



Province of Alberta

The 29th Legislature
Fourth Session

Alberta Hansard

Wednesday morning, November 28, 2018

Day 55

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

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Deputy Leader of the Official Opposition
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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-Ste. Anne (NDP)
Carson, Jonathon, Edmonton-Meadowlark (NDP)
Ceci, Hon. Joe, Calgary-Fort (NDP)
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Coolahan, Craig, Calgary-Klein (NDP)
Cooper, Nathan, Olds-Didsbury-Three Hills (UCP)
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Dang, Thomas, Edmonton-South West (NDP)
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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 (FCP)
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 (Ind)
Goehring, Nicole, Edmonton-Castle Downs (NDP)
Goodridge, Laila, Fort McMurray-Conklin (UCP)
Gottfried, 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)
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Piquette, Colin, Athabasca-Sturgeon-Redwater (NDP)
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Sabir, Hon. Irfan, Calgary-McCall (NDP)
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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)
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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)

Party standings:

New Democratic: 53 United Conservative: 26 Alberta Party: 3 Alberta Liberal: 1 Freedom Conservative: 1 Independent: 2 Progressive Conservative: 1

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Legislative Assembly of Alberta

9 a.m. Wednesday, November 28, 2018

[The Deputy Speaker in the chair]

Prayers

The Deputy Speaker: Good morning.

Let us reflect. As members of the Alberta Legislature let us always be mindful of the privilege inherent in our role and the responsibility invested in us as we fulfill our obligations with honesty, integrity, and mutual respect, and may our first concern always be for the good of the people of Alberta.

Please be seated.

Orders of the Day

Government Bills and Orders Committee of the Whole

[Ms Jabbour in the chair]

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

Bill 22

An Act for Strong Families Building Stronger Communities

The Chair: We are currently on amendment A2. Are there any members wishing to speak to the amendment?

Seeing none, are we ready for the vote?

[Motion on amendment A2 carried]

The Chair: We are back on the main bill. Any questions, comments, amendments? The hon. Member for Vermilion-Lloydminster.

Dr. Starke: Well, thank you, Madam Chair, very much. I want to make a few comments initially to preface my remarks on this bill, and then I do have an amendment as well. Actually, what I'll do is that I'll hand the amendment off to our page staff, and they can get it distributed.

I want to start by saying that I'm really pleased with the work that was done by the ministerial panel and by the minister in continuing with this ongoing challenge we have. There can be no doubt that the entire area of child intervention, that the entire area of dealing, you know, with difficult situations of children in care is one of the most challenging that we have in governance. I'm not even going to say government but governance. It is a problem that is not unique to Alberta. It is a problem that is not even unique to Canada.

It is one that is a challenge to us, and I can't help when we have these discussions but think about our former colleague Manmeet Bhullar because when Manmeet was given the responsibility for this file, I still remember vividly – it would have been about five years ago; it would have been December of '13 or maybe January of '14 – being at a meeting where he talked about reviewing every last file where there had been a death of a child in care. I can tell you, Madam Chair, it is a memorable sight to see a 300-pound man weeping at a caucus meeting when he talked about reviewing each and every one of those files.

I am glad that this minister has tackled this issue, and I'd also like to say about the approach on Bill 22 that I've truly appreciated this minister and the approach that she has taken with regard to inviting amendments, inviting discussion to it. I think this bill so far has had

some sort of record in terms of the number of amendments that have passed. Minister, that's a very good reflection on you and your department and the approach that has been taken on this piece of legislation, and I can't help but think that that's partly because this minister at one time was a member of TUXIS youth parliament. That has proven to be a very good training ground for young parliamentarians. One thing about TUXIS that was interesting is that it was nonpartisan.

So with those preface remarks, Madam Chair, I'd like to move the following amendment. Dr. Starke to move that Bill 22, An Act for Strong Families Building Stronger Communities, be amended in section 3 in the proposed section 1.1 by adding the following after clause (d). That would be:

(e) the family is the basic unit of society.

Now, Madam Chair, that might not seem like a big deal. That might not seem like a major amendment, and in fact some might say: well, gosh, that seems self-evident to me. But in the feedback I've received on Bill 22, much of it has been very positive from my constituents. I have been especially pleased with the feedback I've received from people who are foster parents or who are formerly foster parents. They're especially glad to see the assistance that will come about with regard to indigenous children because in many cases if the foster parents or the foster family does not have any indigenous cultural background, it is something that they are unable to discuss or even to have a good working relationship with the child in care. So the families that contacted me are very glad to see this.

But I also had a number of people who were very concerned about a change in wording. It's small and it's subtle and you have to really dig to find it, but it is there. If one compares the wording of the old act, in the old act section 2(a) states, "The family is the basic unit of society and its well-being should be supported and preserved." In the new act the proposed wording under section 2(a) is, "The child's family has the primary responsibility for the safety and well-being of the child and the family's well-being should be supported and preserved."

Madam Chair, the second half of the original clause (a) is still there, but the first half has been amended or changed, and the very clear statement that the family is the basic unit of society has been eliminated from the proposed bill. I have a problem with that. A lot of Albertans that I have spoken to have a problem with it as well.

I want to talk a little bit about why it's important that those words appear. Those words are nothing new, Madam Chair. I'm going to quote now from the United Nations universal declaration on human rights, which was passed in 1948, one of the first documents that the United Nations agreed on. Article 16(3) of the universal declaration on human rights states, "The family is the natural and fundamental group unit of society and is entitled to protection by society and the State." That's in the United Nations universal declaration on human rights. While I know that there are in some quarters some people who doubt the activities of the United Nations, who feel that the United Nations is an organization that is no longer relevant in today's world, I think some of the base statements from the United Nations are ones that we still hold to, and some 70 years after this document was ratified, I think that those statements still hold true.

If you're not sure about that, Madam Chair, I'm going to refer to a letter, and this letter was written by Dr. Ruth Halperin-Kaddari. Now, Dr. Halperin-Kaddari is quite a remarkable woman. She was born in 1966. She is an Israeli legal scholar, an international women's rights advocate. She's known for her work in family law, feminist legal theory, women's rights in international law, and women and religion. In addition, she is the vice-chair of the United Nations Committee on the Elimination of Discrimination against

Women and has served on that committee since 2006. She was one of the first recipients of the U.S. Secretary of State's international women of courage award for her work on international women's rights in 2007, and she was rated as one of the world's 100 most influential people in gender equity policy just earlier this year in 2018.

I say all these things to establish Dr. Halperin-Kaddari's credentials as an expert in this area. In 2012 Dr. Halperin-Kaddari wrote a letter or made a submission to the recommendation from CEDAW. Now, who is CEDAW? Well, CEDAW is the convention on the elimination of all forms of discrimination against women. It is also a United Nations document. It was adopted in 1979 and has been ratified by 189 of the UN member states. Curiously, it hasn't been ratified by the United States, but it has been ratified by Canada as well as 188 other countries.

In her submission to the 2012 meeting, which was held in Istanbul – and I will table these documents later – she writes:

As stated in the Universal Declaration of Human Rights, the family is the basic unit of society. It is a social and a legal construct, and to some, it is also a religious construct. The family is where all of us human-beings get our very basic notions of interrelationships: the understanding of the meanings of connections, care, as well as roles, duties and responsibilities. It is the place of socialization for children, who become young adults, and in the process they internalize the norms, the social patterns, the various family roles they witnessed in their families. When the family functions on the basis of gender equality and equity, these are the values that shall accompany those who grew in such families throughout their adult lives. When maltreatment, exploitation and inequality characterize the family, they shall characterize their members throughout their lives.

9:10

Madam Chair, Dr. Halperin-Kaddari in her opening statement in this letter to the CEDAW convention was very, very clear that the family is indeed the basic unit of society. I think that that is something that we should support, and in fact Article 16(3) of the universal declaration on human rights states that it "is entitled to protection by society and the State." Whether it's by oversight or whether it's something that was designed this way, the new legislation does not contain that statement, and that's a concern to me. That's a concern to many Albertans that I've spoken to.

The amendment I'm proposing is a simple one. The amendment proposes that we reinsert the language that the family is the basic unit of society. While it may seem most logical to put it into section 2, section 2 had already been amended, so when we were working with Legislative Counsel on this, we were unable to amend that section. But then I suggested and they worked with me on this that we add it to the section under guiding principles and that it be added at the bottom of the guiding principles section as:

(e) the family is the basic unit of society.

Madam Chair, to many this will seem like a small change. To many this will seem like this is just a cosmetic thing, but to many Albertans this is an important statement. Families define themselves. Families define who is in them by their own members, and I accept that. I also accept that our families take on many different forms in society today. But I think it is also true and, certainly, the intervention panel will have determined, I think, that where families have discord, where there is family strife or breakup, where children are not raised in a community of love, where they are not raised in a household or in a home where equality and equity and respect are the guiding principles, those children are vulnerable. Those are often the children that require assistance sometimes through a government agency or by other means.

I'm asking my colleagues in the House to consider this amendment. I don't think that this is a hugely significant amendment, perhaps in terms of being very symbolic, though. I think it is very important to many Albertans that I've spoken to. I guess my question is: if you're opposed to this amendment, you need to be able to understand or you need to be able to explain to Albertans why you are opposed. Why are you opposed to including the statement that family is the basic unit of society in legislation that deals with family matters?

With that, Madam Chair, I would urge all of my colleagues to support this amendment, and I look forward to the discussion.

The Chair: The hon. Minister of Children's Services.

Larivee: Thank you, Madam Chair. Rather than focusing on what is not in the act, I want to focus on what is in the act that clearly shows how important our government understands family to be when it comes to supporting the child. Bill 22 is actually called an act for strong families, showing that we clearly want to strengthen families and how they're supported. It puts families at the heart of every single step of the child intervention system, and to suggest otherwise is incorrect. All children should be safe, healthy, and live with their families whenever possible, which is why we're updating the wording in the Child, Youth and Family Enhancement Act, so families are not simply the basic unit but have primary responsibility for the safety and well-being of the child and will help strengthen the focus placed on families. It recognizes that families have the primary role and must be supported and preserved whenever possible.

Bill 22 also broadens our understanding of family and will make sure that family connections are recognized, respected, and considered in every decision. Right now the legislation has no guiding principles, but with this act we are adding new guiding principles, including one which already says and clearly states the importance of family to every child. Along with that, under the updated matters to be considered it clearly states that family has the primary responsibility for every child and that family connections must always be considered when making decisions. This will help ensure that family connections aren't just an item on a potential shopping list of matters to be considered but are going to be embedded in every single court and caseworker decision when it comes to any major decision for a child.

Certainly, when I was meeting with Kee Tas Kee Now Tribal Council last evening to talk about this act and what was coming forward, we all agreed, very much so, that we need to support strong families. Strong families and strong communities are what our children know in order to grow and thrive, which is why we have embedded family throughout the whole, entire legislation, have made sure it's clearly understood that they're important to every child. As we go forward, there will be further amendments expected as we continue to engage with indigenous partners, but all of them will continue to clearly state and understand that.

With that, I do feel that we've fully embedded the importance of family throughout this legislation and will not be supporting this amendment.

The Chair: Chestermere-Rocky View.

Mrs. Aheer: Thank you, Madam Chair. Just quickly, I would like to thank the hon. member for his amendment. I completely, completely agree with this amendment. There's a huge difference between recognizing family and actually having a strong statement on family. The hon. member makes a very good point, that that unit, the beautiful thing that this entire bill is about protecting, has to be stated clearly, not just a statement of understanding but a clear

statement about recognizing the family unit. I'm very, very happy to support this amendment.

Thank you.

The Chair: Any other members wishing to speak to amendment A3? Vermilion-Lloydminster.

Dr. Starke: Thank you, Madam Chair. Just a few comments in response to the minister. I certainly appreciate exactly what is in the bill. I appreciate that "family" is embedded in the bill. I appreciate that the title of the bill includes strengthening families. To me, it is incongruous that you would not support an amendment that further strengthens that statement. The statement that "the family is the basic unit of society" is not some construct that I've pulled out of thin air, it's not some construct that belongs to a specific political party or movement, and I don't think it's an idea or a statement that in any way threatens the integrity of this legislation. But I will tell you that its absence causes significant discomfort to a large group of Albertans, and its absence could be interpreted in ways that I think the minister doesn't intend. Voting this amendment down could also be interpreted in ways that this government, I think, has no intent to do.

The statement that "the family is the basic unit of society" is one that is entirely in alignment with the United Nations universal declaration of human rights, and it is a statement that gives comfort to those for whom the family unit is one that is extremely important. Now, I recognize that there may be differences of opinion with regard to that, but if this legislation is indeed as the minister states – there for the protection, the strengthening of families and to recognize the important role of families – then it should not have any difficulty stating that in the guiding principles. Frankly, I'm very pleased to see that the guiding principles section is included in this bill. I think that's really good, and I would agree with the minister that it's better that it's in the guiding principles than just one of a shopping list of items to be considered. Absolutely, I agree with that.

Why wouldn't this statement be included in those guiding principles? I'm not saying and I'm not advocating the removal of any of the proposed guiding principles. I agree with them. They are all strong statements, and they should be there. But the notion that the statement that "the family is the basic unit of society" should not be in this bill, should not be in the act going forward despite all of the other very good language in the act is troubling to many Albertans. It's troubling to me.

9:20

You have to then answer the question: why isn't it there? Why does this government not support including a statement that says that "the family is the basic unit of society" in a bill that they are proposing? I think that's an important question that needs to be answered. It won't need to be answered by me, it won't need to be answered by those who support this amendment because clearly they agree with it, but it will need to be answered if the members opposite decide to vote against this amendment. Certainly, it can be said – and it would be quite accurate – that this government does not support the notion that the family is the basic unit of society. If it did, it would be included in this piece of very important legislation. If it does get voted down, then clearly that's not the opinion of this government, and that is problematic, Madam Chair. It's problematic to many, many Albertans.

With respect, to the minister – and I agree with much of what she has said – what is not in this bill is, in fact, important to Albertans. It is, in fact, significant, especially when one half of what was a very strong statement in the original legislation is deleted from the

new proposed act but the other half, the second half, that talks about preserving and protecting the family, is still there. I'm glad that it's still there, but when I saw that the first half of a statement that is basically lifted almost word for word from the United Nations universal declaration of human rights is removed, that's troubling.

I would urge members throughout the House, all of my colleagues, to support this amendment because I think this amendment reflects the will of Albertans. Thank you.

The Chair: Any other members wishing to speak to amendment A3?

Seeing none, I'll call the question.

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

[Several members rose calling for a division. The division bell was rung at 9:22 a.m.]

[Fifteen minutes having elapsed, the committee divided]

[Ms Jabbour in the chair]

For the motion:

Aheer	Drysdale	Smith
Clark	Fildebrandt	Starke
Cooper	Hunter	Stier
Dreeshen	Pitt	

Against the motion:

Anderson, S.	Goehring	Piquette
Babcock	Gray	Renaud
Bilous	Hinkley	Rosendahl
Carson	Hoffman	Schmidt
Ceci	Horne	Schreiner
Connolly	Jansen	Shepherd
Coolahan	Kazim	Sucha
Dach	Kleinsteuber	Turner
Dang	Larivee	Westhead
Feehan	Miller	Woollard
Fitzpatrick	Payne	

Totals: For – 11 Against – 32

[Motion on amendment A3 lost]

The Chair: We're back on the main bill. Are there any further questions, comments, or amendments with respect to this bill? Airdrie.

Mrs. Pitt: Thank you, Madam Chair. I rise today to speak to Bill 22 in Committee of the Whole here. I'm going to move an amendment first, and then I would like to speak to it. I will wait until you've received the amendment and tell me to proceed.

Thank you.

9:40

The Chair: This will be known as amendment A4.

Go ahead, hon. member.

Mrs. Pitt: Thank you, Madam Chair. I actually rise to move this amendment on behalf of my colleague. I'll read this into the record. I'm actually not sure if I'm allowed to say the name in this one. Am I? No. All right. The Member for Rimbey-Rocky Mountain House-Sundre to move that Bill 22, An Act for Strong Families Building Stronger Communities, be amended in section 17 by striking out the proposed section 105.74 and substituting the following:

Director's duty
105.74(1) When a director becomes aware of

- (a) an incident giving rise to a serious injury to or the death of a child that occurred while the child was receiving intervention services, or
- (b) an incident referred to in section 105.771(1)(b),

the director must, as soon as practicable, report the incident to the Minister and the Chair of the Standing Committee of the Legislative Assembly with the mandate to consider matters pertaining to the Minister's ministry.

(2) The Chair must distribute a report received under subsection (1) to all members of the Committee.

(3) Prior to providing a report to the Chair under subsection (1), the director shall remove information from the report that reveals or could reveal the identity of the child.

Madam Chair, I move this amendment out of memory, to be honest. When this issue first came to this Assembly a couple of years ago, at that time the then minister of human services – the process was to report to him – was neglectful in his duties and refused to act on the report that was provided to him by the office of the Child and Youth Advocate. We know that. The government eventually did respond, and now we have the Ministry of Children's Services and the Ministry of Community and Social Services, which I think is a good move because of the manner in which the minister mishandled this file so completely, which was absolutely disgraceful at that time. For so many of us it became such an emotional issue in this Assembly and for members of the public to hear of the disgusting abuse that happened to Serenity and the complete inaction from the government and the minister of human services at that time, in particular.

This amendment would make it mandatory that any incident involving the death of a child is reported to the minister but also, as a safeguard, to the Standing Committee on Families and Communities, Madam Chair. There's a safeguard in there where the identity of the child would not be revealed to members of the committee for reasons of liability, particularly. The name of the child is not necessarily relevant in that case. This will allow for members of this Assembly to hold the government of the day to account. This is important no matter who the government is. We hopefully will not see a situation again where the minister shows such disrespect not only to the child and their family but to this Assembly.

Madam Chair, we know that when the report of little Serenity was tabled in this Assembly and all members had the opportunity to read what had happened to her, the ministry was still refusing to give reports to the police, that they needed to conduct their investigation. This whole thing was just an absolute bungled mess. That's why we're here today with part 1 of 3, is my understanding, of the work that came out of the panel. Also, my understanding is that there were no conversations allowed to happen about what did happen to little Serenity, which is extremely unfortunate.

But we have a responsibility and a duty in this Assembly to make sure that that never happens again, that the complete mismanagement of this file and this case never happens again. This is a layer of accountability that I'm sure all members of this Assembly can vote for. Madam Chair, all members of this Assembly have to vote for this if we are truly concerned about not allowing this to happen again in this Assembly. This layer of accountability is important for the work that this Assembly needs to do, the minister more specifically. We know that committee can be a good place to flesh these things out, and if there's mandatory notification to the committee, that is certainly what I suspect will happen. It's the right thing to do.

With that, this amendment is moved, and I would just remind all members of this House of what did happen in this Assembly many years ago when the then minister of human services refused to act

and work with the RCMP in their investigation. This is why this amendment is so important here today.

Thank you, Madam Chair.

The Chair: Chestermere-Rocky View.

Mrs. Aheer: Thank you, Madam Chair. Again, thank you for the opportunity to speak to this. I agree with the hon. Member for Airdrie. The opportunity to be able to flesh out ideas and talk about things in Committee of the Whole is incredibly important to the process of how it is that you carve out legislation. You know, if you're able to bring forward an amendment that offers really sound advice as to procedure – and to some degree the amendment that the hon. member is bringing forward is procedural in the sense that it adds an accountability piece to make sure, as she has said, that this doesn't happen again.

You know, I often go back to the article that Paula Simons wrote, the critical report on four-year-old Serenity. The reason I do this, Madam Chair, is because it's imperative that we don't forget. The emotions and everything that we went through, that this entire House went through as we went through this process is something that, as difficult as it was, is a necessary visceral reaction that you have not only to this situation but to really, really wanting to do something solid to make sure that that doesn't happen again.

I had mentioned the last time that I was in the House that just even recently a young man named Dakota actually died in care. He was actually hit by a vehicle. To a large degree, what was happening in his life – by the time he was 14, he had been moved 19 times. He actually died this year. He was living with a parent that, unfortunately, had succumbed to his addictions as well. Dakota was in and out of homes; he was in and out of addiction. There was just never a place that was able to handle the very complex needs of this child and, moreover, to offer that loving familial support. We had mentioned in an earlier debate how important that family unit is. When a child is moved along the system like that, you can't even imagine – I personally can't imagine it, Madam Chair.

Paula Simons actually talked about this in her article, about how important it was to know who Serenity was to be able to attribute the horrors that this child went through, actually knowing who this child was. She's not just an apparition or something that we made up. She was a real human being. It was interesting to read what the minister had mentioned, that it was an unfortunate error. I'm grateful that the minister did actually take responsibility on behalf of the government. That's not an easy thing to do in this situation.

9:50

I think that the hon. Member for Calgary-Hays was saying this yesterday in one of his speeches, that it's really difficult to acknowledge that something has gone wrong, especially when it includes the death of a child, especially when that's on us, right? Even though some of us were not in governance at that time, Madam Chair, now that we're here, we take on that responsibility with the unimaginable hope that we can actually change enough things so that no child would ever have to suffer like this again.

It's amendments like this one from the hon. Member for Airdrie that help to add that level of accountability to this legislation. It would be very, very difficult to understand why the government would disagree with this amendment. When such a horrible thing happens and the answer is that it was an unfortunate error, I think we need to take a look at – it's not just language. It's about acknowledging the loss of this life and the loss of this life while that child was in state care, acknowledging our responsibility to the children that are in state care and actually looking at all of the fundamental pieces of this legislation.

There are some really good pieces in this legislation, but we have pointed out some really fundamental things that bring it around to helping us to understand how it is that we build supports around these munchkins. You can talk about it lots. There's lots of great language in here around what we should do. But panels like this and our responsibility need teeth. They need actionable items that have teeth and that dig into it and that actually work to protect these kids and, moreover, to potentially put those families back together.

We all talk in this House, Madam Chair, about family-centred care. We talk about family-centred care until family-centred care isn't important all of a sudden. It depends on who's talking about it and how it's being used. Well, it is important. When we talk about kinship specifically, there's a piece in the legislation that the band council needs to be notified when a child goes to court. Part of the reason for that is because of the way that First Nations families work within the nation. It's a much larger piece; it's not just the family expanse.

It's actually very similar in my culture in that way. We talk to our grandparents, and we talk to our aunties. We talk to everybody when we're making decisions. I know my sons do. It's a huge family discussion when something is happening in our house. It might drive you crazy, but it's what we know and what we love – right? – about our family. My mother-in-law is actually an amazing woman. She's not able to read and write in any language, and she's the smartest woman I know. Her financial ability is probably beyond mine, so even when I'm making very, very difficult financial decisions, I talk to my in-laws all the time, actually. The reason for that is because of the family structure that we have. I really can honour and respect the complexity of the differences between cultures and the cultural provisions that have been put in.

But what we always have to come back to, Madam Chair, and what I think the government forgets is that this is a safety issue as well. We're not in this discussion because we're just talking about everyday families. We're talking about massive trauma. We're talking about incredible, horrible circumstances from which these children make their way to us. Why would we not want to strengthen the legislation to make sure that those kids have every bit of protection possible, to make sure that everything that we do is about helping them overcome things that probably many of us have never, ever had to endure. It's about helping them to potentially end up back with their families or what they would consider family.

I would like to thank the hon. Member for Airdrie for this excellent amendment, and I would hope that the government would vote in favour. Thank you.

The Chair: The hon. minister.

Larivee: Thank you, Madam Chair. Absolutely, you know, looking at the intent of this amendment, it is emphasizing the importance of accountability and transparency around the child intervention system, something that I agree with very, very strongly. I do want to look at this, though, within the context of the full suite of changes that are being made in terms of the Child, Youth and Family Enhancement Act, in terms of not just this act but also, you know, Bill 18 in the previous sitting of the House around changes.

This section that we're looking at around the director's duties, section 17, previously required reporting to the council for quality assurance. Based on the recommendations of the panel, in Bill 18 the council for quality assurance was removed, and in fact we required, as a result of that, the office of the Child and Youth Advocate to investigate every single death. In fact, throughout the act there are mandated requirements to report, you know, all of these incidents immediately to the office of the Child and Youth

Advocate. I certainly don't think the reporting should just be to the minister – we do need to do it – but we are reporting these incidents broadly to the Child and Youth Advocate.

Also, if you turn to section 22 of the bill on public reporting of serious injury, it actually requires the minister to “publicly report . . . an incident giving rise to the serious injury to or death of a child that occurred while the child was receiving intervention services . . . within 4 business days after being notified of the incident.” You know, Madam Chair, this goes beyond reporting it to a Legislative Assembly committee. It's about making sure that the Child and Youth Advocate, who investigates these incidents and can provide recommendations on them, knows as soon as possible, making sure that the public knows broadly, which includes, obviously, that every member of this House would have access to that same information. This is just ensuring, of course, that the minister who is accountable for the department also knows, on top of that.

You know, I really don't see our legislative committees as review committees. That's not necessarily their role. In terms of incidents, absolutely we need to look at the big picture in terms of what's happening in terms of reviewing the work that needs to be done, but that role falls very much to the Child and Youth Advocate. Individually we can look at that information, but I feel that at this point in time around accountability and transparency we've done great work moving forward to ensure that broadly the advocate as well as the public are notified of these.

I feel that we've already addressed accountability and transparency. I don't feel that a legislative committee is necessarily an addition to that, so I won't be supporting the amendment.

The Chair: Chestermere-Rocky View.

Mrs. Aheer: Thank you very much, Madam Chair. I would like to just make a point of clarification. To the minister: thank you so much. We understand on this side of the House the role of the advocate. It's a completely different piece. I want to make sure that we're talking about the same thing here.

In the legislation the child advocate is legislated to do exactly what the minister said. I completely agree with that. We're not talking about that, though. We're talking about the standing committee and actually about the public knowledge that goes out. As you know with what happened with Serenity, Madam Chair, we didn't find out until the media brought it forward. This is about providing accountability to the standing committee that has been put together, you know, under the auspices of this government to be able to speak of and talk to the way that we tweak and alter legislation in order to make sure transparency is there. This is completely different.

Just to clarify, I didn't mention anything about the advocate. I understand the role of the advocate. All of us on this side understand the role of the advocate. We understand the legislative duties of the advocate. In fact, we've advocated on behalf of the advocate because all of a sudden the entire section of this went towards the advocate. Everything changed when that committee was disbanded and the advocate was legislated to stand in and bring forward all this information. We understand that.

This is a completely different piece of the legislation. Transparency and accountability come at many levels. The advocate is obviously going to do that, but by the time the public or even the opposition has the opportunity to review, see, or otherwise comment on files, especially when it only comes after the death or serious injury of a child, you can imagine the difficulty that the opposition would have in trying to amend or change or help out with legislation once this has already happened.

10:00

What we're asking for is another level of accountability. Just to clarify, we understand the role of the office of the Child and Youth Advocate. We want to clarify the role of the committee and the absolute necessity for that level of transparency within the process of making sure, as the hon. Member for Airdrie said, that this never happens again.

This has to be a common goal in this House. There's absolutely no point of this legislation or any legislation like this if the goal is not, Madam Chair, to make sure that no child ever undergoes what these children and, especially in this case, Serenity have undergone.

Please, I would beg that the government look at this as an opportunity to be able to report. Again, there's absolutely no way that extra reporting in this particular situation can harm the situation. It would only be helpful. I would ask that the minister relook at her no vote on this amendment and please vote yes.

The Chair: Any other members wishing to speak to the amendment?

Seeing none, we'll call the vote.

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

[Several members rose calling for a division. The division bell was rung at 10:02 a.m.]

[One minute having elapsed, the committee divided]

[Ms Jabbour in the chair]

For the motion:

Aheer	Drysdale	Smith
Cooper	Hunter	Stier
Dreeshen	Pitt	

Against the motion:

Anderson, S.	Fitzpatrick	Piquette
Babcock	Goehring	Renaud
Bilous	Gray	Rosendahl
Carson	Hinkley	Schmidt
Ceci	Horne	Schreiner
Clark	Jansen	Shepherd
Connolly	Kazim	Sucha
Coolahan	Kleinstauber	Turner
Dach	Larivee	Westhead
Dang	Miller	Woollard
Feehan	Payne	

Totals:	For – 8	Against – 32
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[Motion on amendment A4 lost]

The Chair: Are there any further questions, comments, or amendments with respect to Bill 22? Chestermere-Rocky View.

Mrs. Aheer: I'd like to adjourn debate on 22, please.

[Motion to adjourn debate carried]

Bill 23

An Act to Renew Local Democracy in Alberta

The Chair: Moving on, we're on Bill 23, An Act to Renew Local Democracy in Alberta, considering amendment A2. Any comments on amendment A2? The hon. Member for . . .

Mr. Cooper: Olds-Didsbury-Three Hills. I know it's a little surprising to me, Madam Chair, that one could be remiss to

remember the outstanding constituency of Olds-Didsbury-Three Hills. But I digress, and I appreciate the great work that you're doing in the chair this morning.

I'd just like to take a couple of quick seconds, Madam Chair, to sort of frame up where we're at. I know it's been a few days since we've been chatting about amendment A2, a good, solid amendment, I might add. I just think that I will remind the House about why this is important, and then I expect that some of my colleagues will be able to provide some context as to why it's important that we move forward with such a reasonable amendment.

You'll know, Madam Chair, that this particular amendment makes clear what third-party groups can and cannot do and how donations may or may not be attributed to their members. And you'll know that in this particular piece of legislation it creates an exemption for how non-union organizations would be treated compared to how union or employee organizations would be treated. While I heard from the minister at the beginning of this week that this is the exact same wording that is used in the provincial legislation, I just might like to add that during the debate on the provincial legislation it was highlighted, too, that this is not the best path forward, that creating one set of rules for unions and employee organizations and a separate set for others doesn't create fairness. It doesn't create openness. It doesn't create transparency and, in fact, allows unions to continue to collect mandatory dues and make a contribution or spend those dues without informing those who paid those dues as to what the usage of those dues would be.

We on this side of the House don't believe that that is appropriate. I certainly know that in the outstanding constituency of Olds-Didsbury-Three Hills this is a topic of discussion that has come up around what unions are allowed to do, and not just, I might add, from folks that might have voted for the right-of-centre side of the spectrum but from some union members even who – I'll correct that, because in this situation it wasn't specifically a union member. It was a couple of individuals of an employee organization expressing some concern around their mandatory fees being used to support a cause or a political movement that doesn't align with their particular political stripes. They had some concerns about this. We have some concerns about it.

10:10

This amendment will ensure that all organizations are treated equally. I think it's important that we note that it doesn't prevent the union or the employee organization or the non-union from actually contributing. It just requires them to inform their members to do it honourably, to do it in an open and transparent process, and to not take money from those who might not like to support, say, the NDP or perhaps support the conservative movement in the form of third-party advertising.

So that is where we're at. I know it's a bit of a refresher for folks. I look forward to hearing from some of my colleagues on some of their concerns around this particular piece of legislation. I know that the Member for Livingstone-Macleod, who is an old sage, you might say, providing lots of wisdom and insight into legislation over a long period of time, has some comments as well as the young man from Innisfail-Sylvan Lake, who believes in the democratic process and making sure that it's strong and robust.

The Chair: The hon. Minister of Municipal Affairs.

Mr. S. Anderson: Thank you, Madam Chair, and thank you for the chance to provide some clarity on this. I'm not able to support the amendment that the hon. member has put forward as it would create

a significant inconsistency between the Local Authorities Election Act and legislation governing provincial elections. The current proposed wording for section 170 in Bill 23 is essentially the same language used in section 44.3 of the Election Finances and Contributions Disclosure Act. This alignment ensures that we have essentially the same set of rules in both provincial and municipal elections when it comes to contributions and disclosure of third parties and those that make contributions to them. By drafting section 170 in this way, it not only ensures consistency but reduces the risk of confusion between provincial and municipal elections and how third-party contributions are treated.

With specific respect to the member's stated concerns about the treatment of trade unions, I should clarify that the legislation will continue to treat trade unions and corporations in the same way when contributing to a third party. Corporations are not required to attribute contributions to the names of employees of the corporation, just as trade unions do not have to attribute contributions to individual members of the trade union. This recognizes that there is a significant difference between large organizations like corporations and trade unions and smaller, more informally structured groups. Groups tend to be a lot smaller than trade unions and are more ad hoc in nature, meaning that they are less permanent. However, recognizing that trade unions and employee organizations can be substantial in size and in their ability to contribute, this section had built-in clarity surrounding how trade unions may contribute to a third party.

In relation to the Alberta Labour Relations Code trade unions are treated more in accordance with corporations, meaning that they can be prosecuted, be sued, or are capable of suing. In contrast, groups are not defined in the same way. Members of groups are liable and able to be prosecuted, sued, or are capable of suing. This means that groups and trade unions are distinct entities from a legal context.

Bill 23 also recognizes these differences in the way it addresses offences that could be committed by various entities. Offences are distinct and different between an individual who has committed an offence versus an offence committed by a trade union, employee organization, or a corporation.

Based on all of the above and, in particular, in recognition of the need for consistency between legislation governing local elections and legislation governing provincial elections, again, I cannot support the proposed amendment.

Thank you, Madam Chair.

The Chair: Olds-Didsbury-Three Hills.

Mr. Cooper: Well, thank you. I appreciate the minister's comments. I just find them very ironic. You'll know, Madam Chair, that amendment A1 was to create similarities between the rules at the municipal level and the provincial level in terms of the requirement to disclose the amount of a donation. The provincial rules say that any donation over \$250 needs to be disclosed, so we suggested that this is the best path forward. Yet the minister chose to leave the amount at \$50. It wasn't because we had an ideological bent towards \$50 or \$250; it was just to create a certainty and similarity in the legislation. And he said that no, he's not willing to do that. Now he's saying: no, I'm not willing to make changes to this because it will create uncertainty in the legislation and discrepancies between the municipal elections act and the Election Act.

So I don't know. Is it an apple and an apple or an apple and an orange? When is an apple an apple, and when is an orange an orange? I don't quite understand the minister's logic or reasoning here. I think it's unfortunate because, in fact, both are good

amendments, and he's picking when he wants consistencies and when he's comfortable with inconsistencies, and I don't think that that is a net positive for the legislation on the whole, but I'll let some of my colleagues speak more to the other points.

The Chair: The hon. Member for Livingstone-Macleod.

Mr. Stier: Well, good morning and thank you, Madam Chair. Good morning, everyone. It's an interesting debate that we're having here on the local elections changes for local councillors and so on and so forth for municipalities this morning. That's for sure.

As we went through the bill, we found an awful lot that was significant in there. And as we all know, throughout municipal elections, particularly in the larger urban centres, you see an awful lot of feistiness and you see an awful lot of unfortunate situations that some of the other members today may be speaking of beyond this particular amendment in terms of polling station issues and so on.

I would just like to readdress what's been discussed so far this morning a little bit by going over some of the stuff that has come to light when we were researching this. Just to remind everyone, what we're talking about here with this amendment, A2, is that we're going to be striking out in clause (b), under section 170, the words beginning with "other" that say "other than a trade union or employee organization," and also we're going to be striking out clause (c). So there seems to be a bit of a loophole in this little set of circumstances that we're discussing, from the manner in which it's been presented.

You know, section 56 in the proposed section 170 of the act outlines the rules for groups who wish to make an advertising contribution to the party. What is a group? You know, why this "group" is being separated out is a concern. I note, too, that if I go back into the earlier part of the briefing that we had on this, one of the things we were trying to do overall in these changes to election acts and the way they're working is to disallow corporate and union donations, yet here we have, it seems, a way for the unions to be involved. It doesn't make sense to me.

Anyway, the definition for group is important to note here, I think. It's section 162(1)(h), on page 55, which defines a group as an unincorporated group of individuals or corporations acting in consort for a common purpose and includes . . .

and includes

. . . a trade union and an employee organization or any combination of individuals, corporations, trade unions or employee organizations.

Now, that is what is in the definition in the act. I didn't write that myself.

It seems that Bill 23 is proposing that a group can donate to a third-party advertiser only, one, if its members donated the money to the group voluntarily and two, if the group made it clear to its members that the money it was collecting was being donated to a third-party advertiser and if the names of the members who made the payments and the amount that they paid each are recorded by the group and provided to the third-party advertiser.

So, you know, our amendment that we're proposing here would remove the exemptions for unions that allow them to donate money to third-party advertisers that was not collected explicitly for that purpose; in other words, union dues. Section 170 says that groups that are not unions or employee organizations can only donate to a third-party funds that were collected from its members voluntarily explicitly for the purpose of donating and that are attributed to the member from which the funds came. It seems like it is exempting unions and employee organizations from any of these restrictions.

10:20

On one side you've got one set of arguments. On the other side you've got another set of arguments within the same bill. This exemption, if left unchanged, would allow the unions to donate money to third-party advertisers that was collected from its members that the union told them was for, actually, possibly other purposes. It's disappointing to see this going in this direction, and what we're doing with our amendment is trying to clean that up, taking out the words in clause (b) and striking out "other than a trade union or employee organization" and closing a loophole.

Those are my comments at this stage, Madam Chair. I look forward to hearing what else may be brought up from others here at this time.

Thank you.

The Chair: Innisfail-Sylvan Lake.

Mr. Dreeshen: Thank you, Madam Chair, for the opportunity to speak here today on this amendment to Bill 23. I concur with my two former colleagues that this is a very important amendment because . . .

An Hon. Member: Former?

Mr. Dreeshen: My colleagues that went before me. Sorry.

I do believe that it does make a very important change to this piece of legislation. I do find it interesting, Madam Chair, that the minister and the NDP just couldn't help themselves. They had to create a backdoor, a trap door, exemption for unions to be able to have their hidden union money funnel in through to PACs. Really, it's astonishing. It's almost like they thought they could get away with it, and I think that it's great that we're actually calling this out. I hope the media actually does a good job in reporting this because unions should only be allowed to contribute to these third-party advertisers with consent from their membership. It makes sense that you would have to actually inform the unions' members that they would use this money for partisan purposes. I think it's very important not just for the benefit of democracy in Alberta but also to actually have unions' members and their rights protected through this legislation so that this sort of hidden union money isn't allowed in municipal elections.

Again, I do believe that the minister thought he could get away with it, but I think it's good that we have this amendment. I'm surprised the minister said that he wouldn't support this amendment.

Madam Chair, if you'd allow me, Jerry Dias, the president of Unifor, a couple of weeks ago came out with some very heavy partisan attacks against Conservatives and to say that we will stop Conservatives. It's interesting that here you have a union boss who goes out of his way to engage in hyperpartisan attacks and then weeks later the Oshawa plant closes and 2,500 of his members are going to lose their job. To me it's unbelievable when you allow unions to be left unchecked. They're not actually going to work in the best interests of their members, especially with this loophole in this piece of legislation allowing union bosses to be able to funnel money in through to third-party advertisers.

I think this is a very good amendment that blocks that abuse from happening from unions, and I do hope that the minister would actually consider this amendment. Thank you very much, Madam Chair.

The Chair: The hon. Member for Calgary-Klein.

Mr. Coolahan: Thank you, Madam Chair. A couple of brief comments. I will not be supporting this amendment simply because

the opposition just doesn't understand. It's that simple. It's remarkable that all of a sudden they care about union members and their dues. You know, they haven't cared about them before. I mean, all of a sudden there's this sympathy for union members. It's not true what they're saying, that union members don't know where their dues are going. There are monthly meetings held. There are strict financials. They know where the money is going.

The other thing is that most unions do not support political parties. They support ideas, good ideas, platforms, which is why they just don't support our friends on the other side. It's that simple. It is that simple. It's too bad that sometimes the opposition wouldn't stand up for other people that even aren't in unions, workers that aren't in unions. I mean, we've seen, you know, maybe corporations who do donate a lot of money to parties. Well, maybe all that money could've gone to those pensions that they failed to pay sometimes, right? There are a million examples. You've got an old one, Nortel, and Sears recently, where they're just not paying pensions but maybe that money is going into political donations.

I'm not sure about that, but I can't support this amendment because the opposition just can't come up with a strong enough argument to support it. I think the minister has done a good job of explaining this to them, and I'm trying to help them along, too. I will say that I will not be supporting this amendment and let's move on. If you have more amendments, bring them on.

Thank you.

The Chair: Innisfail-Sylvan Lake.

Mr. Dreeshen: Thank you, Madam Chair. Just in a quick response to the Member for Calgary-Klein, who just recently said that "unions do not support political parties." I find that extremely rich when the Alberta Federation of Labour, actually, in the New Democratic Party's constitution have seats. It's written into their constitution that they're actually part of the New Democratic Party. I find it fascinating that the NDP would stand in this Assembly and say that "unions do not support political parties." It's fascinating. I just thought that I needed to point out that inaccuracy in the member's statement.

Thank you.

The Chair: Any other members wishing to speak to amendment A2? Drayton Valley-Devon.

Mr. Smith: Thank you, Madam Chair. I rise today to speak to the amendment by the hon. Member for . . .

Mr. Cooper: The outstanding . . .

Mr. Smith: . . . the outstanding constituency of Olds-Rimbey . . .

Mr. Cooper: Didsbury. Whoa, whoa, whoa.

Mr. Smith: Olds-Didsbury and . . .

Mr. Cooper: Three Hills.

Mr. Smith: Three Hills. Thank you very much. I know.

Mr. Cooper: He doesn't even care about me.

Mr. Smith: Madam Chair, I may have just burned a few bridges with that introduction there. I'm sorry. I apologize to the member.

I wanted to rise to speak about a gentleman that has been in contact with me over the last two or three weeks who has raised this very concern to me. We'll call this man John. John has some concerns about the fact that union dues, which are mandatory, are

often used to promote issues that should be voluntarily supported by individuals rather than mandatory through the dues.

There are often times, we understand, when unions and other organizations are made up of a collection of people. That's the way it was when I was in the ATA as a professional organization. There were people of all political stripes within the ATA, some them Conservatives like myself and some that would have felt more comfortable in, say, the NDP. We all have different political points of view in these organizations, and for an organization to take a mandatory due and then use it for a political purpose which not all of its members would share seems to me to not pass the test of fairness. He has brought this to my attention, and he is very concerned about the fact that dues are being used for hyperpartisan and hyperpolitical positions and that that should not be legal.

10:30

This amendment addresses that. This amendment tries to level the playing field and make sure that the same rules would apply for those that belong to unions and other professional organizations and those that do not.

I think that most Albertans, when they look at this issue, can understand that there's a discrepancy here that this amendment addresses, and I think that it should receive the support of this House. Thank you, Madam Chair.

Mr. Hunter: Madam Chair, in listening to the hon. Member for Drayton Valley-Devon – I got that right – I heard about John, as he was describing this guy. There was another situation that I had heard about from another union member, a new union member. He was newly inducted into a union. Because of being concerned about getting in trouble with the union, he's asked that I do not share his name. I won't call him John. We'll call him Pat.

Pat stated that when he joined the union, he had to sign two papers. The first paper, the first, I guess, contractual agreement, was that the union could use those dues to do what they felt fit, basically allowing them to decide where those union dues were going to go. The second was that he would pay union dues. The interesting thing that he thought was: why do they need to have two of these forms that they were actually signing? He felt that this was completely wrong and unacceptable and that they were overstepping the purpose of the union.

There's nobody in this House, I believe, that believes that unions do not have a purpose. They do have a purpose. They serve a very good purpose, as a check and balance on the private sector and governments that want to take advantage of them. They have to have that right to be able to unionize, and if they so choose, then that is something that they should have the right to do.

However, in this situation we are seeing, once again, a scenario where the government is stacking the deck in favour of those who are giving them a monetary reimbursement or a monetary instrument to be able to help them fight and win an election. In this situation, Madam Chair, this is the government that has proposed that they are going to take dark money out of elections. This is the government that said that they want to take corporate and union donations out. Yet they are making a provision here that would allow them to circumvent the complete narrative that they have presented to Albertans.

It is completely disingenuous, Madam Chair, and it's amazing that they would actually stand in this House, once we've caught them and brought it out, and try to say that this is absolutely not happening. It is plain that this is exactly what they're doing, and we're seeing evidence from union members that are actually sending us some letters saying, you know: we're very concerned about this.

Now, if it's the purpose of the unions to be able to advocate for their members, then do that. But if it's the purpose of the unions to act as a PAC, then let's at least be honest about it with Albertans: "You know what? We're a hundred per cent behind the NDP" or whatever left-leaning political organization that they are supporting. But be honest with Albertans about it so at least Albertans know what playing field they're dealing with, because every time that they argue the fact that big business is buying elections and point the finger there, three are pointing back at them. This is an optics problem that they're going to have to deal with.

I think that this is a reasonable amendment. I think that the hon. member has dug deep into this, has consulted with a wide variety of people, and this is the concern that has been brought forward. I think that this is the natural place that we can talk about this and bring this to light. If we so quickly say that there is nothing to it, once again we're seeing this arrogance that has cost the past government the government. I think it's folly – complete folly – for this government to do this after, basically, three and a half years.

I would be very much in favour of voting for this, and I would recommend that all of our members vote in favour of this. I thank the member for his diligent work, for being able to bring this to light, and for helping me to understand this situation.

Thank you, Madam Chair.

The Chair: Any other speakers to the amendment? Innisfail-Sylvan Lake.

Mr. Dreeshen: Thank you. Just another quick question, Madam Chair, and it might actually sway some votes on this amendment, hopefully. I just checked. The AFL is actually an association of unions, so the Member for Calgary-Klein can feel good about that. But I just wanted to ask the minister if he could at least tell us: in his consultations did union leaders from the AFL actually ask for this exemption to be put in the piece of legislation?

Thank you.

The Chair: Any other members wishing to speak to the amendment?

Seeing none, I'll call the question.

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

[Several members rose calling for a division. The division bell was rung at 10:36 a.m.]

[Fifteen minutes having elapsed, the committee divided]

[Ms Jabbour in the chair]

For the motion:

Aheer	Drysdale	Smith
Cooper	Hunter	Stier
Dreeshen	Pitt	

Against the motion:

Anderson, S.	Goehring	Payne
Babcock	Gray	Piquette
Bilous	Hinkley	Renaud
Carson	Horne	Rosendahl
Ceci	Jansen	Schmidt
Connolly	Kazim	Schreiner
Coolahan	Kleinstauber	Shepherd
Dach	Larivee	Sucha
Dang	Luff	Turner
Feehan	McPherson	Westhead
Fitzpatrick	Miller	Woollard

Totals: For – 8 Against – 33

[Motion on amendment A2 lost]

The Chair: Back on the main bill. Are there any comments, questions, or amendments? Grande Prairie-Wapiti.

Mr. Drysdale: Thank you, Madam Chair. It's my pleasure to rise to speak to Bill 23 this morning, An Act to Renew Local Democracy in Alberta. I think, you know, the minister means well by this bill. I know he's a good guy and well respected amongst all the municipal councillors that I talk to. I think he's doing a good job. It's just that I find myself in this job as opposition. I guess it's my job to oppose government bills, so I'm going to have some comments. My comments are around the fact that I spent 15 years as a municipal councillor. I've been on that side of it, so I see this side, and I can tell this House that municipal politics, at least rural municipal politics, is nonpartisan. There's no partisan in it, so I have some concerns about this.

Talking to all my colleagues in municipal politics – I visit with them lots as part of my job – I've never heard concerns from them asking for these kinds of big changes in local elections, so I'm a little surprised at some of the things in this bill. You know, the minister, when he introduced it, said that he had support of RMA and AUMA. I'm sure he probably did talk to the chairs or whatever and they give him support. But I hope he didn't show them the bill before he introduced it. I'm sure he didn't. He probably just assured them that it was all good and it was a good thing for them, so of course they're going to support it. But, I mean, the bill has 89 pages in it. I don't think he went through all 89 pages with RMA or AUMA to explain the changes there. If he says that it's good, they'd believe him and say: yeah; we'll support you on it. But the devil is always in the details, and in 89 pages there's a lot of details.

I've talked to my mayor of Grande Prairie. I've talked to lots and lots of rural councillors at the RMA last week. I know a lot of them, and none of them that I talked to knew the rules in the bill. Most of them didn't even read anything about the bill, quite frankly. My mayor did, but he didn't know the details, and probably he shouldn't because he wouldn't have been shown the bill before. But they were all surprised when they heard some of the things in there, like nonresidency and vouching for as many people as you want. They all said, "That's not in there." And I said: "Yeah. Well, read the bill." Of course, none of them had.

So those are some of my concerns. They didn't agree with some of those things once they heard the details, and that's just a few of them.

One of the other things in this bill is moving municipal elections financing into PACs and unions like this government has done with the provincial elections. Now they're forcing it into municipal elections. I don't really agree with that, and I'm a little confused by this government. Like, a month ago they were saying how bad PACs were and they're no good. They say: well, we took big money out of politics. Well, I'm afraid they didn't. They just drove it underground. We don't see where it is in all these PACs and unions. Before maybe there was money there, but it was all accounted for and shown and reported and everybody knew where it was. Now I can tell you that you've got no idea where some of these PACs are getting their money from. Now they're trying to force that on municipal elections.

So does the government like PACs or do they not, and if they don't like them, why are they forcing them on municipal elections? I'm a little confused about that. I know that just, like, a month ago they were saying in this House how bad PACs were for it. I think forcing money underground so we don't know what's going on

hasn't helped the transparency of either our provincial or now municipal elections. I'm not sure if this is the way for this government to have unions now influence municipal elections, whether the unions can get people on our big city councils to affect how those councils are going to vote and treat unions. I'm just not sure why. That's my suspicion.

The financial disclosure statements: I mean, it's all good to bring in all these more rules and make it harder. You know, there's a big difference between small rural councils and big city councils, and I know that in a big city maybe more rules are needed. But in the small rurals, most of it – I went through five elections there, five years, and never raised any money. It was all self-funded. Now all of a sudden it's going to make it harder to do that, all the rules and reporting. I saw it the last time that some good people got disqualified because they didn't follow the rules. Of course, there are a lot of rules and they don't understand them all and didn't deliberately do anything wrong, but they misstepped on some technicalities, and they were kicked out.

I just hope that passing this legislation and the way they're going – maybe we need to separate between small rurals and big cities. I'm not going to talk about big cities, but I just hope we're not taking people that live in their communities and really care what happens in their communities and are just good, solid people in their communities – I hope we're not chasing them away from running and we're going to build our councils out of lawyers and accountants because they're the only ones that can figure out these technical, crazy rules. Somebody else isn't going to bother with that stuff and just say: the heck with it. I know that back when I first got into municipal politics as a farmer, I wouldn't have. I would have just said, "To heck with it" and wouldn't have run. I just hope we're not doing that. That's why I have some concerns about this legislation.

11:00

You know, we say, "Well, we want to mirror the rules in provincial and municipal elections; we want everything to be the same," but then we've already heard in some amendments that they're not the same. Like, if we're going to make them the same, why not give municipalities the ability to give tax deductions? That's the way it is provincially. You want to make it the same but, no, not quite the same; you want to keep separate rules.

You know, these are just some of my concerns generally. I just think we should have a difference between small rurals and big cities. I'm not necessarily against the bill. There are a lot of good things in here, whether you vote for it or against it. I'm just not sure why we have all this stuff in the bill. I'm suspicious of it, and so are some of my municipal colleagues.

Thank you for the opportunity to speak this morning, Madam Chair.

The Chair: Olds-Didsbury-Three Hills.

Mr. Cooper: Thank you, Madam Chair, and thank you to my colleague from Grande Prairie-Wapiti. I know that his commitment to public service has been long standing. I think that between his municipal service and his service now in this House it's 26 years if I'm not mistaken. You know, anyone that has given their life's work to our province, whether it's at the municipal level or the provincial level, I believe deserves our thanks. Unfortunately for this place, that hon. member is not going to see too many more days here in this Chamber.

On behalf of the good people of Olds-Didsbury-Three Hills I personally would like to thank him. I know that I have learned a significant amount about what it is to serve the public, about what

it is to serve this Chamber, about what it is to interact in the legislative precinct, you know, to act in all aspects of this job with integrity and honesty, and if there is anyone who has been a reflection of that over his whole career, it is the Member for Grande Prairie-Wapiti.

I actually hadn't planned on thanking him, but I do believe that he really does deserve our thanks. I can see him shaking his head back there. I know how uncomfortable this sort of public recognition of such an incredible commitment to our province makes him. That's just the kind of person that he is. He doesn't have a desire to have recognition for his commitment to the province. He really just wants to leave the place better than he found it, and I really, truly believe that that's exactly what he's done. So from the bottom of my heart thanks so much for everything and for what you've taught me and all of the work that you've done.

I hope that as an Assembly, as we get closer to the end of this term, we'll have an opportunity to recognize in a more formal way some of those that have done an incredible amount of service to this place.

Having said that, let's get back to the business of the morning, and that is this bill, Bill 23, that my colleague from across the way has proposed, the act to save local democracy or whatever it's called, something close to that. I would like to just propose an amendment briefly this morning on that, and I'll just wait for your command.

The Chair: This will be known as amendment A3.

Go ahead, hon. member.

Mr. Cooper: Excellent. Well, thank you, Chair. I move that Bill 23, An Act to Renew Local Democracy in Alberta, be amended in section 51 in the proposed section 147.34 by striking out "election expenses" and substituting "campaign expenses."

Now, Madam Chair, I believe that this should be a fairly easy amendment for us to deal with this morning. It appears that there was a small oversight in the drafting of the legislation. You know, I know that I have jested with the member across on how he talked about his consultation and how the bill is so perfect. Then he had to amend his own piece of legislation because it turns out that it wasn't perfect. I think that in the name of due diligence and consistent study we should make sure that the legislation accurately reflects the intention of the minister, which, in fact, from time to time is the main goal of the Official Opposition.

I believe that on page 41, section 147.34, where it discusses campaign expense limits being left to the regulations, the challenge is that it uses the words "election expenses" and not "campaign expenses" in the text of the subsection. As such, election expenses are not actually defined anywhere in the bill or, in fact, in the Local Authorities Election Act. It would create some significant uncertainty. I know that we've heard from the minister this morning that sometimes he's okay with inconsistencies between the municipal elections act and the Local Authorities Election Act, and other times he's not. But it's my sense that the minister, too, recognizes that this is a small oversight, and it would make good sense that we correct this particular section.

You'll know, Madam Chair, that on page 34 the proposed section 147.1(1)(a) does in fact define a campaign expense as

any expense incurred, or non-monetary contribution received, by a candidate to the extent that the property or service that the expense was incurred for, or that was received as a non-monetary contribution, is used to directly promote or oppose a candidate during a campaign period, and includes an expense incurred for, or a non-monetary contribution . . .

The definition of campaign expense is clear; for election expense it is not. As such, I believe that we should go ahead and make this amendment quickly. We're going to have some significant discussion around these campaign expenses later on in some of the amendment process, but I think that for now it would make very good sense for us to go ahead and pass this amendment so as not to continue to create uncertainty for those looking for clarity around the rules of what is or what isn't a campaign expense and not, in fact, an election expense.

The Chair: The hon. minister.

Mr. S. Anderson: Thank you, Madam Chair. I will never claim to be perfect, but if the member keeps saying that, my face might be as red as the Member for Grande Prairie-Wapiti's when he, deservedly so, got kudos for his long service.

The Member for Olds-Didsbury-Three Hills and I like to give each other a hard time and rib each other from time to time. Though we might not agree on much, Madam Chair, even a broken clock is right twice a day. In that spirit, I do believe that this is a good amendment. He's not even listening to my good jokes. Come on.

Mr. Smith: That's okay. I appreciate it.

Mr. S. Anderson: Thank you, Member.

We believe that election expenses and campaign expenses were basically the same thing, but the member raises a good point that "election expenses" is not defined in the act whereas "campaign expenses" is defined as a term under section 147.1(1)(a). This amendment would add consistency and clarity to the act, and I thank the hon. member for bringing it forward. I urge all members to support this amendment.

The Chair: Any other members wishing to speak to amendment A3?

Seeing none, we'll call the vote.

[Motion on amendment A3 carried]

Larivee: At this time I would like to move that we adjourn debate on Bill 23.

[Motion to adjourn debate carried]

11:10

Bill 29 Public Service Employee Relations Amendment Act, 2018

The Chair: Any questions, comments, or amendments with respect to this bill? Cardston-Taber-Warner.

Mr. Hunter: Thank you. It's a pleasure to be able to rise and speak to Bill 29, the Public Service Employee Relations Amendment Act, 2018. We've had a few good discussions, I believe, on this bill, and I had indicated earlier that I would be bringing forward amendments to this bill. What I would like to do, Madam Chair, is that I would like to provide you with an amendment at this time. I have the requisite number of copies.

The Chair: This will be known as amendment A1.

Go ahead, hon. member.

Mr. Hunter: Thank you, Madam Chair. For this amendment I move that Bill 29, Public Service Employee Relations Amendment Act, 2018, be amended in section 8(1) by striking out "June 1, 2019" and substituting "December 31, 2019." This is, I think, a common-sense amendment that addresses the concern that the

universities have provided in their written submissions to this government as they were crafting this bill. The submission and the concern that they had brought forward is that they needed to have more than six months in order to be able to implement for HR departments, for legal teams this act and this legislation.

I have crafted this amendment in the hopes that the government will take a sober second look at this and do the right thing and provide the universities, which this will be having a direct material effect on, with that necessary time. They had asked for two to four years; we're asking for just another six months. I think it's a reasonable compromise, Madam Chair, and I hope that the members opposite will take a serious look at this amendment in our debate here today.

Thank you.

The Chair: The hon. Minister of Labour.

Ms Gray: Thank you very much, Madam Chair, and thank you to the member for the suggested amendment. We have been in conversations with universities and those impacted by the changes to this bill. The member is correct that the postsecondary sector did request a longer adjustment time specifically for the moving of nonacademic staff from under PSERA as a labour relations regime into the Labour Relations Code. We have given them that longer adjustment period because the transition period for that move is going to be July 1, 2022. That date was chosen because it aligns with the change that is also happening for academic staff. This allows us to have a single bargaining regime in our postsecondary sector, because all academic and nonacademic staff will be under the Labour Relations Code, as opposed to having some under the Labour Relations Code and some under PSERA.

The changes that are happening on June 1, 2019, are dealing with a section that specifically excludes some workers from being able to be part of the bargaining unit based on some classifications. This is a section where we've received the strong legal opinion that it would not be upheld given the recent Supreme Court rulings around the importance of the right to collectively bargain. The reason that that section is happening on June 1, 2019, is because we're dealing with constitutionally protected rights of workers to be able to collectively bargain.

I can tell you, from the correspondence and the work that we've done with the postsecondary sector, that universities were expecting this change, and it had been communicated to them. Their concern about a longer transition period is really about the bigger change of nonacademic staff moving into the labour relations system. I'm very pleased to say that we were able to work with them and exceed their request for amount of transition time because that change will not happen until July 1, 2022.

Because extending the transition period or the implementation date would essentially delay workers having that Supreme Court protected right to collectively bargain, I will not be supporting this amendment. But the member's concern that we give appropriate transition to our universities is absolutely well taken, and we have done that in the areas where they have the greatest concern, again, by not transitioning nonacademic staff until July 1, 2022. I appreciate the intent, but I will not be supporting this amendment.

Mr. Hunter: Madam Chair, I appreciate the minister's comments on this. One question I have for her. As she was speaking, she said that she was concerned or that the ministry was concerned that this would not meet a constitutional challenge. Is there a constitutional challenge presently?

The Chair: The hon. minister.

Ms Gray: Thank you very much. Section 12, that we are talking about, specifically excludes bargaining rights to people of five different titles. One of those I have personal experience with because the title is systems analyst. Working in the IT world, I knew many people with this title. It's a title that my husband has held at various employers in various pieces of the process.

Right now there has been a concern around whether this section is constitutional. Now, the lower courts, as the member mentioned in his opening comments during second reading – he's correct that some of the lower courts have said that they don't think that there's a constitutional challenge, but it's currently under appeal. It hasn't been fully litigated, and given the Supreme Court rulings in a number of cases it is the strong legal opinion that our government has received and my belief that under this new labour relations climate this section would not be upheld. It's a priority for me as Minister of Labour to make sure that we have a labour relations system that would meet the test of respecting the rights of workers to collectively bargain. For that reason, we are making this change and removing that exclusion for these five titles of workers.

My understanding is that the current challenge is moving forward into an appeal process, and this change will mean that that process would not need to proceed because we would remove the exclusion that is currently under legal debate. I hope that answers the member's question.

Mr. Hunter: Madam Chair, I appreciate the minister, and she knows that I have the deepest respect for her, but let's be one hundred per cent clear here. This is not just a few court cases or a court case.

I'm going to read into the record so that the members of this House have an understanding of the scope of how many times AUPE has actually challenged this: AUPE versus Alberta, 2014, ABCA 43; Alberta Union of Provincial Employees versus Alberta, 2013; Alberta versus Alberta Union of Provincial Employees, 2011; Red Deer College versus the Alberta Union of Provincial Employees, 2017; Alberta Union of Provincial Employees versus University of Calgary, 2008; Alberta Union of Provincial Employees versus Northern Alberta Institute of Technology, 2015; Alberta Union of Provincial Employees versus Board of Governors, Northern Alberta Institute of Technology, 2011; Alberta Union of Provincial Employees versus Board of Governors, Northern Alberta Institute of Technology, 2010; Alberta Union of Provincial Employees versus Alberta, 2011.

There are nine challenges there that I've just read, nine challenges that indicate that AUPE has been trying to establish that 12(1) is their constitutional right. They have brought this forward not just in terms of a legal challenge, but they've brought this forward to the Labour Relations Board as well. Each time, Madam Chair, this has been rejected, and they have ruled in favour of the government and in favour of the universities.

11:20

I think that what the minister is saying is: the legal opinion, we believe, is that if it was brought as a constitutional challenge, it would uphold the AUPE's challenges for these many years. If that is the case that she's bringing forward, why does she need to actually give legislative right to the AUPE prior to that challenge happening? It would seem, in my opinion, that it would be prudent for the government to wait for the challenge to actually happen. If the AUPE believes in the efficacy of their argument, that it is actually something that is right, then I don't see why they need to have legislation to actually force – force – 12(1) on PSERA. This seems heavily handed to me.

Look, I'm interested in hearing a rebuttal to that. I think that Albertans and especially members of PSERA – I believe we're talking about almost 19,000 members. I believe they deserve to have an answer to this.

The Chair: The hon. minister.

Ms Gray: Thank you, Madam Chair. Really quickly, we're not talking about 19,000 members. We're talking about, right now, people of five job titles who are not part of the union because they've been excluded. We are talking about people who have been denied their constitutionally protected right to collectively bargain. The examples that the member cited of previous court cases all took place before the 2015 Saskatchewan Federation of Labour versus Saskatchewan ruling by the Supreme Court that reinforced and upheld that constitutionally protected right to collectively bargain. It's the result of that 2015 decision – our legal opinion now strongly suggests that this is unconstitutional. As to why we don't wait, again, it's because this government believes in protecting the constitutional rights of all workers, all Albertans.

Those are my just brief rebuttals. This is about fairness, and this is about making sure that all workers, their rights, are protected.

Thank you.

Mr. Hunter: Madam Chair, fine. I accept the argument. Once again it does not answer the question, which is: if she believes in the value of her argument, then – this is a court challenge – let them take it to the Supreme Court and let them fight it out there. Let AUPE challenge this in the Supreme Court. I don't see why, again, they have to have this heavy-handed approach to ramming this through. The only reason why I can see this happening is because this government is very concerned that they are not going to be in government in the next six months, and they have to have this legislative cudgel in order to be able to get this done for AUPE. If that's the case, I'm calling them out on it. I believe that Albertans deserve to have the right to know that this is what's happening.

Now, she said that this does not affect 18,900 or the 19,000 members. She's absolutely right. I asked her chief of staff, when we did the technical briefing on this, how many it actually does affect, and the answer was that they don't know. But our researchers are a little better than theirs – I just wanted to make sure you were listening this morning – and I found out that it's about 6,774 employees. That is a substantial number of people. I think that at least those members deserve to know the background on this situation and at least need to know how many times these five classifications have gone to court: nine times.

The courts have found that those classifications should be exempted from the collective bargaining because of the sensitivity, from what I understand, of the information that they have. I want to just read to you who those people are. We're talking about a budget officer, a systems analyst, an auditor, a disbursement control officer, a hearing officer. Those positions and those classifications have important information that could cause a material effect on collective bargaining, and this is the reason why they're exempted.

I once again think that this is just an issue that this government is bringing forward because they don't believe they're going to be in government and they need to be able to tie up these loose ends and bring a little more of their public servants into the union fold of AUPE.

The Chair: Any other members wishing to speak to the amendment? Innisfail-Sylvan Lake.

Mr. Dreeshen: Thank you, Madam Chair. I would just like to speak in favour of this amendment from my good friend from Cardston-Taber-Warner because I think it's a simple one. We're ultimately just asking for more time. It's not just my colleague from Cardston-Taber-Warner that is asking it, but also the universities have been asking for more time to wrap their heads around this. I think it's a reasonable amendment, and I hope the minister and the folks across the way will support this.

Just a quick question to the minister on the court case that is pending right now: what effect does she think this legislation in its current form would actually have on the ongoing court case?

The Chair: The hon. minister.

Ms Gray: Thank you very much. It is my understanding, although I am not a lawyer, that the appeal that is currently planned and moving forward would no longer be necessary because this legislation would resolve the constitutional concern that that court case is discussing.

I would like to just clarify very quickly that this is not about AUPE, as the members across have suggested multiple times. This is about five professions of workers not receiving their constitutionally protected right to collectively bargain and being excluded from that collective bargaining process. There are a number of workers within those professions, so this is not about a particular union. This is just about fairness and making sure that we protect the constitutional rights of workers.

The Chair: Any other members wishing to speak to the amendment?

Seeing none, I'll call the question.

[Motion on amendment A1 lost]

The Chair: We're back on the main bill. Are there any further questions, comments, or amendments?

Mr. Hunter: Madam Chair, I would like to bring forward another amendment to this bill. I will provide the necessary copies and wait for your information.

The Chair: This will be known as amendment A2.

Go ahead, hon. member.

Mr. Hunter: Thank you, Madam Chair. I move that Bill 29, Public Service Employee Relations Amendment Act, 2018, be amended in section 8(2) by striking out "July 1, 2022" and substituting "July 1, 2027."

Now, there is a five-year add to this. Very simply, Minister, this is an issue of: they asked for two to four years. This is adding more time because the transition is substantial. There's going to be a lot of work in terms of the HR and legal departments. I've already made the argument for increasing the timelines in the last amendment, so I will not pontificate anymore on this one.

I would urge all members to be able to vote for this. Again, the issue is about giving them the necessary time to be able to implement these things.

11:30

The Chair: The hon. minister.

Ms Gray: Thank you very much. With the current transition timeline of July 1, 2022, we are giving sufficient time to the postsecondary sector. More importantly, that date aligns with the date when academic staff will be falling under the Labour Relations Code. It makes sense to have this transition for both academic and

nonacademic staff happen at the same time rather than one many years later. So I will not be supporting this amendment.

Thank you, Madam Chair.

The Chair: Any other members wishing to speak to amendment A2?

Seeing none, I'll call the question.

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

[Several members rose calling for a division. The division bell was rung at 11:31 a.m.]

[Fifteen minutes having elapsed, the committee divided]

[Ms Jabbour in the chair]

For the motion:

Aheer	Drysdale	Smith
Clark	Hunter	Stier
Dreeshen	Pitt	

Against the motion:

Anderson, S.	Goehring	Piquette
Babcock	Gray	Renaud
Bilous	Hinkley	Rosendahl
Carson	Horne	Schmidt
Ceci	Jansen	Schreiner
Connolly	Kazim	Shepherd
Coolahan	Kleinsteuber	Sucha
Dach	Larivee	Sweet
Dang	McCuaig-Boyd	Turner
Feehan	Miller	Westhead
Fitzpatrick	Payne	Woollard

Totals:	For – 8	Against – 33
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[Motion on amendment A2 lost]

The Chair: Are there any further questions, comments, or amendments with respect to Bill 29?

Seeing none, are you ready for the question?

Hon. Members: Question.

[The remaining clauses of Bill 29 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Chair: Opposed? That's carried.

The hon. Deputy Government House Leader.

Larivee: Thank you, Madam Chair. At this time I'd like to move that we rise and report Bill 29 and report progress on bills 22 and 23.

[Motion carried]

[The Deputy Speaker in the chair]

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

Mr. Sucha: Thank you, Madam Speaker. The Committee of the Whole has had under consideration certain bills. The committee reports the following bill: Bill 29. The committee reports progress on the following bills: Bill 22 and Bill 23. I wish to table all copies of amendments considered by Committee of the Whole on this date for the official records of the Assembly.

The Deputy Speaker: Does the Assembly concur in the report? Say aye.

Hon. Members: Aye.

The Deputy Speaker: Opposed? So ordered.

The hon. Deputy Government House Leader.

Larivee: Thank you, Madam Speaker. Given that we've made great progress this morning, I'd like to move that we adjourn until 1:30 today.

[Motion carried; the Assembly adjourned at 11:50 a.m.]

Table of Contents

Prayers.....	2171
Orders of the Day	2171
Government Bills and Orders	
Committee of the Whole	
Bill 22 An Act for Strong Families Building Stronger Communities.....	2171
Division	2173
Division	2176
Bill 23 An Act to Renew Local Democracy in Alberta	2176
Division	2179
Bill 29 Public Service Employee Relations Amendment Act, 2018.....	2181
Division	2184

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