particular segment, the 5 to 1 ratio, there's no certainty of time.

I'm just going to read now. I think a lot of you have got that amendment close to you now. It basically is the same wording as the previous amendment, but I do have to read that out loud. I move that Bill 8, An Act to Strengthen Municipal Government, be amended in section 1(31)

- (a) by striking out clause (b) and substituting the following:
- (b) by adding the following after subsection (3):

(3.1) If in any year after 2016 a non-conforming municipality has a tax ratio that is greater than 5:1, the non-conforming municipality shall reduce its tax ratio to 5:1 on or before May 1, 2027.

This is a 10-year horizon that we're suggesting. The last one was 12. We are, please, asking for some sort of guaranteed timeline to be put in with some sort of phased approach – it's all we're looking for – a deadline, some sort of an idea that the people in the municipality administration can plan for, where the people in the offices of downtown Calgary, where we're having such difficulty today, can plan for prosperity, hopefully. The oil and gas industry so much needs these kinds of predictability issues and sustainability. What we have now in the act as it is is basically a trust-me clause: trust me that at some point we're going to come and we're going to put something in. How can municipalities plan on a trust-me clause? How can they do their three- and five-year plans when they do not know what their revenue stream is going to be like?

We've talked a lot about Fort McMurray with this, of course, because it's one of the 22 municipalities that has the largest variance. That is a rural municipality, and it's interesting to see what the AAMD and C has to say about this clause. I'm quoting from the AAMD and C briefing on Bill 8, April 2017, on page 12.

The AAMDC supports the ability for municipalities to be exempt for the 5:1 ratio where appropriate. The AAMDC will look to be involved in the development of this [proposed] regulation.

The previous iteration of the proposed legislation found that the Continuing the Conversation document included the option for the Minister to exempt a municipality from the 5:1 ratio. The AAMDC will be looking for the inclusion of this exemption in the regulation.

Wood Buffalo is a rural municipality, and I think that their comments are relevant.

10:30

Now, let's just have a look at the AUMA while we're at it. The AUMA said similar things in some respects. They said on page 19 of their document that

AUMA also supports providing the Minister with the authority to exempt a municipality indefinitely from the 5:1 ratio as this would allow for specialized municipalities, such as Jasper ...

They used that as an example.

... to be accommodated under the framework.

I would suggest to you that the two most important associations in the municipal world have some concerns with the way the bill is written. We're suggesting that we can fix their concerns. We're suggesting that the way to fix that is to put a timeline in. We have been in touch and I know that the government has been in touch with municipalities like Wood Buffalo. They have suggested a timeline. A definite period would be so important to them. We've talked to the oil and gas industry, and it is a revenue generator for this country we call Canada. They need predictability. The investment market needs predictability. They do not need uncertainty. They need to have some sort of way to look forward and say: yes, we can plan now because we know how this is going to go and when it's going to go.

Some of those big projects in that area, as an example in Fort McMurray, take a long time. Knowing what's going to be going ahead 10 years from now is vitally important. I do not understand this, and I know that the Leader of the Official Opposition, the Member for Fort McMurray-Conklin, is extremely concerned about this. We are fine with the rest of this bill, but we may have a problem supporting this bill if a timeline is not put into this clause.

I would ask all members to please look at this amendment that I have. It's A3. It's in front of you now. It's a 10-year horizon. It's a

10-year timeline. I would urge all members to give this, please, some good, serious consideration.

Thank you, Madam Chair.

The Deputy Chair: Thank you, hon. member. You'll be able to table copies of the two reports you referenced this afternoon, please? Thank you.

Are there any hon. members wishing to speak to amendment A3? The hon. Member for Athabasca-Sturgeon-Redwater.

Mr. Piquette: Thank you, Madam Chair. I appreciate the amendment and the spirit that it was offered in. However, I'm going to have to recommend to my colleagues that we vote down the amendment, and that's for good reason.

Now, the hon. member just spoke about Wood Buffalo specifically and their concerns. However, of course, there are 20 municipalities in the province that are affected by the indexing. In the consultations earlier – and I know that the members of the opposition received those documents. I mean, that's one part where consensus was a little bit more difficult to find. Of course, sometimes you just need to make decisions, but sometimes you don't get consensus for good reasons, and in this sense this seems to be one of those, in that 10 years just might not be long enough for some municipalities. It may work for some but perhaps not for others. Indeed, some municipalities may require longer than 10 years in order to get to the ratio. This is why we want to consult with municipalities over the next year or so to determine what can work specifically for municipalities. You know, 10 years maybe in some instances would work, but it does not provide the ability to develop a plan that's going to work for every municipality. I'm sorry. Well, 2027: it is 10 years.

Once again, I do appreciate the intent behind the amendment. I think we're on the same page in the sense that, you know, over time we need to do something about these indexes. I think that providing some integrated flexibility into the process is going to be to the benefit of the municipalities in question as well as the province.

Thank you.

The Deputy Chair: Thank you, hon. member.

Mr. McIver: Well, I'll be brief, but I can't help but notice and remember that yesterday the government argued that the 12-year time span that the hon. member brought forward with an earlier amendment was too long, and we just heard that the 10-year is too short. Perhaps we're zeroing in on the right number. Perhaps the government wants 11. I just can't help but notice, and it's so obvious that it just needs to be said out loud, Madam Chair.

The Deputy Chair: Thank you, hon. member.

The hon. Member for Fort McMurray-Wood Buffalo.

Mr. Yao: Thank you, Madam Chair. Predictable, stable funding: that is what is key here. With all due respect to the previous government, they didn't really provide that to a lot of the municipalities, in particular Fort McMurray. Quite honestly, we had to fend for ourselves up there at a time when they were allocating so many leases to these oil companies, expanding them, tripling them, hundreds and hundreds of hectares of land being provided to be developed for oil sands. Not once did they consider twinning that highway to allow those large vessels to go by that people like me had to follow behind at 30 kilometres an hour. They did not consider the hazards of all this.

They didn't consider the fact that Fort McMurray is a landlocked community, and because it was landlocked by Crown land, of all things, we could not expand. We could not buy a farm on our

border's edge and develop this piece of land that's already cleared, already drained, and is growing what might have been a crop and turned that into a housing division. Fort McMurray has never ever had that opportunity. It was always restrained by this provincial government. That is why that community had to take into its own hands that 18 to 1 ratio. They didn't choose 18 to 1; it just evolved into that.

It goes back to the predictability and the stable funding formula that was never provided. The reason why it wasn't provided is because, quite honestly, our province experienced more boom-and-bust cycles than any other province out there. It was very cyclical events that were occurring in this province, and, you know, I don't believe that our provincial governments at the time truly understood these dynamics. The people who were advising those politicians truly didn't grasp what was going on while these cycles were happening, but certainly when you live in a community, you experience it greatly, especially when it is so far, so isolated, and, quite honestly, so restrained in its ability to grow.

It's an interesting thing, this Bill 8. Actually, there's a lot of housekeeping and whatnot. There are a lot of things like, if I understood correctly when I read it, that 90 per cent of it seemed to be quite decent and good for a lot of other municipalities. The problem is that we do have a diversity of regions in our province here, and even though there are many municipalities that are outside that 5 to 1 range, it is the one community in particular which chances on being impacted negatively the most. It would absolutely destroy the community. Now, I understand this government wants to do that because of the oil sands and whatnot. No, I understand, Madam Chair. You guys are being pragmatic. That's why you still keep pipeline protestors on your council. It's an interesting thing.

On the flip side, this is interesting as we're starting to find out that communities that aren't at that 5 to 1 are very much looking towards this because it gives them a reason to raise their taxes. I think that it is very unfortunate if they do that because they've gotten to their tax ratios because they've evolved to a system they thought was appropriate. For them to simply use this as an excuse to raise their tax ratios to 5 to 1: that's another negative implication of this, which I think this government needs to truly reassess.

That said, my good friend from Livingstone-Macleod has really provided a reasonable amendment, 10 years. If you choose to make an amendment to this to be more specific toward one community, I would not argue that, but understand that these things cannot happen overnight, and they can't happen over just a few years. Again, it's about whether your desire is to destroy a community quickly or a little bit slower.

10:40

You know, 10 years is reasonable for a community to adapt. They've hired a good conservative CEO who believes in fiscal responsibility, and she's doing her best to try to identify ways that we can reduce our spending in that community. Recognize that we did have to do a lot of our own stuff. We had to build a lot of our own roads, a lot of our own infrastructure, things that other communities might have to take for granted because they had elected that right MLA from previous governments to stand up for them, but Fort McMurray hasn't always been so lucky. For the most part, we've always had people on the outside. We just enjoyed being the opposition up there, where we had backbenchers who really didn't say a lot. Ten years is a reasonable amount, and I think a community like Fort McMurray could certainly adapt to that.

Again, we have to look at the reasons why. We were given no support, no finances, no money. We had to build our own things. We had to apply and buy land from the government in order to develop it so that we could build homes for the workers.

Unfortunately, the province provided so little to them, to Fort McMurray, that the oil companies built their own airports. There are approximately six, seven, or eight airports up in that region, around there anyway, scattered throughout that entire region, full-fledged airports with full-on emergency crash, fire personnel that attend to these things. These companies fly these people in and out of that region. They're not just flying to Edmonton and Calgary. They're flying to Newfoundland. They're flying to Toronto. They're flying to Kelowna. All these people that are coming up to work aren't even paying taxes in our province because they're claiming it all when they go home.

They use the local hospital. I asked our Health minister in estimates if they have an idea of how much, and she could not identify that number, but from my previous history in my previous job and my role being privy to a lot of this information, we were gathering that number at approximately a million a year that the Northern Lights hospital was losing to out-of-town, out-of-province people who are using our services, our doctors, our nurses, our medical care but were not paying in the Alberta health care, were not paying taxes here in Alberta. They did not claim it back in New Brunswick or Quebec or Ontario or B.C. or wherever they are from. Again, these are little things that add to the impacts, but these are also things that compound the situation where a community like Fort McMurray had to come up with its own methods.

Quite honestly, that is the epitome right across our province of how each municipality had to adapt. Fortunately for them, they have a Wildrose opposition now who believes in some stable funding that is predictable and would provide every municipality with some good ability to forecast and to grow appropriately and to plan. I know these things might be unheard of, but it's very possible.

I do appreciate the fact that the member across the way mentioned that 10 years might not be long enough for some communities, and I agree with him. How long is a reasonable time? Again, the government side is saying all the right things, that we have to consult and discuss, but also understand that the first times you said that you were discussing and consulting with the municipality of Wood Buffalo, the municipality of Wood Buffalo hadn't been approached yet. So I would certainly counter some of those arguments, but it's neither here nor there. You're now talking to us up there. You know, I was even able to talk to the leader of the government there yesterday at a fine restaurant in Fort McMurray, who assured me: we will be discussing, and we will work with the municipality. I certainly cross my fingers and hope that she wouldn't mislead me, but we will see.

That said, I would ask that we do support this clause, this amendment from my good friend from Livingstone-Macleod and, at the very least, that you consider – if you don't quite like this amendment, then make an amendment to the amendment to make it what you think would fit, but recognize that 10 years is a reasonable amount. If you vote against this, I will be just so saddened by that. I will hope that we can come to an agreement on this because we are fighting for our many municipalities. It's not your fault. It's them. All right? They set up the stage for us from previous years, which is why every municipality is out of whack, but understand that you can't fix everything that they did overnight. It's reasonable to ask for a period of time, all right?

Mr. Hanson: Ten years.

Mr. Yao: Ten years. Address each community individually. Recognize the hurdles that they have. If you don't understand the hurdles, then I ask that you guys come up to Fort McMurray. I want you to do a caucus retreat up there. You guys can all stay at my pad. I'll host you, and I'll show you guys what Fort McMurray is all

about and what a community there is. We'll show you everything that Fort McMurray had to build on its own, without any provincial support. I will show you an overpass that an oil company built. My good friend from Calgary-Foothills, actually, was the manager of that project, where an oil company actually had to build highway structures. Syncrude Canada also built some highway. It is considered one of the largest dams in the world. They had to build their own road because, again, the province wasn't providing at a time when they decided to give \$400 or \$800.

You know, God bless our former Premier. I really liked him, but his last manoeuvres were a bit – I refer to Premier Klein. I loved the man, but his last decision to hand out money instead of building infrastructure was disappointing. But he knew his finances; he knew how to balance budgets. I wish you guys would learn something from him, perhaps.

With that, I will stand down. [interjection] I know. It's easy to spend money, isn't it? Thank you very much.

The Deputy Chair: Thank you, hon. member.

Are there any other members wishing to speak to the amendment? The hon. Member for Lethbridge-East.

Ms Fitzpatrick: Thank you, Madam Chair and to the member from Wood Buffalo. Obviously, we recognize that municipalities require time to adjust. In fact, the ministry has been in touch with the mayor in Wood Buffalo, well, since September, anyway, trying to work on this. I believe that the amount of time for any of the 22 municipalities to adjust may vary. That's why we'll certainly work with each municipality to develop a plan. Ten years may be a good time frame for one municipality, but what about the others? We need to develop local plans to ensure stability and the right plan for that municipality. I appreciate that you've put that forward, but I think that we have to work with each municipality, and then we'll see how things will actually settle in the end.

Thank you.

The Deputy Chair: Thank you, hon. member.

Are there any other members wishing to speak to amendment A3?

[The voice vote indicated that the motion on amendment A3 lost]

[Several members rose calling for a division. The division bell was rung at 10:48 a.m.]

[Fifteen minutes having elapsed, the committee divided]

[Ms Sweet in the chair]

For the motion:

| | | |
|--------------|-----------|------------|
| Aheer | Hunter | Starke |
| Anderson, W. | MacIntyre | Stier |
| Gotfried | McIver | van Dijken |
| Hanson | Schneider | Yao |

Against the motion:

| | | |
|---------------|--------------|-----------|
| Bilous | Kazim | Phillips |
| Carlier | Kleinstauber | Piquette |
| Ceci | Larivee | Renaud |
| Coolahan | Luff | Rosendahl |
| Cortes-Vargas | Malkinson | Sabir |
| Dach | Mason | Schmidt |
| Drever | McCuaig-Boyd | Shepherd |
| Feehan | McLean | Sigurdson |
| Fitzpatrick | McPherson | Sucha |
| Ganley | Miller | Turner |
| Goehring | Miranda | Westhead |

| | | |
|-----------------|----------|--------------|
| Horne Jansen | Nielsen | Woollard |
| Totals: | For – 12 | Against – 37 |

[Motion on amendment A3 lost]

The Deputy Chair: We are now back on the original bill. Are there any members wishing to speak? The hon. Member for Chestermere-Rocky View.

Mrs. Aheer: Thank you, Madam Chair, and thank you and good morning, everyone. I'm happy to speak on Bill 8, An Act to Strengthen Municipal Government. This is in respect to a couple of aspects. The first piece I'd like to speak to is the joint use of the agreements, and the second piece is with respect to parental leave.

Generally the AUMA, the Alberta Urban Municipalities Association, and the AAMD and C, the Alberta Association of Municipal Districts and Counties, and Wildrose are supportive of this legislation, and they would definitely advocate for greater co-operation. There are questions around the collaborative pieces, around work and best practices with respect to school divisions. Some of these clarifications are around utilization versus joint planning. Planning incorporates the aspects of school properties and reserves, the planning and servicing and understanding of those future builds.

How is the government going to make sure that transparency will be created in those joint-use agreements? What are the templates that are going to be used to help facilitate these agreements? What will the process look like? It's one thing to state that there is going to be a process, and it's another thing to know and understand what that process will actually be.

As I've stated, we support the agreement, but we need some definitions, and the committee accountability has yet to be addressed. As the AUMA has stated with respect to determining access for facilities, municipalities at times have had their access denied, so how is the government planning on dealing with these situations in the most transparent and accountable way without being heavy handed and also inclusive of local decision-making?

I've personally not seen any information with respect to stakeholder outreach to school authorities to understand how this joint agreement impacts school divisions, so I'd like to hear from the minister about that consultation and what he might be hearing from school boards. We have multiple school divisions in some municipalities, which, for obvious reasons, will make these potential agreements a whole lot more complex.

I think it's probably reasonable to ask about some sort of template with regard to the understanding of how these municipalities and school divisions are going to hash out the details of their usage of these sites. I think that those templates really need to be provided. Will the government be using its oversight to assist with these templates? There are a lot of details that need to be addressed, and as the municipal associations have long advocated for these changes, it is imperative that all stakeholders have been and will continue to be brought into those discussions.

Aside from those questions, I also have a few other questions with respect to the agreements. How does the government plan to provide conflict resolution and make sure that the agreements are indeed agreed upon and then followed through on? How will the government address the joint use of land development and the use of monies that are available, whether that is individually through school boards and through the municipalities or in those joint uses?

One especially interesting situation is when one municipality sends its students to another municipality for school. This is evident in my constituency. There are students from Conrich and other

surrounding areas that populate our schools in Chestermere. What happens when a school building and land are no longer in use and the municipality is interested in repurposing a building? Should the building and land be returned to the municipality at no cost? That's just one question.

Our school boards and municipalities have many complex details to work out between them. There are many different municipalities, obviously, and they are diverse and unique in their needs. We have large cities, medium-sized cities, towns, hamlets, and everything in between, so a one-size-fits-all approach will not work.

11:10

Equally distinct are the school boards. In fact, we just passed the Northland School Division Act based on the unique needs of a school board and the wards and the councils in that area. How is the ministry going to help with the consultations with all of these unique and distinct areas, the follow-up, and then the negotiations all the while respecting the autonomy of the municipalities and the school boards? How will funding be determined, if there is any, for providing assistance for online templates, as suggested by the AAMD and C? We have a lot of small municipalities – small, small, small municipalities – and they're going to need some assistance with organizing these templates and creating those templates in order to make sure that these joint agreements work. I would appreciate any answers that the minister can give me on this topic.

The second topic I'd like to speak about is with respect to parental leave. Many in the House have already spoken with respect to this. Bill 8, obviously, within its mandate aims to improve accountability in municipalities, to increase transparency, to help nurture viable communities, to help build relationships between municipalities and the province. With respect to changes to parental leave, as has been stated, there are already provisions for those municipal councillors who may require leave and were given leave on a case-by-case basis for extended parental leave without fear of disqualification but that lack the authority presently to provide ongoing standards for this leave. This would be a change within that entire system.

There's an opportunity for municipalities to be able to create environments that will bring in many more people, young families if they're able to accommodate the need for extended leave. Public service, as we all know, is extremely overwhelming and really changes the dynamics of family life. We want to see many of these people come forward, including new parents, to run for office at various levels of government – this just makes for better communities – and to provide workplaces that allow for folks to be able to come forward and represent to their ability.

The amendment will allow parental leave without fear of disqualification as councillors will be exempt from this outcome. The amendment does not take away from local autonomy as it clearly states that the council will determine the how, especially as a gap will be created with that leave. That local autonomy, obviously, is incredibly important for a council to be able to understand how to make sure that the business of council continues when an important member is missing as a result of parental leave.

This part of the legislation is really about the ability to engage more Albertans and to encourage more people to run. We support this. This is positive, and it strengthens the legislation.

Thank you.

The Deputy Chair: Thank you, hon. member.

Are there any other members wishing to speak to the bill? The hon. Member for Calgary-Fish Creek.

Mr. Gotfried: Thank you, Madam Chair. I rise today to move an amendment to Bill 8. I have the requisite number of copies here.

The Deputy Chair: Thank you. Just wait until I have the original, please.

Mr. Gotfried: I will.

The Deputy Chair: Your amendment will be referred to as A4. Please go ahead.

Mr. Gotfried: Thank you, Madam Chair, and thank you to the members for indulging me in this. It's a fairly long amendment, so I hope that you'll all have a chance to peruse the intentions and the wording.

Madam Chair, this amendment is intended to provide balance in the business and contractual relationship and, hopefully, goodwill between land developers and municipalities by preventing a situation which could be costly for all concerned with respect to the cancellation or significant amendment of a previously agreed to conservation reserve designation, hence impacting land and housing affordability in a situation where a municipality designates a conservation reserve in good faith, but then when the time comes to complete the transaction for the designated land parcel, they reconsider due to financial or other considerations, thereby disrupting the entire development process, adding time and costs to the development, which ultimately affect the end purchasers, and/or using the change in priorities, preferences, or direction as a latent negotiating tactic.

What might also be a consideration, particularly in a year of municipal elections, is the potential for significant change in the direction of government or elected officials, thereby challenging the sanctity and goodwill of prior commitments. I reluctantly mention cancelled PPAs and resulting lawsuits in the same breath as an example of risks associated for both parties with long-term capital investments.

Madam Chair, we need housing for Albertans, we need affordability for housing for Albertans, and we need to respect that the private sector as our partners are the primary providers of the risk, capital, and expertise needed to meet the housing needs of Albertans. As much as we need to ensure sustainability on the municipal side of this equation, which we agree with and which has been almost unanimously endorsed by the development community in Alberta, we also need to ensure viability, sustainability, or, at the very least, certainty to investors, professional land developers, and builders in their relationships with local authorities in delivering quality, cost-effective housing solutions.

Madam Chair, may I remind this House that the industry we speak of here is not a gathering of big, bad, greedy capitalists but a group of community-spirited Albertans, renowned for their philanthropy and reinvestment in the communities in which they develop and build. I cite the good work of the Resolve campaign in Calgary, a gathering of community-spirited leaders, both individually and corporately, from the development and building industry in that city, a bold \$120 million reach goal to assist some of our province's most compassionate and experienced nonprofit housing organizations by providing 3,000 affordable rental units through nine housing organizations: Accessible Housing Society; Alpha House; Calgary Homeless Foundation; Silvera for Seniors; the Mustard Seed; Trinity Place Foundation; Horizon Housing, where I just attended a sod-turning last week presided over by your own Minister of Seniors and Housing; and more.

Madam Chair, Resolve has a leadership group of 11 Calgary-based philanthropic builders providing funding expertise and leadership and raising funds for our most vulnerable. I will also note that this is an industry that not only provides a risk capital but that in doing so, employs thousands of Albertans, not just employing

them but providing a model for workplace success, safety, and good, stable, mortgage-paying jobs.

Madam Chair, I was blessed to work for one of those companies and community-spirited leaders, not just one of Canada's platinum 50 best-managed companies but also a decade-long plus recognition as one of Canada's best workplaces as voted primarily through an employee survey. The same ownership group has provided significant philanthropic support for such organizations or causes as kids cancer research, Chinese Community Service, Children's Hospital Foundation, University of Calgary medical research, Bow Valley College, Immigrant Services Calgary, SAIT, UNICEF, Canadian Red Cross, Boys & Girls Clubs Big Brothers Big Sisters, Kids Up Front, GlobalFest, Habitat for Humanity, and more. I believe our Minister of Advanced Education was just at an event, also, cutting ribbons for a new facility partially funded by that organization.

Madam Chair, I can cite dozens of examples of similar acts of philanthropy and community commitments from many, many other members of the building and development community. Many have also received trailblazer awards from the Alberta Construction Safety Association and have been recognized by WCB for thousands of hours of incident-free work sites, another very important factor and consideration for Albertans. Make no mistake. This industry represents more than just a successful, hard-working, risk-taking group of builders and developers; they are indeed community builders.

Is it an unreasonable request to ask for a small, added measure of certainty in the risks associated with their capital investment? How else will we meet the needs of our economy? If we are in fact blessed with modest economic growth and positive net immigration in the near future, who will we rely upon to provide housing supply and affordability? Who will we turn to for funding, expertise, and leadership in meeting our affordable housing needs? And who will we turn to in supporting our vulnerable, particularly when government coffers are challenged and many charities and nonprofits rely on the generosity and philanthropy of the private sector, which I would argue is overrepresented with respect to members of the development and building industry relative to the size of their operations, revenue, jobs, and profits they generate?

Let's also not forget the risks associated with such long-term investments, particularly during times of economic uncertainty, as sadly reflected in the recent seeking of creditor protection by a well-established Alberta company with over 35 years of market experience. Such are the risks associated with significant capital outlays and long-term, patient investment each and every day.

11:20

To be clear, we fully support the concept that a municipality may include policies addressing a newly proposed conservation reserve designation, including identifying additional types and locations of environmentally significant areas with the environmental purpose of conservation and how it might serve to further enhance the nature and design of new communities. We have heard no arguments from the building industry on that point, but we also believe that the identification and a firm commitment to conservation reserve lands must be done as early in the planning process as possible and include some certainty.

A key component that is missing from the proposed policies, Madam Chair, is that a more balanced and respectful approach would include provisions that require municipalities to follow through with the purchase of lands once they have been identified and designated as conservation reserve in statutory plans. This would ensure no waste of time, resources, or the burden of unnecessary costs being added to the development process, which, by the way, is always passed on to the end customer, often with

added carrying costs, and, as importantly, puts some structure to the goodwill that I think we would all expect in such an agreement, commitment, or transaction.

Madam Chair, I am imploring all members of this House to do the right thing by not only supporting the municipalities and communities we serve but to incorporate and protect the right to fair and balanced practices with respect to those companies and individuals who truly build our communities, who take risks every day, who are entitled to reasonable returns on that risk as we in government provide the structure, infrastructure, and stability to encourage such investments for the betterment of life and affordability for all Albertans.

Thank you.

The Deputy Chair: Thank you, hon. member.

Are there any other members wishing to speak? The hon. Member for Athabasca-Sturgeon-Redwater.

Mr. Piquette: Thank you, Madam Chair. On behalf of the Minister of Municipal Affairs I'd like to sincerely thank the member for his amendment. Now, Minister Anderson and Municipal Affairs have put significant analysis into the proposed changes. They understand what the member is trying to do with this amendment and do respect the spirit of what he's trying to do; however, we're not prepared to support it, and just give me a few moments to explain why.

Conservation reserve is a new tool that we introduced into the MGA in Bill 21 last year, as no doubt the member is aware. What was in place before was only environmental reserve. Now, through consultation we heard concerns over the differing interpretations on the intention of an environmental reserve, and it was this lack of clarity about the purpose and definition of such a reserve that led to an inconsistent application of the provisions, which – and I think the member addressed it, too – was probably a little unfair to developers. That's indeed why we've created a new type of reserve called conservation reserve, and this conservation reserve allows municipalities to protect lands of environmental value but would also require the municipalities to provide adequate compensation to developers for conservation reserve since the land will be set aside and conserved instead of being developed.

Now, we've carefully constructed this conservation reserve tool, and we think that making this amendment, especially with regard to inserting language around municipal development plans or area structure plans, would severely hamstring municipalities. Municipal development plans and area structure plans are long-range strategic planning instruments that identify broad patterns of development at a higher level than the detail that this amendment proposes. Because of this, we can't support this amendment. What we're doing is we're looking to find balance with this new tool of conservation reserve, and we're going to need to allow conservation reserve time to be implemented before entertaining further amendments, not to say that that might not happen sometime down the road.

Once again we'd like to thank the member for the time and consideration he put into this well-intentioned proposal and for sharing it with us 24 hours in advance, just as we did with the House amendment considered yesterday. At the end of the day, we're all doing our best to serve Albertans, and we sincerely appreciate the member's contribution to this important conversation about the MGA, but unfortunately I cannot recommend that colleagues support this amendment.

Thank you.

The Deputy Chair: Thank you, hon. member.

Are there any other members wishing to speak to amendment A4?

Mr. Gotfried: If I'm allowed a small response, Madam Chair, that would be – and thank you to the member for your comments – that indeed we have worked hard to try and make this a palatable amendment that could be accepted. To the member, I hope that as time goes on we'll have an opportunity to review the viability and the current structure of the legislation.

It is my concern, of course, that hamstringing is certainly something that could occur. However, if developers choose not to bring their projects forward because of the enhanced or increased risk around the conservation reserves, that may not come to bear and they may not have the work that they need and we may not see that investment in the land. We may be hitting the pause button in Alberta at this point in time, which is allowing, I think, an industry which has often gone at breakneck pace to catch up.

However, if we see positive net migration continuing, we will hopefully be back in a situation in the future whereby we need to ensure that both municipalities and the developers are working very closely together to ensure that we have not just the land supply, which is one issue in itself, but the housing supply so that we don't see the rapid escalation in prices through the coming forth of many speculators, which deeply affect the marketplace when they see that there's an opportunity through reduced supply or inadequate supply to actually jack up the prices even further. I'm always very concerned about that and the impact that can have, and that's why I believe that that relationship of mutual risk and understanding and, I guess, consideration for certainty in that relationship is one that is well developed, that is well respected from both sides.

I'm hopeful that what you're saying with respect to the current legislation is true. I believe that an opportunity for greater certainty is something that would help us to ensure we have that affordability and supply of housing that we need for Albertans.

Thank you.

The Deputy Chair: Thank you, hon. member.

Are there any other members wishing to speak to amendment A4?

Seeing none, I will call the question.

[The voice vote indicated that the motion on amendment A4 lost]

[Several members rose calling for a division. The division bell was rung at 11:27 a.m.]

[One minute having elapsed, the committee divided]

[Ms Sweet in the chair]

For the motion:

| | | |
|--------------|-----------|------------|
| Anderson, W. | MacIntyre | Stier |
| Gotfried | McIver | van Dijken |
| Hanson | Schneider | Yao |
| Hunter | Starke | |

11:30

Against the motion:

| | | |
|---------------|--------------|-----------|
| Anderson, S. | Jansen | Phillips |
| Bilous | Kazim | Piquette |
| Carlier | Kleinstauber | Renaud |
| Ceci | Larivee | Rosendahl |
| Coolahan | Luff | Sabir |
| Cortes-Vargas | Malkinson | Schmidt |
| Dach | Mason | Shepherd |
| Drever | McCuaig-Boyd | Sigurdson |
| Feehan | McLean | Sucha |
| Fitzpatrick | McPherson | Turner |
| Ganley | Miller | Westhead |

| | | |
|----------|----------|--------------|
| Goehring | Miranda | Woollard |
| Horne | Nielsen | |
| Totals: | For – 11 | Against – 38 |

[Motion on amendment A4 lost]

The Deputy Chair: We are now back on the original bill. Are there any other members wishing to speak to the bill?

Mr. Gotfried: Madam Chair, I rise to propose a further amendment to Bill 8, and I have the requisite number of copies here.

The Deputy Chair: Thank you, hon. member. Your amendment will be referred to as A5. If you can please just wait until I have the original.

Mr. Gotfried: Madam Chair, it's a short amendment. Would you like me to read it while it's being distributed?

The Deputy Chair: Yes. If you could read it into the record, please. Thank you.

Mr. Gotfried: Thank you, Madam Chair. I move that Bill 8, An Act to Strengthen Municipal Government, be amended in section 2 by striking out subsection (19) and substituting the following:

- (19) Section 116 is amended in the new section 664.2
- in subsection (1)(d) by adding “and area structure plan” after “municipal development plan”;
 - in subsection (2) by striking out “received” and substituting “approved”.

The Deputy Chair: Thank you, hon. member.

Are there any members wishing to speak to the amendment? Please go ahead, and then I'll recognize the minister.

Mr. Gotfried: Thank you. Madam Chair, I will not belabour this. This is in a similar vein to the previous amendment. However, what this one does is to just provide perhaps a smaller level of certainty with respect to transactions involving conservation reserves. In short, this amendment will require municipalities to follow through with the purchase of any lands once they've been designated as conservation reserves in a statutory plan.

Madam Chair, the objective of this one, again, is to provide that certainty for long-term investment by the building and development community so that they can move ahead with those plans, so that they can ensure that there are no surprises as they go through the development process and that there's no change in designation through time that could cost them time, cost them further money, or, in some cases, a complete redesign of a development plan that has already been submitted and approved, with the agreed-upon conservation reserve lands.

This could be a significant parcel of land. It could impact significantly the affordability of that development. It could incur significant cost with respect to redesign and redevelopment of those lands. It deeply concerns me that we don't have that level of certainty, that's going to encourage that risk capital to come forward, to make sure that we have that adequate land supply in a timely manner but, again, to provide affordable housing and housing affordability for Albertans.

Everything we do to layer on costs, everything we do to delay the process puts Albertans at risk, particularly, again, if we're lucky enough in this province to move towards economic growth and to move towards stronger net in-migration. We need to be ready for this, and the only way to be ready for it is through co-operation and collaboration between governments, municipal governments in this

case, and the building and development industry to ensure that strong collaborative relationship.

Madam Chair, I'm going to proceed again here to encourage all members of this House. This is a modest change, a minor change in wording to allow for some certainty in the process, some certainty in the investment, some certainty in that risk capital, that has no guarantees, as, again, we've seen with some of the financial challenges facing the industry now, to provide some certainty in making those long-term investments, both local investments and international investments coming into this province, to make those today to ensure we have the developable land, the land supply, and the building opportunities going forward.

Thank you, Madam Chair.

The Deputy Chair: Thank you, hon. member.

Are there any members wishing to speak to amendment A5? The hon. Minister of Municipal Affairs.

Mr. S. Anderson: Thank you, Madam Chair. I'd like to sincerely thank the member for his amendment. I understand what the member is trying to do with this amendment, and I respect the spirit of what he's trying to do. I've had some conversations with my planning department about the amendment, and at this time I'm not prepared to support it.

Let me explain why. Conservation reserve is a new tool we introduced in the MGA with Bill 21 last year. What was in place before was only environmental reserve. Through consultation we had concerns over the different interpretations of the intention of an environmental reserve. The lack of clarity about the purpose and definition of such a reserve led to an inconsistent application of the provisions, which was probably a little unfair to developers, and that's why we created a new type of reserve called a conservation reserve. A conservation reserve allows municipalities to protect lands of environmental value but would also require municipalities to provide appropriate compensation to developers for a conservation reserve since the land will be set aside in reserve instead of developed.

We've carefully constructed this conservation reserve, too, and we think that making this amendment, especially with regard to inserting language around municipal development plans or area structure plans, would severely hamstring municipalities. Municipal development plans and area structure plans are long-range strategic planning instruments that identify broad patterns of development at a higher level than the detail that this amendment proposes.

I can't support this amendment at this time on this basis. We are looking to find the balance with this new tool of conservation reserve, and we're going to need to allow the conservation reserve time to be implemented before entertaining further amendments.

Thank you.

The Deputy Chair: Thank you, hon. minister.

Are there any other members wishing to speak to amendment A5? Seeing none, I will call the question.

[Motion on amendment A5 lost]

The Deputy Chair: We are now back on the original bill. Are there any members wishing to speak to the bill? The hon. Member for Little Bow.

Mr. Schneider: Yeah. I will keep it short, Madam Chair. I rise today to talk about the proposed changes, of course, to the Municipal Government Act and, more specifically, to the proposed changes that grant broader powers to the minister. While both the

Alberta Association of Municipal Districts and Counties and the Alberta Urban Municipalities Association have generally been in favour of most of the MGA amendments, in this particular instance they share a few concerns that I want to voice now.

At the very core of this is the belief that municipal autonomy must remain a key foundation of local governance in Alberta. The autonomy must be respected unless the matter is under extreme and unique circumstances. This power should only be used as a last resort. I think, probably, we would all understand this. On this point it's clear that both associations believe exactly that, and both are in complete agreement with that statement.

11:40

According to the proposed changes the government feels that as it exists now, the minister lacks the adequate authority to enforce ministerial orders that implement both decisions of an official administrator or decisions that settle intermunicipal disagreements. Changes would empower the minister with the same authority currently available with respect to the inspection process for situations where, in the minister's opinion, a municipality has not complied with direction provided by an official administrator or by the minister in respect of an intermunicipal disagreement.

The concern shared by both the AAMD and C by and the AUMA is that in regard to an intermunicipal dispute, the minister should not use these provisions to benefit one municipality over another. In fact, where appropriate, the government should apply these provisions equally to all parties involved in whatever dispute happens to arise. Madam Chair, we certainly don't need a situation where the government may find itself picking winners and losers. I don't believe that this is in anybody's best interest.

Additionally, with these changes the minister would have the ability to suspend the authority of a council to make resolutions or bylaws with respect to any matter specified in the order, to exercise resolution- or bylaw-making authority in respect of all or any of the matters for which a resolution- or bylaw-making authority is suspended under the above measure, to remove a suspension of a resolution- or bylaw-making authority with or without conditions. Finally, the minister would have the ability to withhold money otherwise payable by the government to the municipality pending compliance with an order of the minister.

This last point especially could prove overly punitive. The ability of a municipality to continue to operate when these powers are exercised by the minister should always be taken into account. Government needs to consider minimalizing disruption to administrative functions and to the public. Further to this point, an additional concern brought up by the AUMA is that withholding money payable to a municipality may cause unforeseen consequences when a municipality has contractual obligations that rely on grants to be funded. This could lead to legal and/or financial repercussions if funds are withheld from the municipality. This situation would benefit no one, I believe, Madam Chair.

Now, I'd also be remiss if I didn't touch on the points brought up about the ability to suspend the council's authority or to make resolutions or bylaws. Somehow it could be problematic if the council becomes unable to pass a bylaw that is necessary for the operation of the municipality. This act, the Municipal Government Act, is an act that's created within these walls, and municipalities live and die by this act. This particular point has the ability to handcuff municipalities' ability to govern, and it infringes on their autonomy and self-determination, which is something that we strive to make sure that municipalities have. The concern is that the minister should not be able to suspend authority to make bylaws or resolutions or withhold money from

an entire council for the actions of an individual or a few councillors.

While it may be understandable that under the current MGA there does not exist a mechanism to provide the minister with much flexibility in enforcing directives derived from an inspection, the current MGA does have the ability to dismiss councillors or the CAO as an enforcement measure. These new powers I would hope would be handled delicately, to put it delicately. These officials are elected officials as well, and that, of course, would be a very important one to be handled delicately.

I do understand that the government has now included a series of tests that must be met to ensure that these additional ministerial powers are only used as a last resort, and I appreciate that. While they weren't included in the 2016 discussion guide, it's good to see that the provision is now included in the proposed amendments to the MGA.

That being said, Madam Chair, these concerns, we feel, must be taken into account as the continuation of governments must always be ensured for the sake of stability. The new MGA needs to make sure that it takes these possibilities into consideration and makes allowances to allow municipalities to carry on with minimum interruption to its citizens. I sincerely hope that these concerns that I've tried to express on behalf of these two municipal organizations are seriously considered.

Thank you, Madam Chair.

The Deputy Chair: Thank you, hon. member.

Are there any other members wishing to speak to the bill?

Seeing none, are you ready for the question on Bill 8, An Act to Strengthen Municipal Government?

[The remaining clauses of Bill 8 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Deputy Chair: Opposed? Carried.

The hon. Deputy Government House Leader.

Mr. Carlier: Thank you, Madam Chair. I've listened with interest to all that's gone on with Bill 8 and others. I would like now to rise and report.

Thank you, Chair.

[Motion carried]

[Ms Sweet in the chair]

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

Mr. Dach: Thank you, Madam Speaker. The Committee of the Whole has had under consideration certain bills. The committee reports the following bill with some amendments: Bill 8. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

The Acting Speaker: Thank you, hon. member.

All those that concur with the report, please say aye.

Hon. Members: Aye.

The Acting Speaker: Opposed? So ordered.

Government Bills and Orders Third Reading

Bill 7

An Act to Enhance Post-secondary Academic Bargaining

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

Mr. Schmidt: Well, thank you, Madam Speaker. It's my pleasure to rise today and speak to Bill 7 at third reading.

Madam Speaker, the Supreme Court of Canada released its decision to guarantee the constitutional right to strike in January of 2015. That was more than two years ago. Our government felt that it was important to talk to our stakeholders, and we engaged in thoughtful and meaningful consultations with them. While the rest of Alberta's public service was given these rights in June of 2016, our government decided to give postsecondary employers and employees more time to transition so that we could listen to them, and that's what we've done. Now it's time to act to ensure that the rights of all Albertans are respected.

Over the past year stakeholders worked with Mr. Andy Sims, a well-known and respected labour lawyer, to develop recommendations, the majority of which we accepted and are represented in this bill. There was no consensus among the stakeholders as the diversity of experience, history, and circumstance varies significantly across the sector, but our government struck a balance, and since its introduction many stakeholders have endorsed this bill. One stakeholder told us that this legislation is long overdue but that the extra time put into consultation and research made it almost exactly right.

I'm proud of the work of the department, stakeholders, and our government. Because of this work, Bill 7 makes changes to both the Post-secondary Learning Act and the Labour Relations Code and gives academic staff, grad students, and postdoctoral fellows the right to strike and become subject to essential services legislation. Furthermore, postsecondary institutions will be required to negotiate essential services agreements with bargaining units and will be covered by the lockout provisions under the Labour Relations Code. This extension of rights to postdoctoral fellows and graduate students is long overdue. A leader in the postdoctoral community told CBC that this legislation is huge news for academics and that postdocs have been looking for recognition as employees in this province for at least 20 years because they've lacked the basic protections required.

Madam Speaker, Alberta has long been out of step with the rest of Canada, and it's time to ensure that postsecondary employees have the same rights as all other Canadians. The changes we are proposing will extend the right to strike, with protection of essential services, to faculty so that labour relations in Alberta's universities and colleges are consistent with the rest of Alberta's public sector and with postsecondary sectors all across Canada. In addition, by modernizing our labour model, we are ensuring that our workplace rules comply with the Supreme Court of Canada's 2015 decision.

Madam Speaker, Albertans deserve a government that makes life better, and that includes ensuring that all workers are respected and that workplace rules are strengthened.

With that, Madam Speaker, I will move third reading of Bill 7.

11:50

The Acting Speaker: Thank you, hon. minister.

Are there any members wishing to speak to the bill? The hon. Member for Highwood.

Mr. W. Anderson: Thank you, Madam Speaker. Third reading of Bill 7, an act that confuses postsecondary bargaining, is just not ready. It's a complete overreach. I'm sure the minister also realizes that it's just not ready. I'm sure that they needed to fill time to make sure that they got some legislation out there, so here we have it, folks. They're unprepared, and then they insert the NDP ideologies into every piece of legislation they put in our hands, even when it doesn't fit. Like I stated yesterday, it's their mistake. Let them work it out.

I do hope that with all the additions to this legislation and the minister not listening to stakeholders that it doesn't end up hurting our institutions, employees, and, in particular, in the event of a strike, the students. Even though we agree that changes are likely necessary to comply with the Supreme Court of Canada decision, this bill far overreaches what was needed and has done so in such a way as to satisfy ideological notions and their NDP world view and for no other reason. That was made evident when the minister didn't support our simple amendment to give faculty associations an additional five years before they get replaced by trade unions.

I have no other option than to oppose this bill in its current form and give the minister a failing grade. Thank you, Madam Speaker.

The Acting Speaker: Thank you, hon. member.

Are there any other members wishing to speak to the bill?

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

Mr. Schmidt: Well, thank you, Madam Speaker. I'm pleased to close debate. I just want to remind the House that, you know, the Member for Highwood actually proposed an amendment to the bill that would extend the time that faculty associations and grad student associations were forced to be members of unions from five years to 10 years. I'm sure that forcing unionization on faculty association and grad student association members will be something that will endear him greatly to the Wildrose membership. I would be happy to let his members know that and help him campaign, if he chooses to run for re-election, on forced unionization of faculty association members.

Anyway, I have enjoyed the debate, the back and forth. I want to thank all of my colleagues here in this House for engaging in respectful and reasonable debate. With that, I will close debate on Bill 7.

The Acting Speaker: Thank you, hon. minister.

[Motion carried; Bill 7 read a third time]

Mr. Westhead: Madam Speaker, I think we've made some excellent progress this morning. Seeing the time, I say that we call it 12 o'clock and adjourn until 1:30 this afternoon.

[Motion carried; the Assembly adjourned at 11:54 a.m.]

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