



Province of Alberta

The 30th Legislature
Second Session

Alberta Hansard

Monday evening, June 8, 2020

Day 27

The Honourable Nathan M. Cooper, Speaker

Legislative Assembly of Alberta

The 30th Legislature

Second Session

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Legislative Assembly of Alberta

7:30 p.m.

Monday, June 8, 2020

[Mr. Milliken in the chair]

The Acting Speaker: Please be seated.

Government Bills and Orders Second Reading

Bill 20 Real Estate Amendment Act, 2020

[Adjourned debate June 4: Mr. Glubish]

The Acting Speaker: Are there any hon. members wishing to join debate at this time? I see the hon. Member for Edmonton-Rutherford has risen to join debate.

Mr. Feehan: Thank you, Mr. Speaker. I appreciate the opportunity to speak to Bill 20 and take the time to reflect on this Real Estate Amendment Act, 2020, that has been put forward by the Minister of Service Alberta. We are quite aware that there are concerns in the real estate community around the administrative process that they go through and that this bill is an attempt to bring a different kind of structure to the Real Estate Council, though we are a bit concerned about some of the basis for the decision-making as to how it is that we arrived at the bill as it now stands, particularly about the work that has been done in the community to ensure that the proposed new governance structure is reflective of the needs and desires of the real estate community and whether or not the kind of consultation that occurred up until this point has helped us to arrive at a place where we can be sure that the structure of the board is one that will reflect the needs as expressed by the community.

Right now the structure of the council is a board of directors as well as four new industry councils: residential real estate agents and brokers, commercial real estate agents and brokers and commercial property managers, mortgage brokers, and residential property managers and condominium managers. We are wondering about the choices that have been made to restructure that and whether or not all of those people will be appropriately involved and have a voice in things moving forward, whether all of the relevant communities of people who are concerned about the issues that are held by the real estate board will actually be involved. I understand that now each council will have three members from the industry and two ministerial appointments, and I guess that on some level that concerns me.

I get concerned when I see a shift to decision-making moving away from the community and community groups that are involved in an area such as real estate and to having the number of industry people minimized and the number of political appointments increased. As a result of that, I guess that at this point we're simply wondering and have questions about how that will happen, particularly the process by which the ministerial appointments will be administered. There has been some real difference in how appointments have been done under the present government than perhaps, for example, under the previous government.

Under the previous government we took the time to review agencies, boards, and commissions in whole to ensure that the amount of partisanship involved in the selection of people for these kinds of committees was reduced dramatically. We created a process where any member of the public could apply for any board or commission, and of course there was a process of vetting the applications to ensure that people who were applying had

appropriate background and knowledge and were bringing something to the board that would be good and strong.

But the point was that the starting place was that the people of Alberta had an opportunity to tell us that they were interested in this particular area, to argue on their own behalf, through a letter of application, that they had some knowledge or some historical background that would make them a strong candidate for the board, and they were considered and interviewed on that basis. In this situation here we don't have a sense that the ministerial appointments are ones that will be going through that kind of a public-oriented process but, rather, will be going through a process that is opaque and doesn't provide clarity to members of the public as to how they were arrived at.

Our concern is that we have seen from our experience over the last number of months that many of the people who have been put on agencies, boards, and commissions have been selected not to represent the issues that are at hand but, rather, to provide the government with a form of control over the outcome of the decisions made by the board or commission, in a way setting up the board or commission to not be an independent body reflecting the demands of the community and demands of the issues that are brought forward in the area of concern but, rather, to reflect on the government's desire to have its point of view put forward at all times and not, therefore, a board which is providing information for the government to listen to but a board that is put together to ensure that they listen to the government.

So I guess that's the concern that we have. We're hoping that as we move along a little, the minister will take some time to assure us that the process itself will be legitimate, that people will not be appointed to the board merely as a reward for some campaign work or some other less than desirable reason.

I know that when I've addressed this kind of issue in the past, the Minister of Justice, for example, has pointed out subsequently that there were times when we were in government that people who were clearly identified with our party's history had been appointed to boards, but I think that, you know, any reasonable understanding of the process of assignment and openness to having all points of view would mean that, of course, some people would be aligned with your point of view. If nobody was ever aligned with your point of view, that would be just as bad as if everybody was aligned to your point of view. It should be a broad reflection of all the values in the community.

So what we want to see is that we're not excluding anybody merely because they happen to be participating in the electoral process, as we actually wish people to do, whether it be from the Conservative side or from the NDP side. Occasionally that's going to happen because they actually have the background to be on the board or the commission, and they might also be involved in the party. But what happens when we see appointment after appointment after appointment where the background of the person appointed to the board or commission is very tenuously connected to the content area that they will be responsible for but their connection to the political party appointing them is very clear and obvious and strong, then of course we have a concern about how people arrive on the board.

Just to be clear, I'm not saying that we should be excluding people who have been supporters of the UCP any more than we should those of any other party, but what we should be doing is ensuring that that is not part of the criteria for them being appointed, that what they should be able to do is stand up and demonstrate to the public, whom they will be representing, that they indeed have the wherewithal to make the decisions necessary and that they will do so in a manner which reflects the desires of the public to be heard in this particular area as in all other areas of government.

I do look forward to the minister addressing the nature of the appointments, the process of the appointments, how they will be made. Certainly, when we move on to the next stage of the bill, we'll have an opportunity to ask some very specific questions about that.

7:40

I'm also concerned a little bit about the RECA and the mandate of the RECA and the fact that it appears that in this bill their focus in terms of licensing and regulation has become somewhat narrowed. I'm hoping that we'll get a chance, as we move along here, to have an understanding about what the intention is behind narrowing the focus of licensing in regulation and why the RECA will no longer be delivering licensing education.

Why is it that the decision has been made to remove the traditional responsibilities and roles of a group that has served this province for quite a lengthy period of time? Is there a reason for that to be taken away from them? Have they indeed failed to fulfill the mandate that was given to them over time? Have there been complaints about the nature of the work that they did? Has there been dissatisfaction with the quality of the education that they provided? Have there been problems in licensing and regulation which would warrant a diminishment of their role?

If so, I would welcome the opportunity for the minister to present that information, to lay it before the House, and to tell us what it is that has gone wrong in the past and therefore what it is that they're trying to fix. If they are trying to fix a problem that has been identified in the real estate community and if this is a solution that the real estate community believes will actually resolve that problem, well, then I would most welcome and support that change.

However, if there was no problem in the first place but there is an intention here to reduce the responsibilities and the ability of the RECA to perform a function which they have performed for some time and that's been most needed in this particular area for some other reason, such as to give the government more control over decisions so that the real estate board is doing what the government wants them to do rather than what is appropriate for the real estate community in the province, I would be concerned.

I'm also concerned about how much is going to be left in this process to regulation, that so many things are yet to be decided, when the time comes up, around bylaws and the running of these institutions, and I worry, unfortunately, because it hasn't been written yet. You don't know what it is you're worried about; you're just worried that so much is being left out of the legislation for this later time that you're going to be surprised when it actually happens.

I certainly hope that the minister involved here has an opportunity to get up and speak to some of the issues that I have addressed and talk about the need for the changes in a specific sense, not the overall – that we're making changes, that we're improving things, the kind of speech that we often hear – but that there are very specific things that are happening.

There are a number of services that are being removed from the RECA's purview, including education, professional advice beyond regulatory information, promotion of the real estate industry, and the setting of standards beyond the minimum of licensing and transactions. What is that about? Why does that need to happen? How will this be improved? Why is it that real estate appraisers will be removed from the RECA oversight, as they are self-regulated through their own industry associations? How will that make things better for people in the real estate community? How will you ensure the transparency and the accountability that we would want from a real estate board in this new process? How will we be assured that

the best interests of the people in the province of Alberta will be maintained throughout this process?

You know, many people will tell you that their lives, particularly in condos, I know, have resulted in a great deal of stress because of the nature of the rules and regulations and their lack of ability to control their own lives. I know that just even yesterday hearing a report from these poor individuals who have bought into a condo development in Fort McMurray – they find themselves yet again being asked to contribute more money for the rebuild than most of them can afford. Some of them are saying that they'll literally now be paying for the appropriation monies that the board has put on them for the rest of their lives, well past their retirement, and feel like they have very little control.

I realize that, you know, there's not always something we can do to fix that, but while we're looking at the real estate boards, can we ensure that their voices will be heard? Can we be sure that the people who are most likely to suffer under problematic situations in real estate aren't the people who are the buyers and the sellers, people who are residents in these condos and so on?

I guess my concerns are really for an explanation about why we are doing these kinds of things. What is it that motivated them? How can we be sure that the intention of these transformations is a reflection of the community of people who are involved in real estate when, in fact, there doesn't seem to have been a lot of consultation or work with the real estate community about the development of this bill and the subsequent regulations? Can we also hear a little bit about the ongoing process that will be engaged in the writing of those regulations once the bill has passed? Who will be involved in that process? What kind of process for feedback will be created to ensure that members of the community can speak to the regulations as they get appointed? And if they disagree with those regulations, is there some way that they can appeal those kinds of services?

I look forward to the ongoing debate that is expected in this House on this particular bill. I'd hope that the minister takes some time to walk us through some of the decision-making and some of the consideration about the process of the bill from here on out.

Thank you, Mr. Speaker.

The Acting Speaker: Thank you, hon. member.

Are there any other hon. members looking to join debate? I see the hon. Member for Edmonton-West Henday has risen.

Mr. Carson: Thank you, Mr. Speaker. It's an honour to rise to speak to Bill 20, Real Estate Amendment Act, 2020. I think that overall, from what I've seen in the proposed legislation as well as my conversations with relevant stakeholder groups and organizations, there is a general feeling of support for this piece of legislation.

You know, I don't think it's news to any of us that there were concerns with the organization of RECA, looking back to 2018, when our NDP government made the decision to have a review done of RECA in October of 2018. That was outsourced to KPMG, who came back with a very important document, which, I imagine, has led to and informed many of the decisions that have been made to this day. Of course, looking back, I believe it was a year later, October 2019, that the decision to fire the entire board at that point was made, and that was per the recommendations of the KPMG report.

7:50

Of course, when we look at what was conducted in that review, there were many interviews and reviewing of documentation to make a high-level assessment of the functioning of this board or the

unwillingness, I suppose, to function at that time, so we saw the UCP minister come forward and fire that entire board, essentially. I appreciate that there's been some time to consult on this legislation. As I mentioned, through the conversations that I've had with affected stakeholders, in general there's a feeling of support out there. I believe there will be some opportunity, as we discuss this legislation, to consider amendments, potentially, that would maybe even strengthen this further.

Once again, we're all very aware of the concerns in the ability of RECA to continue their work. It was something that stakeholders within the industry had brought forward. It's something that the ministry itself, you know, at that time brought forward, so that KPMG review was done. What we see here, as the previous member spoke about, is the re-establishment of the board, pending appointments and stakeholder input and everything, I suppose. But there are changes that will build four new industry councils: the residential real estate agents and brokers; the commercial real estate agents and brokers and commercial property managers; mortgage brokers; and residential property management and condominium managers. There's some change to who is involved in these stakeholder groups. I think that, once again from the conversations that I had, they are relatively friendly changes that the industry, as far as I can tell, supports. I appreciate that the minister made those decisions.

But much like the previous speaker, I do have thoughts or concerns, I suppose, about how the governance structure was decided and, primarily, the number of public appointments that the minister plans to implement, which I don't necessarily disagree with. I just am interested to find out how they came to the conclusion that that was the governance structure that they would move forward with. I'd be interested also to hear from the Associate Minister of Red Tape Reduction how he feels about such a large board and council. Once again, I don't necessarily disagree with those changes. I think that there are opportunities there to create a very strong council and board of directors from what has been put forward by this minister. I would just be interested to find out how he came to those conclusions in the first place. Hopefully, that was done through consultation with those organizations that are now considered stakeholders, maybe weren't necessarily as much before but are included now. Hopefully, he'll be able to provide some input on how those conclusions came to be.

Once again, I think the previous member brought it up: other considerations for what the structure and organization could look like. We see some other changes to the mandate of RECA in terms of narrowing their focus on licensing and regulations. Through my conversations with stakeholders this didn't seem to be an issue for the people that I spoke to, so hopefully the proper consultation was done with all relevant stakeholders on that. I would be interested to hear how they came to the decision to narrow that focus on licensing and regulation. It appears that, you know, in some instances those were stakeholders and industries that were self-regulated in the first place, so that's potentially how he came to that decision or how the ministry came to that decision.

You know, we saw some other amendments to the board makeup and the council makeup. As per the release that the minister put forward,

services beyond the scope of RECA's newly focused mandate will be removed from [their] purview, including education, professional advice beyond regulatory information, promotion of the real estate industry, and setting of standards beyond the minimum for licensing and transactions.

I think that some of those issues were addressed through the KPMG report. You know, in conversations within the industry, even when the original decision to fire the board came forward,

people were speaking out about concerns about heavy-handed decisions by the board or decisions that shouldn't necessarily be made by the board that were happening, and even in the KPMG report the idea of too much time being spent on administrative red tape and things that the organization shouldn't necessarily have been focused on, that they were spending way too much time on. And that's besides, of course, the other issues of just the inability of the board to move forward on issues that they needed to deal with.

Once again, I am generally in support of this. I do plan to bring some friendly amendments forward, potentially, in terms of the structure of this council and the structure of this board. I think that overall it's an important step that we move forward, just like I supported the minister in his decision to fire the board in the first place, recognizing that the report had come back and it was quite clear that changes had to be made. As the KPMG report said, eliminating certain parts of the board was just not going to be effective enough, that the entire board had to be dissolved in consultation with industry stakeholders, and other relevant industry groups had to be informed. We had to come to some decisions moving forward, and I think that that is what we have in front of us.

I would also echo the previous speaker in my concern in terms of how this government plans to choose who is appointed to this board, concerns that have only gotten worse since the news release in regard to the Minister of Health's decision to appoint a health advocate that was within their own wheelhouse. I believe the news report even said that the decision was made a day before. Within the same day that this was supposed to go out to the public to be considered to find a new health advocate, the Health minister made the decision to shut this job search down and instead appoint somebody that was an insider within their party.

I don't think that that's how we should be moving forward with public appointments. I don't think it would be to the benefit of the general public in Alberta, but most importantly, I suppose, it would not be to the benefit of the board and council that are going to be working within this legislation and within this framework. Some reassurances from this minister that it's not going to be the case, that these will hopefully be open to the public, obviously recognizing that we need to ensure that people that are appointed to this board, you know, have an understanding of the industry: that is going to be incredibly important. Hopefully, it's something that the minister is going to take to heart, unlike the Health minister, who did not do that.

In previous discussions about boards and commissions I brought up the fact that there should be some consideration, a lot of consideration, around the idea of gender-based analysis. It's something that should be considered under all public appointments, whether it be in the re-establishment of RECA or any other appointment. That's something that we took to heart when we were in government over the last four years, the importance of ensuring a balance, whether it be gender or anything else, and the importance that different voices can bring to the table. I hope that is also something that this minister will consider. Recognizing that each person is differently affected by these industries, the public appointment of these stakeholders should reflect that.

Just looking a little further at some of the other amendments that the ministry is making changes to, real estate appraisers will be removed from RECA oversight. Once again I mention that this is an organization that is self-regulated through their own industry association, so I imagine that might be the answer to why that change is happening.

Another important question that I have in terms of the size of this organization that we're proposing here today is on the cost. I think that's something that we're all thinking about deeply right now in

terms of the pandemic and the fact that there is going to be a massive hole in this budget not only from this government's \$4.7 billion handout before we even got into this situation but, you know, massive cuts across the board to try and cover that up. The fact is that this looks like it's going to have some financial implications. Of course, the industry to some extent funds these activities that they're doing within the board and council, but I'd be interested to hear how the minister feels in terms of financial implications for the province. This might be affected by the new makeup of the board.

We see new business and financial reporting requirements to improve RECA's transparency and accountability to industry, government, and the public. I think that's an important step in the right direction that I'm more than willing to support. I look forward to seeing how those requirements will play out moving forward, but I think that it's something that is most definitely needed, looking back to the KPMG report and the perceived lack of transparency that was there before these changes were made. We see mandatory governance training and dispute resolution procedures for all boards of directors and industry council members, which, once again, I think is definitely needed and also reflects the recommendations from the report that we saw. I appreciate that that was included. I look forward to seeing what kind of training, I suppose, the industry puts together. I'm not sure if the minister plans to have any involvement in those discussions about what are, you know, governance training and dispute resolution procedures. I imagine that mostly it will be industry deciding that, but hopefully the minister will have some input on that.

8:00

Then, finally, we see improved intervention measures that will give the minister the tools needed to ensure that RECA meets its commitment and delivers its duties. Once again, that's something that sounds good, you know, improved intervention measures, but what it looks like here is that the minister is giving himself more abilities to take action against the board. You know, in certain circumstances that is something valuable, potentially in this circumstance, where the board was not functioning to the best of its ability, looking back in history. Hopefully, that's something that the minister will not, once again, use to make decisions that will benefit the UCP but, more importantly, benefit all members of the board and council.

Overall, I think that this is something that we can all support. I am somewhat interested in decisions that were made about potential timelines for appointments, why there was no conversation around that, or maybe there was a conversation around that. But I think that when we look at ensuring these boards and councils are functioning to the best of their ability, we need to ensure that there's accountability there. To some extent I think that the new structure of the four industry councils as well as the board of directors is a move in the right direction on that account, but I want to ensure that the changes that are being made are fully supported by the industry.

Hopefully, the minister is willing to, you know, rise and speak to some of the stakeholders that were consulted on this and potentially even stakeholders that were consulted but didn't necessarily agree. I think that's an important piece as well. We need to have a full picture of the changes that are being made and a full picture of who is, you know, in support or maybe has some concerns that need to be addressed even further down the line that this legislation doesn't necessarily touch on.

I appreciate the work that the minister has done. I recognize that, you know, the organizations that are involved in this are – it's a large contingency of Albertans. I believe that in 2018 RECA licensed 12,640 real estate brokers and sales associates, 2,300 mortgage brokers and associates, over 600 appraisers, so this is a

large demographic of Albertans who are all potentially coming to, you know, these legislation discussions with a different angle. I imagine it wasn't necessarily easy to come to some of these conclusions, even recognizing the fact that there were issues there in the first place, so they weren't necessarily ready to make those changes, but I'm glad the minister was.

The Acting Speaker: Thank you.

Standing Order 29(2)(a) is available. I see the hon. Minister of Service Alberta has risen.

Mr. Glubish: Thank you, Mr. Speaker. Happy to provide some clarity on some of the questions raised by previous speakers, the Member for Edmonton-Rutherford, the Member for Edmonton-West Henday, with respect to Bill 20, which I brought forward just last week to address the significant governance reforms required to the Real Estate Council of Alberta.

You know, some comments were made by both of those members just talking about: who was consulted; how did that process happen? I just thought it would be helpful to maybe just start by pointing them to the June 3 news release that we issued when we announced this bill was coming forward. I'll start by reading some quotes from a lot of the industry folks who were consulted very heavily and who spoke out very positively in favour of the action we're taking.

I'll start with what Percy Woods, the president and CEO of Building Owners and Managers Association of Edmonton, said.

It has been key for us not just that we were included throughout the Minister's consultation process, but also that commercial real estate agents/brokers and property managers will continue to have a seat at the table under the new structure. I'm confident that the new [Real Estate Council of Alberta] will be on the right track going forward.

I'll just also read what Kristie Kruger said. She's the chair of the Alberta Real Estate Association, which represents the vast majority of residential realtors.

Realtors are pleased [that] the Alberta government has heard our concerns and is taking action to improve regulation of the real estate industry. This legislation demands greater openness and transparency, which will help rebuild eroded trust in the real estate regulator.

I'll go on to read from Mary Swaffield, executive director of the Alberta Mortgage Brokers Association.

We're pleased that the Minister has addressed our major concerns and specifically that mortgage brokers will finally be regulated by mortgage brokers when the new council is in place. We look forward to working closely with RECA as they transition to the new structure.

How about Anand Sharma, president of the Canadian Condominium Institute, northern Alberta?

The changes the Alberta government has made to the Real Estate Council of Alberta for more transparency include the regulation and licensing of condominium managers, while ongoing education will be addressed through the condominium industry. This separation will benefit Alberta's condominium community by ensuring that condominium managers in Alberta receive supportive and specific educational opportunities that will further professionalize management services.

Mr. Speaker, I could go on. The fact of the matter is that this was one of the most extensive consultations that the Alberta government has ever undertaken with the real estate industry – that happened under my watch, and I'm very proud of that – and that is why we have such significant buy-in from the stakeholder community on something that was a very complex piece of policy, that was seeking to balance diverging interests from the various real estate industry participants, from residential brokers to commercial brokers to

commercial and residential property managers to mortgage brokers. You know, this was not easy, but it was important. It was important to get it right.

I think it's important for the members opposite to remember how we did get to where we are today in the first place. They like to point to this KPMG report that they commissioned, which was very important and certainly was very helpful in informing some of the decisions we had to make along with the extensive consultation, but let's not forget the fact that these problems began early in 2016. I'll tell you, Mr. Speaker, from the very first day that I was appointed as Minister of Service Alberta, even on the day after our swearing in, when we were in the rotunda here at the Legislature and we were just meeting with a number of stakeholders, I had people coming up to me that I had never met before saying, "You have to fire the Real Estate Council of Alberta," and "You have to fix this; you have to reform this." You know, I hadn't even had time to get briefed on this file yet, and I had people telling me that this was a significant problem that the previous government had ignored for far too long.

The fact of the matter is that the problems began – I mean, the Member for Edmonton-Rutherford said: "Were there problems? Were there complaints?" Heck, what was he doing for four years? Was he not listening to the real estate industry, who clearly had been coming to talk to his government to say: there are problems; we need you to fix this. Well, Mr. Speaker, apparently he wasn't listening, because his government sat on their hands for three years before they finally commissioned the KPMG report. I think it's important that we don't rewrite history here. Fact is that the action taken to address these problems is squarely led by those on this side of the House, and I am proud of that action that we are taking.

You know, these comments about who's going to be appointed. Well, look, it's been said in this House several times, and I'll say it again. Our government has appointed folks from all political stripes. You know, for example, we appointed Stephen Mandel, the former leader of the Alberta Party. We appointed a former NDP cabinet minister. I mean, I could go on, but the problem is that they don't want Conservatives. We're okay with anyone who's competent.

The Acting Speaker: Thank you, hon. minister.

I see the hon. Member for Edmonton-Whitemud has risen to join debate.

Ms Pancholi: Thank you, Mr. Speaker. I'm pleased today to rise to speak to Bill 20, the Real Estate Amendment Act, 2020. I'd like to begin by thanking the former speakers, in particular the Minister of Service Alberta, for rising. I have found up until this point, when we've been in this House, there have actually been a few opportunities for myself and my colleagues to speak to bills introduced by the Minister of Service Alberta, and I have been quite pleased to see him – particularly when we were dealing with some of the landlord/tenant-related issues during the pandemic, which we are still currently coping with, you know, he was very engaging, very back-and-forth, and very forthcoming, to some extent, with respect to debate on those bills. I very much appreciated that candour and tone, particularly because there were many opportunities when we were actually aligned.

I'm pleased that he's rising again with respect to engaging with the opposition on a bill that he is responsible for bringing forward in this House. It's a great privilege, I know. Not every minister gets to bring forward as much legislation as the Minister of Service Alberta has already been able to do, so I do appreciate that forthcomingness.

8:10

I'm a little disappointed in the tone that was set by the minister earlier, just in his former comments, only because, you know, I think with respect to the question he mentioned – and I'll be honest, Mr. Speaker. It's a matter of record. I was newly elected in 2019, so I was not a member of the government before. I will acknowledge that my previous work did not require me to be heavily involved with respect to the Real Estate Council of Alberta, so I wasn't terribly familiar with the work that was happening there. But I can say that I can see that – you know, the question was: what was the former government doing? That was the question posed by the Minister of Service Alberta.

It sounds like the former government, of which I was not part, did actually initiate an investigation, specifically into the same concerns that the Minister of Service Alberta is speaking of. So it did sound like they very much did take action. And, of course, as anybody knows, in order to take such sweeping measures as were taken just last fall in Bill 15 – which was when, of course, this House, including the members of the opposition, supported the measures brought forward by the Minister of Service Alberta to remove the existing board of the Real Estate Council of Alberta – in order to take what would be deemed such extreme measures, when you dissolve a board that is appointed through legislation, you need to ensure that there is proper due process, investigation, that you can actually establish that there is good cause to do that.

We would want governments, before they dissolve public agencies that serve a purpose for the public good – that there are proper and appropriate steps taken, which would involve an investigation. I cannot presume that the Minister of Service Alberta would say that he would take such drastic measures as dissolving a board without doing that proper investigation, and, indeed, what I think we find is that that KPMG report laid the foundation to take the action that the minister has taken in the fall session with respect to Bill 15 and currently now, today. So I think, really, the Minister of Service Alberta can be appreciative and thankful for the former government taking those clear actions to investigate what was brought forward, which were concerns with respect to the Real Estate Council of Alberta, so that he could take the actions now, which is why we're standing in support.

I'm happy to hear that the minister has engaged in robust consultation. It is also our job as opposition to ask those questions and receive those answers. Certainly, we are only at second reading of this bill, so I don't think it can be presumed right now that all questions are off the table and all questions have been answered already simply because the Minister of Service Alberta issued a news release on June 3. I know to date, in my limited time so far in this House as a member of this Assembly, that the government has a very expedited version of democracy and seems to think that any discussion is somehow slowing down or is oppositional, when really it's about not just asking questions, but we are in this House to represent our constituencies and have a fulsome discussion so that Albertans who are watching and who are listening, who may be very directly affected, can go back and say that – they may not know, they may not be privy to all of the same information that the Minister of Service Alberta is. We have these discussions so that we can bring out that information in this public Assembly. That is the purpose of these discussions.

I do hope that the Minister of Service Alberta will continue to be engaging in a forthcoming manner with respect to our questions. We've already indicated, I believe, that we are supportive. Obviously, the former government initiated that investigation – again, I was not part of that government – into the Real Estate Council of Alberta because we believed there were legitimate

issues. That's absolutely the purpose of initiating that investigation, and that was done in October 2018. That report came out, and as a result of that, we supported what was brought forward by the Minister of Service Alberta to dissolve that board. So we absolutely hear that there are concerns.

This is a quite lengthy bill. As much as I would love to take the Minister of Service Alberta at his word that it completely is exactly what stakeholders were asking for, precisely to the T, it's still my obligation and my duty to ask those questions. What I would love to have in this discussion, with respect to a bill that we've expressed some degree of support for already – and to date we have expressed concern about making sure that the Real Estate Council of Alberta does the job that it was supposed to do and is transparent and serves its members and the industry and public good. We need to ask those questions and make sure that what has been presented here does meet that purpose.

I have no doubt that the minister has done extensive consultation, and I'm appreciative of that. What I'd like to see is a connection between – and I'm sure this will come out in further debate – what were identified as the specific problems in the KPMG report, how that connected to the specific solutions that were put forward during the consultation, and how what's currently in Bill 20 completes that. What problem specifically does it address, and how does it address that? This is not necessarily for my purposes so much, Mr. Speaker, as it is for Albertans' purposes. That's what we're doing here. We're trying to give some healthy debate to this legislation. I hope that we will continue to have that discussion. We've indicated that we are supportive, but we are going to continue to ask questions.

With respect to that, I've taken a quick scan through this bill. It is a lengthy piece of legislation, and a lot of it looks quite promising. Again, not being an expert with respect to the issues that arose within the Real Estate Council of Alberta, I do know a little bit about healthy board governance. That was certainly part of my work for many years with respect to a slightly different kind of board, an elected board, which would be school boards in particular, but the principles of good board governance exist regardless of the formation. It is about that relationship between a strong governing body, not in this case elected but appointed, and the board members having a strong vision and setting a strategic direction for the body and then making sure that those who have been hired to implement that strategic direction do so in a responsible manner.

It's my understanding, based on the concerns that were raised in the KPMG report, that that's where there were significant problems, with respect to a dysfunction at the executive director level, those who were hired to implement the strategic vision of the council, with the governing body. It's not necessarily an unusual problem to have – board governance issues arise in many circumstances – but it is one that can be absolutely a critical failure to the organization.

I'm glad to see that there's been a revamp. As I mentioned, I would like to hear: what are the specific problems within the KPMG report that the changes within Bill 20 are meant to address? One of the things that I can note – and I'm sure the minister will provide some clarification – is that, for example, under section 5 of the existing Real Estate Act it has been amended to change the purposes of the board. In particular, that key element that I just identified seems to have been added within Bill 20, which I think is a good one, and that is that one of the purposes of the board is “to set the strategic direction and ensure the effective operation of the Council.” I note that that actually was not clearly set out in the existing Real Estate Act. I think that's an important clarification to remind the board as to what their role is.

I will share questions and comments that relate to my colleagues' questions on the composition of the board. With respect, Mr.

Speaker, we do think that who is appointed to boards is important, and thus far there's been some reason to doubt the intentions of this current government with respect to how they've made public appointments. There are significant and frequent examples where the appointment of individuals to key roles within this government have been made not necessarily on the basis of experience and expertise but on the basis of partisanship, affiliation, maybe even donorship to the current governing party. It is, again, part of my responsibility in this House to raise those questions.

We do see that the board shall have seven members, three of which will be public members who will be appointed by the minister. Some transparency within how those individuals will be selected, if there are criteria that the minister will be looking at – my inclination, given some of the other later provisions in this bill which talk about the sizable responsibilities, particularly in the first year of this board's existence, is that there are substantial responsibilities here for the board in its first year. For example, I'm looking at what will be the amended section 11.1 of the Real Estate Act, which talks about the conduct of the board. That section states that

the Board must, within one year of this section coming into force, make a bylaw governing

- (a) the conduct of its members and the members of the Industry Councils.

That's one example of what the first initial board will be responsible for doing in one year. The new board shall also be responsible, under section 11.2 of Bill 20, for making “a bylaw that identifies mandatory governance training requirements.” I think my colleague the Member for Edmonton-West Henday spoke to that. As well, under section 11.3 of Bill 20 the first board will be responsible for establishing bylaws with respect to a dispute resolution process.

8:20

Those are substantial responsibilities for this first board that will certainly set the tone and strategic direction for the board for some time to come. Usually those initial bylaws are really the foundation of a board and how it operates, and later boards may revamp significantly, but usually they sit in place for quite some time before they are tinkered with or changed or amended, so it's very important that those initial bylaws be done properly.

It's also a short time frame, honestly, for one board to do all this work within one year. It suggests to me that the minister likely is ready to go quite quickly on this or is certainly hoping for things to move quite quickly on this or perhaps already has individuals in mind who he plans to, as the Minister of Service Alberta, appoint as the public members of this board. I think it is a fair question to ask: what will be the criteria for those individuals who will be named as public members to the board? In particular, I very much value the comments made by my colleague the Member for Edmonton-West Henday with respect to, for example, gender-based analysis, because that is something that I believe the former government took very seriously, making sure that within those agencies, boards, and commissions that were appointed by government there was equity and equality and fairness in representation among the members sitting on that board.

Again, I highlight that I am certainly not the best expert with respect to the real estate industry in this province. I will say that I know many real estate agents – friends and family members and such – and they are a very diverse group. They span many different people, and I realize that they're not the only individuals who could be members of this board. But I hope that when we're appointing boards, we do consider that. Gender is only one lens, I believe, to apply to this. We want to make sure there is real diversity in terms of who is reflected on that board. I hope that given the responsibilities of this board, the minister will consider that.

Those are just some of the initial questions that I had with respect to this bill. You know, I note that, again, I haven't been able to clearly – and I'm hoping the minister will be able to do this – draw the connection between the problem identified in the KPMG report and how these specific changes will, I guess, correct or serve to ameliorate those situations. For example, my gut instinct tells me – I understand that in the new dispute resolution process under Bill 20 sitting board members and industry council members can no longer sit on those hearing panels, which I think is actually probably a very good change, to have some separation between the members who set the strategic direction for the body and those who are adjudicating or hearing disputes and resolving those disputes. My guess is that that's responsive to a specific concern that arose through the KPMG report under the conduct of the previous board.

I take the minister at his word that he did extensive consultation and that it is reflected in that, and I would simply like a clarification if that is, in fact, the case. I think that that would just be for interest and transparency and Albertans wanting to know about what the purpose is of the changes and why we are seeing the changes that we are seeing now.

I understand that there were certain services that were formerly provided that will no longer be provided under the existing council.

The Acting Speaker: Thank you, hon. member.

Standing Order 29(2)(a) is available for questions and comments should there be any takers.

Seeing none, are there any hon. members wishing to take part in debate? I see the hon. Member for Calgary-McCall has risen.

Mr. Sabir: Thank you, Mr. Speaker. I rise to speak to Bill 20, Real Estate Amendment Act, 2020. I do recognize that real estate is an important sector of our economy which has evolved over many years, many decades. It employs thousands of people. It's a source of income for many, creates job opportunities, provides people with their basic kind of shelter needs.

For most people, most Albertans, I think real estate is one of the biggest investments that they will make in their lifetime. That will be the case for many Albertans, that that will be the single biggest investment that they will ever make in their lifetime. That makes it very important that we have an efficient system in place, that we have a system in place that provides proper oversight which is well co-ordinated and works to protect people's investment, works to protect all those who are involved.

As I mentioned, this industry evolved over a long period of time. Saying that there were only some kinds of mistakes made by the previous government in 2016 that resulted in everything that's going wrong: I think that that's not true, and that's not appropriate because we do know that the previous government did take steps to deal with issues facing real estate. As I said, it may involve many things that relate to people's basic needs like shelter, the rental market, consumer protection, the financial industry, mortgages, all those things. We have done a number of things to make things better for Albertans, to make things smoother in the real estate industry, and to make sure that those who are making these investments can make those investments with confidence that their investment will be safe.

When we talk about changes to the Real Estate Act, when we are bringing changes to the real estate regime in Alberta, I think our top priority or our focus should be that we are watching out for the interests of all those who are concerned with this industry. There are many different interests at stake, and this piece of legislation certainly impacts Albertans in every single one of the ridings across the province. It's very important that as representatives of those Albertans we be able to understand what is being proposed, that we

be able to understand what the background and context of these changes are, and that the minister responsible be able to explain what these changes are, why they're important, how they will impact those who are concerned, and how it's protecting the interests of Albertans, how it's creating certainty in the market, how it's giving Albertans confidence in their real estate market.

So when we ask questions, it doesn't mean that we are questioning what the government is doing just for the sake of questioning. We are also trying our best to represent our constituents, to understand these changes, and to be able to evaluate how these changes will impact people in our ridings.

8:30

I have many friends from my community and from different communities who are in real estate, many constituents who are in construction, those kind of businesses where they're developers, and above all, like, there are so many who own real estate in my riding. There is some rental real estate in my riding; there is commercial real estate; there is residential real estate; there are condominium properties: a whole range of property ownership that this piece of legislation will have some bearing on. That's why it's important for us as opposition, as MLAs, that we understand these changes, that we have the opportunity to engage with the minister and debate and seek information from the minister.

One of the key changes that this legislation will bring is with the real estate board, how real estate is governed in this province. It's one of the most fundamental changes. We know that there were issues with respect to the governance. There were administrative problems with the Real Estate Council of Alberta, and those were precisely the reasons that we took steps, that we moved with the KPMG report. We were hearing from Albertans; we were hearing from stakeholders. Those were precisely the reasons that that report was commissioned in the first place. Saying that we were not listening or saying that we wouldn't do anything: nothing could be further from the truth.

In fact, we took this very seriously, and we engaged experts on it to fully canvass those issues, fully canvass governance issues, administrative issues, and that was always the intention, that we will engage with stakeholders, that we will engage with all those who are concerned with better management of real estate. Above all, we will engage with Albertans because, as I said, that's one of the single biggest investments that most people make in their lifetime.

When we are hearing answers from the minister, the minister indicated industry organizations, but I think what we would like to know: what was the level of engagement with everyday Albertans? Were they informed of these changes in any way, shape, or manner? If they want to know how these changes will impact their real estate, their financial decision, their real estate decision, how can they get that information? These are all important considerations.

Unless the minister provides a more satisfactory explanation about how government or a minister having more powers to appoint people on the board will make anything better, especially when we have seen over the period of the last year how this government has appointed people on the board, those appointments are cause for concern.

For instance, most recently there was a news article that the Minister of Health scrapped a ready-to-go job competition for Alberta's next Health Advocate. It is, again, an important position that is supposed to be there to advocate on health matters relatively independently of the government, what's in the best interest of Albertans, but what we saw was that the government scrapped that ready-to-go job competition in favour of appointing the UCP's former executive director.

Those are the kinds of decisions that are cause for concern. If the minister will retain authority to appoint a majority of the board, how can Albertans be assured that that board will be there to protect the interests of Albertans, real estate owners, and other key stakeholders? That's the backdrop of our questions, that these kinds of decisions, which came from this government, give rise to these kinds of concerns when government is seeking powers to hold the balance of power on these boards.

With respect to the structure that is proposed here, the board will be composed of seven members, and out of that, three will be public members appointed by the minister. Aside from concerns over this government appointing those members, I think we do have legitimate concerns of: how was this structure agreed upon? Was there anything identified as an issue in a previous governance model that was identified in the report, and if it is something that follows from those identified issues, does it guarantee that those issues will be effectively addressed? That's the reason that we are asking about this governance structure and how it was decided, because it's important for us to know to have confidence in this structure.

The Acting Speaker: Thank you, hon. member.

Standing Order 29(2)(a) is available should anybody be wishing to – I see the hon. Member for Edmonton-Highlands-Norwood has caught my eye.

Member Irwin: Thank you, Mr. Speaker. I always appreciate my colleague from Calgary-McCall speaking, and I thoroughly appreciate his comments in particular about the board and about the makeup of the board. I, too, was curious and did a little bit of reading about that. One of the comments that I heard from a few of my colleagues as well was not just concerns around board governance but also the idea of applying a lens to any issues that the board might address and, in fact, just the importance of applying a lens to policy broadly.

8:40

I know that the Member for Calgary-McCall was a minister in the previous government, and one of the things that I was so proud of – of course, like the Member for Edmonton-Whitemud, I was not a part of that government – our government for doing was being very intentional about applying a gender-based lens to issues. I just would love for the member to maybe just talk a little bit about why it is so important for boards to apply that lens and in particular looking at the composition of the board, for instance.

The Acting Speaker: Thank you, hon. member.

The hon. Member for Calgary-McCall with about 3:45 remaining.

Mr. Sabir: Thank you, Mr. Speaker, and thank you to my colleague for bringing up this important issue. I think that as part of the previous government I had the opportunity to work as a minister, and the cabinet we had was also very diverse. There were a number of things that I can say that really make a difference when you apply those gender-based analyses.

[The Speaker in the chair]

For instance, when we took over, women represented only 30 per cent of Alberta's 300-plus agencies, boards, and commissions. These boards and commissions we do know are important bodies. They are decision-making bodies. They have a lot of discretion over how public money is spent. In fact, more than 50 per cent of the budget goes through these agencies, boards, and commissions. There was deliberate effort made by the government then, led by the former Premier, the Member for Edmonton-Strathcona, that

whenever we were bringing any board appointments, we were to consider a number of things: gender parity on the boards, then indigenous representation, then other diverse communities' representations. We had to balance all those things along with needed expertise, and after two years of concerted efforts, there were 51 per cent of women on Alberta's boards, agencies, and commissions. Just in two years there was huge progress.

But we have seen in the last year – I haven't seen what the gender balance is on Alberta agencies, boards, and commissions, but for most part I haven't seen any open and public process where all these board appointments are publicly advertised and everybody has an equal opportunity to apply for those. In fact, the fundamental change that our government brought to board appointments, which I'm very proud of: it was all about what you know and not who you know. But what we are seeing now is a complete reversal. It doesn't matter what you know; it's all about who you know, and that's the clear example in the latest Alberta Health Advocate appointment.

Thank you, Mr. Speaker.

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

Is there anyone else wishing to speak to Bill 20? I see the hon. Member for Edmonton-Ellerslie has risen.

Member Loyola: Thank you very much, Mr. Speaker. I just wanted to continue on the same comments that were being made by the Member for Calgary-McCall because, of course, although I was not a minister of the Crown, I was part of the governing party at the time and was very proud of the advances that we had made when it came to agencies, boards, and commissions here in the province of Alberta.

I remember, even before being elected, being concerned about this very issue, the fact that, number one, there was no transparency under previous governments. For the 44 years that we had Progressive Conservative government in power here in the province of Alberta, there was no transparent method or process by which people were actually being selected to sit on these agencies, boards, and commissions. You never knew if or when a position was becoming available.

People didn't know how it was an opportunity to actually participate in the democratic process of the government, because, of course, I remind all the members in this House that the agencies, boards, and commissions, as far as I know – and correct me if I'm wrong – actually handle almost 50 per cent of the Alberta budget. The members who are on these agencies, boards, and commissions have an incredible responsibility – an incredible responsibility – and for 44 years under Progressive Conservative rule in this province it was basically, you know, for lack of a better word, a type of cronyism, where people were just selected. Like, it was all about who you knew. It was all about who you knew so that you would be selected to actually sit on these agencies, boards, and commissions.

I remember, before being elected into this House, that being one of the major issues that I wanted to really highlight while being inside of this Chamber and being an elected representative because I thought it was incredibly unfair. Being from a cultural, ethnic community myself and then also living in a riding and a community that is so incredibly diverse, I never saw people that looked like me or the people that I lived with being represented on these agencies, boards, and commissions. I just didn't see it.

Then, when being part of the governing party – and I'm so happy that it was part of our mandate to do so, not only to create a more transparent process by which people could actually apply to be on these agencies, boards, and commissions – it was also about applying a gender-plus analysis to everything that we were doing in

terms of legislation that was being brought forward into this House and applying those same principles to who was being selected to be on these agencies, boards, and commissions, which, I remind everybody, control approximately or very near 50 per cent of the budget of this province. They actually help in making decisions democratically on how money is being spent.

I've cautioned Albertans about what's happening under this new government, this new United Conservative government, which is going back to the same way of assigning friends of theirs. There is no transparent process that we know of. And if there is a transparent process that I don't know about, I welcome the members from the other side to please stand up during this debate and highlight specifically how it is that someone that is from a cultural community can apply to actually sit on one of these agencies, boards, and commissions, because from what I understand, there is no process right now. There is no process.

8:50

I go back to what we did while we were in government. We made it actually public knowledge when seats on these agencies, boards, and commissions were becoming available. We tried to get that information out into the public as much as we possibly could so that people would know. Then I remember myself trying to engage as many constituents as possible, especially women in our community and especially ethnic and diverse cultural communities, to encourage them, you know, like: "Look. Please. Here is an opportunity for you. Here's an opportunity for you to participate in our democracy." As I like to point out to my constituents all the time – I know that we all know this – democracy is much more than just voting every four years. There are ways that people can participate, and we need to encourage that.

Rather than putting a blanket over this process, which is what my understanding is of what is happening right now – we've gone back, we've reverted to this untransparent process by which we don't even know how or when these opportunities actually become available. We only, I only see it once the decision has been made to name who the minister has decided he's going to name and put on this agency, board, and commission by order in council. It's an e-mail that I get once the decision has already been made. It is never shared with us when an opportunity becomes available so that I can actually go to my constituents and say: "Excuse me, but here's an opportunity for you. I know that this is a subject that you care about deeply and that you want to contribute to your society and you want to contribute to making our democracy better. Here's an opportunity for you to do that." But I no longer have that opportunity under this United Conservative government.

I question these members in this House because when we establish best practices, Mr. Speaker, no matter who's in government, we should strive to maintain those best practices. If they're more democratic, make sure that we uphold them regardless of who's in government. If it's a good idea, that provides people the opportunity to participate in their society and in their community and in their governing system, then why not? Under the gender-plus analysis it was about identifying people in our communities that actually wanted to, that normally didn't have access to these positions of power. I highlight this specifically given the current context that we're in with the Black Lives Matter movement, when we had more than 15,000 people on the grounds of this Legislature highlighting exactly this as one of the issues that they're concerned about: who has access to those positions and places of power where decisions are being made within our democracy?

I don't like talking about shame and blame. What I like talking about are solutions, so I'm calling on this government to maintain the standard of keeping these opportunities transparent as we move

forward. I'm asking you to do this. Now, of course, it's up to you whether you do it or not. But I find that it would be a genuine and authentic way of demonstrating to the people of Alberta that you actually care about their opinions, especially people from cultural communities, when you would strive to maintain the standard that we set in place, when we were in government, by making sure that there was gender parity, making sure that people from diverse ethnic backgrounds were being encouraged to apply to participate on these agencies, boards, and commissions.

When I say ethnic communities, I also include in there religious diversity, making sure that we have diverse voices, people coming from all different kinds of backgrounds participating in the governing process and on these agencies, boards, and commissions. Yes, it may be one aspect of governance, but it would be something that that person is passionate about. That's why they would apply to actually participate on that.

I'm proud of the fact that we were able to do that here in this province, but I'm also critical because I knew that we could continue doing better, and I call on this government to do better. Rather than going back in time to those previous 44 years, when it wasn't a transparent process at all, Mr. Speaker, we should be striving to maintain what we actually established when the Alberta NDP were in government, when it came to creating a transparent process by which people could participate in their democracy, because at the end of the day, we don't just have the responsibility of representing our constituents; we have the responsibility of strengthening our democracy, making it stronger, making sure that more people have a voice rather than fewer people having a voice, making sure that diverse people from different backgrounds have an opportunity to participate in their democracy.

You know, this is only going to change more and more with time. We're going to see the Alberta population being more and more diverse as time goes on. My understanding right now is that about 33, 35 per cent of Albertans come from diverse ethnic backgrounds, and in another 10 years it's estimated that we're going to see that grow to about 50 per cent, with more and more immigration coming in, more and more people coming here, right? Not only that, you're going to have all these interethnic marriages. What Alberta is going to look like in the future is going to be very different than what Alberta looked like 50 years ago, and, members, all of us need to honour this by making sure that more people have a voice in the governing system of this province.

Now, all of this critique that I'm providing right now is coupled by the fact that almost every piece of legislation that this government has brought into this House puts less power in the hands of the agencies, boards, and commissions – less power – and puts that power in the hands of the ministers. This is the reality that Albertans are facing right now with this United Conservative government: less power in the hands of agencies, boards, and commissions and more of that power being placed in the hands of the ministers, this cabinet, this government so that they can make decisions unilaterally, not having to consult with Albertans, never mind include people who participate on agencies, boards, and commissions. I ask the people of this House: how is that more democratic?

I encourage Albertans to start being concerned, aware, and alert to the reality of the fact that this government continues to do this with almost every piece of legislation that it brings forward into this House. Now, that's their prerogative because they're governing, but know that this is going down in history. This is the legacy that you are leaving this province: less power in the hands of Albertans and more power in the hands of ministers.

An Hon. Member: We should give them more choice.

Member Loyola: I hear a member from the government saying: more choice. How is that more choice?

The Speaker: Hon. members, Standing Order 29(2)(a) is available. I see the Minister of Advanced Education has risen.

Mr. Nicolaides: Thank you, Mr. Speaker. I want to take this opportunity to rise and speak to the legislation we have here before us and as well rise and respond to some of the comments that I've been hearing in the course of the debate thus far. I have to be honest, Mr. Speaker. I can't help by sitting here and listening to a lot of the debate and the comments primarily around board appointments and not think about the hypocrisy that we're hearing from the members opposite, the hypocrisy that we hear because the NDP wants to gloss over the fact that they revealed and took the opportunity to appoint people to respective boards and commissions and to key government positions who were hostile to our energy sector, who did not support our main industry, who actually built their careers on damaging our key economic sector. And now they want to stand in this place and criticize appointments that we're making as a United Conservative government.

9:00

I want to address a couple of very specific points. The member talked about transparency, and the member talked about that perhaps he may have individuals in his community and in his constituency who may want to be appointed to an agency, a board, or commission. I can tell you, Mr. Speaker, that in over the course of a year I've never received a single suggestion from that member as to anyone who should be on a board under my purview in terms of Advanced Education. I don't want to speak for any of the other ministers, but I know that's my experience. So I'm not sure how the member can stand in this place and complain. Again, from my perspective, I haven't had any conversation with the member about individuals that he feels would be appropriate for any board or commission.

He talks about transparency, and he doesn't know when positions are becoming vacant and when there is an opportunity for the member to actually bring individuals forward. Now, I may be wrong. I am a newbie, Mr. Speaker, in this place, just about over a year, but to my very limited experience all the orders in council are public, and all the orders in council very clearly detail the terms that a position exists. At any given point a member of the public and the members opposite can look and see exactly when an individual appointment is expiring and can, thus, have very clear information as to when that appointment is going to lapse and suggest recommendations.

The member opposite wants to say that we're making appointments under this veil of uncertainty, under this banner and this cloak of darkness, but, again, all of that exists in the public record, Mr. Speaker, and any member can see at any given time when a position on a board is set to expire, so there's no mystery there.

Let me tell you as well, you know, from my experience over the course of the last year in terms of my appointment as the Minister of Advanced Education and working with the boards of our postsecondary institutions. Now, Mr. Speaker, it may surprise you, but one of the first things that I did after being appointed minister was call and speak to every single one of our presidents but, moreover, every single one of our board chairs. Let's remember the context. These are individuals that the NDP had put in place. I heard time and time again from those board chairs, that the NDP appointed, that their boards lacked the skill set and competency that our postsecondary institutions needed. That's directly from board

chairs that they appointed. Not to mention – and I won't mention names because I want to keep some conversations that I believe were private in that capacity – I had presidents of some of our colleges and universities actually requesting for me to remove their board chairs and remove other members of their board who they believed did not have the skill set and competency that their institution needed.

In terms of engaging with members from broad communities and from other cultural and ethnic backgrounds, Mr. Speaker, I'm very happy and proud to stand in this Assembly and report that under our government we have appointed the first-ever female board chair to the University of Alberta. In the institution's hundred-year history there has never been a female board chair, but under our government we have ensured that that has taken place.

The Speaker: Hon. members, we are at second reading of Bill 20. I see the hon. Member for Edmonton-Decore.

Mr. Nielsen: Well, thank you, Mr. Speaker. I appreciate the opportunity to add some comments this evening to Bill 20, the Real Estate Amendment Act, 2020. I must admit that I did listen very intently to the Minister of Advanced Education around board appointments. I suppose maybe he had forgotten about the board appointment around the mental health and health advocate, the qualifications there: no process and a direct appointment. But we'll just leave that there.

The whole purpose of Bill 20, of course, is to address some problems with the Real Estate Council of Alberta, so I do want to thank the Minister of Service Alberta for moving this legislation forward and allowing this to continue. We do know that there were some problems within that organization that needed to be addressed. I guess potential questions I might have surrounding this, around maybe adding a possible layer of bureaucracy, and, being a Red Tape Reduction critic, I'm just wondering what kind of conversations might have taken place with the associate minister around that. That would kind of seem to go against his mandate a little bit, Mr. Speaker, so I'm curious what kind of conversations took place around that, and maybe even perhaps in Committee of the Whole, you know, the associate minister might be able to comment on that a little bit further as well. With that and the whole governance structure, you know, I guess I'm worried that because we're potentially adding a layer here, does this put pressure on the associate minister of red tape to now have to reduce somewhere else in a hurry to keep his commitment of one in and one out?

One of the other, I guess, concerns I do have, and I know members opposite maybe are not as excited about this conversation around appointments to the boards, but the one that I'm looking at here with a board of directors, you know: industry members from each industry council, and then three – here it is – public members appointed by the minister. The reality is that this gives the government the opportunity to potentially make patronage appointments, which we have already seen this government do. So are we potentially doing a disservice to this new council by possibly doing that? Again, it's only a concern that I do have around that, and hopefully that will not be the case and my concern will be proven wrong.

I mean, you know, I said that largely this is meant to try to fix some problems within the board. I do believe this legislation is addressing that, and I do intend to support Bill 20, you know, going forward here. Hopefully, once we get into Committee of the Whole, we'll be able to get into a bit of a deeper discussion about this, maybe a potential idea around some of the structure of members that are acting in a capacity on that. With that, I do look forward,

like I said, to more discussion in Committee of the Whole, and hopefully we'll get a chance to talk about that a little bit further.

Thank you, Mr. Speaker.

The Speaker: Hon. members, Standing Order 29(2)(a) is available if anyone would like to provide a brief question or comment.

Seeing none, I am prepared to provide the opportunity to the Minister of Service Alberta to close debate. Is there anyone else that would like to speak to second reading prior to me doing that?

The hon. Minister of Service Alberta to close debate for second reading if you'd like to do so.

9:10

Mr. Glubish: I move that we close debate.

[Motion carried; Bill 20 read a second time]

Bill 16 Victims of Crime (Strengthening Public Safety) Amendment Act, 2020

Ms Gray moved that the motion for second reading of Bill 16, Victims of Crime (Strengthening Public Safety) Amendment Act, 2020, be amended by deleting all of the words after "that" and substituting the following:

Bill 16, Victims of Crime (Strengthening Public Safety) Amendment Act, 2020, be not now read a second time but that the subject matter of the bill be referred to the Standing Committee on Families and Communities in accordance with Standing Order 74.2.

[Debate adjourned on the amendment June 4: Member Loyola speaking]

The Speaker: The hon. Member for Edmonton-Ellerslie does have some time remaining in his comments. If he would like to, we are on the referral amendment, that is amendment REF1. I see him standing now. He has approximately seven minutes remaining.

Member Loyola: Only seven minutes, Mr. Speaker? Oh, no.

Always a pleasure to get up in this House and speak to the lovely pieces of legislation being proposed by this government. When it comes to Bill 16, I believe that I had a number of questions that when I was actually speaking to the bill itself I asked the minister, that I wanted some clarification on. Unfortunately, the minister has not gotten up to answer any of those questions which I put forward. For that reason – well, and other reasons – we thought it'd be better that we actually provide an opportunity for stakeholders, which this piece of legislation will directly impact, then to actually ask these questions of the minister and this government through way of participating in committee.

The amendment, of course, that I'm speaking to is to actually refer this to committee, because there are so many questions that are not being answered when it comes to especially benefits that victims of crime under the current legislation actually would get as opposed to what's being now proposed by the minister.

One of the things that was really a question of the minister – and not just by myself but by several members of the opposition – was who the government actually consulted with on this proposed piece of legislation, and when that occurred. What did they learn from the consultations, and then, specifically, how is that reflected in the bill? There are a number of questions that I'll perhaps go over again.

Will the committee now include individuals from community organizations to ensure their needs are being heard? Is this something that's going to happen? We have no answer from the

minister on this, unfortunately. I'm sure that especially nonprofit organizations, that actually are involved in helping victims of crime under the current piece of legislation, would have these questions, too. So why not give them an opportunity to actually get more information, and then that way also give information through a proper consultation because as far as we know, there hasn't been a proper consultation on this?

Next was: how will you be able to guarantee that a balance will be able to take place with the two already heavily defunded sectors? There are a number of financial questions as well. Will the grant funding allocated to community organizations be moved into this new service model, and why can't the government just continue to fund those groups rather than find new organizations that have to build new relationships with communities that already have something in place for years? And, you know, this specifically because I know that there are a number of organizations, like the Member for Edmonton-Decore was speaking specifically about a constituent of his that actually has participated for a very long time in one of these nonprofit organizations and is very concerned about this and the fact that these people have dedicated years, decades – decades – of their time to connecting with members of the community and to provide the kind of support that is needed.

There's also: will these organizations now be competing with provincial service models like RAPID and ALERT for funding? The understanding that I gained from reading over this proposed piece of legislation is that, you know, under the current mandate there are supports for a number of nonprofit groups, community groups, indigenous and tribal communities. There's also funding for police-based services, nonprofit organizations with a victims' services unit, funding being provided to municipalities. Then, on top of that, it includes bands and tribal councils and then specifically funding being given for physical damage, emotional harm, property damage, economic loss as a result of crime.

We don't know if any of that, if any at all, will continue to be supported, moving forward, by this new piece of legislation, because the understanding is that money from the victims of crime fund is being siphoned out of there and being put more into ALERT, RAPID force, drug treatment courts, and hiring more Crown prosecutors, all of which are incredibly good things – don't get me wrong; I understand – but it's also a matter of making sure of the dignity of the people that actually go through these horrendous crimes, that they also continue to get the benefits, not only the benefits but, actually, the help that they actually need after going through such an ordeal, right?

The fund has also been available to individual victims of violent crimes to help deal with physical and psychological injuries as well as reimbursements for funerals and supplemental benefits to those who have suffered brain injuries. My understanding is that that no longer will be the case. Of course, you know, all of these things were things that I was asking the minister when I was previously speaking to Bill 2, which received, actually, no answer from the minister other than to get up in this House and critique the opposition about not travelling to rural communities. [Member Loyola's speaking time expired]

The Speaker: Time flies when you're having fun, hey, hon. member?

Member Loyola: Indeed, it does.

The Speaker: Is there anyone else wishing to speak to REF1? The hon. Member for Edmonton-Highlands-Norwood.

Member Irwin: Thank you, Mr. Speaker. You know, I haven't had a chance to speak in the House on a bill explicitly in a few days, and I just always like to reiterate our support for all the health care workers and essential workers out there in case any of them are watching at home. They're probably not because . . .

An Hon. Member: They're probably working.

Member Irwin: They're probably working. Exactly. Again, I think some of us are getting COVID fatigue and sort of forgetting about just how pressing this issue still is. Again, I want very much to give them all a shout-out.

It's an honour to rise on Bill 16, Victims of Crime (Strengthening Public Safety) Amendment Act, 2020. This is truly a topic that is important to me and to, I know, my colleagues as well. I've had the opportunity to read through this legislation, and I've had the opportunity to read a number of perspectives on this piece of legislation as well. Today I have the chance to talk about why I think it's pretty critical that we actually refer this piece of legislation. I've said in this House multiple times that, you know, we are here and we should all remind ourselves on the daily how privileged we are to be able to sit in this House. With that privilege comes, without sounding cheesy, great responsibility. We have an opportunity to get this piece of legislation right, and from a number of reports this government just hasn't quite nailed it, particularly when it comes to consultation, as my colleague from Edmonton-Ellerslie spoke about and as, I know, a number of other colleagues have spoken to as well.

9:20

We've heard from many organizations, organizations that are working on the front lines in the area of victims' services, victims of crime, people working in sexual violence, domestic violence, saying that they're concerned. They're concerned that, you know, there hasn't been robust consultation on this. They're concerned that the way in which this legislation is drafted currently means that there's the potential for competition for funding at a time when we need organizations, we need front-line workers, we need folks who are doing this great work to be communicating and to be collaborating and to be working together.

Let's talk about some of those organizations and what their concerns were. It was just a couple of days ago that six organizations that receive money through that fund – they include the Alberta Council of Women's Shelters and the Association of Alberta Sexual Assault Services – wrote to this Premier just wanting some clarification, wanting some assurances that things won't change. They note that they "want to ensure that the intent of the Act remains the same, with the priority being to serve victims and organizations that provide services for victims of crime rather than expanding the mandate."

I know some of the folks who work in those two, ACWS and AASAS in particular. I know a number of folks who work in those two organizations, and that is a committed, caring group of individuals who have no political or other motivation here. They just want the best thing for the clients that they work with. We join them in their call for clarity here. And it wasn't just those organizations. Again, I have a great deal of respect for the organizations that did, you know, put their concerns into writing.

The executive director of the St. Albert based Stop Abuse in Families Society also spoke out and noted that the money was intended to support victims, not police and prosecutors. She notes that, in fact, her organization was recently denied a grant for a program that was aimed at helping victims of elder abuse. She's concerned, and what she said is that this fund was set up specifically

for victims of crime and to support victims in navigating the justice system, which can be very onerous and very scary.

I have to tell you that as part of my role as the critic for the status of women, I've had the opportunity, particularly in the last number of weeks, to speak to survivors of domestic and sexual violence. I took it upon myself to reach out to some folks who'd, you know, been sharing their stories publicly and a few others who'd actually reached out to me first privately on social media. I said, like: "Let's talk about this a little bit. I want to learn more about your experiences." For many of them a common theme, I can truly say, from the survivors that I've heard from is the challenges they encounter in navigating the justice system.

I spoke with one woman who shared with me. She said: "I'm a privileged woman with a career, with a salary. English is my first language." I don't want to put words in her mouth, but it was kind of how she framed her point. She said, "I experienced so many roadblocks and hurdles when fleeing my violent partner." She talked about challenges around EPOs and just trying to manage the system. We talked about that, and I said: "Yeah. I mean, think about new Canadians. Think about folks who might not have English as their first language who are trying to navigate this system." As the executive director notes, we know that the system can be onerous. We know that the system can be scary.

So I urge the government to think about victims here – I'd rather use the word "survivors" – to think about survivors here and their needs, right? Again, this is an opportunity, and this is why we are asking you to refer this bill for now, because there's an opportunity to perhaps consult more thoroughly with survivors and with folks who've actually had to navigate the justice system.

She also points out that, you know, she's all for preventing people from becoming victims in the first place, but this is, in fact, a victims fund. I mean, we have to acknowledge that, you know, a victim is someone who's already had something happen to them. But my point in sharing her comment is that I've also heard from a number of folks working on the front lines that we also need to be pushing this government to invest in prevention – right? – to be really making targeted investments in domestic violence supports. I've stood in this House – and I look at the Member for Edmonton-Whitemud. She and I have had spirited conversations around Clare's law and around Bill 8, the human trafficking piece. In both pieces of legislation, in both examples, we supported them, right? We supported them, but we were very clear in our caution, in our caveat, and it was as follows: that those pieces of legislation will be meaningless, in fact some might argue harmful, without supports in place, without investments. [A cellphone rang]

Sorry. It's a strange time for me to laugh, so just for *Hansard's* point, that was a fun song there.

Anyways, back to my train of thought here. Where was I going with this? My point, to be serious for a moment again, was that our criticism of both Bill 8, the human trafficking piece, and Clare's law was that without resources those pieces of legislation could be harmful and, in fact, will lack meaning. So what were we calling for? We were calling for investments. We were calling for investments in housing from a government that's cut over \$50 million from the affordable housing budget, and we were calling for investments in child care, all these pieces that are needed if, let's say, in this case a woman is fleeing violence, so that she will have those supports. So I think it's important to echo that criticism here as well, that we have an opportunity to also focus on prevention.

Another piece. Jan Reimer, who's the executive director of ACWS, Alberta Council of Women's Shelters, also pointed out that one of the pieces that troubles her in this legislation is the undetermined future of the witness to homicide benefit. This is a

\$5,000 support payment for anyone who has seen a loved one die by violence, and in many cases these are children, young people. I can't help but think that not that long ago, gosh, probably only a couple of weeks ago now, maybe longer, there was a terrible example of a domestic homicide outside of Edmonton, in Strathcona county. In that case there were children who witnessed it.

So I'd urge the government to really think about how we can ensure that children have access to supports. Jan Reimer pointed out that she's concerned. She's concerned that, in fact, instead of making things easier, instead of providing more supports to, in this case, children who may have witnessed horrific incidents, we might be asking them to jump through more hoops, which, again, highlights the need to think about referring this piece of legislation. Again, we are committed, on our side of the House, to ensuring that there are supports for victims and for survivors. We have an opportunity to get this piece of legislation right.

9:30

Now, I want to talk about another concern that was flagged for me. In fact, just earlier today I received a message from a young woman who shared with me her concerns about Bill 16. I asked her if I could share part of her story in the House, and she agreed. One of the things that she pointed out was that as somebody who was a sexual assault victim, she did not qualify for the victims of crime fund. She points out that she reported more than two years after her assault, which is actually quite common for victims of traumatic events, to not report right away. Her biggest concern, she said: you know, there's a surplus, and it's not there because victims don't need the supports; it's there because there are a lot of barriers facing victims, specifically victims of sexual assault.

You have to be very specific when you outline any of the costs that you've incurred because of that crime, and she shared with me – hopefully, I'll get a chance to talk more because I know that there are a few other folks who have reached out to me and want to share their personal stories. And we must also keep in mind that for every person that's reaching out and willing to share their story about navigating the justice system, we know that there are countless who won't be able to share their stories. Maybe they're not with us, or maybe they're just not in a place where they're able to share, where they're able to talk about such a traumatic event.

She talked about the fact that since her sexual assault she's been on antidepressants. She's had to pay nearly \$100 a month for those. She said that any sort of therapy and counselling that she's had have run about \$180 per session. She said that she's paid out of pocket for these, and being a victim of a violent crime has dramatically impacted her personal finances. She points out that this money was intended to directly support those who've been affected by crime. She said that people like her need direct funds, and they haven't received them. She's read the proposed legislation, and she doesn't feel that taking the money away and putting it in other initiatives like police initiatives is the way to help victims directly.

On that note, I want to again encourage the government to refer this piece of legislation to committee. We have an opportunity to get it right. Let's do so. Let's listen to victims.

The Speaker: Hon. members, Standing Order 29(2)(a) is available if anyone has a brief question or comment for the hon. Member for Edmonton-Highlands-Norwood.

I'm sure that the hon. Member for Edmonton-Rutherford, given that he interrupted the speech with a cellphone infraction, will be more than happy to make a donation to a charity of his choice on behalf of the Assembly.

Is there anyone else wishing to speak?

Seeing none, is there anyone else that would like to speak to REF1?

Seeing none, I'm prepared to call the question on the referral motion.

[Motion on amendment REF1 lost]

The Speaker: We are back on Bill 16 at second reading. Is there anyone wishing to join in the debate this evening? I see the hon. Deputy Government House Leader and Minister of Energy has risen.

Mrs. Savage: Well, thank you, Mr. Speaker. I move that we adjourn debate on Bill 16.

[Motion to adjourn debate carried]

Bill 21

Provincial Administrative Penalties Act

The Speaker: Hon. members, is there anyone wishing to join in the debate?

The hon. Minister of Energy.

Mrs. Savage: Well, thank you, Mr. Speaker. It's my pleasure today to rise on behalf of the Minister of Justice and Solicitor General and move second reading of Bill 21, the Provincial Administrative Penalties Act.

The minister is very proud of this legislation. It will save lives, make Alberta roads safer, and free up significant and valuable court and police resources.

I'd like to talk a bit about why this legislation is necessary. We have a variety of long-term problems in this province. First, impaired driving. Impaired driving is still a significant issue here in Alberta. It remains a leading cause of death and injury. This is especially true in rural areas. In fact, 70 per cent of fatalities due to impaired driving happen in rural communities.

Second, our court system is overburdened. Court resources are strained. Crown prosecution resources are strained. We are seeing cases dismissed either because Crowns need to prioritize more serious cases or because it is taking too long to get cases heard. There are thousands of impaired driving cases that need to be dealt with each year and approximately 2 million charges under the Traffic Safety Act. This is overwhelming for our court system.

Third, the global pandemic has shown us that we need to do things differently. We need to be able to adapt. The justice system is essential, and it needs to be able to function no matter what. It is time to add some flexibility to the system and to ensure that some matters can be handled remotely. The people of this province are receptive and, frankly, deserve to have these options and to have flexible ways of accessing our justice system. These are serious problems, and we are offering a serious and transformational solution.

Bill 21, the Provincial Administrative Penalties Act, if passed, will address all of these problems. By changing the way that we approach impaired driving and handing out traffic tickets, we can at once provide safer roads, change the behaviour of those driving impaired, reduce the burden on our courts, free up valuable police and justice system resources, and provide a fast, simple, and efficient way for Albertans to pay their traffic fines. Bill 21 will introduce stronger and immediate impaired driving penalties. It will also create a streamlined, fast, and fair method of resolving impaired and traffic disputes, freeing up both court time and police resources.

Our colleague the Minister of Transportation will talk more about the impact that this legislation will have on our roads, but I'll just touch on the highlights here. This bill will usher in some of the strongest impaired driving penalties in the country. Increased impaired driving consequences will include fines of up to \$2,000, increasing length of vehicle seizures for up to 30 days, new mandatory education programs for repeat offenders, and new and longer periods of mandatory ignition interlock, especially for repeat impaired drivers. This is something that's already being done in B.C., where it has made a significant impact on impaired driving.

Significant for law enforcement is the change for first-time offenders. By moving most first-time offences from the criminal system to an administrative system, we can free up potentially thousands of hours of police time each and every year. Processing an impaired driving offence can take upwards of eight hours for a police officer. They will also need to prepare for and possibly attend court, taking them off the street again. By using an administrative system for most first-time offenders, police can administer the penalty and be back patrolling streets and neighbourhoods. This is particularly important in rural areas, where detachments have only a few officers. Taking even one officer off the streets to do paperwork significantly reduces their presence in the community. This legislation will allow officers to be out policing: policing streets, neighbourhoods, and rural communities.

9:40

I want to allay some fears here as well. Offenders do not get off easy. As mentioned, there are significant and immediate consequences. To be very clear, police still have the ability to lay criminal charges, for example, in the case of bodily harm or death, and repeat offenders will receive both the administrative penalty and a criminal charge. We want police on the streets instead of spending a lot of valuable time doing paperwork and sitting in court.

Less serious from an immediate public safety perspective but key to ensuring a functioning and timely justice system are the changes to how traffic tickets are handled. With a new online system, which we would introduce in 2021, Albertans would no longer have to take time out of their schedules or even take a day off work to pay their ticket or visit a courthouse to dispute it. Like so many other things these days, this new system would mean that everything can be done online. Albertans would be able to pay their ticket, ask for more time to pay, or dispute their ticket. Disputes would be handled by specifically trained adjudicators, and Albertans would have an answer within 30 days, not up to 30 months like currently in our court system. No lining up at the courthouse; no waiting to see a justice of the peace. The process will be swift, efficient, and will keep thousands of cases out of the justice system.

The courts currently handle about 2 million traffic tickets per year. This change significantly reduces the number of matters flowing through our courts. Ultimately, this would allow Crown prosecutors and the courts to focus on more serious matters, including repeat impaired drivers, making our province safer for everyone. Our government has been working hard to cut red tape, and this legislation will have a substantial impact for Albertans and for government: online, streamlined, and easy to use, allowing us to use our resources efficiently and effectively.

In conclusion, Bill 21 is going to make Alberta's roads safer. It's going to free up valuable police and court resources, ensuring that police are out on the streets and that courts are focusing on the most serious matters. I urge all members to show their support for safer roads and freeing up valuable police and court resources by supporting Bill 21, the Provincial Administrative Penalties Act.

Thank you.

The Speaker: Hon. members, the hon. the Minister of Energy has moved second reading of Bill 21 on behalf of the hon. Minister of Justice and Solicitor General.

Would anyone like to provide additional comments? I see the hon. Member for Edmonton-Whitemud.

Ms Pancholi: Thank you, Mr. Speaker. It's a pleasure today to rise on second reading of Bill 21, Provincial Administrative Penalties Act. This is a substantial piece of legislation, and I want to begin by expressing that the members of the opposition and, in fact, all Albertans wholeheartedly agree with supporting the goal of saving lives and reducing impaired driving. We absolutely support innovative measures and thoughtful, evidence-based measures that will reduce impaired drivers.

I do want to begin by saying that this is a very important issue, and it's very important to consider this issue within the context that we are now living in. This is a substantial piece of legislation, and off the top I think it's clear that we need to have opportunity to really fulsomely consider this legislation. I heard the statements, of course, by the former speaker, the Minister of Energy, to this bill. As well, I've seen the statements issued by – I think I just called her the former Minister of Energy. She's not the former; she's the current Minister of Energy. My apologies. I heard her speak, and I also heard, of course, the statements and read the statements that were made in the news by the Minister of Justice with respect to the intent and purpose of this bill. Let's be clear. The intent and purpose of this bill, which is to reduce impaired driving and to make our roads safer and to save lives, is something that we wholeheartedly support.

But we need to have the opportunity to really look at this bill in close detail for two reasons; well, three reasons, actually, Mr. Speaker. The first is that it's a substantial piece of legislation. It's 200 pages. It makes a lot of changes. It creates a new administrative process, which was introduced late last week in the Assembly, and we need the opportunity to really analyze the changes that have been made. The second reason why this is important is because we also need the opportunity to hear from the stakeholders and those who would be affected about the implications of this legislation.

That leads, Mr. Speaker, to the third reason why we need to be, I guess, careful and deliberate about how we approach this bill. That is because we do live currently in a specific context where we need to pay close attention to measures that affect the criminal justice system and, in fact, have perhaps unintended consequences but very real impacts on the lives of many Albertans and Canadians. In particular, I don't think anybody in this House is immune to the very important conversations and movements that are happening right now in this country around Black Lives Matter and, of course, in this country in particular as well the impact on indigenous communities. When we think about those two marginalized communities in our society, the number one issue that we speak of is the impact of the criminal justice system upon them.

I was very heartened actually to hear, as the Minister of Energy was introducing this bill for second reading, that she made some comments about how one of the reasons why it was important to bring this bill forward was because of the global pandemic that we've all experienced already and are currently still experiencing. She made those comments, and she said: the global pandemic has shown us that we need to think about things differently and adapt. I appreciate that very much because I think that's very true with respect to everything we are considering in this House right now. But it also means that we do need to be able to adapt to what we're currently experiencing and currently hearing from so many people in our communities who are marginalized.

I appreciate that Bill 21 because of its substance, because of how substantive it is – I'm sure this has been in the works by the government for some time. I'm sure the drafting has been in the works for a long time. I believe it was part of the UCP campaign platform, so I'm sure this has been something that has been in the works for a long time. When drafted at that time, I believe it would have been fair to look at similar situations about what was happening in the world, where we know that there are similar criminal provisions with respect to impaired driving in British Columbia, for example. I believe that's an example that the minister spoke to very well and we see cited all the time. Shifting to a model whereby a first-time offence for impaired driving is subject to administrative penalties – right? – the fines as well as suspension of a driver's licence as well as mandatory testing, those sorts of administrative penalties: that kind of a model has actually had an impact on reducing the number of impaired driving convictions in British Columbia.

Now, I take that to be true. We've seen that Mothers Against Drunk Driving has come out and said that that's had an impact on reducing the number of impaired driving incidents in jurisdictions where that kind of a model has been introduced. We haven't yet had the time, though, to fulsomely discover and to look at this to determine whether or not what's being proposed here is identical to the B.C. model but also as to whether or not – we are not, of course, exactly the same as another province. What worked in B.C.: will that work in Alberta? That analysis needs to be done. These are not the exact same provisions. We have a different structure in place in Alberta, and we need some time to do that analysis.

But we also have to think about it in context of the very real stories that we are hearing from the people in our black communities and our indigenous communities about the role of police and the impact it has on their day-to-day lives. Mr. Speaker, I attended the Black Lives Matter movement rally in Edmonton on Friday, and I know that several rallies were held across the province. I know that Calgary had a very large rally as well, and thousands of people attended.

What I learned from that experience was how to really take pause and listen. What was overwhelming, actually, about that rally experience, Mr. Speaker, was how all of the people present represented people from every race, ethnicity, religion. It was quite a diverse crowd that was there. There were 15,000 people there in Edmonton, but it was calm, it was quiet, and people were listening. There were speakers on the stage who were telling their stories, that were incredibly compelling, about the impact that the criminal justice system has had on them.

We can't ignore the fact that a big part of that is a distrust of the police. I'm not here to put my opinion on other people's, but that is a very real and very authentic expression that is not unique to these communities. We're hearing it across the continent right now. This is a critical turning point where we need to be evaluating closely anything that we do that potentially expands or changes or alters the authority of police. We need to look at that with the analysis and with the lens which we are hearing people in this province and across the country and across the continent screaming out, that they need to be heard. We have all witnessed the absolutely appalling videos of police brutality across the continent, and the least we can do – it is absolutely, honestly, Mr. Speaker, the least we can do – as legislators, when we have a piece of legislation before us that actually speaks to some of the issues that they're asking us to look at, is to pause and to take that analysis, to listen to their concerns.

9:50

That, Mr. Speaker, is exactly what I know that I and many of my caucus members are doing right now. We're taking that time to

reach out to those in the black community, in the indigenous community, in the criminal justice community, police community, all of those actors who interplay within our system, to find out what they think about these measures, whether they have constructive feedback about how to improve it because here's the thing, Mr. Speaker, about our criminal justice system which poses the very heart of the challenge that we always face as legislators and as a society. On the one hand, we want to preserve public safety. It's so critical. I think many Albertans will have a situation where we know somebody who's been affected by impaired driving. It is absolutely intolerable. We've gradually taken steps in this country to make it clearer and clearer that this is unacceptable behaviour, that we can't tolerate it in any way. It is reckless, it is dangerous, it is harmful, and it needs to stop. We need to take aggressive measures to do that.

But our criminal justice system is also about protecting the rights of the accused and those who are being investigated. That is the reality, because we know that that power, which is an awesome power that the state has, that government has: we wield that power, and it can crush people's lives. We need to be careful and make sure that rights are protected and that opportunities for those individuals to be fairly represented, to be fairly heard, to not be unnecessarily targeted, to not be disproportionately incarcerated – all of those things are things that we have to weigh. How do we preserve public safety with the rights of individuals to act freely? It is a tension that's existed before the dawn of time with respect to our criminal justice system.

But we have an obligation, when we're managing those forces that often clash with each other, to be thoughtful. I know, I believe that as a legislator, having heard stories long before I attended the rally on Friday but certainly in the moment that we're in right now in history, the least I can do is pause and listen and hear because while I know that this legislation perhaps may be effective – and we believe there's good evidence to support that – in reducing the impact of impaired driving, we also don't know whether or not it may unnecessarily target certain people, strip away some rights that they may have.

I know that there are a number of questions within this bill. There are things that people need to have answers for, and I look forward to a fulsome debate on that. But it is a lengthy piece of legislation, and we're already seeing some stakeholders, some organizations come out and express concerns. Particularly, I know that myself, trying to skim through this bill over the weekend – you know, there are a few things that we've highlighted that I think raise questions. We know that there is an administrative penalty process, but the appeal process: what will that look like? For example, it says: a seven-day appeal process. Is that long enough to allow people to appeal? I note that the Alberta Criminal Trial Lawyers Association has noted some concerns, perhaps, about the kinds of ways that appeals can be heard: only in writing but not in person. If there are no in-person hearings, does that not disadvantage certain communities where perhaps English is not their first language, where they may have difficulties communicating themselves in writing?

I'm all for spending less money on our criminal justice system and actually investing. Now, I believe in investing those additional dollars into our communities. That's where I believe the money we save on our criminal justice system should go. Money saved on court time and lawyers and the process: that actually should go back into our communities, not, for example, Mr. Speaker – I don't agree that that should go into the pockets of big corporations. I believe that it should go into our communities and should support more initiatives so that police don't have to do all the social work for us, so that we can actually ask our community agencies who work directly with people to support them. I know that we have to balance

how we do this. We do want to have a cleaner, more efficient criminal justice system, but we also need to make sure that the rights of those affected are heard and are protected.

Mr. Speaker, I'm hopeful that we will have a very real conversation in this House about Bill 21. To be clear, I actually see this bill in conjunction with two other bills that have been brought forward by the government this session with respect to the impact on the victims of crime fund as well as the Alberta parole board because we have before us right now three significant pieces of legislation that directly impact our criminal justice system. Who is most affected by our criminal justice system? Our marginalized and racialized communities. So we cannot move forward on considering these bills in a legitimate way unless we are hearing from those communities.

I urge the government, in a spirit of acknowledging that circumstances have changed – we live in a different world. Now, I know that there will be generations of black Albertans and generations of indigenous peoples who will say: this is not new; this is not a new situation. We are now seeing the light of day on it. There's now some momentum, there's now some attention because of the egregious things we've seen in the United States but also see in our own country and in our own backyard. But we can't waste that opportunity, where we finally have some real momentum, where legislators and educators and people who are influencers in their community are listening, to actually take action.

I am not prepared to go forward and support a piece of legislation that directly impacts marginalized and racialized communities without having their voices heard. That is what I view as my obligation in this House, Mr. Speaker, and I believe that it is the obligation of every member in this House to listen to our communities. That is what they're asking us to do more than anything else right now, and it is our obligation to do so. So I intend – and I've already begun this process, and I know my colleagues have as well – to reach out to a number of communities to see what their thoughts are on this bill.

We support legislation that will make lives safer, that will make our roads safer, that will reduce impaired driving, but we need to make sure we do it in a way that does not create additional injustice to marginalized and racialized communities. Is that going to be an easy task? I don't think so. I know it's not going to be an easy task, and I know that this government should, with its power of its people, of its resources, be able to respond to that task and be able to respond to the circumstances that we live in right now. We've heard that that is the purpose behind this legislation, to speed things up, to respond to the realities of COVID-19. I'm hoping that that is not the only current circumstances that this government is going to pay attention to.

I hope – I've yet to feel that in a really profound way, though, Mr. Speaker – that this government is listening to the black community and is listening to the indigenous community and listening to what's happening right now in our province because these are remarkable times. I attended that rally on Friday, and it was unlike any other rally I've seen. We need to listen, and I hope the government will take this opportunity to also do that consultation, to also do those connections and reach out to those communities, to see about what the impacts of a bill like this, which can potentially put more into the hands of police – it takes resources out of our courts, which is maybe a good thing, but it also may limit their rights of appeal. It may limit their due process rights. How do we balance that? We need to hear their feedback before we move forward with legislation that right now does not reflect their voice.

Mr. Speaker, I'm looking forward to some thoughtful and profound debate on this as well as the other pieces of legislation that have come forward that are related to criminal justice in this

province. We are obligated; this is our responsibility as legislators, to listen to our communities. This is not just Edmonton. It's not just Calgary. These are affecting all of the people in all of our constituencies. So this is not just our obligation; this is – this is – a nonpartisan issue. This is about Albertans who need to be heard and need to have their voices heard. I sincerely hope that the government will enter into this debate with that in mind and be willing to hear their voices and make amendments where necessary because that is their responsibility.

I'm a little disheartened right now, Mr. Speaker, that I don't see a lot of people in the House seeming to pay attention or listening right now, but I hope that they're listening to their communities. They might tune me out – I'm a member of the opposition; I get that – but I'm not just speaking for myself. My job is to reflect their views. I hope the members of the government will listen as well.

Thank you, Mr. Speaker.

The Speaker: Hon. members, is there anyone else that would like to speak to second reading of Bill 21? The hon. Member for Calgary-McCall has the call.

10:00

Mr. Sabir: Thank you, Mr. Speaker. It's my honour and privilege to rise today to speak to the Provincial Administrative Penalties Act. I can begin by saying that we are in full agreement with this government when they say that their goal is to save lives, reduce drunk driving, and do things more efficiently. These are laudable goals, and certainly we agree with the government that that's something that we should be pursuing because as a member of this House the decisions we make here, laws we make here, policies, regulations we make here have profound impact on Albertans. In particular, when we are talking about this important piece of legislation that deals with impaired driving and other pieces of legislation that are also on the Order Paper, I think it's our responsibility that we do everything we can to get this right.

As the Minister of Energy noted, impaired driving is one of the leading causes of death and injuries; in particular, it's an issue in rural communities, where 70-plus per cent of those deaths and injuries relate to impaired driving. We can all agree that these are deaths and injuries that are a hundred per cent preventable if we are able to put in place laws, if we are able to put in place policies that are effective, that are well thought out. These are human lives. These are injuries that are avoidable. That's why I say that this is an important piece of legislation, because it has profound benefits if we get it right.

Also, the minister noted in her opening statement that we have thousands upon thousands of cases in our court system, in our judicial system that take a lot of time from our law enforcement, from the court system, prosecution branch, so if we do things more efficiently, in better, well-thought-out ways, we'll be certainly able to save those precious resources, save that time for more pressing, more urgent issues of a more serious nature. That's why this is an important piece of legislation.

As we know, impaired driving is one of the leading causes of death and injuries; it's also one of the leading threats to road safety. Every one of us pretty much as a routine matter is on the road every single day for work purposes, for appointment purposes, for daily need necessities purposes, so it's important for all of us that we ensure and do everything that we can to make our roads safe for everyone. Certainly, impaired driving is one of those factors that do impact road safety. It impacts everyone's safety.

As was indicated, other jurisdictions have taken different approaches, have tried new ways of dealing with impaired driving. Certainly, there were challenges as well. I do have a legal

background. I wasn't practising in this area, but I do know, briefly, that when B.C. tried it initially, their initial model was challenged in court, and if I remember it correctly, it was also shot down. Then they improved it, came up with a better model. It was shared when this bill was introduced in their press conference as well that the evidence from the B.C. model was that it helped B.C. reduce deaths and injuries by 50 per cent, and that's huge. Certainly, if we can do something along those lines and save lives, even one life, it's still worth doing it.

However, this bill is a fairly detailed piece of legislation, a 200-page-long piece of legislation, and I do remember that when we were in government and the UCP was in opposition, anything over 100 pages – 148 pages: I remember some specific pieces of legislation – that was always too much to take in. Certainly, I would suggest that it's an important piece of legislation. It's intended to deal with an important issue. It is intended to deal with road safety. It's intended to free up police resources, justice system resources. It's important that we consider it thoroughly, in full detail, and get this right.

10:10

I do know that Mothers Against Drunk Driving are supportive of this piece of legislation. I have the privilege of knowing a mother, a work colleague of mine, who lost a son to a drunk driver in 2014. I have met her more than a few times, and I can say this much, that that incident has changed her life forever. It has impacted every aspect of her life, and now she is part of Mothers Against Drunk Driving, and she has advocated for tougher penalties, criminal sanctions for impaired driving.

[Mr. Milliken in the chair]

With that in mind, I think I'm fully aware of the responsibility that comes with being an elected member, the responsibility of making decisions that are of utmost importance to people and their lives. As the minister outlined, the purpose of this change is to deal with impaired driving through an administrative model and do it in a more flexible way. She talked about the context of COVID-19, how COVID-19 has impacted everything we do, the ways we do things, and has pushed us to do things differently.

We are trying something new, so, again, we have to be very careful, and we have to think through every aspect of it, whether what we are doing is achieving or is capable of achieving the intended purposes or capable of making the road safe, how it impacts Albertans' rights, whether Charter provisions are engaged somewhere, whether there will be some other offences in areas other than impaired driving and speeding that this Provincial Administrative Penalties Act will apply to.

All those things need to be considered, and we look forward to having a robust discussion. We look forward to hearing from the minister and the government side on all these important issues. Our commitment is that we will work on all these issues with the diligence that Albertans expect of us.

With that, I will move that we adjourn debate on this bill. Thank you, Mr. Speaker.

[Motion to adjourn debate carried]

Government Bills and Orders Committee of the Whole

[Mr. Milliken in the chair]

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

Bill 20

Real Estate Amendment Act, 2020

The Deputy Chair: Are there any comments, questions, or amendments to be offered with respect to this bill? I see the hon. Member for Edmonton-Rutherford has risen to comment.

Mr. Feehan: Thank you very much, Mr. Chair. I appreciate the opportunity to ask a few questions. I appreciate the willingness of the minister to respond to my questions. I think my earlier statements were too general, and as a result he may have felt that I didn't appreciate the work that had gone into this. I think what I was intending to say – and I will try to say it more now – is that I would just like to understand some of the reasoning. I wasn't questioning the need.

I certainly would like the minister just to help me understand a little bit about the construction of the boards and the intent of how they're going to work as they're moving forward. I'm particularly interested in the industry councils because I understand – and we all did when we were in government before the previous election – that there were a number of interpersonal difficulties that were occurring between board members on the previous board, and as a result we asked for the KPMG report to be done.

To the minister: what I'm just wondering, then, is a little bit about how the decision was arrived at to create these councils at the size they are, just so I understand how his solution addresses the problem that we were all aware of. I'm not questioning that something needed to be done – we were all very much aware of that – but just hoping to understand that a bit more. The decision was made that the industry councils would be a size of five people, a small number but maybe appropriate in terms of dynamics and getting the job done, and therefore maybe it is quite appropriate to support.

In looking at the councils, we have three industry members and two appointed members. I'm just wondering if the minister would take a moment and explain how he sees that as a balance of the needs and demands that are imposed on these councils and how that balance between the public members appointed by the government and the industry members is there. I'm particularly wondering about the fact that this group of five, if I understand the bill correctly, will appoint from amongst themselves a member as a chair in this. I just want it to be clear. It seems to me that either an appointed or an industry member can be the chair of these councils. If I'm wrong, you can correct me on that.

Then I'm just wondering about the voting that occurs. When a vote is taken, there are different kinds of governance structures. In some situations the chair automatically refrains from voting unless it is required, that they are needed to break a tie. I'm just wondering if that kind of decision-making has been made yet, about the nature of the voting process on these committees. I'm just wondering about the implications as to whether or not that chair happens to be an appointed or an industry member who will sort of ultimately be breaking a tie.

10:20

Subsequently, I'm also interested, if the minister could help me just with some of my own understanding around this – hopefully, he can just clear up things for me in just a few words – about the nature of if someone is contravening the act. Is there a process required to remove them from the board, at least temporarily, while they're making decisions about whether or not there was a contravention? It indicates that in this situation – sorry; I'm just trying to find the right page; my page turned while I stood up – the votes must be a majority of the members plus one other member.

So on a council of five, if one member is out, that would leave three members, or four if we include the chair. I'm just wondering if that means, essentially, that all three of the other members need to concur, because that would be a majority plus one, or if I'm overreading that.

Perhaps I'll just stop at this point to ask the minister to just provide me some clarity. Perhaps some of these decisions will be made when the bylaws are being made subsequently by the councils themselves. I'll stop talking at this point in hopes of hearing some answers.

The Deputy Chair: Thank you, hon. member.

Are there any other members wishing to join debate in committee? I see the hon. Minister of Service Alberta has risen.

Mr. Glubish: Thank you, Mr. Chair, and thank you to the Member for Edmonton-Rutherford for those questions. I'm happy to try and address those to bring some more clarity here.

Let's talk a little bit about the structure of the boards and, again, why this was important, specifically the industry councils. One of the biggest problems that we heard from the industry, from all of the industries regulated by RECA, and certainly what we saw in the KPMG report, is that because you had representatives from so many different industries on a single board, each of them had different priorities, different urgent needs in how to regulate and deal with licensing and regulation of their respective industries. Because of these competing priorities, you know, that led to disagreements – disagreements about how much time was spent on different things and disagreements on how to handle different things – and ultimately, as a result, none of the industries were regulated well.

So based on a lot of the feedback from these members, these organizations, we concluded that following a model similar to what the Alberta Insurance Council does for their regulation – again, the insurance industry is very similar. They've got many different industries, many different segments, and they oversee that, and they have a very similar, council-based model. So we're not reinventing the wheel here. We've found something that has worked in another area and that has a lot of similarities here, and we said: "Okay. Well, if the residential real estate community and industry want to focus on their priorities and not on the priorities of the mortgage brokers and not on the priorities of the property managers, that makes sense, so let's give them a vehicle to do that."

So we gave them that vehicle in the industry council. They now can be a part of this industry council, focusing solely on their industry, focusing solely on their priorities, meeting their most urgent needs, and focusing on the licensing and regulatory framework required for their members so that they can best serve Albertans with a high degree of competence and skill. Similarly, the mortgage brokers can do their own thing in their council and so on and so forth.

So this is one of the reasons, I believe, that industry is so supportive of the measures we brought forward, because they know that they're finally going to get a chance to focus on what matters to them and not be distracted by what matters to the other segments of the real estate industry.

How will those boards be made up? Well, as was mentioned by the Member for Edmonton-Rutherford, yes, there will be three members of each industry council who will come from industry. And how will that happen? They're essentially going to be elected by licensed members of each of those industries. So on the residential real estate side, licensed realtors will vote to choose three members that will serve on that council, and then the Minister of Service Alberta, in this case, I guess, myself, would appoint the

other two. That will happen the same way for mortgage brokers and for commercial realtors and so on and so forth.

Then each of those five members would vote to elect their chair. It could be one of the industry members; it could be one of the public members. It's up to them to decide. I suspect they're probably going to pick one of the industry members because there are 3 to 2, but they get to decide who is best equipped from those five folks. Then also, from there, they would choose who's going to be representing them on the overall strategic board of RECA as a whole.

You know, in terms of how those are set up, that's some of the rationale there. It may not have been that industry specifically said, "Give us a council model like the Alberta Insurance Council," but what I looked at was: what are they asking from me in function, and what do they want to accomplish at the end of the day? The most important thing to them was: let's get away from the bickering between the different kinds of real estate industries at the board level, and let's each have our own segment. That's what this council model does for them, and I think that's why they're so happy with this.

In terms of voting rules, I mean, that's tied to what this bill brings forward, which is a requirement for the council to establish bylaws within a certain time frame. Those bylaws will cover all sorts of things, and I would anticipate it would include that. You know, I'm not in a position where I can tell you what those voting rules will look like because they're not in place yet, but ultimately this new framework, the new board, will work on those details.

In terms of removal from a board, there are mechanisms for that. I mean, that was a big part of the problem before. If you had dysfunctional relationships on the board, if you had folks maybe not contributing value, not qualified to do the job, there wasn't really a clear path to getting rid of a member. Depending on whether it's at the main board level for RECA as a whole or whether it is in the industry council, I think there are some different details. An industry council member removal would require a supermajority of the industry council. For a public member, it would be a majority who could recommend to the minister that a public member needs to be removed. So there'd be an extra check and balance there just to say: is this a request that's in the public interest and a request that's in the interest of the proper functioning of the board and of the councils? Hopefully, that gives a little bit of clarity.

I don't remember if this was mentioned in the member's questions during committee, but I know there were some comments about the overall mandatory governance training. You know, at the end of the day, governance training is governance training. It doesn't matter what industry it's for. This is a governing board; it's not a real estate board. When it comes to governance process, that's universal, and that's the kind of training that this board needs. That's the kind of training that the previous board probably should have had and that might have helped to eliminate some of the problems. So that is why that's such an important requirement.

I believe that covers most of the questions. I may have missed some, but I'm looking forward to further discussion.

Thank you, Mr. Chair.

The Deputy Chair: Thank you, hon. member.

I see the hon. Member for Edmonton-Rutherford has risen to continue the debate.

Mr. Feehan: Thank you very much, Mr. Chair. I really appreciate the answers, and I can see that we're going to have to wait a little bit for regulations to see how the bylaws play out on some of these things.

Just a quick question for you. The number five is part of the question that I have: why five members on a board? I know, for example, that when I was on a subcommittee of the Alberta College of Social Workers' board and appeared before the board, I was able to see that the board was constituted of approximately 12 members, 10 of whom were social workers, members of the association, and two of whom were appointed by the government. So the balance was 10 to 2. There was certainly a voice from members appointed by the government, but the clear majority at all times would have been members of the industry, social work in that particular case. I guess I'm just wondering about the decision to have, effectively, a balance between industry members and public members, appointed members, particularly if the bylaws eventually come out that the chair refrains from voting until the time of casting a vote to split a tie. I'm just wondering. Is there going to be a concern about having essentially equal power from the industry and from the government-appointed members in that situation as opposed to what was happening on the Alberta College of Social Workers board where there was clearly a balance of power toward the industry members, in that case social workers? I wonder if you just might speak to the decision around five as opposed to, let's say, having 10 and making it an 8-2 kind of relationship.

Thank you.

10:30

The Deputy Chair: Thank you, hon. member.

I see the hon. Minister of Service Alberta has risen.

Mr. Glubish: Thank you, Mr. Chair. Thank you to the member for the questions. Again, just to clarify, until the bylaws are established by the regulator and the councils themselves, you know, I can't comment on what the voting arrangement will look like or whether the chair votes or whether the chair votes in the instance of a tie. That process will occur once the election of the industry members has taken place and once the appointment of the public members has taken place. Once we know what that looks like, then we'll have a better sense of the process.

The key reason for five was that this is an industry regulator, and I think it makes sense to have majority representation from the industry affected. They're the ones who know their industry best. They're the ones who are there to safeguard and ensure that Albertans are being served by competent individuals who follow the law and follow the rules and are properly licensed and have the right education to do the job, especially knowing that these now will be elected members, elected by the licensed professionals. I certainly hope – and my challenge to those industries will be: pick the best people for the job. Pick the people that you know you can trust and respect to look out for your best interests and that of your profession.

Having two public members is to have a check and balance, a sober second thought, but not an overwhelming majority that says that the industry's opinion doesn't matter. The industry's opinion does matter. Quite frankly, you know, the industry cares very much about making sure that their industry functions properly, and that's why they were demanding change. That's why they were demanding reform, and we're so happy with the dismissal of the council in October and the changes that we're proposing here today.

I believe that this is a good model that has the right balance between industry and public members and, again, gives the industry councils and the future board the ability to establish those bylaws to ensure that they are common sense and make sense for the good of the industry and for the good of all Albertans. Certainly, as was referred to, there are certain checks and balances that this bill brings forward that allow me as minister to intervene if there are problems.

Essentially, if the regulator goes against the public interest and if the public members aren't able to, you know, ensure that there is some sense or reason, then there is a process. We can fix that. My hope is that we won't need to.

My hope is that all of the industry has seen how bad things can get when things devolve into dysfunction, and they don't want to let that happen again. Certainly, that's been the representation to me in all of the consultations that I've done, so I think that by giving them the opportunity to work within this framework, the high probability is that it's going to serve Albertans well and serve the real estate industry well. But if it falters, I have the ability to address that in a more timely manner than under the old system.

You might recall that last year I had to intervene when the Real Estate Council of Alberta was trying to impose new advertising guidelines, changing font sizes and logo placement on all of the advertisements for every realtor in the province. This would have cost between \$30 million and \$50 million as a one-time compliance cost, and there was no evidence to me that this would have been of any benefit for Albertans, for the public, or for the industry. This was micromanaging. This was overregulation, overstep. This is a perfect example of the red tape that we want to reduce and cut. It's eliminating unnecessary costs and burdens on Albertans and Alberta businesses.

It was a difficult process for me to intervene on that, but I believe it was in the public interest. The changes we brought forward in this legislation will make that a little bit simpler to enact should the regulator get offside, but as I said, with the new industry council model I'm very optimistic and confident that we're going to see significant improvement in the overall governance of the regulator.

I hope that that helps to address the questions that the member brought up, and I look forward to more questions.

The Deputy Chair: Thank you, hon. minister.

I see the hon. Member for Edmonton-Mill Woods has risen to speak.

Ms Gray: Thank you very much, Mr. Chair. This is my first opportunity to speak to Bill 20, the Real Estate Amendment Act, 2020, so I would just like to say that I think it's a good piece of legislation that puts in place a lot of the recommendations of an independent report that was brought forward. I want to say thank you to the minister for being willing to stand and respond to questions from the members of the opposition.

Exactly along the line of questioning that we were just on, a couple of questions that I would like to ask during Committee of the Whole given the importance of this. Through your conversation with my colleague it's clear that the bylaw development is going to be really important, so I wanted to ask you if there's a process or if there are requirements or expectations that you have that when the bylaws are being developed, they involve stakeholders in the public. Obviously, you talked about the checks and balances you have if things go off the rails, but encouraging that stakeholder involvement can really help on the front end.

You were also talking with my colleague about the makeup of the boards and industry councils. One thing that I know is incredibly important on any board or council, whether it's business or nonprofit, is to have representation that is diverse and, where possible, balanced by different regions, gender, diversity. With the way that the representation is being done with nominated individuals as well as two appointed, I just wondered if the minister could speak to: will the government be considering some of these factors – region, gender, diversity – in making their two appointed choices while the others will be industry led and voted on by those industries? Similarly, in this case with the board of directors

determined by three public appointments and then a representative of each industry council, does your government have any influence or ways to ensure that there is regional, gender, and diversity balance on the board of directors?

So the first question was essentially around bylaws, making sure that they're consulted on. The second question was just asking a little bit more about the makeup of the industry councils and then the board of directors when it comes to diversity.

My final question is specific to the condominium managers, who are being included in the governance of RECA. Given that property managers, who manage individual units and use the Residential Tenancies Act, and the condominium managers, who manage the larger corporations, are going to be together on a single industry council, I was wondering if the minister can speak to ensuring how both types of managers will be represented given that they have very different viewpoints.

Again, I appreciate the opportunity to speak to Bill 20, Real Estate Amendment Act, in Committee of the Whole, which I think is a piece of legislation that brings forward reforms that I know a lot of stakeholders have been talking about for a while.

Thank you, Mr. Chair.

The Deputy Chair: Thank you, hon. member.

I see the hon. Minister of Service Alberta has risen to speak.

Mr. Glubish: Thank you, Mr. Chair, and thank you to the Member for Edmonton-Mill Woods for the questions. First, on the condo manager piece I'll just say that the property management side is its own industry council, and that's way better than being a part of the entire RECA altogether with everybody else. I can tell you that the condo property management folks that we've talked to are very excited about that, so I'm very comfortable with where we've landed on that.

In terms of appointments and diversity, look, I'm not going to tell the industry and the licensed members who is best to do the job on their behalf. They get to pick three; I encourage them to pick the best three. If they want to pick someone from Edmonton, someone from Calgary, someone from the rest of Alberta, that's up to them. That's great. If they want to pick three people all from one place, again, that's up to them. They can choose who they believe is in their best interests.

I suspect that, naturally speaking, probably folks in the industry in Edmonton are going to pick someone from Edmonton, someone that they know, someone that they trust. Likewise, the people in Calgary will pick someone from there, and then the rest of Alberta likely will have some similar outcomes. But I'm not going to prescribe that. I'm not going to micromanage that. I want these folks from industry to pick the best people, in their view, to do this job. I have challenged them in the consultation process that if we ultimately land on this, that should be their goal, especially given where we've come from.

10:40

In terms of public members I think I've demonstrated through my appointments, whether it be with Duane Monea as the administrator of RECA, which is someone that the NDP worked with last year on another file, that this was not a partisan choice. This is someone who is competent and a good fit for the role. I think he's done an outstanding job over the last eight months. I don't think anybody can find any complaints about his role as administrator. Another example would be a recent appointment to AMVIC, and that was Dave Quest, a former MLA and also my opponent in Strathcona-Sherwood Park from the Alberta Party. Look, we were not on the same partisan side. We had different views about the future of this

province, but I saw him as a qualified individual who had expertise relevant to AMVIC, who had, you know, a business background that added some value, who had good governance expertise as a former MLA and someone who had worked on the AMVIC file in the past. I was willing to put partisan politics aside and say: this is someone that I believe will add value and will do a good job.

As I consider public members, I'm going to focus on who's going to do the best job. When it comes to this stuff, I don't care about politics. Obviously, there's a time for partisan politics. I mean, we've all been elected. We've all been through an election process, and that involves partisan politics. But when it comes to these appointments, I want the best person that I can find for the job, and that's going to be the frame of reference through which I evaluate candidates. I hope that gives some insight in terms of the appointment process.

Thank you for the questions.

The Deputy Chair: Thank you, hon. minister.

Are there any other hon. members wishing to join debate? I see the hon. Member for Edmonton-West Henday has risen.

Mr. Carson: Thank you, Mr. Chair. Well, it's an honour to rise this evening to once again speak to Bill 20, the Real Estate Amendment Act, 2020, at this time in Committee of the Whole. I appreciate the minister taking opportunities to address some of the questions that we have where possible. Hopefully, he will be willing to address some of my questions as well. Particularly looking at the KPMG report that was commissioned by the government under the NDP, there's a table in there comparing governance practices. It compares a few of them, I believe three self-regulated bodies here, one being the Real Estate Council of Ontario, one being the College of Physicians & Surgeons of Alberta, and the other one being the Association of Professional Engineers and Geoscientists of Alberta, so a relatively similar function to the previous structure of RECA, just comparing some of their terms, specifically around council terms of timelines for appointments and how long they can be there and, you know, can they be reappointed and how often and things like that.

When we look at the previous model for RECA, there's a three-year term indicated that's not staggered, and then for reappointment it says, "No more than 2 consecutive terms." We look at the Real Estate Council of Ontario: very similar with three consecutive terms instead of two. Then moving on to the CPSA we see, "3 year terms staggered for elected members but not [for the] public." I imagine that means public appointments. Across the board: relatively similar. Looking at APEGA: three year terms, no more than 10 consecutive terms.

We look within the legislation that is Bill 20. First of all, looking at section 8, I believe, it goes on to describe a similar situation to what was in place before, I suppose. It says, "the term of office of a member appointed . . . is 3 years", and it goes on to describe that "a person may be reappointed to the Board, but no person may serve more than 2 consecutive terms as a member of the Board." As far as I can tell, that's very similar to the previous structure of RECA.

Then when we go further into the legislation – I want to make sure I get my places here – I believe it's section 10, discussing industry councils, which is a new function of the board to some extent in terms of the makeup. We see something relatively similar but a little different. It says that "the term of office of a member of an Industry Council is 3 years," and that "a person may be reappointed or re-elected [to this council], but no person may serve more than 2 consecutive terms as a member of the Industry Council" and, further, that no one "may serve . . . more than 12 years of total service as an Industry Council member." Reflecting

on the crossjurisdictional analysis of what's in the KPMG report and what is in Bill 20 as proposed, I appreciate that it lines up relatively well with recommendations or the crossjurisdictional analysis.

I guess a question that I have and the basis of the amendment that I'll be putting forward is why there was no decision within this legislation to offer any kind of term limits for the executive director of the board of the new makeup of this council. That was something that had come up once or twice through my discussions with industry stakeholders as I had the opportunity to talk about Bill 20. You know, in the past, of course, the KPMG report did not focus on any specific member or executive member or board member or industry council member, but I think that, recognizing how far we've come from the original concerns with RECA to the KPMG report and now with Bill 20, I wonder personally why there was no decision to include such term limits for executive directors within the legislation in Bill 20.

I understand that, you know, we need to ensure that the executive director of this board is somebody that's in place that can ensure stability and that will potentially outlast specific industry council members or board members, but I think that at the end of the day we need to ensure that there are opportunities for staggering of these board members or what have you and ensuring that there are opportunities for new blood to come in over the years. Once again, while I recognize the importance of stability on the board and the importance of the executive director being in place, they should also be held to the same standards as everyone else on the boards and councils.

Once again, I have an amendment that I would like to propose. I will just wait one moment here.

The Deputy Chair: If you could please just actually go ahead and read it into the record.

Mr. Carson: Thank you, Mr. Chair.

The Deputy Chair: And for everybody's benefit this will be referred to for debate as amendment A1.

Mr. Carson: Perfect. Thank you. It states that I move that Bill 20, Real Estate Amendment Act, 2020, be amended in section 11 in the proposed section 8 by adding the following immediately after subsection (1).

(1.1) The term of office of a person appointed as the executive director under subsection (1) is 5 years [and]

(1.2) A person may be reappointed by the Board under subsection (1) for an additional term of 5 years, but no person may serve as the executive director for more than 10 years of total service as the executive director.

You know, this amendment might not perfectly align with the timelines for the ability of the council and the ability of the board to be reappointed after a certain period of time, but I think that it finds a happy medium where the executive director will have time to fill in anyone else that might be transitioning into that position, at the same time having the opportunity to work with potentially different council members or different board members and ensuring that there's ample opportunity to, well, once again, ensure that that relationship is positive and that there are opportunities to train whoever might be coming in next.

You know, once again, I appreciate Bill 20, and I in general support the moves that have been made in terms of ensuring transparency on the board and on the council, but I think that this amendment would only strengthen the legislation.

Thank you.

The Deputy Chair: Thank you, hon. member.

Are there any hon. members looking to rise to debate? I see the hon. Minister of Service Alberta has risen.

10:50

Mr. Glubish: Thank you, Mr. Chair, and thank you to the Member for Edmonton-West Henday for his comments and for proposing this amendment. Having had a chance to review it, you know, I just want to weigh in with my thoughts. First of all, let me just say that we understand how important the executive director role is in the functioning of RECA on the administration side, the actual running of the regulator at the direction of the board and of the industry councils. Part of the challenge that existed before was that the executive director had very little accountability. There was very little clarity in terms of what his or her role was, what was expected of them, and how you would hold them accountable for performance. And because you had an absence of all of these things, there wasn't really a mechanism to remove somebody from that role who was not a good fit for that role.

That's why I'm very pleased to say that with the changes we brought in, the executive director will be recruited by the board, and there will be a requirement for much clearer roles and responsibilities outlined for what the executive director is required to do and who they will be held accountable to. Their contract will be tied to those kinds of performance metrics. So the board will have tools to remove an executive director who is not performing well and is not performing in a manner that is in line with the public interest and in the interests of the industries that are regulated by RECA. Much in the same way that we've included ways to remove a board member that is not performing, that is not adding value, that is not a good fit, we have also included a mechanism to remove an executive director, which is through the accountability process to the board of directors. You know, while I share the desire to ensure that the executive director is the right person for the job with the right skills and is actually performing and delivering on what they've been tasked with – I think we can all agree on that – I'm not going to recommend that we include this amendment because I believe that the board process will already accomplish that same objective.

Thank you.

The Deputy Chair: Thank you, hon. minister.

Are there any members wishing to join debate on A1? I see the hon. Member for Edmonton-Meadows has risen.

Mr. Deol: Thank you, Mr. Chair. Thank you for the opportunity. I'm happy to rise and add very brief comments on the amendment. I just wanted to say that I'm going to speak in favour of the amendment that my colleague from Edmonton-West Henday brought. I think this is a very reasonable proposal. This was something, you know, that I got a chance to learn about on my trips to the U.S., where I've got a relative of mine. He's politically engaged and very active actually in the city of Fresno. I got a chance to take in part of some decisions at every level of elected officials. They have a maximum of two terms, so they cannot serve more than 10 years. I think that has been serving very well in the U.S.A.

Looking at that, I wanted to add more to this, and, as I was told, I have very limited time as it is allotted to debate on this Bill 20. I just wanted to echo the comments that my colleague from Edmonton-Mill Woods raised, and I heard the answer from the hon. minister on this, but I'm not really convinced. I'm not saying that his position is due to a certain bias and his philosophical beliefs; that might be the honest answer that he has provided. But we have seen a few days back on the steps of the Legislature

15,000 people, you know, chanting or demanding equity, diversity, and inclusion. I do represent one of the ethnic ridings in this province, and a number of the community members from my riding and from these communities are entrepreneurs working in different industries. They're small-scale business owners, and we do hear these concerns very often. The voices of minorities usually are not being heard. They don't get the opportunity to, you know, represent their voices. That was the very reasonable concern. I could not really – as I already said, the minister would have a very honest answer that he has in mind at the moment, but that is not a very satisfactory answer.

Ignoring the equity, diversity, and inclusion at this moment and point – when we're going through the foundational overhauling of this, you know, real estate bill or the council, fundamentally adopting a different model, this is a time that I think we should sit and use to do a little more, give a little more emphasis on this very serious matter, how to achieve it. This is very, very important.

I just wanted to actually speak to a very different angle and with a very different reference. I'm trying to have my comments as precise as I can, but I just wanted to echo once again that when we are sitting, when we are debating, this is the time for us to bring those issues into the discussion. I also expect that the members of the government caucus and the minister will give a very sympathetic emphasis on this. The minorities really do not represent – in a number of ways they need to find their place, and we do hear these voices from our communities.

Thank you, Mr. Chair.

The Deputy Chair: Thank you, hon. member.

Are there any other hon. members wishing to join debate on amendment A1?

Seeing none, I'm prepared to ask the question.

[Motion on amendment A1 lost]

The Deputy Chair: Moving back to Bill 20, are there any members wishing to join debate on Bill 20?

Seeing none, again I'm prepared to ask the question.

[The remaining clauses of Bill 20 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Deputy Chair: Any opposed? Carried.

I see the hon. Minister of Energy has risen.

Mrs. Savage: I move to rise and report.

[Motion carried]

[Mr. Milliken in the chair]

The Acting Speaker: The hon. Member for Athabasca-Barrhead-Westlock.

Mr. van Dijken: Mr. Speaker, the Committee of the Whole has had under consideration a certain bill: Bill 20. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

The Acting Speaker: Thank you, hon. member.

Does the Assembly concur with the report? All those in favour, please say aye.

Hon. Members: Aye.

The Acting Speaker: Any opposed, please say no. That is carried and so ordered.

I see the hon. Deputy Government House Leader has risen.

11:00

Mrs. Savage: Thank you, Mr. Speaker. Pursuant to Standing Order 3(1.2) I wish to advise the Assembly that there will be no morning sitting tomorrow, Tuesday, June 9, 2020.

Mr. Speaker, I move that the Assembly adjourn until 1:30 p.m. Tuesday, June 9. [interjection]

The Acting Speaker: I apologize. If I could just get the hon. Minister of Energy to remake that last request. I actually did not hear it.

Mrs. Savage: Yes, because there was clapping.

Mr. Speaker, I move that the Assembly adjourn until 1:30 p.m. tomorrow, Tuesday, June 9.

[Motion carried; the Assembly adjourned at 11:01 p.m.]

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