



Province of Alberta

The 30th Legislature
Second Session

Alberta Hansard

Wednesday evening, June 10, 2020

Day 29

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.

Wednesday, June 10, 2020

[The Speaker in the chair]

The Speaker: Hon. members, please be seated.

Government Bills and Orders Third Reading Bill 20 Real Estate Amendment Act, 2020

The Speaker: The hon. the Minister of Service Alberta.

Mr. Glubish: Thank you, Mr. Speaker. I rise to move third reading of Bill 20, the Real Estate Amendment Act, 2020.

We've had some good debate on this bill in this House this week. I'm just really excited to be moving to this final stage of the legislative process for what I believe is some very sensible policy, some very important governance reform that, ultimately, will restore Albertans' faith and trust in their real estate regulator by increasing transparency and bringing good governance back to the regulator that has in recent history been plagued by significant dysfunction.

Mr. Speaker, as I've shared before, the amendments proposed here were developed on the basis of significant industry consultation. We worked very closely with approximately 20 real estate industry groups in the development of this important legislation, and I'm very pleased to say that we have overwhelming support from industry for what we're bringing forward. I think that's, quite frankly, because we've been very common sense in our approach, very thoughtful in our approach.

The most important piece of what we're bringing forward is the implementation of industry councils, allowing each of the different sectors of the real estate industry to essentially self-regulate without being distracted by each other's competing priorities and instead focusing on the most urgent needs of their respective industries. This is very welcome from the various industry groups, and it will be a significant improvement in the overall governance process. I'm really looking forward to – hopefully, should we pass this bill shortly – getting the ball rolling on setting up these industry councils and bringing about this much-needed relief for a very important industry in Alberta at a time when, now more than ever, we need to have a strong economy, and the real estate industry is a big part of Alberta's economy.

I think a lot has been said so far on this bill, on the merits of this bill. I've had the opportunity to answer a number of questions from the opposition on this bill, and I'm really hoping that after a little bit more debate during third reading, we'll be in a position in this House where all members can vote in favour of passing this very important bill.

Thank you.

The Speaker: Hon. members, the Minister of Service Alberta has moved third reading of Bill 20.

Is there anyone else that would wish to speak to the bill? The hon. the Member for Edmonton-West Henday.

Mr. Carson: Well, thank you, Mr. Speaker. It's an honour to rise this evening to speak to Bill 20, the Real Estate Amendment Act, 2020. I thank the minister for his words this evening and throughout the discussion. I appreciate his willingness to rise as much as possible and speak to the importance of this work that has been

conducted and the importance of finding a new governance structure, I suppose, to ensure that RECA moving forward is able to strengthen their relationship with all the affected industries, whether it be the residential real estate agents and brokers, the commercial real estate agents and brokers, commercial property managers, mortgage brokers, or residential property managers and condominium managers.

These are all important industries that, you know, day to day we all deal with, whether we're looking at buying a property or if we have a condominium property and dealing with things like the condominium managers, which often happens in relationship to the condo boards as well, which are enforcing bylaws in those communities. So it's incredibly important that we get this right.

Once again, looking back on where we came from when the original minister under the NDP moved forward to have a report conducted by KPMG. Of course, some of those major findings were that – you know, the review looked at the effectiveness of the board and saw that there were many concerns with “personality conflicts,” as it's listed under 1.2 in their major findings and recommendations, “within Council, and between Council and Administration,” which were “unlikely to be resolved without changing the individuals involved,” as it's stated here. So it was incredibly important, first of all, that the minister took the opportunity to dissolve at the time the board and the council that was in place, recognizing that the KPMG report did recommend that, so I appreciate that the minister moved forward on that important first step. I supported the minister at that time, and I continue to support the minister overall in what we see here in Bill 20.

Further, in the KPMG report we saw that, as the minister mentioned, a majority of the time the council was spending most of its time on interpersonal relationships and on administration concerns and issues, which is not the proper function of this council by any means; it should be spent on ensuring that whether it be the real estate agents and brokers or property managers, condominium owners, whichever relationship we're talking about, ensuring the effectiveness of the council and board and ensuring that it is doing its best to represent the interested stakeholders as well as the consumers that are involved in these industries.

Once again, I appreciate that, I think, overall, reflecting on the KPMG report and reflecting on the consultations that I've had personally with the affected industries, what we see in Bill 20 is something that we can overall support in terms of the new scope of RECA and some of the changes to the purview, including education and professional advice beyond regulatory information, so some changes to what RECA will actually offer, but also further – and I imagine this conversation will continue into the regulations, and I know that the interested stakeholders are definitely interested in being a part of that conversation – is ensuring that through those conversations around the regulation that we're ensuring accountability and ensuring that there are opportunities for conflict management in a better, more wholesome state than what we saw previously.

Once again looking back at the KPMG report, it shows that council members were spending a disproportionate amount of time discussing governance matters. Approximately 80 per cent of the motions brought to council over the last three years, obviously, looking back before the KPMG report came out, were spent on administrative or governance issues in comparison to 20 per cent of decisions pertaining to strategic or regulatory matters.

Some of my colleagues brought up the fact that it was mentioned in the discussions and the minister brought up the fact that there were, you know, conversations around red tape and fonts on advertisements, which is not necessarily something that these organizations should be so much focused on. I'm sure that's a

conversation that can happen, but I think that there are definitely more important things that need to be considered.

You know, looking at the improved, I would call it improved, structure of this and the reforms to increase transparency and ensure accountability and improve the governance of RECA, I think that this is something that we can support.

I appreciate the minister taking the time to consult with stakeholders. I know through my conversations that maybe not everything that they wanted was necessarily included in this bill, but I would say that a majority of what they were asking for is included, so I appreciate that those conversations were overall positive and that the decisions that were made reflect the recommendations within the KPMG report, that was released on June 28, 2019, and reflect the consultations that happened after that KPMG report was put out.

Overall, once again, Mr. Speaker, I'm happy to stand in support of this, regardless of the fact that my amendment, which I feel was a very reasonable amendment, was shot down, but I won't get into that. Either way, thank you again to the minister for bringing this legislation forward. I look forward to seeing how the relationship within RECA can be strengthened moving forward.

Thank you.

The Speaker: Hon. members, is there anyone else wishing to speak to Bill 20 this evening? The hon. the Member for Edmonton-McClung has risen.

Mr. Dach: Well, thank you for bestowing the honourables on me, Mr. Speaker. I appreciate that. It's in the nature of the podium I stand, it doesn't necessarily allow me to assume those honours but, nonetheless, rightfully acknowledged.

Good evening, all. Very much a pleasure to stand this evening before you and speak about Bill 20, a bill which affects the operation and governance of an industry that I participated in for 30 years, before being elected as a member to this Assembly. Of course, I will have some insight into the industry that other members may not have. It was known to me, before I was elected, that there were issues with respect to RECA and its governance. It certainly became heightened and intensified after I was elected and sat on the government side of the House, with the members of the industry knowing full well that I had the experience and understanding of how the industry was operating real estate and the other arms of the industry that were governed by RECA.

7:40

It was not uncommon, let me say, for me to hear directly from individuals, whether it be at a public function or simply by private communication, about the inner workings of things that were happening with respect to that council. You know, it was my role as an MLA or even early on to take those concerns forward and make sure that the rumblings were accounted for. Ultimately, over the course of time what we did as a government was put the wheels in motion for a full review of RECA, which, of course, brought forward the fruit of the KPMG report, upon which much of the current minister's reforms are based.

I think it goes without saying that it's truly unfortunate that the problems with RECA went on as long as they did, to the extent that, you know, people on that council and those affected by it would literally be in tears. It's not a happy scene when you've got a governing council of a major industry, which has roughly 15,000 members and more, that seems to be . . .

The Speaker: Hon. members, I hesitate to interrupt. However, there are lots of spaces available in the Legislature for private conversations. The Chamber, however, is not one of them. If you

would like to have private conversations that are loud enough for the Speaker to hear, perhaps you'd do that in the lounges. The only one with the floor is the hon. Member for Edmonton-McClung.

Mr. Dach: I really thank you for that, Mr. Speaker. It is a very important evening for me, and many of my colleagues, I know, are watching and listening intently to this final debate on Bill 20, which will be in place for a long time. They're hoping earnestly that reforms being made by the minister today through this legislation will be long-standing and positive in nature and will allow the council and governance to go forward and do what they want to do, and that's to act as a body that seeks to improve the real estate industry, the other industries governed by RECA for the benefit of the consumer as well as the industry members and the public in general.

I thank you for allowing me the full and open floor to spend a little bit of time speaking about the bill itself and some of the concerns that are still out there about it. I received some communication from long-standing industry members, particularly from the real estate field, and there was a definite concern expressed about kind of the unwieldiness of the council itself and the fact that it has so many government-appointed members. Eleven government-appointed members is something that a number of the industry members are concerned about and wonder if indeed that will make this council unwieldy. But, by and large, Mr. Speaker, they're willing to give it the benefit of the doubt and see how this operates, knowing that in the world out there most governing bodies, whether they be corporate bodies or appointed councils or elected councils, do operate in the interest of the organization and the individuals who they are either elected or appointed to represent. There can be governance issues from time to time, but generally speaking, they don't get out of hand or are not left as long as the RECA governing council problems were left to dissolve into a situation which left no resort other than to dissolve the council.

One of the outstanding issues of concern that I had, and it was shared by some industry members, is the actual length of time that the former executive director actually held the executive directorship. It was a total of 22 years. It's not totally exceptional for that type of position to be occupied by somebody for that length of time because governance models and organizations do evolve over a period of years and it takes time to implement a new regime and then to perhaps adapt and operate it, but there is a desire, I think, amongst all industry members who are governed by this council to ensure that no future executive director ever has such control over the council. I know that in terms of the operation of the council the executive director is the employee of the council. They have the opportunity to vote to remove that individual according to the terms of the contract that may be in place and existing legislation, but indeed that didn't happen for a variety of reasons that I won't go into here. So it is a concern, and certainly it will be something that's watched by industry members as a new executive director is put in place and as new councillors are appointed, that we don't devolve into the same type of I call it fiefdom situation that we had under the old RECA council with its former executive director.

I know that that's a concern of industry members and also the perceived unwieldiness of 11 government-appointed members of council and their particular allegiances. I share a concern with many industry members who spoke with me that at the very least it is hoped that all appointees will have a base of knowledge in the areas of the four industry types that the council will regulate, not just be appointees made for political purposes but appointees who are there to serve and to implement their knowledge of either past board governance experience or even industry experience that they can impart and bring to the table to benefit the service that they render

to industry members and the public as they pursue their governance of the industries that they serve.

I know that it was a happy circumstance, Mr. Speaker, that RECA will no longer deliver licensing education. It will revert to, I believe, the Alberta Real Estate Association. I agree with the current minister, who was a bit shocked when he saw that RECA was delivering licensing education, that it was a bit of an overreach indeed into their governance mandate. Industry members are by and large quite pleased that that will now be back in the hands of the Alberta Real Estate Association and that bylaws on the organization will be drafted by the board.

By and large, I think that industry members and administrators, broker owners, property managers, condo board members, people involved in the real estate industry, even appraisers are probably glad that the minister took the time that he did to talk to folks and try to do as much as he could to get it right. We'll hope, I guess, that the actual problems of the former council are not replicated in the future. Given the recent history and given the fact that KPMG made recommendations that involved the minister following through and actually dissolving the council and starting fresh and appointing an interim administrator – you know, that's pretty recent history – I think that will be in the back of the mind, if not at the front of the mind, of every new council appointee as well as the executive director and all industry members that they serve. I would be very surprised if indeed we saw a slide towards the type of dysfunction that we had at the Real Estate Council over the last number of years, and it's my fervent hope that we never see that type of dysfunction again.

7:50

Realtors and industry members, whether they be the mortgage brokers or formerly the appraisers or condominium property managers, look each day to get up to do the very best they can to serve their clients and certainly don't get up hoping to have to fight a battle with the governing body of their industry. That's the last thing that they want to do. So I know that everyone in the industry is hoping that they can just go about their business and seek to serve the population that wishes to partake of their services and look to give back to the community they serve as well as to the industry they belong to by improving it in terms of its service to the public and industry members and bringing forward solutions to an ever-evolving platform that we are working in now.

I know that realtors, in particular, as well as other industry members have had to adapt in many creative ways in order to function in an already very, very tough market. That creativity, that entrepreneurship that I've been part of for 30 years is something that is a hallmark of the real estate industry as well as those that serve it and the mortgage broker appraisal industry, and the adaptation and innovation will not stop. I know that as we find that the COVID-19 pandemic is still with us over time, we will see that industry members will do everything they can to protect their customers, their clients. They certainly will not relax their adherence to any safety guidelines and health-related safety guidelines that are designed to protect their clients and the customers and people around them and also the many, many service businesses that attend to the needs of the transaction, whether it be the home inspectors or the tradespeople who get the houses ready or the people who prepare the homes for showing. All those folks behind the scenes also have to be considered when you're trying to operate in a new format, which many different businesses, including the real estate industry, have found themselves having to adapt to.

I tried to imagine myself working as a realtor these days, although it's the last thing that I want to be doing right now. It's nothing

pejorative about the real estate industry, but I'm super happy doing what I'm doing right now. There's no place I'd rather be other than, of course, to your right, Mr. Speaker, but that will come in due course, as they say, with a lot of work and a lot of effort.

In any case, I do want to say that in witnessing the many industry members who are now engaged in selling properties, renting properties, appraising them, managing them, evaluating them for financing, it's a very interesting world they're operating in right now, and the last thing they want on top of everything else is a governance model that was falling apart at the seams. They very much like to see the history of RECA in the rear-view mirror. Hopefully, this new governance model that we see through Bill 20, brought forward by the minister, will be one that stands the test of time and actually has some positive surprises in it for those that are concerned that it may suffer some of the same deficiencies as the last governance model and the last executive director. But, as they say, most if not all of those that even expressed some reservations about those two issues were willing to give it the fair test of time and look forward to their doubts being allayed.

Thank you.

The Speaker: Standing Order 29(2)(a) is available if anyone has a brief question or comment. The hon. Member for Lac Ste. Anne-Parkland has risen.

Mr. Getson: Thank you, Mr. Speaker. Actually, I want to cede more time to the Member for Edmonton-McClung. I'm not sure if he was crossing the floor when he mentioned that comment about being on the right side of you, Mr. Speaker. I don't think that was the case. But my colleague oftentimes gets up and talks about the farming side of things. This area of real estate I know is definitely his background. I would actually like to hear more, honestly and genuinely, since it's his background.

The Speaker: If the hon. member would like to, he's more than welcome. The hon. Member for Edmonton-McClung.

Mr. Dach: Thank you, Mr. Speaker. I certainly always relish the opportunity to speak about real estate matters, but I won't, as is the requirement of any real estate professional and as is the licensing requirement, especially now – of course, when I was elected, my licence was parked right away to avoid any conflict of interest at the urging of the Ethics Commissioner. However, it didn't take any real urging. It was something that was just common sense.

However, should I wish after a certain five-year period to re-engage, then I would be able to do so without going through the examinations. But if I waited more than five years, which, of course, I will be doing – June of this year would be five years since the licence was parked – I certainly won't be availing myself of that opportunity. The reason I go down this road is because now, of course, if I were to have to do the licensing all over again, it would be compartmentalized, and I would only be able to practise in those areas that I was actually licensed in. I'd have to do the coursework all over again to be individually licensed to practise in those areas of competence.

With that said, in response to the Member for Lac Ste. Anne-Parkland, I must say that I won't contravene the ethics of the real estate industry by speaking at length about an area of competence that I wouldn't be licensed to operate in, that being the agricultural sector. However, I did in my past career sell some agricultural land, quite a few acreage properties, including a number of properties right in Alberta Beach per se, which is why I engaged that member in a conversation about the flooding concerns in Alberta Beach recently. I know a number of property owners that I sold property to in Alberta Beach on Lac Ste. Anne who are suffering from high

water caused by wind and water and waves, that the member spoke about when we had a conversation earlier this week.

However, as far as waxing eloquent about the current value of agricultural land per acre, I will not endeavour to engage in that in my role as critic for Ag and Forestry. That is certainly something that I have access to, but in an individual area or region I won't start speculating because that is something best done with the current information at hand and a proper analysis undertaken. Off the top of my head is something I never did evaluations by, and I won't start now.

Indeed it's something that is very close to my level of concern because, of course, the value of farmland is something that we always want to consider in the agricultural world. One of the things that would increase the value of farmland is putting more money in the pockets of the producers themselves rather than the large, multinational corporations which produce the inputs that farmers and ranchers are having to purchase these days in order to produce a product that the market is looking for. There are other means of producing a product that is profitable that doesn't necessarily require the fertilizer inputs. There are things such as low-till farming and farming that doesn't use the large inputs of fertilizers that are now gaining more traction.

I know if a person reads some of the information put out by the National Farmers Union, you'll see that if indeed farmers want to put more money in their pocket, some of these more nature-based practices are ways of improving their farm income and, therefore, the value of the land, as the Member for Lac Ste. Anne-Parkland wants to know about.

Thanks.

8:00

The Speaker: I see the hon. Member for Edmonton-City Centre has risen to join in the debate this evening.

Mr. Shepherd: Thank you, Mr. Speaker. I appreciate the opportunity to rise and speak to Bill 20, Real Estate Amendment Act, 2020. Now, I have never myself worked as a real estate agent. I haven't much been a seller of property. I have been a purchaser at times. Certainly, that comes with its own headaches, but that's all something that comes in beneath the Real Estate Council of Alberta. Indeed, anybody who has been involved, I think, with the sale or the purchase of property appreciates the importance of a good real estate agent, and certainly within any jurisdiction in the province where we have these sorts of, I guess, very important kinds of sales, then it's important that we have a body in place that appropriately provides governance for that sector.

Indeed, governance is what we see as a lot of what's being covered in this bill, indeed a lot of what was at the heart of the KPMG report that made the recommendations that the minister has followed through on. It started under our government with the removal of the council and moved forward with making some changes there, then conducting the initial review, and, once receiving that review, removing the board, putting in an interim administrator, and now moving forward to actually change the structure of that governance itself to try to provide some more stability, transparency, and accountability.

Now, I can speak from a few points of experience, Mr. Speaker, about the importance of good governance. As the owner of a condominium I have been involved in a number of condominium boards, and certainly anyone who has been in that position can probably relate to much of what the KPMG report spoke about, the acrimony between members of the council and indeed the almost deadlock that it found itself in. Certainly, I've had some interesting and entertaining and not-so-entertaining experiences as a member

of a condo board, as president of said board, and then being removed, not by my choice, from said board. It's the drama of soap operas perhaps at times, but it's part of the realities that we live with, and it's one of the challenges that we have when we have self-governing bodies. However, it is good, at least in the case of RECA, that while it is a self-governing body, it does fall under the aegis of the government of Alberta, indeed the Minister of Service Alberta, so it was possible to bring it into check.

We have in this piece of legislation more or less a following through on the recommendations of that report, the report acknowledging that there was need for restructuring, indeed noting that there was need for more public representation on the board to ensure that there was a balance and a perspective. Indeed, while we want to ensure that the individuals that are making decisions about how we govern real estate agents and the process by which they conduct their business in the province of Alberta – we want to have expertise. That was part of the recommendations as well, that expertise be from all sectors of the industry. It noted in the report that, in fact, there were some areas that were being underrepresented or not being properly consulted or even indeed given the opportunity to really be represented on the board. Also, then, of course, the public are the ones that are engaging these services and are most deeply impacted when there are issues with those processes or with how a sale goes or with other issues that may arise, so it's important that we have that public representation there.

We do see that the minister has followed through on that, with each council now having three members from industry and two ministerial appointments and also, then, the board of directors having one industry member from each industry council and three public members, appointed by the minister.

I could also appreciate the reason that they have gone ahead now and broken the structure of the council into that board of directors as well as four new industry councils. Recognizing that the field of real estate indeed covers a number of different areas and a number of different layers of complexity, then, we have the residential real estate agents and brokers, we have the commercial real estate brokers and agents and property managers, we have the mortgage brokers, and then we have the residential property managers and condominium managers, who have been the ones I've probably had the most pleasure and at times perhaps lack of pleasure in dealing with in my own time as a condominium owner and a member of various boards.

Indeed, Mr. Speaker, what this really boils down to is that this is a bill about governance. I think Albertans in general have been well reminded that when they make decisions about who has the opportunity to govern, whether that be in the provincial government or in a condominium board or indeed who gets to make up the Real Estate Council of Alberta, those are weighty decisions. When you entrust power into the hands of those who have the ability, to some extent, to govern themselves and perhaps adjust and change some of the rules for themselves, things like ethics and accountability become incredibly important. We invest those bodies with the ability to make some decisions, with the resources at their disposal, that can have a very profound impact on the lives of individuals.

I think that in many cases some Albertans may be reconsidering, at least from the e-mails that I receive, some of the choices they have made perhaps in the most recent provincial election, with a government that perhaps does not always live up to the standards of what it's putting in place for the Real Estate Council of Alberta here. But at least we know that in this particular case we are going to have a body that is going to be governed by better ethics and better transparency and will have a greater responsibility to ensure it is actually reflecting the desires and the will of those it represents.

Indeed, we see that within the report, that was one of the recommendations, that the council needed to be more accountable to its membership and more representative, because we saw that they did not have constructive relationships with many of their industry associations as a self-regulatory body and lacked representation, indeed in many cases was failing to consult with those whom its decisions would impact.

Indeed, we've seen that repeatedly with the current government. We've seen what the impacts of that are, whether that's with education stakeholders, certainly, I could say, in the medical field with Alberta doctors, and many other areas. Making that change here in this legislation recognizes that indeed, when we have a governing body, it is incredibly important that they are actually consulting, actually working with those whom their decisions would impact.

Further, then, in the report from KPMG we saw that, of course, as I said, there were the concerns around the minimal public representation on the council, with a particular industry association's ability to control the majority of the council member appointments contributing to those challenges. Indeed, that's more or less the method, Mr. Speaker, by which I found myself no longer a member of my condominium board. Certainly, when you have individuals who can control a majority of the situation, then they can make those sorts of decisions and can choose to stack things in a manner which is most in their favour.

In this case we saw that that was happening with the Real Estate Council of Alberta. Now we have the changes that have been brought into place through this legislation by the minister, in response to the report from KPMG, which now actually mandates the specific makeup of the different parts, ensures that all councils and all of the different sectors within the real estate industry have fair representation and the opportunity to have their voice heard, indeed equal representation to ensure the decisions that are made reflect what is best for all involved and reflect all points of view.

We do have new business and financial reporting requirements to improve RECA's transparency and accountability to industry and government and the public. We have the mandatory governance training and dispute resolution procedures, and certainly that's important work as well. Those are things that have been made available as well, I know, to condominium boards and other organizations. Certainly, that's one of the biggest challenges, that while individuals may have expertise in particular areas of industry, having said expertise does not necessarily make them knowledgeable about collaboration or indeed working with other people or about how to properly structure and function in a board setting.

Having that mandatory training and indeed dispute resolution is incredibly important to ensure that we find ways to resolve things that don't involve recrimination or other problems that just deepen and worsen the relationships, as we saw with RECA, where it got to the point where it was utterly dysfunctional and unable to move forward. Improved intervention measures will help to give the minister some of the tools needed to ensure that RECA is meeting its commitments and delivers on its duties, and it's important, of course, now, with condominium managers being added to the group.

I appreciate this legislation. I appreciate that the minister has followed through on the work that our government began, and I look forward to – the Member for Calgary-Klein finds this amusing. The fact is that our government did commission the original report. We did take the first steps on this, and then when this government came in, they had the opportunity to continue that work. I'm not sure why the member finds that amusing, but to each his own.

I'm happy that the minister was able to follow through on the process that our government began and indeed now brings forward the legislation which completes that process and ensures that we have the balance that is appropriate with RECA.

I look forward to having the chance to vote on this legislation. Thank you, Mr. Speaker.

8:10

The Speaker: Hon. members, Standing Order 29(2)(a) is available if anyone has a brief question or comment. Perhaps the hon. Member for Calgary-Falconridge might have a question. It sounded a lot like there may have been a cellphone violation from the hon. member, or perhaps it was Lethbridge-East or Grande Prairie. I'm sure that on the honour system someone will be more than happy to make a charitable donation to a charity of their choice should that be required.

Is there anyone that would like to ask a brief question or comment under Standing Order 29(2)(a)?

Seeing none, is there anyone else wishing to join in the debate at third reading? The hon. Member for Edmonton-South has risen.

Mr. Dang: Thank you, Mr. Speaker. It's a pleasure to rise today and speak to third reading of Bill 20, the Real Estate Amendment Act, 2020. I think my colleagues here in the opposition have spoken at some length already, to our general pleasure, on this bill and our general support of this bill. I think I want to reiterate that we are well aware of some of the governance and administrative issues in RECA, in the Real Estate Council of Alberta, and indeed that is why our former government, the former NDP government, did commission the KPMG report to look into the oversight of RECA. I mean, I think it's certainly positive to see what the minister brought forward in terms of things like dissolving RECA's board, which was recommended in the KPMG report, and bringing forward this legislation to sort of establish this new governance body. I think that's, overall, generally very positive.

I think that certainly we had some concerns. I won't belabour the point too much, Mr. Speaker. I mean, we did introduce an amendment that, unfortunately, was not accepted here in this place. That's okay. I think that, generally speaking, we're happy to see that many aspects of the KPMG report and many aspects of the concerns from the real estate community were addressed in this bill and that, in large part, many of these concerns were addressed and accepted by the minister.

I think, certainly, as we move forward with this legislation – and I hope we'll be able to move forward relatively quickly with this legislation – we're going to be able to see our province have a better governance structure for real estate professionals. One of my colleagues, the Member for Edmonton-McClung – and he's already spoken here tonight – was, I believe, a member of RECA in the past. I don't believe he's currently a member, but he himself would have seen some of those concerns, and that's why I really valued his input tonight.

I mean, certainly I think it's something that we're pleased the government continued our work on. When we look at this, we know it wasn't in the UCP platform, and of course we wouldn't have expected it to be. It was a fairly niche issue in terms of general appeal, but I think it's something that was important. That's why it's important that the government is taking steps here to do the work of government, right? We can talk philosophically about the work of government is not just that which is in the platform; it's not just that which is in the mandate. It involves sometimes making hard decisions, decisions like dissolving RECA's board. It involves, in some cases, making decisions that will not be popular with everybody and will instead be decisions where we'll try our best to

make a bad situation better. It won't always succeed, but I think this government has accomplished many of those goals. I think this government has given some thought to the KPMG report, and I'm pleased to see some of these changes being brought in.

I think I'm concerned – and I know my colleagues have spoken a little bit about our concerns – around the bureaucracy and how this may introduce some different types of red tape and how we have some concerns about the makeup of the ministerial appointments to the council, but I'm optimistic and I'm hopeful that this minister will continue to do good work and will continue to have a meaningful look at who should sit on the council and who will be able to provide value to the council.

I mean, I'm pretty pleased with what we're seeing here today. I'm pretty pleased in terms of the general makeup, I'm pretty pleased in terms of what we're accomplishing, and I'm pretty pleased that this government sees that sometimes it's not just about politics – right? – that sometimes it's not just about grandstanding, and that sometimes it's not about making overt and ostentatious gestures. Instead, sometimes we have to introduce legislation that is going to make a difference but is going to in a small way improve our province, improve a large portion of professionals in our province, and indeed actually improve governance of our province. I'm optimistic that, even though it's not in the legislation, the makeup of the council, that the minister will appoint to the council credible persons who will have the experience required to provide us with proper oversight and governance of the real estate industry.

Certainly, there is not a lot else that we need to speak about in this bill. I think that the KPMG report outlined a lot of issues with the former council and the former governance structure and the former personalities on the council and indeed recommended some very specific changes around things like training and different performance measures and risk management measures. I think, taken whole, this approach mitigates many of those concerns, right? The approach that the government is now taking mitigates many of those concerns. It will take into account that the former council wasn't functioning in a satisfactory manner, and I don't think it was functioning in a satisfactory manner before the government, as is evidenced in the KPMG report. But as we've also heard from large stakeholders, and I'm sure the government heard from their stakeholders as well, it wasn't performing in a satisfactory manner for the professionals and the real estate professionals who are members of RECA.

So I'm pleased to see that we're going to be moving forward with this bill. I'm pleased to support this bill. I'm pleased that we'll be able to hear from the minister and our critic on this bill as well. And I look forward to more debate.

Thank you.

The Speaker: Hon. members, Standing Order 29(2)(a) is available.

Seeing none, is there anyone wishing to speak to third reading? The hon. Member for Calgary-Mountain View has the call.

Ms Ganley: Thank you very much, Mr. Speaker. I think most of the things have been said about this bill already. I actually think this is an excellent example of crosspartisan support. Certainly, this was a review and a report that was generated while we were in government. The current government took that forward in a very similar way and got rid of the old act and brought in this new act. So I think it's actually worked quite well. We often focus in this place on the things we disagree on, but there are probably a lot of issues out there on which we, in fact, agree, and this is one of them. This is a piece of – people always think of the files on which we disagree, but this is definitely a big and important piece of the work of government.

The provincial government actually regulates a number of different industries throughout Alberta. There are a number of industries who are looking to be regulated. Being a regulated industry is, in a lot of ways, really, really good for the people in that industry who are good at their jobs and who are willing to be ethical and to adhere to the necessary standards. When you have an unregulated industry, potentially people can fall below the standard, and then they can do the same work for cheaper. They can offer the same work, quote, unquote, for less money, but they're not doing it as well.

A lot of times – and I know certainly human resources professionals are some of the folks in this category, but there are lots of different folks – people in the industry will actually self-organize and come forward and say: we would like to become a regulated industry so that everyone that we deal with who is in our profession will have to meet the same standards of training, the same standards of ethics, the same standards of professionalism, so that everyone has a level playing field but also so that they know they can sort of rely back and forth on their colleagues. When they're working, a lot of times people in different professions will need to rely on each other, to rely on each other's word when they bring things forward. I think that's really important. Now, obviously, I am a member of a regulated profession, so I'm very in favour of that sort of thing.

This is one of the big areas where government does work. I think it's very important work. The challenge, of course, with this board as it was functioning previously was that – well, it kind of wasn't. So that was a big challenge. I think it really is – I really like governance. I know most people find it terribly boring. But I actually think that the way in which we govern ourselves, the rules by which we make decisions are themselves often as important as the decisions that we make.

8:20

In this instance the problem was that the rules that were set up to enable the council to make rules for the profession were not done very well. Now, that's no fault of whoever it was that passed the original act ages and ages ago. It can often be the case that you come forward with a set of rules and people being wily, as they are, will sort of find workarounds, right?

That's why it's so important whenever you analyze a system to look at where you're placing the incentives, because people don't necessarily see themselves as bad actors and they may see themselves as simply advancing a particular point of view or that their way is the right way so they feel like they can do anything they want in order to achieve their own objectives because they're right. But that's point of rules. The point of rules is that we don't get to decide that we're right and therefore we can do anything in service of those objectives. We ought to follow the rules, and then everyone collectively, or whatever the process is, will determine who's right.

In the instance with this, as it had previously been set up, there was a lot of power vested in one individual, and a lot of vesting in one individual often leads to these sorts of concerns. Power unchecked should sort of never be allowed to run in that way.

The problem was that the individual was an employee of the board. The board itself had term limits but because employees don't, which is fine – I mean, that's often the case with boards, that employees of that board will go on for a long, long time – but if you also give that employee who is answerable to the board the ability to pick who chairs committee on the board and then only those who have chaired committee can chair the board, you essentially give that individual the ability to vet who can achieve superior power on the board, and those with superior power are ultimately the only person to whom that individual is answerable. So what it creates is sort of a feedback loop where that individual gets to pick who is their boss.

Anyone else who objects to the way in which they're doing things – again, I'm not in a position to go back and say who was right and who was wrong, but what I can say is that that is a bad governance system because regardless of who was right and who was wrong, if someone raises a question, a legitimate question – and in this case that's what happened – and that person is sort of punished and pushed out and treated unfairly simply for raising a question, that's not something that should happen.

We shouldn't set up our governance systems so that is possible because that is deeply unfair, so I am extremely glad to see that the government has brought this forward. I think they have taken steps to address the issues that needed addressing. I think it will probably not be received with wide, public, resounding fanfare, but I actually think it's a really critically important thing because that fairness is something that is in a lot of ways, I think, fundamental to us all. There's very little that offends me more than people who are not required to follow the same rules as everyone else.

I think there are a lot of people who probably feel the same way I do. They may not express it in those words, but I think a lot of us have that sort of inherent sense of fairness, that everyone ought to be held to the same rules and the same standards. I think this will go a long way to achieve that. It will give everyone equal opportunity, everyone in the profession, and equal opportunity to serve on the board. Once they are serving on the board, they will have an equal opportunity to sort of rise on the board, and I think that's really good because everyone in a profession should have an interest in how its governed, and everyone should have the opportunity to come forward and ask whatever questions they want and pursue what they see as the right in whatever way that they want and all be held to the same rules and not be punished for that.

That, I think, is all I have to say about that. With that, I will congratulate the government on bringing forward a very good bill. Thank you very much.

The Speaker: Teamwork does make the dream work, apparently.

Standing Order 29(2)(a) is available if anyone would like to provide a brief question or comment.

Seeing none, is there anyone else wishing to speak to third reading of Bill 20?

If not, I'm prepared to allow the Minister of Service Alberta to close debate. The hon. Minister of Service Alberta.

Mr. Glubish: Well, thank you, Mr. Speaker, and I just want to say thanks to all members of this House for their contributions to the debate on this important bill. I'm really encouraged to hear the words of support from members on both sides of this House. I think this is an example of how we can find some common ground on sensible policy that makes Alberta better than it was before we found it.

In this case I firmly believe that the steps we are taking will make the real estate industry stronger, will improve the governance of the regulator, will bring about more confidence among all Albertans in the real estate industry, and certainly will be well received by those who work in this industry themselves. There's a lot that I think we can find agreement on regardless of party stripes on this. I'm really proud to be leading this initiative, and I'm grateful for all those who participated in this process and especially thankful to all those members of industry who met with me and met with my team, met with my department over the last eight months. It's been a long journey to get to this point. I know you've been waiting a very long time for this reform, and I'm very excited to be bringing this forward. It sounds as though we have the support of this House.

With that, Mr. Speaker, I move to close debate.

[Motion carried; Bill 20 read a third time]

Government Bills and Orders

Second Reading

Bill 16

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

Ms Ganley 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 because the Assembly is of the view that additional consultation with organizations providing support to victims of crime is required.

[Debate adjourned on the amendment June 9]

The Speaker: Hon. members, we are on Bill 16, the Victims of Crime (Strengthening Public Safety) Amendment Act, 2020. We are speaking to RA1 as moved by the hon. Member for Calgary-Mountain View. Is there anyone wishing to join the debate? The hon. Member for Edmonton-Glenora has risen.

Ms Hoffman: Thank you very much, Mr. Speaker. Just because I'm trying to be in the habit of having slightly less paper on my desk and I imagine others are, too, I'll read the amendment back into the record for everyone's recollection, because it's been a little while since we considered this reasoned amendment previously. The motion for second reading around the Victims of Crime (Strengthening Public Safety) Amendment Act, 2020: we're proposing that it 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 because the Assembly is of the view that additional consultation with organizations providing support to victims of crime is required.

I want to thank my colleague the Member for Calgary-Mountain View and the critic for Justice and Solicitor General for bringing forward this reasoned amendment. I think it is absolutely fair and reasonable when we are talking about something as substantial as reallocating funds that have been allocated and directed towards victims and those who support victims for more than 20 years in this province, and we're talking about doing a significant overhaul to money that was earmarked for a particular purpose, that purpose being supporting victims – I will also say survivors and those who are impacted by crime – and reallocating those funds to something that is completely separate from its original intent. I think at a minimum we owe Albertans an opportunity to engage on this topic and have fair and reasonable consultation with the organizations that have supported the people of Alberta and doing right by victims and their families.

Earlier today my colleague was speaking publicly about somebody and with somebody who had been a recipient of support from this particular fund. I doubt that anyone who took the time to listen to what this woman had to say about the impact of her son's death would think that that money wasn't put towards a good purpose.

8:30

Perhaps not everyone had an opportunity to hear what this particular person was saying today, so I certainly welcome you to review that. There were posts on social as well that relate to it. But let me summarize by saying that anyone who has been through the significant hardships that folks who have received benefit from this fund in the past have – I don't envy any single one of them. I

wouldn't want to be in their shoes for half a day, let alone the rest of their lives. I think that probably everyone in this Chamber agrees that a parent should never have to say goodbye to their child, and saying goodbye to your child in such a sudden and shocking and graphic way I imagine would be something that most wouldn't be able to find a way through. That would be quite debilitating for most Albertans.

That is why those who came to this place before us set this fund up in the very first place. More than two decades ago, before any of us in this place were elected – I think the longest serving member in this Assembly now was elected in 2008 – people who stood in this place knew that it was important that some of the proceeds from crime be earmarked towards supporting victims of crime. Very simple. You know, the balance of power has two sides. Lady Justice has two hands. That those who have received injustice deserve some additional support and compensation to help address some of their injustice: I think that's a pretty simple thought.

Inside each of our desks those who've been before us sitting in those particular desks have put their names. I hope that we pause tonight and we reflect on what this government bill is trying to undo. Over the last more than two decades, more than 20 years, this has been in place. The people who were here before thought it was a value that was important for us to carry forward, and I still do. If the community doesn't feel that it's a value that needs to carry forward, so be it. Let the community say that. Let the agencies that are involved in doing this work on behalf of the public tell us that this money isn't important in the work that they and other agencies are doing. That's what this amendment is about. This amendment says that there's a reason why this needs to be referred to a committee to do some consultation and that it shouldn't be moving forward at this time.

I think that we in this Assembly all sign up to do this work because we want to contribute. We want to find ways to serve our province, and I think that creating a consultation process specifically related to this bill and what the government is proposing, that I believe has the ability to be very damaging, could create an opportunity for us to either confirm that, actually, it is important that victims of crime have a separate fund, that it be well financed, and that it be put towards the intent that those who were here before us had in mind. If the agencies say no, then so be it. The government should bring it back here, we should hear that evidence, and we should consider moving forward as the government has planned out. I imagine, though, that a lot of these folks would have a lot of deep concerns about how this violates the original purpose of this legislation and these sections in particular.

Victims that access this fund have experienced violent crimes. The intention of this fund was to help them deal with the physical and the psychological issues as well as reimbursement for things like funeral and supplemental benefits for those who've suffered brain injuries. Covering the funeral cost for a child who died of a crime: I don't think of that as being an area that government should be quick to cut. I think of that as an area that deserves due consideration and engagement with, I would say, all Albertans but especially those who work in this sector and work with folks who've been directly impacted by crime.

Another example of something that I believe is changing in this legislation is that somebody who witnessed a homicide would be entitled to receive some support, a one-time payment of up to \$5,000, to help, again, with some of the impacts of experiencing a trauma of that sort and being able to help with some additional costs and pressures that they might be living with. This was written far before inflationary pressures and counselling costs were as high as they are today. Obviously, there has been inflation in our province over many, many years, and \$5,000 probably doesn't cover all the

counselling sessions that one might want, but it definitely could go towards a significant portion to help one deal with such an offence, I would say.

Again, I think that it is fair and reasonable for this to be considered. I think that consultation is something that the former Wildrose used to criticize the government for not being as thorough on as they would have liked, and I would like to see the government of today lead by the example that they called on others to fulfill by passing this amendment for the reasons that were stated, around engaging community and, specifically, agencies in this decision before it becomes something in the history books that undoes the 20-year legacy that I think we should be proud of in this province. Rather than trying to take money from victims, I think we should think about how we can support and strengthen survivors and their family members so that we can all live in a province where we don't exploit those who are already down.

For that reason, I think that we should enthusiastically support the reasoned amendment as brought forward by my colleague the Member for Calgary-Mountain View. Thank you, Mr. Speaker.

The Speaker: Hon. members, Standing Order 29(2)(a). The hon. Member for Edmonton-South under 29(2)(a), or would you like to be on the amendment?

Mr. Dang: Under 29(2)(a), just very briefly.

The Speaker: Perfect.

Mr. Dang: I just want to assist my colleague for Edmonton-Glenora. I think she mentioned earlier in her speech that no member here had been elected prior to 2008, and I believe that's actually untrue. Our colleague from Edmonton-North West was first elected here in 2004, so I'd like it on the record that indeed some members have been here for quite some time.

The Speaker: The Member for Edmonton-Glenora.

Ms Hoffman: Thank you very much, Mr. Speaker and to my colleague, for that trip down memory lane. As soon as he started talking, I knew exactly who he was speaking of: the Member for Edmonton-North West. There was a little gap in his service, and sometimes, because I'm adding up years, I don't think about the original date of election. Absolutely, he was the first of us elected, and this bill has been in place in Alberta even longer than my colleague for Edmonton-North West has been elected.

This is something that, I think, this principle of those who have been victims and survivors and their families having some ability to have some recourse and to pay for things, simply like a child's funeral once they've passed away – not a lot of parents save up for their kids' funerals, to be very frank, and they shouldn't have to. That principle, that was in place even longer than the Member for Edmonton-North West has been elected, is one that I think deserves to at least be consulted on with communities rather than rushing to take money away from these folks who, certainly from the example that was shared today publicly, benefited from it.

Thank you to the Member for Edmonton-South for that correction. Edmonton-South West?

Mr. Dang: Edmonton-South.

Ms Hoffman: Edmonton-South. Phew. Thank you very much.

The Speaker: Is there anyone else wishing to raise a brief question or comment under Standing Order 29(2)(a)?

Seeing none, is there anyone else that would like to speak to the reasoned amendment? The hon. Member for Edmonton-Decore.

Mr. Nielsen: Well, thank you, Mr. Speaker. I appreciate the opportunity to rise this evening and speak to the reasoned amendment brought forward by the Member for Calgary-Mountain View about why we should take a pause on this bill and get an opportunity with which to take a second look at this. There are a couple of things I want to bring up, and I'd briefly mentioned these earlier in discussion around this bill. Again, thankfully, the Member for Calgary-Mountain View brought this reasoned amendment forward so that we could address this.

The first thing I want to talk about is why there seems to be a reason for wanting to reallocate the funds from the victims of crime. Looking at it, some of the things that have been brought forward by the government are around what we could be looking at allocating those funds to, things like ALERT, RAPID force, drug treatment courts, and, of course, the hiring of more Crown prosecutors.

8:40

Like my colleague from Edmonton-Glenora had mentioned a little bit earlier, you know, do we really need to be taking money from victims of crime when we could be looking at other avenues for maybe finding funds for that? Maybe I could suggest that we look at the government's PR war room. I mean, it's spending \$30 million of taxpayers' money. I hate to say this, Mr. Speaker, but they couldn't get a logo right, not even on the first try; it took them a couple. So when we're looking at those two choices, the victims of crime fund or that, I question why we're choosing the victims of crime fund.

Quite honestly, Mr. Speaker, throughout this first year and a little bit I've established that, you know, each of the ministries within the government has seemed to have been able to focus on red tape reduction within their ministries, as I think they should. Do we actually need another separate ministry to move that work forward? I do question why we have that. There's another \$13 million over the course of this term. So why the victims of crime fund when maybe we could be taking and allocating those funds to things like ALERT, RAPID force, drug treatment courts, and hiring more Crown prosecutors – and I'm sure there are probably some other examples that I could look at, but I don't want to belabour that particular point. But I am saying that this would give us the opportunity to look at these things and say: you know, maybe there really is something else that we could do to fund these other avenues rather than taking from the victims of crime fund.

The other point that I do want to mention as well, as I did earlier in the debate on this bill, was how, you know, there have been some thoughts brought up about why there's a surplus within the fund and why those funds aren't being allocated, things like that. Well, I think that in getting a chance to do wider consultations, maybe there are organizations out there that we could fund. Mr. Speaker, I brought it up earlier and very briefly, but I will bring it up again since we are talking to the reasoned amendment and why we need to go back and get an opportunity to look harder at these things and find ways that we could be helping victims of crime.

There's an organization out there called the victims of homicide. This organization was started by Jane Orydzuk. Mr. Speaker, she is an amazing, amazing woman, and I'm so incredibly blessed to be able to call her a constituent of mine. Twenty-five years ago she did lose her son to homicide, and what she found was that there were no supports out there for family members that had one of their family members, you know, become a victim of murder. Whether that is because of somebody being in the wrong place at the wrong time or, unfortunately, maybe some kind of gang warfare that was going on, there were still those family members that were out there that didn't know why it happened, and there were no supports. So

she started victims of homicide after her son was murdered back in October 1994.

I've had the opportunity to meet many times with this organization and hear the stories of the families, and I'll be honest, Mr. Speaker; it's heartbreaking. It's very, very difficult to sit through listening to those stories, their journey, how it's affected their lives, things like that. But they struggle. They do struggle to find funding with which to do that outreach work to Albertans to help them try to maybe make some sense of it or try to navigate through it or just simply to have somebody be there to listen to their story so that it's not building inside of them. By taking advantage of this reasoned amendment, we could send that back. We could get the opportunity to hear from those families and from Jane of the victims of homicide and how maybe the victims of crime fund could be used to fund some of their efforts in what they're doing. That would be, in my opinion, a very, very strong reason why we could grab this opportunity and make those consultations, to allow those folks to come speak.

The other point I want to bring up here. You know, I always fall back to this. I do this with every single piece of legislation, to the best of my ability, anyway. I always get hung up on the language. As I was looking through Bill 16, here is yet another opportunity to take advantage of this reasoned amendment to rethink some of the language around this. For instance, when I'm looking at page 2 of the bill, Mr. Speaker, in number 4 section 2 is amended. Down in subsection (d) it says, "Victims should receive benefits promptly in accordance with this Act and the regulations." I can't help but pause at that word "should." It should happen. Those funds should be allocated, but what happens when they're not? Then we start getting into that area of: well, you know, it was just one of those delays that happened. Then a delay of a week becomes two weeks, that becomes a month, that could become six months, and then we're still at: well, it should have happened. I really think we need to look hard at that.

By taking advantage of the reasoned amendment, we would get the opportunity to look at that and maybe recommend some changes to make this language stronger. Should, in fact, Albertans decide, "Well, you know, after the appropriate consultation, yeah – okay – let's use that fund to do all these other things that they've been talking about," we won't worry about anything else.

When I look over here at page 3, right at the very top, (1.1), "The Committee is to consist of a least 3 but not more than 5 members appointed by the Minister," well, the hairs on the back of my neck go up a little bit. I have seen government rather misuse this form of appointment in terms of patronage appointments, and I really think we should look at that. I do remember, back in the 29th Legislature, Mr. Speaker, that you played a very good role in but in opposition, you know, there was considerable concern around why there was so much power being given to ministers around just that thing, letting ministers appoint. So you can't criticize and then turn around and do the exact same thing. Perhaps we could look at that a little bit further. Maybe there's a competitive way we could look at that. I don't know, but it would merit that discussion, and by using the reasoned amendment and taking advantage of that, we could put that one to rest.

Slightly further down on that same page, Mr. Speaker, number 6, section 6(a): "Evaluate applications for grants relating to programs or initiatives intended to benefit victims of crime or . . . promote public safety, and provide recommendations to the Minister based on those evaluations." I want to just highlight a few words here, and that'll make sense here in just a moment. It's "benefit victims of crime or . . . promote public safety." What that's really saying is that we can do one or the other or potentially both. But when I move over to page 4, under the use of fund, which is section 10,

subsection (c) says: “Programs and initiatives that benefit victims of crime and promote public safety.” Well, again, the problem here is that we have conflicting language. One was saying “victims of crime . . . [or to] promote public safety,” which means there’s potentially a choice. Here’s another one, that says: “victims of crime and promote public safety.”

8:50

When I go back to my earlier discussion around, say, for instance, the victims of homicide, if in somebody’s judgment they help benefit the victims of crime but they, for instance, don’t promote public safety, does that mean they get eliminated, then, because of that? Or is it the other one, that they benefit the victims of crime or promote public safety, which would mean they qualify? We have conflicting language that’s located within the bill. By taking advantage of reasoned amendment 1 and having the opportunity to consult more widely about that, we would also have the opportunity with which to look at those pieces of language and maybe suggest some changes that the Assembly could make so that it’s not conflicting.

Mr. Speaker, you know, out of a bill that is – what was it here? – 17 pages, I’m only four pages into the bill, and I’ve already found all of these potential errors, mistakes, without even going any further than that. That in itself – I think, the Assembly should press the pause button. We should take advantage of reasoned amendment 1, get a chance to look at these things and offer potential suggestions to strengthen this proposed legislation, maybe offer some other opportunities, as I’d mentioned, with an organization like the victims of homicide, and understand further why it is we think we need to use the money from that fund to fund things like ALERT, RAPID force, drug treatment courts, and hiring more Crown prosecutors, or if there are better avenues that we could find with which to fund those.

My hope is, Mr. Speaker, that members will support this reasoned amendment, give Albertans a chance to offer the government some suggestions. It’s always amazing to see what they do. I look forward to hopefully seeing support from all members of the Assembly.

The Speaker: Standing Order 29(2)(a) is available. I see the hon. Member for Grande Prairie has risen to add a brief question or comment.

Mrs. Allard: Thank you, Mr. Speaker. I just wanted to briefly address the Assembly regarding Bill 16 and, specifically, the amendment. While I don’t intend to support the amendment, I do appreciate the comments from the hon. Member for Edmonton-Decore. In particular, I have been appointed as the co-chair to assess the victims of crime fund as we go forward. I would be very interested in hearing more about the constituent and would certainly welcome a meeting with that constituent to hear about her experience and also to understand what she believes victims of crime need in this province. I think our government is very interested in hearing from Albertans, so I would love to take the Member for Edmonton-Decore up on that offer and hear any other comments he has to add.

Thank you, Mr. Speaker.

The Speaker: The hon. Member for Edmonton-Decore if he’d like to respond.

Mr. Nielsen: Well, thank you, Mr. Speaker. Yeah. I mean, she’s always looking for the opportunity with which to serve her members a lot better. As I said, getting a chance to attend one of those meetings and – you know, not only are they in Edmonton; they are in Calgary, too. They have a chapter that’s down there as

well. Certainly, during these times right now those meetings haven’t been able to happen, but hopefully we’ll be in a position to have those. I’m sure the members can reach out to me offline, as they say. I can maybe put the group in touch.

Thank you.

The Speaker: Anyone else wishing to add a brief question or comment for the hon. Member for Edmonton-Decore? The hon. Member for Edmonton-McClung has a question or comment.

Mr. Dach: Thank you, Mr. Speaker. I just wanted a little bit of clarification on the interchange between the two members about the meetings with the constituent for Edmonton-Decore and the member of the panel who offered to meet, that the Member for Edmonton-Decore would be welcome to join in on those meetings with his constituent and participate in that discussion directly, whether it be digitally or in person at physical distancing, as the case may be.

Mr. Nielsen: If I was invited, I’d love to attend. I will bring the Kleenex, though, because you and I are both going to need it.

The Speaker: Anyone else wishing to add a brief question or comment?

Mrs. Allard: Well, I would be happy to add a comment, Mr. Speaker. It’d be my pleasure to welcome the Member for Edmonton-Decore to that discussion and welcome his Kleenex as well.

Thank you, Mr. Speaker.

The Speaker: I might need a Kleenex.

Is there anyone else wishing to join in the Standing Order 29(2)(a) that is available for another two minutes and 17 seconds?

Seeing none, anyone that would like to speak to the reasoned amendment? The hon. Member for Edmonton-McClung has not yet spoken to it.

Mr. Dach: Thank you very much, Mr. Speaker. Pleased to rise and speak to the reasoned amendment to Bill 16, which is something that I think all members of this Assembly have some familiarity with as far as a bill before this House that perhaps after introduction has received a large outcry from members of the public, particularly those who are most affected by the proposed legislation and the bill.

That is certainly the case with Bill 16, and that’s why we are encouraging all members of the House to not proceed with second reading and to ensure that further consultation is done so that the individuals who are most affected as victims of crime in this province are fully heard and that their concerns about this piece of legislation are addressed. Typically one will get some individuals who don’t agree with any particular piece of legislation that comes before this House, and that’s why we have two sides of the House. Other arguments can be made against or for pieces of legislation, but in this particular case, Mr. Speaker, we’ve had very, very vociferous outcries from individuals representing victims of crime or organizations representing victims of crime not really understanding why the government is doing what it’s doing with this Bill 16.

Many members of this House have some at least passing knowledge not of criminality but of the criminal justice system in Alberta, whether it be in policing or enforcement or in adjudication or the penal system. I, like many MLAs in the House, had only volunteer association with the criminal justice system back in the ’80s, when during my university days I volunteered as a court intake unit officer with the Solicitor General’s department. That involved

meeting with individuals who were sentenced to a period of probation in the court of first appearance as a general rule. I had to visit them in city cells or before they even left the courtroom to have them sign a probation order and assign them to a probation officer.

But the element that I also was exposed to there was the participation by their attendance in court of many of the victims whose perpetrators were being judged in court before us. And in the course of those many months – in fact, I did that volunteering for about a year and a half, two days, three days a week in the mornings, and got a chance to speak informally with many individuals who had become victims of crime. It was apparent that they certainly didn't feel that there were avenues of recourse that were satisfactory to them. That was my first introduction, Mr. Speaker, to the injustice of crime as far as being a victim is concerned.

In earlier years, you know, as many families have, we were victimized by having things stolen from our property and a break-in to a garage here and there, but the horrific stories that I heard in court and in the hallways of the courthouse downtown while speaking with victims of crime in my role as a volunteer probation officer were certainly eye-opening. I know from that first experience that victims of crime want to make sure that they are treated with fairness and respect and equitably. That is not something that we're hearing from victims of crime right now in terms of their reaction to Bill 16.

9:00

Now, there is some long-standing history with the victims of crime fund. It's been supporting community organizations, indigenous communities, and the victims' services programming for over two decades. The fundamental principle of the fund, Mr. Speaker, has been to help subsidize programming, training, and services for victims of serious crimes. The governing party, the UCP, has made it clear that public safety is an issue. However, wrapping it in with the victims of crime does not help the issue. After their cuts to rural policing it's appalling to see that the government is looking to victims' services funds to support public safety.

Dipping into that fund to help pay for policing services is really counter to everything that fund was designed to do. It's shocking to people who are involved with the victims of crime fund and who look at administering it to see what the government's intention is with respect to the fund. It left them not only scratching their heads but really quite angry. The purpose of the crime fund is to serve the victims of crime, not to replace the giant hole the UCP blew in their budget before we were hit with the double economic hardship of the pandemic and the crash in the price of oil. As a result of this proposal in Bill 16, umbrella organizations will be defunded. Those organizations stand with victims of sexual assault.

Now, experts are telling us that, as a result of the pandemic, we may be seeing even more instances of domestic violence, particularly against women. This is not the time to be skimming from programs like this. Agencies that have served victims of crime are deeply concerned and have gotten radio silence from the Minister of Justice. That's why we as an opposition are coming forward with this reasoned amendment. Those that have been deeply involved for over 20 years with the victims of crime fund are screaming mad with an inability to understand the government's decision to go ahead in this fashion. It doesn't make any sense to them.

Agencies that have served the victims of crime are deeply concerned and not getting answers from the minister. The UCP has made rural municipalities pay for policing, and now they're forcing victims of crime to pay for it as well.

Now, this bill takes the funds from the victims of crime to pay for Jason Kenney's and the UCP's police force promises. Oh, pardon me, Mr. Speaker. I withdraw the mention of the name.

The Speaker: The hon. member will know that the use of a name is wildly inappropriate.

Mr. Dach: Oversight. I apologize.

Now, this government is claiming that they are unable to pay for police, the Crown, ALERT, and RAPID force unless they take it from victims. This doesn't make any sense to those who were involved with the victims of crime fund over the past two decades. It's totally, totally unacceptable.

There's a change to the mandatory surcharge as well. The government is eliminating the injury and witness to homicide benefits, which means that the Criminal Injuries Review Board will be eliminated.

Also, Mr. Speaker, most importantly, this bill makes the dangerous correlation that deterring crime will indirectly help stop victimization. It will not actually help victims with the support they need and rely on. Victims that access this fund have experienced violent crimes, and the intention of these funds is to help deal with physical and psychological injuries as well as reimbursement for funerals and supplemental benefits for those who have suffered brain injuries. According to Alberta Justice the amount budgeted: more than \$16 billion in 2015.

Now, I spoke at some length right in the courthouse with many of these families and individuals who were victims of crime. They had obviously been given some type of opportunity to talk with either the police or social workers, having been perhaps handed a card by police during the investigation of the crime against their loved one or friend or associate and, as a result of that, felt enough courage and the ability to come forward and actually attend the trial and court proceedings of the perpetrator. That in and of itself is a difficult thing to do and perhaps is part of the healing process for many who are victimized by crime, but they may not be able to do it without the encouragement and support of the victims of crime fund and the agencies that are there to support those who are victimized by crime. I can sense from those individuals I talked to that had they not had those supports, they wouldn't have felt the strength to attend.

Just thinking about it for a moment as an individual, if you try to put yourself in the situation of an individual who has suffered an injury themselves or whose family member has suffered an injury, to go of one's own accord to attend the court proceedings and to participate, perhaps, as a witness or to make public your own injuries and the effect that the crime has had upon you is a difficult thing to do. Without the supports of the individual agencies and professionals who are funded by the victims of crime fund, these people who are victims of crime would not be able to go through and actually do things like attend the court proceedings or, perhaps, get back to work themselves or be able to talk with their friends, neighbours, and co-workers about their experience and get back to a normal life or feel perhaps that they weren't threatened anymore or go through counselling, that allows them to overcome their fears or anxieties.

All of these things, Mr. Speaker, are things that are funded through the victims of crime fund, which is at threat because the government of the day now wants to have their hands dip into that fund and pay for other things, in fact, pay for policing operations, which really should be taken from general funds of the government and not from (a) the victims of crime fund or (b) from municipalities who are having those costs foisted upon them by a government

looking to unload its financial responsibilities to lower levels of government.

I'm not going to belabour the point, Mr. Speaker. It's abundantly clear to me and I hope to members opposite that there's more work that needs to be done. The victims of crime have spoken loud and clear as well as the agencies that have been involved with this work for decades. I think that if the government doesn't listen to them and proceeds holus-bolus forward with Bill 16 in its present form without taking a breath and listening to the individuals they are seriously affecting and causing harm to, then there will be some serious regrets on the other side of the House. There's an opportunity now to basically step back and actually listen to a few more voices. When voices are yelling loud and clear, it's really incumbent upon government members to listen and to say: "Okay. What's the problem here?" People don't yell and scream for nothing. If they're up in arms, there's a reason for it. It's because they don't feel they've been heard.

Mr. Speaker, that goes for any government, ours when we were in power and this one currently. There's a responsibility to listen to individuals affected by legislation, especially when there's a bill in process and people are saying: "Please. Please. Please. Pull the reins in and don't go ahead with this because it's going to have some deleterious effects on us." Indeed the members opposite seem to want to invite deleterious effects with many pieces of legislation. This one seems to be another one that follows along that pathway. I hope that they stop that pattern with Bill 16 and make a decision to actually accept the recommendations of this amendment and decide to not proceed with second reading.

I encourage all members opposite as well as members of my own opposition party to pass this amendment and give the government an opportunity to jump on that horse, whether the horse's name be Tank or whatever else, and cross the stream after a little more time on the other side.

Thank you.

9:10

The Speaker: Standing Order 29(2)(a) is available. I see the hon. the Government House Leader has risen to provide a brief question or comment.

Mr. Jason Nixon: Thank you, Mr. Speaker. It will definitely be a brief question or comment with the five minutes that I have under Standing Order 29(2)(a).

I did enjoy the hon. member's comments. I'm not sure if I agreed with most of them, but well articulated before the House this evening. I also think I have to say that he looks great sitting in the Leader of the Opposition's chair and do hope he considers running for leader in the upcoming leadership race for the NDP. I don't have a membership, Mr. Speaker, for the NDP, so I can't vote for him, but I do wish him the best of luck when that comes.

I understand, Mr. Speaker, that we have a reasoned amendment before the Chamber, which we're debating at this moment. The member has expressed his concerns with moving on legislation too fast before the Chamber. I personally disagree with that assessment, but that's fair that he feels that way. There's another thing that should concern you when it comes to process within the Legislature or government's process, and that's going too slow.

Mr. Speaker, you and I had the privilege of sitting in the opposition benches in the 29th Legislature. I'm sure you will recall how slow the now Official Opposition then NDP government was when it came to crime in general. The NDP did nothing on rural crime, nothing on crime at all and in fact mocked my constituents and many rural constituents, including yours, when they raised concerns about crime. They took absolutely no action to help the

people that were being victimized all across this province. That's a concern if a government will take no action for multiple years, not to mention the behaviour of mocking those individuals or ignoring the fact that they're going through serious situations where they're being victimized.

Well, Mr. Speaker, what do you expect from a government – I want to be clear: not Alberta's current government but the NDP government, who once referred to Albertans as Chicken Little, or had a leader, who's still their leader, who told them to take the bus when they complained about the carbon tax.

The reality is, Mr. Speaker, that if we were to pass this amendment, we would continue to delay action for victims of crime, and we would continue to delay action for people that have been asking the Alberta government, all the way back to when the NDP was Alberta's government, for action. This side of the House will not allow that to happen anymore.

We made a commitment to Albertans that we would not be like the NDP and ignore rural crime, that we would not be like the NDP and ignore rural Alberta. Mr. Speaker, we know what that means when you do that. The NDP have seen it. If you look at their benches: no rural members in their entire caucus. There used to be many rural members in the NDP caucus, not as many as our caucus even when we were in opposition, but there were members on the government benches in the NDP days that were from rural Alberta, and I can't help but notice that they're not in the 30th Legislature. I think that my rural neighbours sent a pretty clear message to the NDP, that not taking action on things like crime or standing up for victims in constituencies like mine and their former colleagues' will result in, I think, catastrophic consequences at least for those members who lost their seats in this Chamber and now are relegated to not being able to speak in this Chamber tonight, although I'm sure they are spending significant time this evening in their new capacity as Twitter trolls for the NDP.

Mr. Speaker, I will ask the member if he thinks that this makes more sense: to take action to defend victims, to finally stand with rural Albertans. This is an opportunity for him to do that, to make up for his behaviour when he was in government for not holding his government to actually making sure that they helped victims of crime. Does he think that that is serious, and would he apologize for his government when they were doing that, not taking action? How can he justify still continuing that behaviour now that he's in opposition? Even if he's running for leader, how could he justify that behaviour by asking us to pass such an amendment that would continue that delay? How could he justify that? I don't know. I would be curious to hear his justification for the behaviour of his party when they were in government, and I would be very curious to hear what the NDP would finally propose to do for victims of crime.

The Speaker: The hon. Member for Edmonton-McClung should he choose to respond.

Seeing no one else, is there anyone wishing to speak to the amendment?

Mr. Jason Nixon: Question.

The Speaker: I think the Speaker can determine when the question will be called. Thank you for the assistance from the hon. Government House Leader.

Mr. Jason Nixon: Just some friendly advice, Mr. Speaker.

The Speaker: I don't require any of your advice.

Is there anyone else wishing to speak to the amendment? If not, I am prepared to call the question.

Mr. Jason Nixon: That's awkward.

The Speaker: I'll tell you what's awkward. It's when the hon. Government House Leader heckles the Speaker because, at the end of the day, the Speaker gets to determine what happens to him.

Is there anyone else? Seeing no one.

[The voice vote indicated that the motion on amendment RA1 lost]

[Several members rose calling for a division. The division bell was rung at 9:16 p.m.]

[Fifteen minutes having elapsed, the Assembly divided]

[The Deputy Speaker in the chair]

For the motion:

Dach	Ganley	Nielsen
Dang	Hoffman	Shepherd
Edgen		

Against the motion:

Allard	LaGrange	Pon
Armstrong-Homeniuk	Loewen	Reid
Copping	Long	Rosin
Ellis	Madu	Toews
Getson	Neudorf	Toor
Glubish	Nicolaides	Turton
Goodridge	Nixon, Jason	van Dijken
Issik	Nixon, Jeremy	Walker
Jones	Panda	Williams
Totals:	For – 7	Against – 27

[Motion on amendment RA1 lost]

The Deputy Speaker: Are there any other members wishing to speak to Bill 16? I see the hon. Member for Edmonton-North West.

Mr. Eggen: Well, thank you, Madam Speaker. It's very nice to see you as well this evening. Speaking on second reading of Bill 16, the Victims of Crime (Strengthening Public Safety) Amendment Act, 2020, I've sort of gained my knowledge and experience of this bill sitting in debate here over the last number of days. I found it to be quite edifying to learn about the victims of crime fund and how it's been supporting community organizations, indigenous communities, victims' services programming for more than 20 years here in the province of Alberta and doing quite a magnificent job, really. It's amazing to see the breadth of how victim support has evolved here in the province of Alberta over the last 20 years and to see how it is a process of rehabilitation and support, giving advice and counselling to people who have been in a traumatic situation.

I've also learned through this debate over the last number of days – and I see it quite clearly – how important it is to separate the funding of our policing and our judicial system and this idea of restitution and/or support and counselling for victims of crime. If you are combining those two things somehow, I think that it offers some confusion in regard to funding and so forth.

Let me just give you a couple of examples that I was thinking of, Madam Speaker, as I listened to other people frame arguments here. It's a question of this. If you have police and the judicial system somehow receiving the money from victims' services, it's like crossing over an imaginary line that can maybe optically and maybe even actually be a problem.

Of course, if you have the policing system being financed by monies collected from the victims of crime fund, then, you know, it can be adding some question as to the motive of people either

pursuing crime and/or pursuing justice, right? Always both of those institutions must be actually seen to be in the pursuit of justice and to actually be able to demonstrate that as well. If you have somehow any question about that, then it compromises the integrity of both systems. I don't think that that would be the intention of this bill, but it could be the result of this bill, potentially.

I've heard people expressing this argument outside, in the general public, as well. You know, it makes me concerned, because what else does our judicial system or our legislative system or our policing system have besides the integrity and the respect that the public does allow it? If there's any question toward that, then the whole system starts to be compromised, and we see, especially at this particular time in Canadian history – and indeed it's turned out to be American and global history as well – where people are asking questions about how we do execute policing and the judicial system in our society and the degree to which that is executed in an equitable and fair and just way. Right?

Again, you know, we should apply that lens to everything that we do, of course. It's always good to reflect and question in an authentic way and be constructively critical in order to create something better for everyone. We know that people are certainly watching these things now more than ever, with the demonstrations that we see across the province and across the country and indeed around the world.

I know that the scope of how the victims of crime fund has worked and evolved is, as I said before, something that we can be very proud of. We know that it has built up, you know, a not insubstantial fund, and it seems as though the government is choosing to eye up at least some of those monies in order to pay for other services and responsibilities that the government has. I mean, certainly, to question the validity of that is in no way suggesting that you don't need to make sure you are properly funding the policing system and the judicial system to meet the needs of our population here in 2020. I think that's a given, Madam Speaker, right?

We know that in order to properly execute the responsibilities of the government to ensure the safety and the security of our population in all corners of the province, we need to fund our police properly. We know that there's a need. We see different increasing crime rates in different parts of our province, and I don't think anyone would question the necessity to make sure you are buttressing the ability of police to cover vast distances and to respond to crime in a timely manner and indeed to work on crime prevention models as well. I mean, that's always: an ounce of prevention, a pound of cure. It certainly does apply to policing and to justice as well, and the swift execution of justice and the proper execution of justice is another element that I think is a precondition that we all expect. You need to finance that, too. So the question is: how do we finance that, and do we finance some part of that by using the victims of crime fund?

9:40

I think that, categorically, that is a problematic choice to make. I think we've heard pretty loudly and clearly that a lot of institutions, a lot of advocacy groups, and people who actually do provide the services that the victims of crime fund helps to finance have expressed quite significant concern about making that categorical shift to suggest that you would use some of those monies to pay for, let's say, policing and/or, you know, judicial elements of our system as well. I think it's clear enough that when we do have people expressing those concerns, it's always good to take a sober second look at these things.

What I am proposing here this evening, Madam Speaker, is an amendment to Bill 16, and as I pass it around, I will read the amendment into the record if that's okay with you.

The Deputy Speaker: Just wait till I have a copy, please.

Hon. members, this will be known as amendment HA1.

Hon. member, please proceed.

Mr. Eggen: Okay. Thank you, Madam Speaker. With this amendment I move that the motion for second reading of Bill 16, the 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 be read a second time on this day six months hence.

Again, in just looking for a reasonable alternative to moving forward on a categorical change like this for how we do use these monies in the victims of crime fund – I think that it’s not an insignificant amount of money. I’m just going to pull it out of my memory. It’s \$72 million in that fund at this juncture, something like that.

We know the breadth of how this money is being spent on therapy, on counselling, on restitution, and so forth. We know that these programs have implicit protection under the Alberta Victims of Crime Act and the Canadian Victims Bill of Rights. We know that some elements of both of these documents are certainly relevant to this bill: the question of convenience and accessibility, Madam Speaker, that all reasonable measures should minimize inconvenience to the person; that safety and security should be considered at all stages of the justice process. The whole notion of financial reparation: we should be able to be given information about available victims’ services, including victim impact statements, requesting restitution, the means of obtaining financial reparations and other programs, and that you should promptly receive financial benefits for the injuries that you have suffered. Thirdly, the creation and implementation of programs: again, the integrity of these things must not be compromised.

I believe that my modest proposal, as outlined in this amendment, which is to read this six months hence, is not unreasonable at all. If we count them on our fingers, that’s, you know, simply in the fall, in which we will have a session. In the interim we can go to these various groups that need to be consulted and need to give meaningful input to this proposal. I believe that if this does want to be proceeded with – I mean, I can give you some free advice, government of Alberta – there’s a bit of a sales job you need to still do on this bill and make some changes because a lot of people have raised significant and serious questions about how and whether we should move forward on this bill as it stands here today.

My amendment is on the floor as it stands, and I encourage each member here in the Legislature this evening to give it fair consideration and consider supporting the amendment.

The Deputy Speaker: Any members wishing to speak under Standing Order 29(2)(a)? The hon. Member for Edmonton-Decore.

Mr. Nielsen: Thank you, Madam Speaker. The Member for Edmonton-North West had me form a question in my mind. I wonder if he might provide maybe a thought around this. If we are starting to take money out of the victims of crime fund to pay for various aspects such as, you know, ASIRT and RAPID force and whatnot, if we get into a situation where the fund has been depleted for that period of time, how do we start deciding who takes priority? Do we take priority funding more Crown prosecutors, or do we start funding victims of crime? I was wondering if maybe the Member for Edmonton-North West might provide some thoughts around that, having been a part of the previous government.

Mr. Eggen: Yeah. I mean, that’s a very good question. Again it goes back to my first point of ensuring the separation of how these two essential programs are financed, right? One should not compromise the other. Indeed, the notion of restitution I think is an evolving and important part of the execution of justice in our society. We see a lot of, I think, quite positive advances, especially using First Nations culture and justice as viewed in that way. You know, you need to ensure that the integrity of those kinds of programs is not compromised by, let’s say, a shortage of money in running our courts or running our policing programs. This in no way is suggesting that those are not essential services that, indeed, need to be financed in an adequate manner.

I mean, I was very disturbed to see the last two budgets, you know, making compromises to both policing here in the province of Alberta – right? – downloading the cost of policing to municipalities, of which some are in a very tight financial position now. Yeah, you literally painted in broad strokes a circumstance where you might have a jurisdiction short of money to pay the police and making a heavier withdrawal from the victims of crime fund. So then suddenly how do you prioritize one against the other? The two work in concert with each other and shouldn’t be put in a compromised situation, nor should they be compared. They’re both complementary ways by which we can dispense justice and seek restitution and seek healing and counselling as well and keep people safe, quite frankly.

I mean, you know, the very first responsibility, I believe, for any government is to provide safety and security for the inhabitants of whatever area you happen to be governing, right? In doing so, you must look at that in the broadest possible way. It’s adequate police and a timely reaction to crimes or concerns, it’s the swift and fair execution of justice, and it’s the fair restitution and counselling and support for victims. Those are all three things that must function together. They shouldn’t be in competition with each other.

The Deputy Speaker: Any members wishing to speak under Standing Order 29(2)(a)?

Seeing none, any other members wishing to speak to amendment HA1 on Bill 16? I see the hon. Member for St. Albert.

Ms Renaud: Thank you. It’s my pleasure to again speak to this bill, actually to speak to the amendment. I do think that there are times that it’s really important to stop and to really think about what you’re doing. Clearly, this government isn’t willing to listen to some of the changes that we’re suggesting, so we’re now saying: just please stop. There is, really, the capacity to do a lot of harm with this piece of legislation.

But before I do that, I think it’s really related to this bill in that the government seems to be framing it as it has to be all this or that and that, you know, if they don’t support the changes that we’re recommending about preserving the funds available to victims or the funds available to support victims’ services organizations, we don’t support any kind of effort to reduce rural crime or crime in municipalities or any crime, actually, which is absolutely incorrect. It is not one thing or the other. These dollars are based on surcharges that are levied, that are collected, that are intended for exactly what the title says. It’s for victims of crime.

9:50

I think it was the Government House Leader not too long ago who sort of went on about, you know, the fact that we had not taken rural crime seriously. I just went back and did a really quick search. I couldn’t remember the details at the time, but, oddly enough, it was reported in the *Calgary Sun* on July 21, 2019, that Alberta rural crime rates were falling consistently one year after the NDP

government introduced provincial initiatives that were put in place to reduce crime and, actually, property crime in rural communities had dropped 9.8 per cent and 6.1 per cent in municipalities. Again, the plan was launched in 2018, and a year later we were starting to see some movement. Now, certainly that doesn't solve all the challenges that are currently present in not just rural Alberta but also in municipalities. I just wanted to correct that particular piece.

Going back to – and I've said this a number of times in this place; obviously, there are a number of things that I'm concerned with in this piece of legislation – again, that the consultation seems to be planned for after the fact. So it's: eliminate something, change something, and then go back and talk to people afterwards. But I find it disturbing that, you know, one of the big stakeholders that I would think the government would want to interact with is Victim Services Alberta. As I've mentioned before, this particular group represents over 70 victims' services units that work with law enforcement to provide this service, and they have not been consulted to the degree that they are satisfied with. They've not had the time to reach out. I understand that the government has repeatedly said: don't worry; we'll consult later. But the point is that when the legislation is passed, it's too late, and then you have to go back and make the changes. So why not go softly and speak to the people who are directly impacted?

Now, I don't for one second believe that anybody in this place ever intends to do things that are harmful to any people, particularly victims of crime. So it is my sincere hope that the government members are actually hearing some of these concerns. These aren't partisan concerns. These are serious concerns about what will happen to victims of crime and also what will happen to the organizations that support victims of crime.

You know, for members that are interested, even have some time – I encouraged members to do this before – there are, I think it's, like, 73 victims' services units across Alberta that I would encourage every member, if you've not done so already, to do the outreach that you should be doing, to reach out to these organizations in your home communities and talk to them. Ask them about the work that they do and what that means for them to have their funding disappear, not to mention what it means for victims of crime to lose access to some funds that really don't change their lives, because no amount of money can really do that after you've survived some of the crimes, you know, that we've described, but it does alleviate some of the financial stresses immediately following, and it does give people some options to get some immediate help and support that they need.

There was a release put out by Victim Services Alberta. Again, this is a group that represents over 70 organizations, and this is a direct quote from their release that was put out June 1, 2020. It says that Bill 16 “will see the tearing down of the fundamental principles entrenched in the original Victims of Crime Act created in 1990.” Again, by collecting surcharges “on fines assessed for various offences . . . these are not tax dollars . . . The money supports a cohort of volunteers in every corner of Alberta to be there in times of crisis . . . and assist when tragedy strikes.”

They go on to say – and I think this is really important – that the “Solicitor General will . . . have unfettered access” to fund more police and “undefined public safety initiatives.” I think that sort of sums it up, that the money is being taken from this fund that was established to support victims – let's be perfectly clear about that – to fund law enforcement and other initiatives. Again, the government seems to be painting it that we don't support initiatives that would look to prevent or reduce crime, which is patently not true, or to support law enforcement, which is also patently not true. These are two separate issues; both should be funded appropriately. The victims of crime fund was set up for a very specific reason.

Again, I have limited experience because I was not a volunteer with the victims' services unit for very long, but I can attest to the intense training that is involved for the volunteers that do this work. The training is incredible. I've said this a number of times, that there's no way as a volunteer, even with a background in human services and having been at a number of scenes that were very difficult just in my work life, that without this important training and the mentoring that goes on in these programs I would have been able to manage supporting victims of some very serious crimes.

I don't know – certainly, there are some people that their previous careers were law enforcement, so I'm sure they understand the stress that families feel when they, you know, unfortunately, let's say, have a suicide in their home or, say, a neighbour or there's a sudden death at home and then all the things that happen after a sudden death at home, whether it's with the medical examiner, certainly law enforcement. It is traumatic, it is serious, and in those hours and often days and weeks following, that is the time when victims' services volunteers reach out and continue to support people. They don't just do the informal telephone calls or visits to see how people are doing, but they're guiding them through this process by providing tangible supports, whether that's access to affordable counselling, whether that's assistance at some point when they prepare for court, whether that's helping them write and practise a victim impact statement. All of these things are jobs – serious jobs – that volunteers are trained to do and that these grants, funded by this fund, pay for.

You know, I outlined some of the costs, and I think it's really important for members to know that the annual grants that these organizations receive are really small – they're not big – when you consider the impact of the work and the number of people that volunteer in these services. And for the most part I was not one of them. With my family and job at the time I couldn't commit to all of the hours that were required, because it was one 12-hour shift a week as well as a weekend on-call, I think it was every four to six weeks. But these are incredible volunteers that do this work for years and years and years. The grants are not large, and the return that we get as a province is incredible. It's hard to even describe or even to establish any kinds of measures so you can measure the impact of this work.

The grants are small, but they come from this fund. Large municipal centres, as I've said, receive about \$600,000 a year, and they do an incredible amount of work. The Edmonton victims' services unit, which is the one I know about, is just incredible if you could see the amount of work that they do every single day. Mid-size municipal centres get about \$300,000, and then all others are capped at \$150,000. Of course, these organizations do quite a bit of fundraising, like most organizations do, to augment their training and their services.

Certainly, the one I can speak to is the St. Albert victims' services, which is actually housed with the RCMP in St. Albert, and the work that they do is phenomenal. From, you know, it's some of the crimes that you don't think – I mean, obviously, we read about it in the paper, we see it on television, and at the time that we see it, it is shocking, but you don't think about the fallout from that, whether it's an armed robbery or someone is injured in the course of a robbery or even some of the really horrific motor vehicle accidents that, unfortunately, we've all had the sad experience of driving by or seeing. So it is continuing to support people well after the crime or the incident has occurred.

10:00

Also, some of the things that victims' service volunteers do that people may not realize are that sometimes after a natural disaster or something like that people can be seriously traumatized, and then

supporting victims in that sense is to refer them, again, to affordable counselling – many times, you know, work is interrupted; there's perhaps an injury – so supporting people through that.

Some of the other connections. Obviously, for those of us that don't have a legal background or experience with prosecutors or even the court system, walking people through that: I'll never forget one of the victims' service volunteers that was a mentor to me, actually, that walked me through some of the training, was talking about the court preparation that she did for children. When children, sadly, get to the point where they have to appear in court and be asked questions and be supported, it was an incredible amount of work that this volunteer did with the family, with the child, explaining exactly what it looked like, how the room would be set up, and then actually going to the court when it was empty to demonstrate, you know, to sort of do a run-through, what that would look like. All of those services are free because these are done by volunteers, volunteers that rely on this grant for the training and for the small amount of administrative support that they get.

Obviously, I mentioned the counselling as well as shelters. I think that we all realize, sadly, the amount of domestic violence, gender-based violence, sexual violence that goes on in our communities. A lot of the follow-up with the different occurrences that are passed on to the victims' services is followed up by the volunteers. Very often it is people, for the most part women, often with children, that are looking for information about how to make a plan, how to make a plan to leave, how to find a shelter. "Where are the shelters? How do I get to a shelter? If I leave with nothing, where can I go to get, you know, some clothes for myself and my child? Where do I get the funds to do any of this?" These are all the things that volunteers do.

I think that it is really disingenuous of the government to stand up and that when we're debating this bill and we're talking about the importance of this fund, their answer to us is: well, you don't care about rural crime. That's not true. These are two very separate issues. This is a fund. This is a victims of crime fund to support victims financially following, often, one of the most devastating experiences of their lives as well as to support these organizations that do incredible work not just immediately following the incident but often for weeks and months and sometimes even years afterwards.

I know I mentioned the other day, you know, that there's the Morinville and Sturgeon Victim Services. Again, I don't know if they still have this, but a couple of years ago on their staff was another volunteer, a four-legged volunteer, which was a certified service dog. I think we all can appreciate the incredible value of a service dog, particularly for people that have experienced really traumatic things that are hard to even describe. There is a cost associated with that as well. There is a cost for the person that lives with and continues to train and work with the dog. There are also veterinary costs and all of the other maintenance costs you can imagine. These are all really tangible, important things that this fund takes care of.

Now we've got over 73 organizations right around Alberta that are really unsure what will happen next. I think that if there's one thing that we want to do, it's that we want these organizations, that provide, really, an important support, to feel safe and secure and not to be worried about: how are we going to manage this next? For the government to stand up and say, "Don't worry; we'll consult; we'll get it done; we'll talk to them," that's not good enough.

The Deputy Speaker: Hon. members, Standing Order 29(2)(a) is available. I see the hon. Member for Grande Prairie.

Mrs. Allard: Thank you, Madam Speaker. It's a pleasure to rise again and speak to Bill 16 and, in particular, this amendment. I wanted to thank the members opposite for their thoughtful comments. I just wanted to correct the record a little bit on some of the comments that I'm hearing.

The Deputy Speaker: Hon. member, I hesitate to interrupt. I just want to clarify that we're under 29(2)(a).

Mrs. Allard: Thank you, Madam Speaker.

The Deputy Speaker: Okay. Please proceed.

Mrs. Allard: I just wanted to ask the hon. member about her comments specifically around service delivery and the organizations that receive grants. I'm just looking here. In 2019-20 there was more than \$19 million from the victims of crime fund that was granted, I believe, to 42 community-based organizations and 73 police-based organizations. I believe that's what the hon. member had mentioned. What I see in the bill is that we're actually expanding the fund, so I just wanted to ask about where the idea is coming from that these organizations will no longer be funded. I don't believe that that's what the bill says, so I'd like to ask the hon. member where she's hearing that from.

I also just wanted to say that when I talk to victims in my constituency and certainly some close friends of mine that have walked this journey for the last seven and a half years after losing their son tragically, you know, they tell me that they would do just about anything to have not been a victim. So they applaud our government's efforts in terms of crime reduction, and they applaud the use of this fund to that end. Fewer victims, I would argue, is a win for all Albertans, and I'm sure the hon. member would agree with that. I believe that this is an emergent issue, and I think it requires immediate action, so I'm proud that our government is taking action on this file. But I'd love to hear comments or a response from the hon. member.

Thank you, Madam Speaker.

Ms Renaud: Well, I think that it's important to note again that we're not saying that a focus and an investment on reducing crime of any kind is what we're suggesting. These are two separate issues. These are two very separate issues. The victims' service units or the groups that I'm talking about: yes, there are 73. There are also other organizations that do the work. These are two separate issues. Do I think that the government should fund initiatives to do everything that we possibly can to prevent victims of crime? Absolutely. I don't think there is one person in this place that would think otherwise, not one. I think we all agree that there are far too many victims of crime in this province and this country, but these are two separate issues.

You are taking from a fund that is designated for victims to fund law enforcement and other initiatives. I think, you know, certainly, if you've talked to the units or the groups in your community, that's great. Perhaps you should speak to Victim Services Alberta, who are saying very clearly, very publicly that they have not been consulted. They are concerned. I read out pieces from their press release that was issued June 1. So if you're saying that they're incorrect, perhaps you should go back and consult with that body. This body is saying that they have not been consulted appropriately. They are concerned about the power given to the Solicitor General to remove funds from the victims of crime fund. These are their concerns. These are the concerns that I'm echoing. This is the umbrella body that oversees these 73 units in Alberta, that do an amazing amount of work.

Again I'm saying that you cannot say the two are, like – two separate things: they both need to be funded appropriately. But raiding one fund to pay for another problem is not the way to go. Yes, the government needs to appropriately fund law enforcement. Yes, we need to do everything we can to prevent victims of crime because there are far too many. There are far too many in every single community in this province. I disagree that, you know, it's: do one, or do the other. We need to do both.

We need to keep these funds available to victims of crime, whether it's the organizations that support victims of crime following the crime but also whether it's restitution, giving them the funds that they need to recover or to do the work to begin to recover. In some cases their lives are changed forever, particularly the example that you cite. I can't even imagine the horror of losing a child. There is no amount of money that could possibly fix that, but there are some funds that can open up some doors, whether it's to counselling, whether it's to – I'm not sure what each individual family needs because every family is very different and every process of recovery is very different.

Again I just wanted to say that the government continues to stand up and say: well, don't you agree with reducing crime? Of course we do. Of course we support any initiative to reduce the number of victims and to reduce crime in this province, but we also believe . . .

The Deputy Speaker: Any other members wishing to speak to amendment HA1 on Bill 16 in second reading? The hon. Member for Calgary-Mountain View.

Ms Ganley: Thank you very much, Madam Speaker. Well done. I'm pleased to rise and speak to this. I think we've canvassed this issue fairly thoroughly, so I'll try to keep my comments brief. Obviously, I've outlined at great length my concerns with respect to this bill in a number of ways, but I think it's worth returning to the actual legislation, probably because that's one of my favourite things to do.

10:10

One of the things that concerns us is that, certainly, recently a committee – task force, something – has been announced to consult on benefits directly to victims, of which I'm sure you're no doubt aware, Madam Speaker, since I believe you are involved. My concern is that it seems a little bit odd, and I haven't heard the minister or the government say that they intend to introduce an amendment, because presently the amendment that's before the House – this bill, Bill 16 – talks about eligibility of financial victims for financial benefits. We talk about:

12(1) A victim is

(a) eligible for financial benefits in accordance with this, that, and the next thing.

(b) not eligible for financial benefits if . . .

And then it outlines a couple of things.

Then it says:

(2) A victim is eligible for the following financial benefits only:

And after "only" it lists four things.

The first one says that they are eligible, and the second one restricts the eligibility to those in the four categories. They are eligible for the following financial benefits only:

(a) financial benefits applied for under section 12 of the former Act . . . before the coming into force of this [act] . . .

That's people in the past, relative to when this act shows up.

(b) a supplemental benefit for victims who suffer a severe neurological injury, as defined in the regulations;

That's a fairly narrow class.

(c) a payment referred to in section 15;

And section 15 refers to the old, old act, not this one, not the last one but the one that predates 1997.

(d) subject to subsection (3), a financial benefit in respect of which a person may submit a request for reconsideration under section 20(1), concerning a member of the class described in the Class Action Settlement . . .

That's the class-action settlement that was settled for the children of care going back several decades – they're now adults; they were children in care at the time – for whom the government had not applied to the financial benefit program.

"A victim is eligible for the following financial benefits only." Basically, what that means is that no one is eligible except for people who fall into these classes: people who applied previously, people with severe neurological damage, people who applied way previously, and people who are members of the class. What that means is that when that two-member task force reports back, if the finding is that people should be eligible for financial benefits other than for severe neurological damage, it will have to come back to this Legislature. It can't be changed by way of regulation. It would have to be changed in the act, and that's why I'm concerned, because if the intention is to reassess how to run the program of financial benefits, then why are we making, you know, 99 per cent of victims ineligible? That is my concern on that.

With respect to the sort of larger issue of funding policing versus funding victims' services, I don't feel like it needs to be an either/or. You know, the suggestion is that we couldn't find \$50 million literally anywhere else. Well, I can find this government a lot more than \$50 million very, very easily simply by not giving billions of dollars away to corporations. There are other ways to do this. There are other ways.

I honestly think the members opposite, even if you believe in trickle-down economics, even if you think that lowering the tax rate on corporations generating profit in excess of half a billion dollars will generate jobs, which to date has not been the case here in Alberta – but assuming you buy all that, you couldn't lower it that tiny amount of a percentage so that you could pay for your policing services without taking from victims of crime? I think that's what really concerns me.

In terms of, you know, the questions about: who are we hearing from that there have been decreases to victims' services units? Well, we're hearing from the head of the Alberta Police-Based Victim Services Association, because they are the recipients of the funding and therefore aware that it has been cut. That's who we're hearing from that those have been cut. You know, we've also certainly heard from AASAS. We've heard from organizations that support survivors of domestic violence. There are a number of organizations who work on the ground from whom we've heard that they have seen a reduction in funding. It's sometimes not very much, but bearing in mind that some of these victims' services units operate on \$200,000 or \$300,000 a year – a reduction of \$50,000 doesn't seem like very much – it could be a quarter or a sixth of their budget, which is pretty significant.

So, with that, I think, Madam Speaker, that I can end my comments. Again, I think we have very thoroughly canvassed this issue. I will just say that I hope to see, moving ahead, that maybe the government is bringing forward such an amendment. Maybe we can work with them on it. I just haven't heard that yet.

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

Seeing none, any other members wishing to speak to amendment HA1 in second reading?

Seeing none, I will call the question.

[The voice vote indicated that the motion on amendment HA1 lost]

[Several members rose calling for a division. The division bell was rung at 10:16 p.m.]

[Fifteen minutes having elapsed, the Assembly divided]

[The Deputy Speaker in the chair]

For the motion:

Dach	Ganley	Nielsen
Dang	Hoffman	Shepherd
Eggen		

Against the motion:

Allard	LaGrange	Pon
Armstrong-Homeniuk	Loewen	Reid
Copping	Long	Rosin
Ellis	Madu	Toews
Getson	Neudorf	Toor
Glubish	Nicolaides	Turton
Goodridge	Nixon, Jason	van Dijken
Issik	Nixon, Jeremy	Walker
Jones	Panda	Williams
Totals:	For – 7	Against – 27

[Motion on amendment HA1 lost]

[The voice vote indicated that motion for second reading carried]

[Several members rose calling for a division. The division bell was rung at 10:33 p.m.]

[Fifteen minutes having elapsed, the Assembly divided]

[The Deputy Speaker in the chair]

For the motion:

Allard	LaGrange	Pon
Armstrong-Homeniuk	Loewen	Reid
Copping	Long	Rosin
Ellis	Madu	Toews
Getson	Neudorf	Toor
Glubish	Nicolaides	Turton
Goodridge	Nixon, Jason	van Dijken
Issik	Nixon, Jeremy	Walker
Jones	Panda	Williams

Against the motion:

Dach	Ganley	Nielsen
Dang	Hoffman	Shepherd
Eggen		

Totals:	For – 27	Against – 7
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[Motion carried; Bill 16 read a second time]

10:50

Bill 21 Provincial Administrative Penalties Act

[Adjourned debate June 8: Mr. Sabir]

The Deputy Speaker: Are there any members wishing to speak?
The hon. Member for Calgary-Mountain View.

Ms Ganley: Thank you very much, Madam Speaker. I'll try to speak quickly as I have many, many questions. This is my first opportunity to speak on this bill. I'll begin by saying that I was excited to see this bill introduced because I believe that with the proper elements of procedural fairness around it, this can actually be better. I think the statistical evidence out of B.C. is quite clear: it does save lives. Now,

admittedly, it made some of the gains already in Alberta because we have no administrative sanctions model at all. But I think it's clear that this will move things further, and I think Mothers Against Drunk Driving agrees. So that's very, very good.

The concerns that I have, though, are that we still need to allow some element of procedural fairness, because even if we're not proceeding by way of a criminal charge, we still are doing something fairly serious, which is to say that we're imposing a fairly significant fine. We are relieving someone of their ability to drive, which I do not believe to be a right though some people might differ, and some people would argue that in a lot of instances it's very difficult to get around in some communities in the absence of that. We're also seizing their property, which is a fairly big deal, I think, something that should be used rarely.

I do think, again, that in this case vehicle seizures and licence suspensions are shown to be the absolute most effective things in terms of reducing this behaviour. I wouldn't want to speculate as to the psychological reasons that having your licence suspended for a year causes you to change your behaviour in a way that a criminal record would not, but the evidence is clear that that is the case.

However, I do have some significant concerns, having now begun to make my way through the bill. The bill creates a definition of something called a contravention. Although it is to be designated in regulation, we presume that a contravention will be applied to an impaired driving offence. The challenge is that the way in which one challenges a contravention is not quite the procedure I would hope to see when we're talking about interests this serious.

Section 18 – we're talking about the content of the review – says, "The burden of proof in a review is on the person requesting the review." What that means is that the individual that has had their licence suspended and their car taken has the burden of proving that they didn't do the thing rather than the state having to prove that they did do the thing, which I think is somewhat of a cause for concern, particularly when combined with section 21, which talks about the decision of the adjudicator. It says:

After conducting a review, the adjudicator shall, subject to subsection (2),

(a) if the adjudicator is not satisfied that the prescribed grounds for cancelling the notice of administrative penalty have been met, confirm the notice.

Those two things combined, to me, almost sound like they're creating a reverse onus, and that's a bit of a concern to me. I think that if the state is going to take away your driver's licence and take away your car, they ought to have at some point the burden of proving that, in fact, you've done something wrong.

Now, it's one thing with alcohol-impaired driving. Not that I'm saying that it's impossible that those are wrong, because there are circumstances like: they need certain maintenance, and they don't all operate in all temperatures without upkeep. For alcohol, we have pretty good evidence about the blood alcohol at which you are impaired, right? That's fair enough. I think the concern that I have is that this appears, at least in some cases, to refer to other forms of impairment although not necessarily in all cases, and in those instances the evidence we have is not quite as clear.

I think that my point is simply that one of the sort of fundamental things that I would want to see in a bill like this would be that at some point the state needs to prove its case, maybe not in the normal criminal process, because, again, I think that that isn't necessarily necessary. I'm not saying that we need to rise to that standard. But the idea that it is the individual who has had the things taken away from them that has to prove that: that's a concern.

Now, this bill – I'm probably wandering perilously close to using it as a prop here – is very thick. It's a very thick bill. It is 116 pages

long. Because the contravention is going to be designated in regulation, I believe that this is also being used as a method to sort of automate traffic court. So it's possible that the contravention will apply to something and that there will be a different method, but if that's the case, I would love to hear from the minister on that because I think that that is one of my big areas of concern.

I'm also a tiny bit concerned about that you're permitted to have a review that is in writing or orally but not in person. I just would want to ensure that if you're not doing in-person hearings, there are translators being made available, because even an over-the-telephone hearing can very much negatively impact people for whom English is not their first language more so than other people. I think that that sort of disproportionate impacting of certain people is something that we all should be concerned about.

I'm also interested in sort of the shortness of the timeline. You only have seven days to file your request for review. Now, in some ways this is good. Because the person has to file within seven days, it has to be heard within 21 days. So that's a really good process because it's fast, and because you have someone's car, it should be fast. So that's good. Yeah, I have some concerns about that.

I also have a bit of a concern about: what it appears is happening is that this legislation will get rid of the Transportation Safety Board in its entirety, and it will replace it, instead, with employees of the government. That is a concern to me because when you're talking about an adjudicator, if that adjudicator works for one party – i.e., the Crown – that is a little a bit of a worry. That's sort of the point of boards, to add that level of objectivity.

Now, some may differ, but I am not one of these people who actually thinks that you require a judge for everything. I think that administrative decision-makers do a great job. I obviously came from a labour law background. It's mostly administrative decision-makers. They do an excellent job. I don't think that we need judges for everything, but moving from a board structure, where you have an official administrative decision-maker who is sort of independent of government, to a structure where the adjudicators are in the government: that is a big concern for me. So I would love to hear the minister address that as well.

I think that, in addition, I'd like to hear a little bit more about how this differs from B.C.'s model. B.C. had originally a different model, a model which, to my recollection, did the same thing, where it was, like, sort of internal people and not a direct reverse onus but insufficient procedural requirements, and it was overturned by the

Supreme Court. They now have a different model, and that model has been validated by the Supreme Court. It is working well.

I think that, yeah, my feelings on this bill remain a bit conflicted because it is important – it is an important step forward – and I'm really worried about some of these things from two perspectives: from the perspective that a car is somebody's property and I really think you shouldn't take that and that you shouldn't take someone's licence. Like, they may need that to get to work. They may need that for their job. If they live in a rural community, they may need that to get pretty much everywhere. You shouldn't take that away from someone unless you're really fairly certain that they are in fact presenting a danger to other users of the road. So I think I would very much like to hear from the minister, you know, what his thoughts on that are and whether there's an openness to having a discussion about this.

11:00

There's also an entire section on civil recovery and how the fines will be recovered, and it operates in somewhat of a different manner than most fines would under the provincial procedures act. That's a bit of a concern for me, too.

It also kind of implies – and I may be misreading it, but it kind of sounded to me like they could sell the debt to sort of a third-party debt collector. That would be a concern to me in a big way, too, because I don't think people should be profiting off the criminal justice system under any circumstances.

Again, I think the intent is good. I'm a little concerned about some of the details, and I hope that we can hear some responses on that.

With that, I think, Madam Speaker, I will adjourn debate on this matter because I believe the hour is getting quite late.

[Motion to adjourn debate carried]

The Deputy Speaker: The hon. Government House Leader.

Mr. Jason Nixon: Well, thank you, Madam Speaker, and thank you to the House for great progress tonight. With that in mind, I will move that we adjourn the Legislative Assembly of Alberta till tomorrow, Thursday, June 11, at 1:30 p.m.

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

Table of Contents

Government Bills and Orders

Third Reading

Bill 20 Real Estate Amendment Act, 2020.....	1279
--	------

Second Reading

Bill 16 Victims of Crime (Strengthening Public Safety) Amendment Act, 2020.....	1285
Division	1291
Division	1296
Division	1296
Bill 21 Provincial Administrative Penalties Act.....	1296

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