



Province of Alberta

The 29th Legislature
Fourth Session

Alberta Hansard

Thursday morning, May 10, 2018

Day 28

The Honourable Robert E. Wanner, Speaker

**Legislative Assembly of Alberta
The 29th Legislature**

Fourth Session

Wanner, Hon. Robert E., Medicine Hat (NDP), Speaker
Jabbour, Deborah C., Peace River (NDP), Deputy Speaker and Chair of Committees
Sweet, Heather, Edmonton-Manning (NDP), Deputy Chair of Committees

Aheer, Leela Sharon, Chestermere-Rocky View (UCP),
Deputy Leader of the Official Opposition
Anderson, Hon. Shaye, Leduc-Beaumont (NDP)
Anderson, Wayne, Highwood (UCP)
Babcock, Erin D., Stony Plain (NDP)
Barnes, Drew, Cypress-Medicine Hat (UCP)
Bilous, Hon. Deron, Edmonton-Beverly-Clareview (NDP)
Carlier, Hon. Oneil, Whitecourt-St. Anne (NDP)
Carson, Jonathon, Edmonton-Meadowlark (NDP)
Ceci, Hon. Joe, Calgary-Fort (NDP)
Clark, Greg, Calgary-Elbow (AP),
Alberta Party Opposition House Leader
Connolly, Michael R.D., Calgary-Hawthorn (NDP)
Coolahan, Craig, Calgary-Klein (NDP)
Cooper, Nathan, Olds-Didsbury-Three Hills (UCP)
Cortes-Vargas, Estefania, Strathcona-Sherwood Park (NDP),
Government Whip
Cyr, Scott J., Bonnyville-Cold Lake (UCP)
Dach, Lorne, Edmonton-McClung (NDP)
Dang, Thomas, Edmonton-South West (NDP)
Drever, Deborah, Calgary-Bow (NDP)
Drysdale, Wayne, Grande Prairie-Wapiti (UCP)
Eggen, Hon. David, Edmonton-Calder (NDP)
Ellis, Mike, Calgary-West (UCP)
Feehan, Hon. Richard, Edmonton-Rutherford (NDP),
Deputy Government House Leader
Fildebrandt, Derek Gerhard, Strathmore-Brooks (IC)
Fitzpatrick, Maria M., Lethbridge-East (NDP)
Fraser, Rick, Calgary-South East (AP)
Ganley, Hon. Kathleen T., Calgary-Buffalo (NDP),
Deputy Government House Leader
Gill, Prab, Calgary-Greenway (UCP),
Official Opposition Deputy Whip
Goehring, Nicole, Edmonton-Castle Downs (NDP)
Gotfried, Richard, Calgary-Fish Creek (UCP)
Gray, Hon. Christina, Edmonton-Mill Woods (NDP)
Hanson, David B., Lac La Biche-St. Paul-Two Hills (UCP)
Hinkley, Bruce, Wetaskiwin-Camrose (NDP)
Hoffman, Hon. Sarah, Edmonton-Glenora (NDP)
Horne, Trevor A.R., Spruce Grove-St. Albert (NDP)
Hunter, Grant R., Cardston-Taber-Warner (UCP)
Jansen, Hon. Sandra, Calgary-North West (NDP)
Kazim, Anam, Calgary-Glenmore (NDP)
Kenney, Hon. Jason, PC, Calgary-Lougheed (UCP),
Leader of the Official Opposition
Kleinstueber, Jamie, Calgary-Northern Hills (NDP)
Larivee, Hon. Danielle, Lesser Slave Lake (NDP),
Deputy Government House Leader
Littlewood, Jessica, Fort Saskatchewan-Vegreville (NDP)

Loewen, Todd, Grande Prairie-Smoky (UCP)
Loyola, Rod, Edmonton-Ellerslie (NDP)
Luff, Robyn, Calgary-East (NDP)
Malkinson, Brian, Calgary-Currie (NDP)
Mason, Hon. Brian, Edmonton-Highlands-Norwood (NDP),
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McCuaig-Boyd, Hon. Margaret,
Dunvegan-Central Peace-Notley (NDP)
McIver, Ric, Calgary-Hays (UCP),
Official Opposition Whip
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Miller, Barb, Red Deer-South (NDP)
Miranda, Hon. Ricardo, Calgary-Cross (NDP)
Nielsen, Christian E., Edmonton-Decore (NDP)
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Official Opposition House Leader
Notley, Hon. Rachel, Edmonton-Strathcona (NDP),
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Panda, Prasad, Calgary-Foothills (UCP)
Payne, Hon. Brandy, Calgary-Acadia (NDP)
Phillips, Hon. Shannon, Lethbridge-West (NDP)
Piquette, Colin, Athabasca-Sturgeon-Redwater (NDP)
Pitt, Angela D., Airdrie (UCP),
Official Opposition Deputy House Leader
Renaud, Marie F., St. Albert (NDP)
Rosendahl, Eric, West Yellowhead (NDP)
Sabir, Hon. Irfan, Calgary-McCall (NDP)
Schmidt, Hon. Marlin, Edmonton-Gold Bar (NDP)
Schneider, David A., Little Bow (UCP)
Schreiner, Kim, Red Deer-North (NDP)
Shepherd, David, Edmonton-Centre (NDP)
Sigurdson, Hon. Lori, Edmonton-Riverview (NDP)
Smith, Mark W., Drayton Valley-Devon (UCP)
Starke, Dr. Richard, Vermilion-Lloydminster (PC)
Stier, Pat, Livingstone-Macleod (UCP)
Strankman, Rick, Drumheller-Stettler (UCP)
Sucha, Graham, Calgary-Shaw (NDP)
Swann, Dr. David, Calgary-Mountain View (AL)
Taylor, Wes, Battle River-Wainwright (UCP)
Turner, Dr. A. Robert, Edmonton-Whitemud (NDP)
van Dijken, Glenn, Barrhead-Morinville-Westlock (UCP)
Westhead, Cameron, Banff-Cochrane (NDP),
Deputy Government Whip
Woollard, Denise, Edmonton-Mill Creek (NDP)
Yao, Tany, Fort McMurray-Wood Buffalo (UCP)
Vacant, Fort McMurray-Conklin
Vacant, Innisfail-Sylvan Lake

Party standings:

New Democratic: 54 United Conservative: 25 Alberta Party: 3 Alberta Liberal: 1 Progressive Conservative: 1 Independent Conservative: 1 Vacant: 2

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Shannon Dean, Law Clerk and Director of
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Deron Bilous	Minister of Economic Development and Trade
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Irfan Sabir	Minister of Community and Social Services
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Deputy Chair: Mrs. Schreiner

Cyr	Luff
Dang	McPherson
Ellis	Turner
Horne	

Standing Committee on Alberta's Economic Future

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Connolly	McPherson
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Standing Committee on Legislative Offices

Chair: Mr. Shepherd
Deputy Chair: Mr. Malkinson

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Kleinsteuber	Woollard
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Special Standing Committee on Members' Services

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Standing Committee on Private Bills

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Deputy Chair: Connolly

Anderson, W.	Orr
Babcock	Rosendahl
Drever	Stier
Drysdale	Strankman
Hinkley	Sucha
Kleinsteuber	Taylor
McKitrick	

Standing Committee on Privileges and Elections, Standing Orders and Printing

Chair: Ms Fitzpatrick
Deputy Chair: Ms Babcock

Carson	Loyola
Coolahan	Miller
Cooper	Nielsen
Goehring	Nixon
Gotfried	Pitt
Hanson	van Dijken
Kazim	

Standing Committee on Public Accounts

Chair: Mr. Cyr
Deputy Chair: Mr. Dach

Barnes	Malkinson
Carson	Miller
Clark	Nielsen
Gotfried	Panda
Hunter	Renaud
Littlewood	Turner
Luff	

Standing Committee on Resource Stewardship

Chair: Loyola
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Babcock	Loewen
Clark	Malkinson
Dang	Nielsen
Fildebrandt	Panda
Hanson	Rosendahl
Kazim	Schreiner
Kleinsteuber	

Legislative Assembly of Alberta

9 a.m.

Thursday, May 10, 2018

[Ms Sweet in the chair]

Prayers

The Acting Speaker: Good morning.

Let us pray and reflect, each in our own way. As we conclude this week's work in this Assembly, we renew our energies with thanks so that we may continue our work for the people in the constituencies we represent.

Please be seated.

Orders of the Day

Government Motions

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

Time Allocation on Government Motion 16

23. Ms Ganley moved on behalf of Mr. Mason:
Be it resolved that when further consideration of Government Motion 16 is resumed, not more than one hour shall be allotted to any further consideration of the motion, at which time every question necessary for the disposal of the motion shall be put forthwith.

Ms Ganley: Thank you very much, Madam Speaker. As outlined by the Government House Leader when the matter of Government Motion 16 was last before the House, it has become clear that the opposition are not only opposing the appointment of Mr. Gibson as Alberta's first Election Commissioner, but they are filibustering to try and prevent the appointment from even coming to a vote.

It has been five months since the legislation was passed in this House, creating the Election Commissioner, legislation that we believe is vitally important to ensure that we are getting dark money out of politics and ensuring that we put the voice back to the people of Alberta. This legislation, Madam Speaker, was opposed by the United Conservative Party.

A hiring process was launched in December, led by an all-party committee. That committee completed its work and made a recommendation to the Assembly. That recommendation was made last month and tabled in the Assembly on April 10. It is now, of course, May 10.

We began debating the motion last week. It has been debated multiple times, for a total of about six hours. In my view, through the course of numerous committee meetings, through their minority report, through their statements and motions, and through the amendments they have presented, the opposition has made as compelling a case as they can for why Mr. Gibson's appointment should not proceed. But they have not made that case. We continue to be compelled that his appointment should proceed because there is no such case to be made, Madam Speaker.

Mr. Gibson has devoted many years to this issue and has a proven track record. But rather than stating their objections, then voting against the appointment, we have witnessed speaker after speaker simply repeating the same talking points. Madam Speaker, on the government side we want to see the position of Election Commissioner filled, and we want to see it filled by Mr. Gibson as soon as possible so that he can start his important work to protect Albertans.

For that reason I am moving this motion, and I urge all members to support it.

The Acting Speaker: Thank you, hon. member.

Are there any other members wishing to speak to the motion? The hon. Member for Airdrie.

Mrs. Pitt: Thank you, Madam Speaker, and wow. Wow, wow, wow, wow, wow. I think it's worth pointing out here that the first time that the Government House Leader time allocated in this Assembly was on Bill 6. I'm sure you remember Bill 6. Bill 6 was the NDP's attack on family farms, where thousands of farmers were protesting right across this province because this NDP government was attacking the very way in which they live and do business. This government stifled debate then, and they're trying to do it again. History is but repeating itself.

Madam Speaker, I think it's worth pointing out that this probably means that the government feels like they're in trouble. Why would they feel like they're in trouble on this motion and feel like they have to time allocate? The Official Opposition has only put forward two amendments on this motion, very reasonable amendments, I might point out. One very, very transparent amendment we put forward was an amendment to disclose the salary of the Election Commissioner. The government during the course of that debate told us: "It'll happen. Just wait. You've just gotta do it. It's the law. Why would you be breaking the law and not following the law? This is crazy. It's gonna happen." They voted it down, and then we find out after – and the Government House Leader brought this forward – that in error, in fact, that was not the case. Had it not been for the Official Opposition standing up for Albertans, we wouldn't know this.

The second amendment, Madam Speaker, that this Official Opposition put forward, which we actually have yet to even vote on and not all members have even spoken to yet, is that the Election Commissioner's term mirror that of the Chief Electoral Officer, the position which this NDP government took from in the first place. That's all they did. They made one become two.

So if this government thinks that the Official Opposition is filibustering when we're standing up for Albertans and trying to make this process more transparent, then I guess we're filibustering. Madam Speaker, this is insane. If this government thinks that we're filibustering when we stand up for Albertans against their reckless ideological agenda – is that what they mean? Is that what counts as filibustering?

You know, it's sad to have this government, more specifically the Government House Leader, once again embody something that they used to fight so fervently against. Madam Speaker, do you remember the time that the Government House Leader said that this time allocation thing is a way for the government to short-circuit democracy? I remember it. I'm sure you remember it. This House remembers it, most certainly, but he's forgotten that. It's nice to know that this government holds firm to their convictions. Albertans see it. Perhaps he didn't really mean it when he said it, because he certainly doesn't mean it now. This government certainly doesn't mean it now.

Now, does anyone else find it amusing that this government brought forward this independent officer of the Legislature, an office which is supposed to be nonpartisan in the application of its roles and responsibilities, yet they time allocate? They do not let members of this House debate this position, try to make it more transparent. Nothing says partisan like time allocation, and that's exactly what this government is doing for an independent officer of the Legislature that is supposed to uphold democracy, that is supposed to be nonpartisan. What is this government hiding? This

is something special, Madam Speaker, that I don't think Albertans are going to be pleased with.

I would ask all members of this Assembly and specifically those who weren't in attendance at the committee: why do you think the Official Opposition is standing up so strongly against this? Something happened in that committee that made us question and made us fight and made the Official Opposition make sure we were standing up for all Albertans.

Please vote against time allocation.

The Acting Speaker: Thank you, hon. member.

I will now put the question.

[The voice vote indicated that Government Motion 23 carried]

[Several members rose calling for a division. The division bell was rung at 9:08 a.m.]

[Fifteen minutes having elapsed, the Assembly divided]

[Ms Sweet in the chair]

For the motion:

Anderson, S.	Gray	Miller
Carlier	Hinkley	Miranda
Carson	Hoffman	Nielsen
Ceci	Horne	Payne
Connolly	Jansen	Piquette
Coolahan	Kazim	Renaud
Drever	Kleinsteuber	Rosendahl
Eggen	Larivee	Schreiner
Feehan	Littlewood	Turner
Fitzpatrick	Loyola	Westhead
Ganley	Luff	Woollard
Goehring	Malkinson	

Against the motion:

Barnes	McIver	Schneider
Ellis	Orr	Taylor
Hunter	Pitt	van Dijken
Totals:	For – 35	Against – 9

[Government Motion 23 carried]

Election Commissioner Appointment

16. Mr. Mason moved:

Be it resolved that the Legislative Assembly concur in the report of the Standing Committee on Legislative Offices tabled on April 10, 2018, Sessional Paper 67/2018, and recommend to the Lieutenant Governor in Council that Mr. Lorne Gibson be appointed as Election Commissioner for a term of five years commencing May 15, 2018.

Mrs. Aheer moved that the motion be amended by striking out “a term of 5 years commencing May 15, 2018” and substituting “a term commencing on May 15, 2018, and expiring 12 months after polling day for the next provincial general election in Alberta”.

[Debate adjourned on the amendment May 8]

The Acting Speaker: Just a reminder to all members of the House that due to the time allotment any points of order will be considered as in time. Time does not stop for the hour.

Are there any members wishing to speak to the amendment?

Seeing none, I will call the question on amendment A2 as proposed by the hon. Member for Chestermere-Rocky View.

[The voice vote indicated that the motion on amendment A2 lost]

[Several members rose calling for a division. The division bell was rung at 9:25 a.m.]

[Fifteen minutes having elapsed, the Assembly divided]

[Ms Sweet in the chair]

For the motion:

Barnes	McIver	Schneider
Ellis	Orr	Taylor
Hunter	Pitt	van Dijken

9:40

Against the motion:

Anderson, S.	Hinkley	Miller
Carlier	Hoffman	Miranda
Carson	Horne	Nielsen
Ceci	Jansen	Payne
Connolly	Kazim	Phillips
Coolahan	Kleinsteuber	Piquette
Drever	Larivee	Renaud
Eggen	Littlewood	Rosendahl
Feehan	Loyola	Schreiner
Fitzpatrick	Luff	Turner
Ganley	Malkinson	Westhead
Goehring	McKitrick	Woollard
Gray		

Totals:	For – 9	Against – 37
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[Motion on amendment A2 lost]

The Acting Speaker: Before we proceed, hon. members, I just want to clarify the division bells and the timing associated with division. During time allotment the division is included in the timing of the one hour. We started the time allotment at 9:26, which means it will continue till 10:26, inclusive of any divisions and points of order.

Are there any members now wishing to speak to the motion? The hon. Member for Airdrie.

Mrs. Pitt: Thank you, Madam Speaker. Despite our time allocation restriction by this government, the Official Opposition will continue to improve transparency and accountability in this House. We have now failed on two amendments in an effort do so, despite the government and their entire argument actually being wrong on the first one, and that, of course, was being transparent with the salary of the new Election Commissioner.

We are going to continue to try again, so I will introduce another amendment.

The Acting Speaker: Hon. member, can you just wait till I have a copy at my desk? Hon. member, please proceed. Your amendment will be referred to as A3.

Mrs. Pitt: Thank you. I move that Government Motion 16 be amended by striking out “five years” and substituting “four years” and adding “, and that the position of Election Commissioner be designated as 60 per cent of full-time with the salary pro-rated accordingly” after “May 15, 2018.”

Madam Speaker, the rationale for this amendment, firstly, by striking out “five years” for “four years,” is that five years will put us right into a scheduled election year. Given that this is an Election Commissioner position, I would think that it would be rather difficult to be renewing a contract or not renewing a contract or

dealing with that whole situation at that time. That's obviously just a really good idea.

In addition to that, we're moving that the designation be 60 per cent of full-time and that the salary be pro-rated accordingly. We've already heard from other members in this House who have also been consulting with various Albertans and Canadians, more particularly the Member for Calgary-Mountain View, who also said that this is to be known as a part-time position. Madam Speaker, I think that it's an accurate assumption to say that because this position came already from the current Chief Electoral Officer and half of his job is being taken away and created over here, only half of another job was created in the first place. So, in fact, I think we're being generous with the 60 per cent of full-time marker.

Madam Speaker, this is a very reasonable amendment. It's very common sense, and I would urge members of this House to vote for it.

The Acting Speaker: Thank you, hon. member.

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

Seeing none, are there any other members wishing to speak to amendment A3? The hon. Member for Barrhead-Morinville-Westlock.

Mr. van Dijken: Thank you, Madam Speaker, and thank you for the opportunity to speak to – what are we calling this amendment? – A3 with regard to Government Motion 16. We take a look at the situation that's before us, and I believe that many Albertans will recognize that it's disappointing that we're now in time allocation debating the terms and the disclosure with regard to the position that's been created through Bill 32 in December. Here we are rushed through things to get to a point in time where I believe full disclosure is necessary to ensure that Albertans can understand that the process was somewhat reckless and that they should be given all the information that can be made available to them.

I believe that the Member for Calgary-Currie was speaking the other day, a couple of days ago, with regard to this individual and the ability of this individual to speak truth to power. We also recognize that this is a point in time where this government, in choosing an Election Commissioner, in moving towards the position of Election Commissioner in a somewhat reckless manner, I would suggest, uses their majority, their power, to confirm their candidate. Now I believe it's again using its power to limit our ability to allow the government to become fully transparent with Albertans and fully accountable and allow some common-sense resolutions to come forward and be considered.

I think that all Albertans should be concerned with this abuse of power. I would suggest that the work of the opposition, what we are doing, is helping the government to recognize the need to be fully transparent and accountable in our democratic process. This government has chosen not to be, and I find that very concerning.

When we take a look at the amendment, we're looking at the term that was suggested in the motion, that the government is offering through their majority vote in committee, offering this individual a five-year term, which is the maximum that's allotted in the legislation. So it's permissible, but is it practical? Is it practical when you create a new position to go the full term, the full five years? I would also speak to – the Member for Calgary-Mountain View brought this up in his discussions. The Liberal member of the Legislature brought up in his discussions the other day that it seems somewhat reckless and it seems we're moving in a direction that "does raise serious questions about how quickly we're moving."

The government should take notice that the Official Opposition is just doing its job. Now that we're under time allocation, can we do our job properly? We would like the government to recognize

that Albertans expect transparency, Albertans expect accountability from their government, and we're not having it at this point.

9:50

Now, the reason to go to a four-year term – we did propose an amendment to match the term length to be similar to the Chief Electoral Officer, where the term would end a year after a general election. That makes great sense because it gives the time for the Chief Electoral Officer and then it would also give the time for Election Commissioner to complete their work, their investigative work, the work necessary to present final reports with regard to the general election. Then it also allows the term to be fixed based off general election cycles.

Now we have a situation with a five-year term in that we quite likely are going to land up with an Election Commissioner's term ending right in the middle of an election. That's concerning, and that should be concerning to all Albertans. It should be concerning to this government. It makes me wonder why they pushed so hard for the five-year term. Now we're looking at a four-year term, a very reasonable amendment that allows us to move into a four-year term and allows us to recognize that it most likely won't land right in the middle of a general election.

The other portion of the amendment that – we were looking to bring this forward as two amendments, but because of the time allocation we're forced to highlight the issue that possibly is before us. In our stakeholder outreach and, I believe, maybe some of the stakeholder outreach that the Member for Calgary-Mountain View has done, there are questions about: is it a full-time position? We need to take into consideration that it quite likely is not.

Many of the stakeholders that we talk to – especially, you know, a lot of the work is going to happen within the six months, probably, before the election actually takes place and within the year after the election. How much work is the Election Commissioner actually going to have to keep him busy or her busy, whoever it may be at the time, to actually work on in year 2 after an election, year 3 after an election, when there really is not very much activity? This is an investigative role. It's not planning elections and working much like what the Chief Electoral Officer has to do in preparing the office and preparing for the next general election. There's a lot of work that has to get done there.

Time allocation now has restricted our ability to speak to these and actually possibly have a chance where the government members can fully consider our position and understand the risk and how the abuse of the power could negatively affect them. I believe that Albertans will look at this and interpret it as an abuse of their power, and that is concerning to me. You know, we look at others that have spoken to the amendment, both from our caucus and other members in the Legislature. We are speaking on behalf of Albertans. The government can propose that we are filibustering, but I believe that we are truly speaking on behalf of Albertans, and all Albertans want to know that this government is working hard to get value for tax dollars.

By appointing this individual for the full term, the term ending in the middle of a general election, likely, and not disclosing salary – we know the range was in the advertisement. I don't have the advertisement in front of me, but it could have ranged, I believe, from about \$158,000 to \$212,000. The government is making a commitment on this one individual for a term of five years, potentially for compensation that's going to exceed a million dollars. I think Albertans would like to be sure that they're getting value for that tax money. The government is not going to disclose this at this time. They're going to wait until after the election to disclose what that commitment is, what Albertans are committing to here. I find that concerning, that they're not willing to be

transparent with Albertans, and I think Albertans will question: well, why won't they? What are they trying to hide here? It makes no sense to have a term end in the middle of what probably is the next election, in 2023, after the 2019 election, and not disclosing.

You know, with the potential that with this position there are going to be a couple of years there where there will be very little if any activity, as the Member for Olds-Didsbury-Three Hills pointed out, this position is potentially going to be compensated more than what our Chief Electoral Officer currently makes, an individual that's in charge of a much larger office, that has a lot more work to do in preparation for a general election.

I am speaking in favour of amendment A3. I believe that the term is better than the five-year term. I honestly believe that in good governance we would have matched what's in the term for the Chief Electoral Officer, that we end it a year after, but the government decided to vote that down. I believe that four years is much better than the five-year term that's being proposed. In consultation with others that there is potentially only a half-time position, we felt that 60 per cent of full-time was being fair and maybe a little bit on the generous side. I guess we'll leave it to the government members to try and become more accountable and more transparent to Albertans.

I am speaking in favour of this amendment, and I would encourage everyone within the Legislature here to also vote in favour of this amendment and try and fix a little bit about what has potential risks of not bringing true value for taxpayers' dollars.

I also believe that we need to, when we create new positions, have time to evaluate properly. Is the position necessary? That was the question of the Chief Electoral Officer, even. Is the position necessary? Is it a full-time position? Others have raised that concern. Here we are. Now we're to a five-year commitment, and we don't have the opportunity to evaluate that after the next general election. We will end up moving right into where we have a term ending in the middle of an election in 2023.

With that, I would encourage all members of the Legislature here to vote in favour of amendment A3. Thank you, Madam Speaker.

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 amendment A3? The hon. Member for Calgary-Currie.

Mr. Malkinson: Thank you very much, Madam Speaker. I'm just going to take a quick moment here to speak on amendment A3. I'm just going to start from the beginning: "by striking out 'five years' and substituting 'four years'." I don't agree with this particular change. Mr. Gibson has my full confidence, and as a result I think he should have the full five years to reflect my confidence in him.

Second of all, referring to the second part of the amendment, "that the position of Election Commissioner be designated as 60 per cent of full-time with the salary pro-rated accordingly," Madam Speaker, in his new role, should he get it, Mr. Gibson would be overseeing multiple investigators, and I believe that that is, in fact, a full-time job. Those investigators are going to be looking at political action committees, third parties that participate in our electoral system. We have seen a rise in dark money recently here in Alberta and throughout Canada and the United States. This is a new phenomenon here when it comes to democracy, and I think that that is a full-time job, to oversee the investigators to make sure that our democracy is fair and that there's not undue influence from third-party agitators.

10:00

You know, there was a suggestion that between elections there might perhaps be less work. Well, I would suggest that those third

parties and dark money don't take a break after the election, so that is why I think it is important that this position is a full-time position. I will vote against this amendment, and I encourage all members to do the same.

Thank you very much.

The Acting Speaker: Thank you, hon. member.

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

Mr. Ellis: Thank you, Madam Speaker. I'll just be brief. You know, I have a question for the hon. member. If this amendment does not go through and the original motion goes through and Mr. Gibson has his term conclude in May of 2023, which could potentially be right in the middle of a writ period, does he have any concerns or issues, or does he think there might be any undue or unintentional consequences as a result of his term potentially ending in the middle of a writ period?

Thank you.

The Acting Speaker: Thank you, hon. member.

The member for Calgary-Currie.

Mr. Malkinson: Thank you very much. As we know and have seen in this province, elections and by-elections could potentially happen at any time, depending on the makeup of the Legislature. We can have, of course, minority governments. We could have majority governments. As a result, trying to predict when the next election would be, whether it be a by-election or general election and trying to look into the future is, I think, perhaps not an optimal thing to be doing. The short answer to the hon. member is no. I do not have any concerns.

The Acting Speaker: Thank you, hon. member.

Are there any other members wishing to speak under 29(2)(a)? The hon. Member for Cardston-Taber-Warner.

Mr. Hunter: Thank you, Madam Speaker. Just a real quick question to the Member for Calgary-Currie. I wanted to know. He talked about: dark money doesn't rest. My question to him is: does he feel that the \$45,000 being paid by the Toronto Steel Workers union to a PAC that is actually under the direction of one of the past members of the NDP is considered dark money?

The Acting Speaker: Are there any other members wishing to speak under 29(2)(a)?

Seeing none, are there any other members wishing to speak to amendment A3? The hon. Member for Battle River-Wainwright.

Mr. Taylor: Thank you, Madam Speaker. Yeah. I guess I have to start off by saying that I'm disappointed that we're into a time allocation and that we're not able to actually get this right. That's a problem here. You know, the Member for Calgary-Currie made a good argument for amendment A2, saying that a year after the election – because you don't know when the election will occur. It could be three years. We've seen that before. It could potentially be five years. His argument to say that we don't know when that date is made the last amendment very logical. I'm disappointed that that was voted down as a result. We still have to make sure that we're trying to do something that's going to be more workable.

We're looking at this one because four years is more logical than the five years is. If we take the five-year term and we go a year from now and we have the election – you know, the Premier has stated before that we'll have an election next year sometime around now. We will have an election. Then four years from that would lead us

to five years. That would be kind of timing out at the same time the election is called. I'd have to argue back again to the Member for Calgary-Currie, saying that I appreciate the fact that he recognized it, but I'm disappointed that the member did not vote for A2, which would have allowed for that logical, sequential change that needs to happen.

You know, if we have that logical, sequential change and we have that time just after the election, well, then you're able to do the proper filing, the paperwork, and make sure you've done your job right. You've got the accountability and the transparency that you need. Frankly, there's a lot of information that needs to be done after an election, but potentially putting it at the same date as the election is problematic.

When we look at what we have here, striking out five years and substituting four years, well, we're looking at an election time that would be at least in the year earlier than what the next potential election is. We still allow for that accountability and that transparency, and it just makes it, like you say, a simpler transfer for the next person that might be taking up the job. We don't know if that same person will have that job. We don't know what happens in four years' time or five years' time. It's all a matter of who gets that job.

But it's not a firing, as was mentioned before. They called it a firing because the person's term ended and then all of a sudden that person said: well, my term has ended and you're not continuing to hire me; therefore, it's a firing. They went before the courts. The judge found not in favour in that case, that it wasn't a firing. It was a normal agreement for a term of a contract. When the term of the contract expires, you can either renegotiate it and continue on, or it's done. In that case it was done. We see those kinds of terms of contract. Even in the military we have terms of contract. They're expected to work usually three-year contracts. I have a son-in-law that works in the military, and he is hired under three-year contracts. It doesn't mean that he's fired at the end of the three years. He can make those decisions. There are so many people that work under contracts, and when the contract is done, it's done. It doesn't make it a firing, so I found that debate that was brought up earlier just disappointing.

I'm disappointed that this process has been rushed. This process has been rushed from the beginning. If we go back and we look at the minority report – I wasn't a member of the committee, so I wasn't able to do it. I have to take the word for what was going on in the committee.

It became evident,
it says,

at our first meeting at the end of December that government MLAs were determined to proceed in a reckless fashion by forcing the Legislative Assembly Office to compose a job posting and position profile for a brand new position in less than 48 hours.

That does not seem like somebody is taking the time and cautiously moving forward to make sure that we get the right person. This is being rushed.

We don't want to rush what we're doing here in that sense because this position is very important. The position that we're talking about for elections governs what we do and allows us to have a democratic process. We're not having a democratic process.

Deciding upon the completion date during the Christmas holidays: this is during the Christmas holidays for the completion date,

including a costly run of print advertisements that required an LAO employee to come into the office on their holidays to make certain deadlines despite the Official Opposition's strong advice that this would be a waste of money and put undue strain on support staff.

Again, this is rushed, and to what? They could have taken their time, and now they're stopping the debate on this. We've got a time allocation on this, so we're stopping this.

10:10

This position, the member yesterday was bringing up, really is not a full-time position. This is not truly going to be a full-time position, so when we bring it in here designated as 60 per cent full-time with this salary pro-rated accordingly, this makes a lot of sense. You know, if you're hiring for a job, if you're only doing 60 per cent of the work, it should be paid for 60 per cent of the time. The government has posted on their website – I'm not quite sure what that number is, but it is between \$150,000 and over \$200,000 that could be paid to this position. That would be based on a full-time position, I would assume, but we should be looking at it as a part-time position, at 60 per cent, perhaps. But, I mean, that would have to be determined, how much time actually needs to happen for this thing.

I really have to be in favour, of course, of this amendment A3, but I have a problem with the government's motion because the timing that they have set aside does not seem to make sense. The five years just doesn't make sense.

I was not on the committee that selected Mr. Lorne Gibson as Election Commissioner, you know, but just listening to the comments and that minority report that I referred to, like I say, causes me to pause. Why was the selection made? Why was this one person selected? It wasn't a majority of the committee that wanted to do it. That's why you ended up with the minority report that is on here. Typically speaking, when you select somebody for this position, you really want to have a consensus because then you have a balance between what the different parties are looking for, Madam Speaker. We're not getting that balance. At least getting some of the consensus: even if 75 per cent of us on this side were saying, "Yeah, that's a reasonable candidate," that's closer to consensus than what they've achieved. Like I say, they had to have a minority report to discuss this.

There are issues that were discussed. It also says here in the minority report that we "took issue with being strong armed by government MLAs who would declare that a consensus had been reached" – consensus among themselves, I assume, but not consensus from all of the committee – "on issues in camera." Consequently, not being on the committee and not being able to know what happened in camera, I can't tell you what the consensus was. It goes on to say: "and would try to force votes with little to no discussion." It seems like that's kind of the process that's happening now because we're not having a fulsome discussion on this motion. We have a time allocation. Therefore, where's that discussion? Where's this fulsome discussion? Trying to get these things is just, like I say, problematic.

The selection of an Election Commissioner should be a nonpartisan exercise. Where only one party votes in favour of a potential candidate – when there's a potential to confirm a consensus candidate, that is what we need to have. We need to have all the parties involved. It seems the committee acted in a partisan manner in this case. They acted just for themselves, to make sure that this person was elected. Why? We don't know. It was a problem before. The person was not hired again for the position. Albeit, he has experience. He would understand what's going on. But he was not rehired and caused some disruption and dissension.

Why is this a problem, Madam Speaker? Well, you know, when you use a partisan kind of an approach, the optics alone would tell you and it would tell Albertans that this candidate was potentially not selected to represent the interests of all Albertans. I'm not

saying that he wouldn't represent the interests of all Albertans, but there's that perception, Madam Speaker. It's certainly there.

With that in mind, another concern of mine is the morale in the office, what could potentially happen when the advice of our own Chief Electoral Officer was disregarded and then to go on to hire someone who may or may not fit into the culture of the current Chief Electoral Officer office. So Mr. Gibson's proposed appointment is brought into question, an appointment that should have but did not follow the same kinds of nonpartisan rules and procedures, for lack of a better term, as the members of the committee have expressed previously.

As I mentioned before, there were other qualified, good candidates. As mentioned here, they did not have a negative history with the government of Alberta. These other candidates did not try to sue the government for firing them. That's problematic, when, in fact, that's the furthest thing from the truth, and I expressed that before. That's the furthest thing from the truth. The person's term – his contract just termed out, his service term, and the judge confirmed that decision. He was certainly qualified, but is he the right person? I think that you would call this a somewhat tarnished history if you look back at what has happened. If he has to say that he was fired and, in fact, all he was was termed out, that's a problem.

However, this government has proposed to hire him again, and that might raise an eyebrow or two on Main Street, Alberta. It really should concern every Albertan, that we can expect this individual to move forward in a type of manner that will see no animosity, stigma, or baggage. We need to make sure of that. That's how we're moving forward. This has to be something where we want to have the best candidate, not one that's going to cause problems going forward.

Based on the information that we do know – some information was held in camera that I wasn't privy to and that the rest of us that weren't on the committee just do not know – and based on the strange way that the majority of the committee insisted that advertisements for the position had to be hurriedly blasted out during Christmas holidays, like I say, this whole thing is problematic.

I have to speak, you know, in favour, again, of this motion A3 . . .

An Hon. Member: Amendment.

Mr. Taylor: The amendment. Pardon me. Not the motion. Thank you.

It's amendment A3 to Government Motion 16 to put it to four years. A four-year term is going to, in all likelihood . . .

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 amendment? The hon. Member for Edmonton-Centre.

Mr. Shepherd: Thank you, Madam Speaker. As the chair of the Standing Committee on Legislative Offices and indeed having been the chair for the search process, I deeply appreciate this opportunity to make a few brief comments before the vote comes before this House on the appointment of Mr. Gibson.

The member that was just speaking, again, as many of the members across the way have, referred to concerns about the conduct and the work of Mr. Gibson in his position as the Chief Electoral Officer for the province of Alberta and made the suggestion that perhaps there have been concerns that he did perhaps a poor job in the 2008 election, that there were issues, perhaps not from that specific member but certainly this has been what we've been hearing from other members across the aisle.

Now, Madam Speaker, they have not offered any actual specifics on that. They prefer to go with broad insinuations. So I'd like to take a brief moment to reflect on what actually occurred during that period.

Paula Simons at that time wrote . . .

The Acting Speaker: Hon. member, I just want to clarify that you're speaking to the amendment.

Mr. Shepherd: I am indeed, Madam Speaker. This has to do with the amendment because these are the reasons that they are putting forward for why they feel the need to restrict Mr. Gibson's term and indeed partly why they seem to be suggesting that they feel the need to reduce the time that's allocated to this position.

10:20

Now, I would note that Paula Simons wrote an article back in February 2009, Gibson Affair Sends Terrible Message. One of her comments was:

But whatever Gibson's failures as chief electoral officer may or may not have been, it looks as though he was dismissed because he repeatedly embarrassed the Stelmach government by writing reports filled with uncomfortable recommendations.

That was the view of the media at the time, Madam Speaker, and indeed the view of members of the opposition, including at that time our Premier.

I would note that what actually occurred at that time was that Mr. Gibson came in, and he became the Chief Electoral Officer for the province of Alberta. This, Madam Speaker, is all from the *Alberta Hansard* and is available online for anyone that wishes to review it and the testimony that was taken regarding the 2008 election, noting that Mr. Gibson sent multiple requests to the then Minister of Justice asking for them to appoint returning officers because at the time of Mr. Gibson's arrival as Chief Electoral Officer in the province of Alberta the governing party selected returning officers. They appointed the people that would supervise the vote in every constituency across the province, not terribly nonpartisan and definitely not a system that was in place in many other jurisdictions, including the province of Manitoba, from which Mr. Gibson had come.

Indeed, he worked within the system that was available. He made multiple requests, beginning on May 16, 2006, continuing through March 29, 2007, four requests in total. Then on April 18, 2007 . . .

Mr. McIver: Point of order.

The Acting Speaker: Hon. member, a point of order has been called.

The hon. Member for Calgary-Hays.

**Point of Order
Imputing Motives**

Mr. McIver: Thank you, Madam Speaker. I'm rising under 23(h), (i), and (j). The member is imputing "false or unavowed motives to another Member." You know what? We've been careful on this side not to question the incoming person's track record but, rather, to talk about the process and how the government is trying to actually be disrespectful to the current Chief Electoral Officer.

In my view, the hon. member is really being disrespectful after putting time allocation on, trying to not even talk about the amendment and, rather, chew up time. I know the government is embarrassed by this motion, which is why they had to time allocate it, and I understand that they're trying to cover up what is a big mistake that they're making and an obvious mistake. But the fact is

that the hon. member and the rest of the government actually are going down this road, not addressing the amendment and trying to imply false motives to members of the opposition because they're embarrassed by this motion, as they should be, which is why they put time allocation on it.

They don't want to hear the opposition's good and reasonable objections to this action, they don't want to hear the opposition's genuine concerns about changing electoral officers in the middle of an election, and they don't want to hear the opposition's genuine and heartfelt concerns about how disrespectful this is to the Chief Electoral Officer, to put somebody else in his office, give him essentially the same job, potentially pay him more money, essentially after not even having consulted with him about the piece of legislation that authorizes this hiring.

They have so much to be ashamed about, and they're implying false motives to the opposition in an attempt to cover up and hide and run away from debate on something that the government is clearly and rightfully and justifiably embarrassed about. I would ask you to ask the hon. member to stop.

The Acting Speaker: Thank you, hon. member.

The hon. Deputy Government House Leader.

Ms Ganley: Thank you very much, Madam Speaker. I think that before I address the point of order directly, because that went on a bit of a frolic, I might say that the government is not the least bit embarrassed about this. We are absolutely so proud to be able to bring forward this appointment, to be able to bring forward and protect democracy in this province from dark money.

Madam Speaker, the member, I believe, rose under imputing false and unavowed motives. I'd like to point out that our member was actually citing a columnist's, a journalist's writings. Using the words of journalists is a frequent thing that happens all the time in this place. He's not intending to impute unavowed motives to anyone.

Madam Speaker, I think that with respect to the allegation, which I don't think was the point of order, that he's trying to talk out the clock, it's certainly not the intention here. He is in fact speaking to the amendment. The hon. members have put forward a justification for shortening the term, they've put forward a justification for only making this a 60 per cent position, and these are the justifications for why we think that the original decision was, in fact, the correct decision.

So I don't believe that there is a point of order here. I think there is a dispute as to the facts, facts which occurred, Madam Speaker, quite a long time ago.

The Acting Speaker: Thank you, hon. Deputy Government House Leader.

I am prepared to discuss the point of order at this time. It is not a point of order. However, I would like to remind the member that if you could speak specifically to the amendment, that would be appreciated. Also, if you could table any of the documents that you have spoken to.

Mr. Shepherd: Absolutely. I'd be happy to table that document.

Thank you, Madam Speaker.

Debate Continued

Mr. Shepherd: Indeed, in regard to this particular amendment, again suggesting that Mr. Gibson's term should be limited to four years and then designating a salary of 60 per cent, as I was noting, there were multiple requests that were made. It took 19 months before the requests were met to appoint returning officers – 19

months, Madam Speaker – and that shortly before the election itself was actually called. These matters are available in *Hansard* for anyone that wishes to read them. Indeed, many journalists and people did at the time and observed that Mr. Gibson's conduct given the circumstances was, in fact, pretty commendable.

The Acting Speaker: Thank you, hon. member.

Hon. members, pursuant to Government Motion 23, that was agreed to on May 10, the time allotment has now expired. I will put forward the first question, which is the vote on amendment A3 to Motion 16, as proposed by the hon. Member for Airdrie.

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

[Several members rose calling for a division. The division bell was rung at 10:27 a.m.]

[Fifteen minutes having elapsed, the Assembly divided]

[Ms Sweet in the chair]

For the motion:

Barnes	Orr	Starke
Ellis	Pitt	van Dijken
McIver	Schneider	

Against the motion:

Anderson, S.	Hinkley	Miller
Carlier	Hoffman	Miranda
Carson	Horne	Nielsen
Ceci	Jansen	Payne
Connolly	Kazim	Phillips
Coolahan	Kleinsteuber	Piquette
Drever	Larivee	Renaud
Eggen	Littlewood	Rosendahl
Fitzpatrick	Loyola	Schreiner
Ganley	Luff	Turner
Goehring	Malkinson	Westhead
Gray	McKitrick	Woollard

Totals: For – 8 Against – 36

[Motion on amendment A3 lost]

The Acting Speaker: We are now back on the original motion, Motion 16. Does the Assembly agree with Government Motion 16?

[The voice vote indicated that Government Motion 16 carried]

[Several members rose calling for a division. The division bell was rung at 10:44 a.m.]

[Fifteen minutes having elapsed, the Assembly divided]

[Ms Sweet in the chair]

For the motion:

Anderson, S.	Hinkley	Miller
Carlier	Hoffman	Miranda
Carson	Horne	Nielsen
Ceci	Jansen	Payne
Connolly	Kazim	Phillips
Coolahan	Kleinsteuber	Piquette
Drever	Larivee	Renaud
Eggen	Littlewood	Rosendahl
Fitzpatrick	Loyola	Schreiner
Fraser	Luff	Turner
Ganley	Malkinson	Westhead
Goehring	McKitrick	Woollard
Gray	McPherson	

11:00

Against the motion:

Barnes	McIver	Schneider
Ellis	Orr	Starke
Fildebrandt	Pitt	van Dijken
Totals:	For – 38	Against – 9

[Government Motion 16 carried]

The Acting Speaker: I will now call on the Deputy Government House Leader.

Ms Ganley: Thank you very much, Madam Speaker. I would seek unanimous consent of the House that when we go into committee, the first bell and all remaining bells be one-minute bells.

[Unanimous consent denied]

Government Bills and Orders Committee of the Whole

[Ms Sweet in the chair]

The Deputy Chair: Hon. members, I would like to call the committee to order.

Bill 9 Protecting Choice for Women Accessing Health Care Act

The Deputy Chair: Are there any comments, questions, or amendments to be offered in respect of this bill? The hon. Member for Strathmore-Brooks.

Mr. Fildebrandt: Thank you, Madam Chair. I want to thank members for joining us, late this morning now, for continued debate on Bill 9. As I've mentioned previously, I don't believe that this bill strikes the appropriate balance between security of the person for women trying to access abortion clinics and balancing it appropriately with freedom of expression and freedom of assembly. Some of the amendments I bring forward are trying to better balance that, in my view, but some of the amendments I'm bringing forward are of a more technical nature, a more fine-tuning nature, trying to simply improve upon the wording of the bill, trying to clarify some of the bill so that, you know, even those of us who do not agree with it can at least have a more clear piece of legislation in front of us so that when it probably, inevitably passes, it'll be the most functional and clean piece of legislation possible.

Before I continue, I'll distribute an amendment to the pages.

The Deputy Chair: Thank you, hon. member. If you could please just wait until I have a copy at the table. Hon. member, please proceed. Your amendment will be referred to as A4.

Mr. Fildebrandt: Thank you, Madam Chair. Mr. Fildebrandt to move that Bill 9, Protecting Choice for Women Accessing Health Care Act, be amended in section 1 by adding the following after clause (e): "(e.1) 'intimidate' means to threaten violence or other injury to another person or to damage the property of another person."

This isn't changing the substance of anything in the legislation other than adding a definition in the definition section. This is, to the best of my knowledge here, using the Criminal Code of Canada's definition. This is using a definition of intimidate that has

been upheld by the courts on federal and provincial levels from time immemorial, that clearly defines what intimidate means.

I think even those of us here who oppose Bill 9 – I at least support parts of the bill. I think it should be and it actually already is illegal to intimidate folks by threatening violence or injury to another person or to damage the property of those persons. That is already illegal, but this bill wants to clarify that. This is not a part of the bill that I have any problem with whatsoever. So if we want to clarify in this bill that intimidation is illegal, although it already is, if we want to do that, that's still a laudable goal.

My goal here is not to change the legislation in a substantive way except only to include a definition, a definition used in the Criminal Code of Canada, that has already been upheld by the courts. This just clarifies so that we're not throwing it to the courts. You know, the goal of this bill, I think, from the government's perspective, has been that the court injunctions, in their view, are insufficient. They want to put this in legislation because the court process can be lengthy and unreliable at times. If the goal is to make sure that this is speedy and not tied down in the bureaucracy of the courts, then it's, I think, best to have a very clear definition of what we mean by intimidate.

So I've decided not to reinvent the wheel here. We've just looked to the Criminal Code of Canada and taken that to be inserted. As I've said, it doesn't change the substance of the legislation in any way. It doesn't change the intent of the bill. It doesn't change the spirit of the bill. This is just cleaning up some of the wording by adding a proper definition of what intimidation is using the Criminal Code of Canada.

I ask members to give this due consideration regardless of how you feel about the bill. If you're for it, if you're against it, if you have no official opinion on the bill, simply adding this definition is just cleaning up the wording for better legislation regardless of how you feel about the bill itself.

Thank you.

The Deputy Chair: Thank you, hon. member.

Are there any members wishing to speak to amendment A4? The hon. Member for St. Albert.

Ms Renaud: Thank you, Madam Chair. I thank the member for this amendment, for being here through the votes and the discussion and debate. I don't actually support this amendment and encourage everyone else to do the same. The reason is that I think the amendment, if approved, would narrow the scope of the word "intimidate" to the wording used in the Criminal Code. Some forms of threats and intimidation that could be included under the legislation could not be included if this amendment were to pass. Currently the definition of intimidate and intimidation is left up to the discretion of the courts, which allows more flexibility when enforcing. Although I appreciate the effort to try to make this better and to keep providers and women seeking treatment safe, I don't actually agree with it.

I wanted to say a couple of things. Like most people, I think, I find it shocking that members on the other side will stand up and say how important it is to support women and to keep them safe from violence and intimidation and harassment yet wilfully stand up and turn their backs and walk away when they're given the opportunity to do just that.

In addition to that, I think the abortion provider community – again, it's not just those particular services that are offered in this clinic – is made up of medical professionals who are both highly skilled and uniquely dedicated to protecting the lives and the health of women. They treat their patients with incredible respect and provide the highest level of care, and they deserve our thanks and

protection. You know, they don't need to go to work and be fearful every day or to mentally and physically have to prepare themselves to face an onslaught of intimidation and harassment, not to mention a woman simply trying to get health care in this province.

The fact, once again, that people across the way, when given the opportunity to stand up and say, "Regardless of what I may think, I want to do what's right for women in Alberta; I want to keep them free from abuse and intimidation, so, yes, I'm going to support this": they're choosing not to do that.

11:10

I think one other thing that they're doing is that they're encouraging other people to take this stand. You know, we can't help but see, living as close as we do to the United States, what's happening there, when political leaders wilfully call women who obtain health services and express their reproductive rights, essentially, criminals that should be punished. Of course, you know, there is one particular leader who I won't name. I think there's a fact-checker full-time at one of the big national papers that does a running fact check, and one of the things he said repeatedly is to spread lies about the fact that abortion providers will simply rip a child out of a woman's womb at nine months. We know that's not true. That's just a bald-faced lie, and it's disgusting, and it emboldens people.

What all of this does: by turning your back on women and by allowing this to happen, it has ramped up the hatred. It has ramped up the misinformation, the protesting, the intimidation, and the harassment, and we're seeing it here in our province. We're allowing it to happen, and by turning your back and ignoring this important issue, you're creating an environment where you're condoning. When you do nothing and you say nothing, you condone, and that's sad. I can't imagine that every woman in your constituency is okay with that, but I imagine you'll have to reckon with that at some point.

Again, thank you to the member for the amendment. I appreciate the fact that you've been here throughout by yourself. That's all I have to say.

Thank you.

The Deputy Chair: Thank you, hon. member.

Are there any other members wishing to speak to amendment A4? The hon. Member for Strathmore-Brooks.

Mr. Fildebrandt: Thank you, Madam Chair. I'm just trying to share the floor and wait and see if anyone else tries to get up. You might want to just always check with the Valhalla section before calling the question.

I thank the member for her comments in the debate here. I can't agree, though, with her objections to this amendment. We're simply mirroring what is used in the Criminal Code of Canada, which has been upheld by the law. It is possible that the amendment could even be redundant because if this goes before the courts, it is highly likely that lower courts would be looking to use of the term "intimidation" as has been already upheld in the courts. Even if they don't, surely appellate courts, if it goes that far, would likely uphold the definition of intimidation already established by our common law and the Criminal Code of Canada.

It may be a moot point regardless, but my concern is, you know, that sometimes we can use terms rather loosely. What constitutes intimidation? I think that the Criminal Code of Canada's definition is pertinent and tight. It's threatening violence or injury to another person or damage to their property. Sometimes the term "intimidate" can be used a little bit loosely. It might mean that someone simply has a big presence. You might be intimidated, but

it might not be intentional intimidation. I think it's important that we clarify what exactly we mean when we're passing laws like this.

I appreciate her concerns. Harassment is a different part of this. We're not clarifying the harassment definition here, so I don't think that any concerns around this would take away from, you know, having flexible enough language around "harassment," which I think is, again, a term that does mean something but can be used rather broadly sometimes. I mean, there's harassment, and there's heckling. I don't think most of us here – everybody loves heckling. I don't think we'd call it harassment, but some could probably extend the definition to that. Like "intimidation," I think it's important when we're writing laws to be very specific about what we mean.

That's why this is going forward and just simply mirroring what is in the Criminal Code of Canada. This is not changing the intent of the bill. This is not changing even the spirit of the bill or even the weight of the bill in one direction or another. It is simply trying to clarify the language in it so that we're absolutely clear what we mean when we make it illegal – it already is illegal, so when we essentially make it illegal again – for people to intimidate anyone entering or exiting these buildings. I'd ask members to give due consideration to this just to clarify some of the wording.

The Deputy Chair: Thank you, hon. member.

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

Seeing none, I will now 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 11:16 a.m.]

[Fifteen minutes having elapsed, the committee divided]

[Ms Sweet in the chair]

For the motion:

Fildebrandt

Against the motion:

Anderson, S.	Hinkley	Miranda
Carlier	Hoffman	Nielsen
Carson	Horne	Payne
Ceci	Jansen	Piquette
Connolly	Kazim	Renaud
Coolahan	Kleinstauber	Rosendahl
Drever	Littlewood	Schreiner
Fitzpatrick	Loyola	Starke
Fraser	Luff	Swann
Ganley	Malkinson	Turner
Goehring	McKittrick	Westhead
Gray	Miller	Woollard

Totals: For – 1 Against – 36

[Motion on amendment A4 lost]

The Deputy Chair: We are now back on the original bill. Are there any comments or questions? The hon. Deputy Government House Leader.

Ms Ganley: Thank you very much, Madam Chair. I would now move that the committee rise and report progress on Bill 9.

[Motion carried]

[Ms Sweet in the chair]

The Acting Speaker: The hon. Member for Wetaskiwin-Camrose.

Mr. Hinkley: Thank you, Madam Speaker. The Committee of the Whole has had under consideration a certain bill. The committee reports progress on the following bill: Bill 9. 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: Does the Assembly concur with the report? All in favour, please say aye.

Hon. Members: Aye.

The Acting Speaker: Opposed, please say no. So ordered.

Government Bills and Orders

Third Reading

Bill 12

Preserving Canada's Economic Prosperity Act

The Acting Speaker: I'll now recognize the hon. Member for Calgary-Hawkwood.

Connolly: Thank you, Madam Speaker. It's my pleasure to rise today as cosponsor of Bill 12 to move third reading on behalf of the minister and to voice my support for this bill and for the action our government has taken to get pipelines to tidewater.

Now, the other day the Leader of the Opposition railed about the campaign of misinformation being conducted by opponents of the Trans Mountain pipeline, and I have to say that I agreed with much of what he had to say. Certainly, I believe that pipeline opponents are often short on facts to back up their arguments. They oppose Trans Mountain expansion out of concern for the rights of First Nations while ignoring the numerous indigenous leaders who have voiced their support for the pipeline, including virtually all of those along the proposed pipeline route.

They oppose the pipeline on environmental grounds but ignore the considerable progress that the industry has made to reduce emissions and Alberta's cap on greenhouse gas emissions in the oil sands.

Of course, there is the B.C. government, who opposes the Trans Mountain pipeline, a pipeline over which they have no jurisdiction, while approving a pipeline to transport fuel to the Vancouver International Airport.

I have to say, Madam Speaker, that if one is going to rail against misinformation, one had better practise what he preaches, and on this front the Leader of the Opposition and members of his caucus fall woefully short. Let's just name a couple of examples. Members opposite like to claim that members of the government have done nothing to promote or support pipelines. I guess that when you get your news from Rebel media, it's possible that they may have missed hearing everything our government and our Premier have done.

Really, Madam Speaker, when you're a member of the Legislature, is it too much to ask to follow the news? The members opposite apparently missed it, but the Premier's first interprovincial meeting after being elected was with New Brunswick Premier Brian Gallant, in July 2015. A news release stated, "The two premiers . . . discussed carbon exchange pricing and the Energy East project, and recognized their importance for both governments."

In October 2015 our Premier and Premier Gallant held a news conference right here in Edmonton to affirm their support for Energy East. A direct quote from our Premier: Alberta as the push and New Brunswick as the pull in terms of getting that pipeline approved.

In March 2017 we even talked about our support for both Energy East and Trans Mountain in the Speech from the Throne. Again, I know it's not on Rebel media, but the pages actually handed

members opposite a copy of that speech in the very Assembly. Is it too much to ask that they read the Speech from the Throne?

Also on Trans Mountain, on January 12, 2016, our Premier provided a written submission on behalf of the government of Alberta to the National Energy Board. In April 2016 she presented to the federal cabinet, and in December 2016 she travelled to Vancouver to promote the economic benefits of Trans Mountain to British Columbia and British Columbians.

I could go on and on, Madam Speaker, but I'm sure you get my point. If members opposite fail to understand, I'm sure my colleagues would be happy to give some further examples of where we have stepped up to support pipelines because I want to move on to a different example of how the Leader of the Opposition and his caucus like to spread misinformation.

You know, a favourite talking point of the members opposite is that because someone somewhere still opposes pipelines, our government's climate leadership plan has failed. They claim that it hasn't convinced anyone, Madam Speaker. This conveniently ignores the fact that the climate leadership plan helped convince the people with the authority to actually make this decision, the government of Canada. In other words, this pipeline would have been dead 18 months ago if it wasn't for the leadership our government has shown to position Alberta as a responsible energy producer. The members opposite can try to ignore it, but it's an undeniable fact.

It also ignores the fact that as our Premier and other members of our government share Alberta's story across Alberta and across the country, support for the pipeline is rising. According to recent polls a large majority of Canadians, including a majority of British Columbians, now support the Trans Mountain pipeline expansion. In other words, Madam Speaker, our strategy to work with industry, with environmentalists, and with indigenous people to get this pipeline built is working.

But members opposite howl that because not everyone is convinced, somehow the government has failed. We haven't convinced people who are never going to change their minds under any circumstances, no matter what facts were placed in front of them, people with extreme positions whose minds were made up a long time ago and who will never budge from those positions, no matter what evidence shows or what a majority of their fellow Canadians may think.

You know, Madam Speaker, it's a lot like the opinions of the Leader of the Opposition, and this was the point I was trying to make the other day on social issues. For years public opinion polls have shown that three-quarters or more of Albertans support a woman's right to reproductive choice or the right of same-sex couples to marry, yet the Leader of the Opposition clings to his extreme hardline views on these topics. He hasn't changed his mind with more information or tried to catch up with the majority. He believes what he believes.

Madam Speaker, the climate leadership plan was about getting the trust of reasonable Canadians and potential investors from outside Canada, the people who needed convincing. The majority of Canadians were and are people who believe that climate change is real, who care about the environment, and who want to see evidence that Alberta is a responsible energy producer. Well, we've been able to show them that evidence, and the result is that support for the Trans Mountain pipeline expansion is rising. A majority of Albertans support it, a majority of Canadians support it, and a majority of British Columbians support it.

Our approach is working, Madam Speaker. It's winning the day, and it's thanks to this approach that this pipeline is going to get built. Thank you.

With that, I'd like to move third reading of Bill 12.

11:40

The Acting Speaker: Thank you, hon. member.

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

Mr. Panda: Thank you, Madam Speaker. I would like to compliment the Member for Calgary-Hawkwood for actually speaking up on important matters like pipelines recently. I appreciate that. But he would do well, instead of being obsessed to go after the Leader of the Official Opposition on every single occasion – his constituents, partly going to be my constituents soon, would appreciate if he really focused on matters of substance.

Madam Speaker, I rise to speak in support of Bill 12 because in this House, at least on this bill, there is no scope for divisions. But since the members opposite keep bringing up criticism of the Leader of the Official Opposition, I also have the responsibility to correct the record here. I'll speak to that briefly.

Madam Speaker, Bill 12 is an incredible, powerful bill that can halt exports of Alberta's oil and gas, or it can prioritize or it can optimize the products shipped to the west coast. While the province cannot restrict flows on federal pipelines or federal railways, it is the feeders to these that can be shuttered, slowing the flow to a trickle. Provincial pipeline tank farms are all affected by Bill 12. So, too, are the provincial short lines and industrial railways. This means that many tank cars will not get loaded for the shipments outside Alberta if the powers of Bill 12 are used. These are incredible, extraordinary powers. Bill 12 is a very much loaded economic weapon, with unlimited ammunition, and the NDP government has no shortage of targets.

The Leader of the Official Opposition and the Member for Calgary-Lougheed has been advocating for these powers for eight months. We in the Official Opposition are here prepared to help load this economic weapon and hand it over to the Premier and her government to actually use. But recent comments indicate that the NDP government does not understand the concept of ready, aim, fire.

Industry is onboard with these powers. Some of my stakeholders that I consulted such as the Explorers and Producers Association of Canada and its president, Gary Leach – this is what he had to say: we are supportive from the perspective that we need this pipeline impasse resolved. So, too, Petroleum Services Association of Canada's president, Tom Whalen: "The larger issue is the crisis in confidence that investors cannot rely on the rule of law in Canada for investment of their capital, especially if the government must resort to taking a financial position in the project to ensure it proceeds."

The Official Opposition understands the need for these powers now, until the Kinder Morgan Trans Mountain pipeline expansion is built. So, too, does Saskatchewan. A bill before the Saskatchewan Legislature will do the same thing. Having an expiry date for these powers signals to industry that this is a temporary measure. An expiry date allows investors to invest with certainty and confidence instead of uncertainty.

Bill 12 brings in a licensing system for the export of petroleum products. Needing a licence is not a given but entirely at the minister's discretion and subject to a public interest test. Permits issued under the Gas Resources Preservation Act to move natural gas are deemed to be already having a licence. There will be a public interest to test the issuing of the licence, based on the point of export; method of export; maximum quantities; maximum daily quantities; conditions for diversion, reduction, or interruption; and the period of time for the licence. The minister may reconsider decisions made.

Madam Speaker, I actually went to the technical briefing on the bill, and I had tons of questions. The minister's chief of staff gave me his phone number and said: call me later; I'll clarify it for you.

I took him up on that, seriously, and called. But no answer till today. I reminded the minister: Minister, I called your chief of staff; he offered to clarify; no answer. I didn't want to bring it up in the House. I wanted to come prepared to debate, and I also wanted to share that information with my colleagues. Till today no one got back to me, just to put it on the record. That's why we have so many questions still. In spite of that, we're still supporting this bill because the United Conservatives put Alberta first.

The Minister of Energy will create regulations as required, specifying how Bill 12 will be: applications for which fuels, applications for a licence or an amendment or renewal of a licence, fees for a licence or licence renewal, terms or conditions to which licences are subject, and the method of measurement of natural gas, crude oil, or refined fuels.

Madam Speaker, with up to 35 per cent of Washington state petroleum coming from the Trans Mountain pipeline, any disruption in flow will raise gasoline and diesel prices in America as well. We know that the governor of Washington stands arm in arm with the B.C. NDP Premier, John Horgan, on this pipeline. What would America say and do if their most trusted, secure supply of petroleum was halted? Would America take Canada in front of the NAFTA panel and litigate? We don't know.

Would the federal government be forced to pay a penalty, and would Ottawa even dare to try to tax the penalty back from Alberta after Albertans pay over \$20 billion a year to Ottawa? That's not just small money. We're sending \$20 billion to Ottawa each year that never comes back. That is the equivalent of the entire budget for national defence. And British Columbia had a chance to oppose the pipeline at the NEB hearing, and they didn't.

Madam Speaker, the Member for Calgary-Hawkwood also mentioned that when someone somewhere opposes pipelines, we say something. It's not someone somewhere. There are people in this House, that actually sit on the front benches on the other side, that oppose pipelines. I have a video showing the Premier opposing Northern Gateway, and this Premier didn't say one word when Trudeau killed Energy East. A member of this cabinet wrote the introduction to a book on how to obstruct pipelines, how to take an action a day to keep capitalism away. I can name other members. I mean, it's on the Internet. They can google it. When he says that, he should remind himself that there are people in this House who oppose pipelines still today.

I'm not making it an issue. They brought up, you know, on Bill 12, instead of talking about it, an attack on the Leader of the Official Opposition. That is not helping Albertans. That's why I had to bring it up. As I said, Madam Speaker, we have to stand together on this. We don't care who gets the credit. Our leader said that he'll give the credit where it is due.

If they don't want to follow through on what they say in this House, what's the point of passing this bill if they don't want to even use it? In good faith we are supporting this bill, hoping that they'll use it, because Bill 12 is a loaded economic weapon. It will take a government that is prepared to proclaim it. They have to proclaim this, Madam Speaker; otherwise, they can't use it. They have to proclaim the law in order to make British Columbia wake up and realize that there are consequences to their lawfare and their disrespect of the Constitution vis-à-vis projects in the national interest.

With that, Madam Speaker, I urge every member of this Legislature to vote in favour of Bill 12. Thank you.

11:50

The Acting Speaker: Thank you, hon. member.

Are there any other members wishing to speak? The hon. Member for Sherwood Park.

Ms McKittrick: Thank you, Madam Speaker. I feel I've been sitting here in the Assembly listening to a lot of speeches from the opposition, and I always have to ask myself: what are they actually saying, and do they always recognize that we're sitting here in the provincial Assembly of Alberta and not in Ottawa? I'm really confused about what you believe, what you don't believe, and where you're going with this.

Today I wanted to talk about Bill 12 and the wonderful day that I spent with the Minister of Energy actually visiting a lot of the pipeline industry in my riding. The members opposite may not know this, but in our riding we actually have the beginning of the Trans Mountain pipeline and we have the Inter Pipeline company and Pembina, who, through their control stations, run all of the pipelines, I think, mostly in Alberta. As you can well imagine, the issue of the pipeline is very important to myself and my constituents, and we actually spent a lot of time talking to the companies. You know what? We discussed this bill with the companies in the visits with the minister.

I should pause and really thank the staff of the Member for Strathcona-Sherwood Park who organized these visits with these companies.

We actually talked about this bill and why the government was proposing this bill and the importance of this bill. Do you know what? We didn't get any push-back from these companies because they understood that the reason the government was putting this bill forward was because it was really needed to show our determination to get this pipeline built.

I want to really thank the Premier and the Minister of Energy for their commitment to having this pipeline built and for understanding the importance of having legislative resources in case we run across blocks. We spent the whole day with the minister and these pipeline companies. Through that discussion, it was very obvious that the minister had spent quite a bit of time consulting with the oil and gas sector and that she had talked to them, obviously, about the purpose of this bill and what may happen or not. And they were very, very supportive of the opportunity.

Now, I just want to really speak a little bit more about the point that I made that we're here in the provincial Legislature and not in Ottawa. I'm really, really confused. I believe that it's very dangerous to keep mixing provincial and federal political levels. I have to also wonder if a lot of the comments that are coming from the opposite side on this bill are really something that should have happened at the federal stage but that the current leader of that party is still fighting in this Legislature his thinking about climate change. I don't think the opposition really believes that climate change is something that really happens.

One of the things that the opposition recently said – and I think it really relates to this bill and why there's been some work done by the ministry – is, again, an attack on environmentalists and so on. You know, when I talk to the oil and gas companies – and I do spend a lot of time with them, and I know the Minister of Energy and many ministers do – one of the things that I always do is to meet with environmentalists within the oil and gas sector.

I don't know if you know that, but all of the oil and gas sector has environmentalists that are a very important part of their team. When the pipelines are built, there are a lot of environmental standards. There's actually not only one control station for each pipeline; there's also a substation somewhere else that's totally independent so that in case there's a failure within the main control station, there is the possibility of quickly switching to the other control station so that any leaks and so on are prevented.

So the oil and gas sectors have very strong environmental safeguards, and they hire environmentalists. This is why I have to wonder why the opposition is always talking negatively about environmentalists and the work that environmentalists do because we wouldn't have this pipeline and all the other pipelines in Alberta if these companies did not hire environmentalists to make sure that the environment is protected and so on.

What I would really like to ask the opposition at some point is: why are you always fighting environmentalists, and why do you think that the work of environmentalists is very bad when the oil and gas sector all have a lot of environmentalists on their staff? It is the work of the environmentalists and the staff, as I find out when I visit these companies, that is really allowing the pipelines to be built in a way that safeguards all of us. So I would like to just suggest to the members opposite that you actually go and visit these companies and meet environmentalists and find out what work the environmentalists have done to allow these pipelines to be built.

I'm so thankful for the work that Trans Mountain has done and is doing and the careful work that they were doing in my riding at the beginning of the pipeline to make sure that the pipeline can be built in a safe way that protects all of us from spills.

I just wanted to go back and talk a little bit about the work that the Minister of Energy is doing on this bill and why this bill has gotten support from the oil and gas sector. The oil and gas sector knows that the only way that this bill would be used is if indeed it was the only way, if we could not get the pipeline built. There are a lot of safeguards in that so that it's only going to be used when it's needed and not used for purposes that are not appropriate.

I wanted to talk a little bit about the importance of the Trans Mountain pipeline, not only to my sector. I don't know if you know that when a pipeline is built, a lot of the companies make sure that the material is bought locally. For example, in my constituency we actually have steel manufacturers and we have a steel mill, but the pipeline is going to bring economic benefits to many, many communities around Alberta. One of the things I really appreciate from the oil and gas companies in my riding and in the Industrial Heartland is that they make a real huge effort of employing local people and buying the material that is needed in Alberta and from local companies. I think this is a real demonstration to me that these oil and gas companies understand that the benefit of their work is throughout Alberta.

I'm especially delighted when I find out that these companies, including the Trans Mountain pipeline, are hiring a lot of women. When we recently visited the Trans Mountain pipeline, Inter Pipeline, and Pembina Pipeline, we saw the real efforts that these companies are making to diversify their workplaces, to hire women, to hire more minorities, to hire indigenous communities.

I would like to urge all members of the Assembly to support this bill, to also support the work that those pipeline companies are doing to be environmentally responsible, and to stop bashing environmentalists through their policies at their conventions or through what the Leader of the Opposition says because these pipelines would not be built if these companies did not have such strong environmental leadership within their head offices and within their top management.

The Acting Speaker: Hon. member, I hesitate to interrupt, but pursuant to Standing Order 4(2.1) the Assembly will now stand adjourned until 1:30 this afternoon.

[The Assembly adjourned at 12 p.m.]

Table of Contents

Prayers.....	985
Orders of the Day	985
Government Motions	
Time Allocation on Government Motion 16	985
Division	986
Election Commissioner Appointment.....	986
Division	986
Division	991
Division	991
Government Bills and Orders	
Committee of the Whole	
Bill 9 Protecting Choice for Women Accessing Health Care Act	992
Division	993
Third Reading	
Bill 12 Preserving Canada’s Economic Prosperity Act	994

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