



Province of Alberta

The 30th Legislature
Second Session

Alberta Hansard

Wednesday evening, April 14, 2021

Day 97

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, April 14, 2021

[The Speaker in the chair]

The Speaker: Hon. members, good evening. It's nice to see that all of you have chosen a very appropriate attire this evening, not like some of our federal colleagues.

Please be seated.

Government Bills and Orders Second Reading

Bill 64 Public Lands Amendment Act, 2021

[Adjourned debate April 13: Mr. Schow]

The Speaker: Hon. members, are there any of the members wishing to join in the debate this evening? The hon. Member for Lethbridge-West has risen.

Ms Phillips: Thank you, Mr. Speaker. I am rising to provide my comments here at the second reading stage of Bill 64, the Public Lands Amendment Act, 2021, proposed by the Minister of Environment and Parks. Now, there is no question that Alberta has had a long couple-of-decade history now with the management of public land and the evolution of that given the competing uses on public land. In fact, the regional planning process in many ways was pushed along, if you will, by these questions of how Alberta best balances competing uses on public land.

Certainly, we had in different corners of the province in and around the time of the oil sands boom, between 2004 and about 2008, at least that first boom period, a number of different factors that occurred. Up in the north, of course, a lot of competing industrial activity was rapidly bumping up against limits both natural, of some of the cumulative effects of that activity, but also simple limits of labour availability and so on. So we had those pressures up in the northeast of the province. Down in the southwest of the province we had a couple of different competing pressures as well. One was water availability, quantity and quality, in a closed basin, the South Saskatchewan River basin, and the other was an explosion of recreational activity. That is not to say that there weren't associated pressures in places in and around sort of west of Edson, for example, between Edson and Hinton.

There have been some recreational pressures and other competing pressures between different industry groups and grazing lease holders sometimes as well in various parts of the province, so that led the province in and around 2008 to begin a process of bringing in regional planning. The province did that, and through those extensive consultations and bringing in of the lower Athabasca regional plan in I want to say 2012 and the South Saskatchewan regional plan in 2014, what immediately became clear is that for the management of public land there needed to be different kinds of expectations for everyone set, to be over and above the simple concept in law of vacant public land. What that meant was that there were public land recreation areas proposed in the legislation, public land-use zones in order to manage some of those competing demands on the land base, and public land trails as well.

As part of that exercise what ended up happening was that a number of changes were made to the Public Lands Act, bringing in some of these management tools, what Environment and Parks refers to as management tools, in public land-use zones and public land recreation areas. In particular, in public land-use zones the

director had an ability at the level of the regional governance. We're not talking the level of – none of this really rises to the level of cabinet but to the level of enforcement on the ground, that is to say folks working in Environment and Parks in concert with conservation officers, fish and wildlife officers, oftentimes municipal bylaw officers, and the RCMP as well and in concert with grazing lease holders and others, different kinds of user groups. I'm thinking here specifically of equestrian groups and others. Those officials had the ability to essentially manage the landscape, especially in public land-use zones.

One of the great benefits of this, particularly in southwest Alberta, is it allowed, in particular, industry to be heard when their business was being interfered with by runaway recreational growth. Now, we know that prior to 2015 Alberta added a million people to the population and not one more campsite to speak of. That was why in 2015 we identified this as an area for investment through the capital plan, which were investments that were recommended to us by David Dodge, former governor of the Bank of Canada. So it was that we began to make \$250 million of investments in parks and to some extent into public land as well because of those great demands, particularly in the south of the province but not exclusively so, for recreational opportunities. Our population being also relatively young compared to other parts of the country, people want to get outside with their kids. This is very basic.

That is what led us to a situation where we had regional planning in effect, the South Saskatchewan regional plan, and it's what led us to having these particular management tools in order to be able to better manage the competition on the landscape. For example, in southern Alberta there were pipeline companies who would come to us and say: you know, look, there are certain areas where we've got too much of a certain kind of activity, off-highway motorized activity, and there's a braid of trails, and it's causing ruts, it's causing erosion, it's causing problems for us to get our trucks in to service, it's causing areas where infrastructure is being dug up, whatever the case may be. The director could then go in and manage that area and say: okay. Essentially, I always boil environmental policy down to: yes here; no there. That allowed a very microlevel of decision-making that ideally is quite responsive to the needs of the people who are part of those competitions on our public land.

That is why those pieces of the legislation, the Public Lands Act in particular – the section that has now been repealed, whereby notwithstanding any regulations made by the cabinet,

the director may by order

- (a) prohibit or restrict entry to all or any part of a public land recreation area or . . . trail, or
- (b) prohibit any use or activity in all or any part of a public land recreation area or public land recreation trail.

So restrict entry or prohibit any user activity.

This, for example, particularly at this time of year, will lead to certain trails simply being closed for a two- or three-week period. It will lead to, for example, some interactions with forestry companies whereby they say: can we not have campers over here right now, because the tree planters are in there? It will lead to situations where the grazing lease holders will say to the Environment and Parks staff that are local to them: "We've got people ripping down my fence over here, and my cattle got out three times, but there's a trail just over there. Can you close these two and move them onto this one and put up a sign?" That's the kind of microlevel decision-making that is contained in section 71.2 that has been repealed by this act.

Now, the power to do anything on public land, to make any kind of regulations, is contained now in an amendment of section 9, which allows cabinet to permit, prohibit, or regulate "the use of, occupation of or activities on any public land." It takes away that

power of the director to respond to some of those very small decision points that ought not ever rise to the level of politics, quite frankly, because they are responding to very common-sense problems on the landscape within the public land-use zone designation or the other designations. It puts those in the hands of cabinet.

Now, this will pass right away, and we will then await the regulations coming from cabinet. Meanwhile you will have directors out on the landscape in spring, which it is now, and they won't have the tools they need to be able to respond to some of those queries from adjacent landowners because there is lots of public land, particularly in southern Alberta, where you have deeded land right next door. They won't be able to respond to queries from either forestry or pipeline companies, oil and gas, others who do business on public land and, importantly – importantly – will not be able to be necessarily, by the way I read this, anyway – and I'd love some clarification.

7:40

I mean, of course, the government is going to say that everything is wrong, but this is a group of people that always say that. I would love to hear how those kinds of decisions are going to be made this spring and what kind of assurances, in particular, they've given to grazing lease associations in Alberta's southwest on how public land is going to be managed and how they're going to, essentially, manage the fact that when runaway recreational use happens, it gets in the way of some people making a living if you just let it go, you know, to anarchy.

Now, I'll tell you a little story, Mr. Speaker. When this really came home to me, it would have been in the fall of 2015. I went out to meet with a number of ranchers out in the Porcupine Hills sort of area, adjacent, anyway: Beaver Creek hall. It was one of those hall meetings that I remember from my extended family, very, you know, rural, where everyone brings squares. It was a great community event. Everybody knew each other. They put me up on the, like, little stages in these places, and I sat on one of those wooden school auditorium chairs. Those cowboy hats, man, they peppered me for two hours straight. My kids were happy because there were a lot of squares on that table, and they ate them all, and they were happy for me to take question after question after question from those grazing lease holders.

Here's what it came down to. There were a number of decisions that had been iced through serial instability from the previous PC governments, right? We had been through, you know, several different Premiers, cabinet had been turned on its head at six-month intervals, and nobody had ever made a decision about anything since Ted Morton, which is saying something. And the fact of the matter is that these folks essentially sat there and said to me: "Look, you government, government has been a bad neighbour to us. Government is supposed to be running the public land, and they've been a terrible neighbour. We'd never put up with this from our neighbours, right?" We had just let the entire party move in and absolutely not established any limits.

It was mayhem for folks trying to make a living, trying to graze their animals, trying to keep the quiet enjoyment of the property that they had invested in, and trying to maintain the conditions of their grazing lease that sustained their families. That was why we brought in the subregional planning for the Porcupine-Livingstone area. You know, and as part of that we, one, then undertook a two-year process because it was not until May of 2018 that we brought in some of the new regulations to essentially say, "Yes" here and "No" there. It was in response to those grazing lease holders and other community members in southwest Alberta.

It's great that we're going to have a public land permit, which was an ability that the government had before. They could certainly issue these permits, and they could charge for them. That's not at issue. That is fine within the context of properly managed and invested in recreational uses on public land, understanding that there is a whole heck of a lot that goes on on public land that is not recreational use. As I said before, there are grazing leases, there's oil and gas, there's forestry, there are various linear investments that companies have made like pipelines and other infrastructure. It is a working landscape. That's what a public land-use zone is, and that was where its designation came from when it was first brought in in the act.

Now, I can't tell you, Mr. Speaker, how many times I was briefed by Environment and Parks officials who said that in a public land-use zone we have so many more tools to balance and to manage. I worry that by repealing some of these sections that give a director an ability to do so, now we are opening up the barn door, quite literally, in some cases, to some elements that folks are listening to across the way but maybe not all. We have seen over and over again this government thumb their nose at these ranchers, those very ones, those very same people at the Beaver Creek hall. They are not listening to them, because those are the same folks who are saying: yeah; could you not blow the tops off the mountains in my backyard? And it's those very people who will be affected if there are negative effects from this bill.

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

Member Irwin: Thank you, Mr. Speaker. Yeah. I'm just always blown away by the level of analysis by my colleague from Lethbridge-West, and I was frantically googling some of the words she was using because I didn't know, so I have a lot to learn when it comes to public lands, and I'm very happy to learn from her always.

You know, she spoke a lot about some of the intricacies of the piece of legislation, but I would love for her to just maybe talk a little bit about how we can see this potentially impacting Albertans. I mean, I know that so many of us, we've talked about this in the House a whole heck of a lot, about how much beauty we have in our province and how multiple times we've seen this government attack our access to the outdoors at a time when more than ever we should be encouraging folks to get out and to enjoy. I know that the Member for Lethbridge-West spends a whole heck of a lot of time out with her children enjoying the beautiful landscapes of Lethbridge.

Yeah. If she could just talk a little bit more about perhaps maybe some of the personal impacts of . . .

The Speaker: The hon. Member for Lethbridge-West.

Ms Phillips: Well, you know, I can appreciate where this legislation is coming from. It's a recognition that people are outside, and there is no question that this is so now more than ever, particularly in the pandemic. I spent some time west of Nanton last summer, and there's a lot of public land there because it is in exactly the region that I was talking about where we did the subregional planning, in Porcupine Hills and Livingstone. There were folks there that – and you could tell – had not been there before but they were Albertans, right? They didn't come from somewhere else. They were people who were taking day trips down from Calgary and what have you. And it was busy. It was like a highway on a Sunday morning when we got up on that road west of Chain Lakes,

which is normally just like a sort of very quiet gravel road, and it was just nonstop traffic on a Sunday morning of folks coming back out, and the vast majority of that is public land. There is no question we need infrastructure there.

Then we took a little drive up past some of those areas, and there were piles of bags of garbage that you could see. Over the next couple of days Environment and Parks came and picked up just bags and bags and bags of it. I have the photos. So, yeah, we need infrastructure up there.

We need places for people to be so that they can enjoy themselves, they can access a trail network, they can do the things that they want to do. For that reason, having some kind of fee associated with use of either public land recreational areas or – obviously, we have fees for overnight camping stays. I do not believe the day-use parks fees in general are the right thing in terms of the public interest. Having said that, I do think that if you're going to be doing some overnight camping, if the fee is reasonable and if it means that there is a commensurate investment in the land base and in protecting the environment – because, ultimately, our ability to manage the water, the waste, and the generally beating up of the landscape requires investment.

But this is not a government that has demonstrated to us for one hot second that they are interested in either investment in parks, public land, the environment, and in particular in that corner of the province where they tried to hide the fact and spirited in in the cover of darkness actually bringing in open-pit mining in these very areas where now they are proposing to charge people an overnight camping fee.

7:50

Now, I think there are probably better ways to do it than this, and the fact of the matter is that they could do this in some way, shape, or form in the previous act. So that's why I find it odd that we're also taking the liberty of removing the director's ability to do enforcement mechanisms. I do have to wonder, because they haven't committed to any kind of dedicated revenue, if they're going to tell us how much of this is actually going to public land.

The Speaker: Hon. members, that concludes the time allotted for 29(2)(a).

Bill 64, Public Lands Amendment Act, 2021, at second reading is what is before the Assembly. The hon. Member for Edmonton-Whitemud.

Ms Pancholi: Thank you, Mr. Speaker. It's a pleasure to rise on second reading on Bill 64, the Public Lands Amendment Act, 2021. I haven't yet had the opportunity to speak to Bill 64, so I'm pleased to have that opportunity now.

It's always a challenge when speaking about things like public lands to follow my colleague the Member for Lethbridge-West because of her extensive experience having been a former minister of Environment and Parks, but also just simply her experience around the areas in which she lives in Lethbridge. She's often spoken with a deep, deep understanding of the lands in not just that part of the province but all over the province. I don't have the same comparable experience or expertise in this area, but I do still want to speak to this bill about the implications of what is contained in what is essentially, actually, Mr. Speaker, quite a short bill, what it may have for many Albertans, average Albertans who maybe have only just begun their journey of getting to explore and experience all the beauty of Alberta's lands, parklands, public lands. And I know it has been a year, certainly, where many people who have not had the chance to experience and explore Alberta have really

taken advantage of that ability to do so, of course because so much other travel and opportunities have been restricted.

Bill 64: essentially my understanding of it is that it allows the government to treat activities on public lands like dispositions. Those are the changes that are made within the act, to allow these activities on these lands to be treated like dispositions and, therefore, the government can charge fees for it because it has to be able to be considered a disposition on the land in order to accept fees. That is the sort of legal or technical change that is being done to the kind of categorization of activities on public lands that would allow for the government to charge fees.

What it means, of course, is that fees will be charged to average Albertans for using public lands for things like camping, and it certainly does open the door for fees to be charged for all kinds of other activities on public lands. I understand that the bill does have an exemption, for example, for First Nations members who are using the land as well as those who might be accessing that public land for work purposes or volunteer purposes. But for all other Albertans who might be using this land, these changes allow for fees to be charged.

What's important is that – you know, I understand, I've read the comments of the Minister of Environment and Parks where he talks about Bill 64 and what it's intended to do. And we've heard some numbers thrown around that basically the changes in Bill 64 will allow, for example, for an annual pass of \$30 to be charged per person for the use of camping on public lands, or I think we've also heard \$20 for a three-day pass. That's what the minister has said, and I am not surprised that that's what he's communicating because it does sound like a very small amount when you talk about it. It's just \$30 per year or \$20 for a three-day pass. But, of course, that's not what the bill says. This is what's important, I think, for our discussions and our debate and for Albertans to be aware of, that the bill is actually – it doesn't prescribe a set amount for fees. In fact, it very much opens the door for any fees to be charged. It's very open ended. It simply allows government to charge whatever fees they want and to change those fees easily through regulation. I fear that the intent of the government by portraying it in these small, tiny amounts is that it seemed to be not a big deal. It seemed palatable. Maybe some people might be like, "Okay; that's not so bad," but it's giving a false impression that that's it for the fees and that's the extent of what Bill 64 does.

I think it's misleading for people to think that that is the only fee that can be charged as a result of Bill 64, because it is very important to know that these changes will be long lasting and are incredibly open ended and allow for not just the fees that the minister of environment has talked about but any other fees for the use of public land. I believe there's already a bit of a discrepancy within the government's communications on this bill that actually speaks to this very vagueness within the act.

For example, I understand that at one point one of the minister's staff – either chief of staff or I'm not sure exactly the title – indicated that, yes, this would allow for a \$30 trail-use fee. But then instantly we saw a comment from the minister's press secretary that's, like, "Oh, no, no. We're not going to be announcing a trail-use fee of \$30," which, of course, could be charged to any hiker, any ATV user who would use those trails. It was an immediate backtrack, and I think the reason is that it's incredibly open ended. And the idea that maybe right now the government is not planning on charging a trail-use fee does not mean that they can't. In fact, Bill 64 allows them to do just that. There's certainly that concern that Albertans should be aware of when it comes to Bill 64, which is that what they're being sold by the government is not actually what they're getting from this bill.

The other piece, of course, is that I understand there's been some discussion around those who might support a small annual pass or a small day-use fee, because certainly some Albertans have indicated, I understand, that they might be willing to pay a small amount. Even when we see the government speaking about those organizations that have expressed their support for the fees that are, again, being indicated by the Minister of Environment and Parks would be charged right now, it does not mean that's what will be charged down the road. Every time we see that support expressed, it comes with a contingency. That support is always expressed with: well, we might be okay with some fees being charged for the use of public land for camping, as long as those dollars are going to improve that Crown land.

Again, Mr. Speaker, that might be what the government is saying, and I certainly, again, read the news releases and the information that's been put out by the government about what they plan to do with the fees that they're collecting. They say that they're going to be used to improve the land. That's what they say; however, that's not what Bill 64 says. Bill 64 doesn't say anything about how those dollars will be used or where they will go and if they will just simply go into general revenue, which is what is to be presumed because there's no limitations on how those fees will be collected and maintained and will be used within Bill 64.

What, really, I think I'm speaking to, Mr. Speaker, when I talk about: well, it's actually that the limitations on how much can be charged are not in the bill and how those fees can be used is not in the bill, comes down to an ongoing, underlying issue that Albertans have with this government to begin with, and that's trust. Right now, I think, for very good reasons Albertans have a significant amount of distrust for how this government makes the decisions about the taxpayer dollars. Not only have they given away billions of dollars, taxpayer dollars, to profitable corporations so that they could then, you know, pay greater dividends to their shareholders and not create jobs and not reinvest in Alberta and actually cut jobs, but they've also shown that the taxpayer dollars that they do collect, they are very happy to misspend them in, quite frankly, some very embarrassing ways, whether it be the war room, whether it be betting \$1.5 billion on the outcome of an election that they had no control over and are still somehow blaming Albertans for. I don't know how we're still on the hook for that.

There's a significant amount of distrust from Albertans when it comes to how this government spends their dollars, so when they tell you, Don't worry; we're going to take these fees and use them to improve the land," I think we need to see that in legislation before we can believe them. I also think that there is a significant amount of distrust from Albertans for how this government cares for, protects, conserves, thinks about public parklands. We cannot talk about this outside of the context of what Albertans have witnessed over the last year when it comes to our parks. Not only was the government forced to retract and take back their decision to sell off Alberta parks, but they lied to Albertans for a year about it, the government did. They told Albertans that we were not reading it properly. When we said one thing, it's a disposition. It's not a sale; it's a whatever the words. I can't even remember all the words that they used to try to describe what they were doing. They were gaslighting Albertans, essentially, and the very proof of that is the fact that they had to reverse their decision.

8:00

On this matter it might seem small, Mr. Speaker – I understand that – but it is significant, because it's actually about trust. We don't trust this government to spend their dollars, our dollars, the way they saying they're going to, and we don't trust them when it comes to Alberta lands. I won't even touch on coal. I mean, I could, but I

actually want to move on to something else about this. I want to talk about the great appreciation that many Albertans have had for generations in this province but that some newer Albertans might have just grown to appreciate about Alberta's beautiful lands. If there are a few silver linings, which I think we're all struggling to find right now with respect to the pandemic – but there are some – some are that I think many of us got a greater appreciation for this beautiful province.

Now, my family were immigrants to this country. They came from Tanzania and India. I can tell you that they had no experience with camping when they moved to this country. When they came to Canada, they lived in Montreal first, then Toronto, briefly in Calgary, and then in Edmonton. They lived in major cities. My parents did not have a long history of camping. We didn't go on family trips camping in the great beautiful lands of Alberta. I'll be honest about that. We didn't do that. I mean, we did make trips, of course, to our beautiful national parks, but to be honest, we always stayed in motels. That's kind of the way my parents were comfortable.

Now, that being said, Mr. Speaker, I actually had the opportunity to do a lot of camping myself, not with my family but because I was a Girl Guide for many years. I was a Brownie, then a Girl Guide, then a Pathfinder, and then a junior leader, so I did this for many years, and through that Guiding experience I got a ton of experience camping in very rugged environments, might I add. I slept in a lean-to that I built with my fellow Guiders in the middle of winter that we built out of tree boughs and plastic sheets. It was, like, minus 15 out. Yeah. I can't believe my parents actually let us do that. I don't think they understood that was what was happening. But I did that.

My husband to this day, Mr. Speaker, I have to say, is still shocked – because he doesn't think of me as a camper – to know that I have these skills, that I've made bannock, that I've built lean-tos, that I can build a fire with no problem. Now, that's something that I experienced through the wonders of Guiding, but it certainly was not an experience I got from my family. They just did not have that background. That was not something that they were familiar with.

Then as a parent myself I will say that I took the opportunity to camp a lot more with my kids last year, more than, frankly, we had had an opportunity to do so before. I'll admit that generally our summers are maybe a local trip, but we often visit family in other parts of the country. We had hoped for maybe it being a time for an international trip – my kids are still a little young – but, of course, all of that, like for so many other people, our travel plans, changed last year because of the pandemic. I was thrilled by how much opportunity I got to enjoy with my family the beautiful lands of Alberta right here, and my kids are already going to have a different connection to their province, the lands of this province, than maybe even I had. I think that's wonderful, and I think that's also an experience that so many new Canadians and new Albertans get to enjoy. So I think we should be doing all we can to encourage that connection to the land of this province, that connection between people who might not have had it before.

When we add new fees – and I appreciate that some people, again, are going to say that \$20, \$30 is not a lot, but, again, Bill 64 certainly allows for a lot more than that; it's unlimited, in fact, in terms of what can be charged – that is a barrier to families. It is a barrier to families to enjoy and appreciate the beautiful lands of Alberta. I certainly think that when we're talking about, first of all, a new sort of economy, new ways that we're trying to attract and have people enjoy Alberta, we're so focused on that. We should be so focused on that, Mr. Speaker, and really encouraging Albertans to feel connected to this land and also to attract other people from other provinces to come and explore Alberta.

Adding new public land fees or camping fees does not do that. It acts as a barrier, and this has to be considered in the context, again, of all the other ways that the current government has made life more expensive for Albertans, whether it be their electricity fees or utility fees or school fees, their car insurance, their camping. I mean, going on the Kananaskis trails now has a fee that goes along with it. All of those things act as barriers to Albertans to enjoy our province, and it's discouraging them from doing what, I think, we want to do.

I feel, when I look at Bill 64, that there's a lack of trust that Albertans have in what the government says and what they do. We know that there's a lot left up in the air. We don't trust – for good reason – that the fees that are going to be collected are going to go to the purpose for which the Minister of Environment and Parks has claimed they will be used. We know that they don't have a great respect for this land and conserving it and preserving it and making it something that's enjoyable for all Albertans.

I think the key issue, Mr. Speaker, is that when we talk about public lands, we're talking about land that belongs to all of us, and because of that we need to be very careful about what barriers we're putting up to have people enjoy the land that rightfully belongs to them. I fear that Bill 64 is moving our province backwards in allowing Albertans to enjoy the land that we each have a right to enjoy.

Thank you, Mr. Speaker.

The Speaker: Hon. members, Standing Order 29(2)(a) is available. But I would just like to briefly remind the Member for Edmonton-Whitemud that last week the Speaker did make a ruling on the use of the word "lying." Even if we're saying that a group of people or the government might be doing that, we did find that to be ruled out of order. I recognize that given the COVID conditions, it's perhaps why the member didn't hear the ruling, but just a reminder to the House as such.

The hon. Member for Edmonton-Highlands-Norwood on 29(2)(a).

Member Irwin: Thank you, Mr. Speaker. I was convinced that one of the members opposite would have jumped up to respond, but so far they're quiet tonight. I'm sure they're just formulating their arguments. Actually, we are going to be, and actually we have proposed a few questions already tonight. I'm hopeful that someone from the government will have some answers tonight, because I know there's a lot of talk on this bill.

In fact, I was listening to CBC at noon yesterday – time is confusing; I think it was yesterday – and there was a vigorous debate about this. They were talking a lot about the availability of camping spots and whatnot. The concern was raised, just as my two colleagues have already talked about, around the ambiguity in the legislation. Some folks were saying, like, "Yeah, I mean, perhaps it's reasonable to ask families to pay a little bit more if we know exactly what that money's going to, but it's unclear," as my colleague from Edmonton-Whitemud said.

I think it's also very fair to acknowledge that a small – you know, what this government, what this Premier has been quoted to say is that small increases in fees are not onerous, right? He used that language when he talked about the deindexing of AISH to say that \$30 a month is not that big deal. Well, in fact, ask anybody who is on AISH just how huge of an impact that has had and continues to have. I know that myself and my colleague from St. Albert and all of us on this side continue to hear from folks who are absolutely struggling to make ends meet day in and day out. We talked about this a lot in the House when we discussed some of the other pieces of legislation that this government has raised when it comes to attacks on our outdoor spaces. We talked about the fact that, like,

for so many families, camping is one of the last outdoor pursuits that's accessible. That really can add up, \$30 a year and potentially more.

I just wanted to throw it back to the Member for Edmonton-Whitemud. She talked a little bit about her own personal experiences. I, too, am surprised to learn that she's a rugged outdoors person, having built lean-tos. She said she made bannock. I would like to see this. I would like to try said bannock, because without proof I think we can all question – I won't accuse her of that word you mentioned earlier, Mr. Speaker, but, yeah, I'd like to see some of evidence of this. I've not seen it, no offence intended.

To that member: can you just talk a little bit more about your own concerns about – you know, you talked about being newcomers to the country and not necessarily engaging in camping. But we know that for a lot of folks it is something that they can't afford. If you could just chat a little bit more about that.

8:10

The Speaker: The hon. member has left you a minute and 30 to respond.

Ms Pancholi: Well, thank you, Mr. Speaker. That's just enough time for me to extend a personal invitation to the Member for Edmonton-Highlands-Norwood to my backyard for an outdoor gathering. I might have to brush up on my bannock-making skills. I'll admit that it has been a very long time since I have done it, but it is something that I'm willing to do, take that challenge and do that.

Yes, I do want to say that I think, you know, that these are small things, these dollar amounts, but they pile up. We know that they can be discouraging, and what I think about my own thoughts about camping is that it is because it did come from that formative, young experience, right? We want families, in particular, to have that experience, and we know that life has become so expensive for many families. Thank you to the Member for Edmonton-Highlands-Norwood for mentioning the deindexing of AISH. I mean, that is a huge cut for those people, but there have been so many increases in the costs for so many Albertans. We think about, for example, skyrocketing child care fees. For a young family that's going to make it very challenging to even enjoy our backyard, to enjoy Alberta's backyard.

I know that I'm grateful that even though I didn't have the experience to do that with my own family, I had opportunities to do it through organizations and nonprofits like Girl Guides, which was an incredible experience, one that my own daughter is sharing in right now. But, again, even those kinds of activities, opportunities for families to experience in those ways will also be affected by the increasing fees that Bill 64 permits.

The Speaker: Hon. members, are there others wishing to join the debate? The hon. Member for Edmonton-Decore.

Mr. Nielsen: Well, thank you, Mr. Speaker. I appreciate the opportunity this evening to also add some initial thoughts around Bill 64, the Public Lands Amendment Act, 2021. You know, I, too, have to, I guess, admit that I didn't know that my colleague from Edmonton-Whitemud has that history at such a young age. I remember my experiences, of course, through Cubs and Scouts and how much fun that was and getting a chance to participate in the outdoors. It's bills like this that could potentially affect those types of experiences for people.

I know, certainly, that in Edmonton-Decore there are people that call Decore home who are underemployed. When you start adding extra fees on top of it, that starts to begin to create barriers. You know, the reality is that not everybody in Edmonton-Decore can

hop on a plane to a beach, especially at a time when it's not appropriate, so here is their chance to potentially go to the outdoors for something that is financially accessible. Adding more fees to that becomes a problem. The reason I say that, Mr. Speaker, is because the bills we have seen come forth throughout the 30th Legislature have not made the lives of Albertans better. They have not made the lives of Albertans easier.

We've seen changes that, as my friend from Edmonton-Whitemud said, raised their utility rates, so they're paying more there. We've seen legislation come forward that has allowed insurance rates – that's car insurance, that's property insurance, that's condo insurance, things like that – to increase, creating more hardship. The funding that we've seen being pulled back from municipalities. Municipalities don't have a whole lot in order to come up with ways to generate revenue, to provide the infrastructure that Albertans need to live in their communities. One of the main ways is through property taxes, so Albertans are now paying even more in their property taxes.

Child care fees have now gone up extraordinarily over the removal of the \$25-a-day daycare program. That has seen a direct negative result right in my constituency of Edmonton-Decore. I had two facilities that got to serve as \$25-a-day facilities, and the removals of those programs have very negatively impacted those people in those communities.

We've seen school fees go up. We've seen postsecondary tuitions that are now, potentially, astronomically rising, I believe – what was the number? – 104 per cent with tuition fees, not to mention the rise in interest rates on student loans, deindexing of the income tax brackets, again causing more hardship, making life more difficult, creating more expenses for Albertans.

Now the one outlet that they potentially have to be able to enjoy, take their families, have fun, the young ones in Girl Guides and in Cubs and whatnot getting a chance to go out and experience nature at its best – quite frankly, you know, maybe there are politicians throughout the country that might argue with me. I think Alberta possesses some of the best landscape in the country right here. To make it harder for them to be able to access that, especially when we're doing things like spending millions and millions of dollars on war rooms that want to have fights with cartoon characters – you know, even pre pandemic we saw decisions being made about travel expenses and vitamin C showers, I think it was, things like that.

Ms Phillips: Marble toilets.

Mr. Nielsen: That kind of thing, too. Thank you to my friend from Lethbridge-West.

Albertans see this, these kinds of decisions being made. They can't help but ask: why do you want to increase things for me for the one outlet that I can partake in safely, and you want to make it harder for me now?

These are just some of the things that I'm hearing back from my constituents. As I think some of my colleagues have already said, don't even get me started on the coal thing, the amount of correspondence that I've seen on that. It was very disappointing because as members of the private members' bills committee we got to see a bill from the Leader of the Official Opposition to address that, and unfortunately the committee voted down bringing in stakeholders, which was rather odd after we couldn't even get ministry briefings on the bill. I think my friend from Lethbridge-West said that the idea of blowing off the tops of our mountains is not resonating at all with Albertans, at least based on the correspondence I'm getting in my office. I can't even imagine what everybody else is getting. Then we want to charge them on top of

that to be able to go and enjoy. I think it's very, very poor decision-making.

I do have a couple of questions, and I realize that maybe we won't necessarily be able to get fulsome answers in this part of the debate. I'm hoping, certainly, Mr. Speaker, that as the bill moves forward and maybe we get into Committee of the Whole, we can get some more in-depth answers on Bill 64.

I can't help but ask: why is it that government had decided against dedicated revenue towards this? I'm asking that because I remember what the minister said – let me just find that here, Mr. Speaker; yeah – back just this year in estimates. Just paraphrasing here a little bit on what the Minister of Environment and Parks said on the potential of fees coming in: “Depending on user access and what the numbers are, the Alberta government will continue to look at user fees, including new user fees that I haven't identified today, to be able to make sure that our parks system can operate fully.” I read that, and I can't help but start to wonder: are we guessing what these fees might bring in to be able to operate? What happens if there's a shortfall? What happens if for some reason people can't go, coincidentally because they can't afford it, and you're not bringing in the revenue?

8:20

Do we now start to look back at, “Well, maybe we'll have to put these things up on the sale block”? My friend from Edmonton-Whitemud talked about the trust that Albertans have, the level of trust that they have with the current government. Is this a way to create a situation to be able to go there? I can't help but think about my time, back in my former life, when Sobeys bought Safeway. Funny enough, a little bit of time after that was all done and everything seemed to settle down, it seemed like the quality that used to be provided in Safeway started to go downhill. Shelves weren't quite as stocked as they used to meticulously be at Safeway, and we started to introduce some maybe not quite so good products onto the shelves like there used to be. It's no secret now that people are starting to wonder – and we've already seen some moves to change stores, create a dissatisfaction with people so that they no longer go there, so you can then change it, which is what you originally wanted to do in the first place.

Are we in a situation where we're starting to maybe try to manipulate things a little bit in a way so that people become dissatisfied and the user level isn't there? If people can't afford it, they can't go. I start to wonder if we're starting to go back now about selling off lands: “Well, we can't afford to operate them. We can't afford to upkeep them. You know, the level of use just isn't there. The money we're bringing in just isn't enough.” I can't help but ask that based on the things that I've seen over the course of the 30th Legislature.

Going back to some of my original comments, I remember hearing about the great big platform and: we're going to create jobs, make life better. We haven't seen that yet. Utility bills have gone up. Property insurance, child care, school fees, income tax, just to name a few, have made life more difficult, which is the exact opposite of what we said, but for some reason we seem to have money to give away to very large, profitable corporations, some of whom then looked at the door and walked through it and are no longer here. You know, we have a war room that was supposed to tell Alberta's story and fight all the negative. It's costing Alberta taxpayers a lot. We couldn't get a logo right. We're fighting with a cartoon character, yet through Bill 64 we want to tell Albertans: well, this is what it's going to take in order to ensure that these things are still around for you to be able to enjoy.

I did want to talk a little bit about that one section that was being repealed, but I have to say that my friend from Lethbridge-West

went into great – I'm just always amazed by the level of detail and knowledge that she has in these subject areas, so I'm not even going to go into that now. I think she very, very clearly articulated that, but it is of concern. As the critic for red tape I start to wonder: you know, was this one of those things that got targeted as red tape? Well, it just makes things too hard; the process is too long. We can't make any decisions, sort of like, maybe, the removal of the coal policy, and then find out: well, maybe there was a good reason that that was there. I think my friend from Lethbridge-West explained that very well as to why that should have been there. I'm concerned about the repealing of that. It just leaves things a little bit too open-ended for things to be able to operate smoothly.

Or again going back to that whole trust factor, are we creating a situation where we want people to react negatively? I think you said it clearly about being good neighbours, I think it was. Are we trying to create a situation where we're not good neighbours, in which case we won't have the land use, we won't be bringing in the money, and our only course of action left is now to sell that land to somebody who will hopefully be a good neighbour? I'm really beginning to think that Bill 64 is meant to create a negative situation, making it harder for Albertans to enjoy things. I'm happy to stand corrected if that is the case. It's not just simply enough to stand up and say: oh, no; you're wrong. Explain to me why.

Explain to my constituents, some of whom are underemployed and can't afford that. My gosh, they sometimes can barely afford their bus passes, Mr. Speaker. The city has been forced to make changes around that. We're not going to have any buses running up right through the middle of Edmonton-Decore. Now we have to add extra onto the one pleasure that they could enjoy safely right now.

I think there's a better way to do things, but I'm happy to listen to debate further as it goes along, and we'll see what people say in regard to that.

The Speaker: Standing Order 29(2)(a) is available. The hon. Member for Calgary-Klein has the call.

Mr. Jeremy Nixon: Thank you, Mr. Speaker. I'm enjoying the debate so far this evening, especially with all the references to all the good times that everybody seems to have had camping when they were younger. I am curious about all the good camping stories, how much of those stories was actually done on Crown lands, random camping around the province. How many of them were done at an actual campsite or – what are those called, where the kids go with Girl Guides? Anyway, it doesn't matter.

I used to work at a place called Mountain-Aire lodge with my older brother, actually, a few years back – it was out off the Forestry Trunk Road – where we managed a number of campsites for Sawmill Creek, for the province by extension. We saw a lot of camping that was taking place on public lands – it was quite a common practice – where folks would just basically pull off to the side of the trunk road, set up their campsite, chop down a few trees, make a fire, spend the weekend there, and then head back to town or wherever they came from after the weekend. I actually remember May long weekends of particular note because it was absolute chaos out there. You would find that the grads would come out. They wouldn't stay in our official campsites that we had up there. They would pull off on the side of the road and create a big camp and create a mess, shooting firecrackers out of inappropriate places, ignoring the fire ban, and obviously not using any outhouses. They would leave a mess. They would break all sorts of rules. They did that at no cost.

But it's a significant cost to both the province, the taxpayer, and our environment. I find it interesting that this group across the way, who are very concerned about the environment, as we are here, too,

would be opposed to this idea of increasing some fees for folks who are enjoying our beautiful backyard but not necessarily paying for the cost of using that space, the cost that is fronted by taxpayers across the board. That's why I support this legislation, because this gives us an opportunity to make sure we can adequately fund our resources, boots on the ground, so that we can get out there and actually make sure that these lands are not being abused and that they're being used appropriately and responsibly so that they can continue to be used appropriately and responsibly going into the future.

That's probably the most of what I wanted to say here. I could probably tell you story after story of misuse of these lands. I think that we need to make sure that we are properly protecting that and resourcing to make sure that they can continue to be used in the future.

8:30

So I guess my question would be around what the member opposite's experience actually is, actually being out and camping on public lands, not in a campground, not a Girl Guides camp or a Scouts camp but actually being out on public lands and what their experience has been in regard to some of the use that has taken place out there. What responsibility do we have as citizens that use this land to making sure that it's protected and paid for going forward? Those would be my questions.

The Speaker: The hon. Member for Edmonton-Decore should he choose.

Mr. Nielsen: Thank you, Mr. Speaker. No, I'm happy to respond to that. I guess the initial premise of the question was around some of my experiences when I was younger. I'll admit that going through things like Cubs and Scouts, I wasn't necessarily aware of whether our leaders were taking us onto Crown land or not, so I would have to unfortunately say that I'm not aware of where we might have been.

But I did happen to camp once many years ago on Crown land with some friends, and I can tell you, Mr. Speaker, that we were very, very conscious about how we treated the area. We didn't let our garbage hit the ground. It made it to the garbage can. It got brought out with us at all the times. You know, I seem to remember back when the former Minister of Environment and Parks was trying to make changes to address things like garbage being left, firecrackers getting set off where they shouldn't have been, you know, with fire bans and whatnot, and I seem to remember members opposite at the time fighting furiously with those changes to try to address those kinds of things going forward. I tried to act responsibly. I can't always compel people to do that with my words. But don't fight the changes when they do happen.

The Speaker: Hon. members, is there anyone else wishing to join in the debate? I see the hon. Member for Edmonton-Riverview.

Ms Sigurdson: Thank you, Mr. Speaker. It's my pleasure to add my voice to the debate on Bill 64, Public Lands Amendment Act, 2021. Of course, as my colleagues have clearly articulated, it is about the UCP government, the current government in Alberta, deciding to sort of throw away a long-held tradition in our province, which is to allow camping on Crown land without charge. We certainly here are in opposition not only as the Official Opposition but also in opposition to this bill.

Specifically, what we understand from the Minister of Environment and Parks is that now, if and when the bill is passed, which they are suggesting will happen soon, effective June 1, \$20 for a three-day pass will be charged to people camping on Crown land or

\$30 for an annual pass. As has already been said, there is some confusion about this, though, because there are some, you know, UCP staffers who are saying, “Oh, well, there’s going to be a \$30 fee for trail users,” and others saying: “Oh, no, no, no. There’s no trail fee. It doesn’t apply to hikers and ATV users.” Even the staff that are working for the UCP don’t really understand this bill, so it’s kind of understandable that many of us would be confused about it.

Certainly, some of the discourses that we’re hearing from the UCP are not necessarily what’s written in the legislation, so that is also a concern. For example, we just heard that, you know, because there are some Albertans, unfortunately, who aren’t respectful of the lands, they leave a mess after they have gone, so that’s why this legislation is so important. The fees that are collected will go into improving Crown lands. Yet the legislation doesn’t spell that out. We’re supposed to just hear the good words of the UCP and believe it? It should be transparently shown to all Albertans and legally written in the legislation, and that’s not being done. So we really need some action on that. It’s important that this actually be in the legislation and not just the good wishes, the good promises of the current government.

As has already been said, I mean, that is just not good enough, just these promises, because, frankly, we can’t always trust what this government says. They don’t necessarily follow through with what they say. You know, there is a myriad of examples of this. Then it was the candidate for Premier in the election who signed a big health care guarantee, telling us that of course he cared about universal health care and protecting our health care system, but what we’ve seen since this government has been elected is devastation. So I do question the validity of what they’re saying. I want to see it in legislation, so I think that all Albertans want that also.

[Mrs. Allard in the chair]

Another thing, too, is that the power to charge fees goes beyond the \$20 for three days or a \$30 annual fee, and it also says you can charge for other things. This is actually very clearly indicated by the Minister of Environment and Parks himself. Again, this is, you know, a question for me and I’m sure many Albertans that is just kind of this open-ended view of what the government can do. This is a direct quote from the Minister of Environment and Parks: “Depending on user access and what the numbers are, the Alberta government will continue to look at user fees, including new user fees that I haven’t identified today.” He said this in estimates, so he proudly proclaims that this is maybe just the beginning. We really don’t know where it’s going to go. This is also a concern. Who knows where it’s going to go?

Then I want to ask the question: priorities. We are here, you know, over a year into a pandemic in our province, when there are so many important things that need to be addressed, and this is a priority for this government. It confuses me. I just can’t understand why this would be something that they would put at the top, that they would prioritize this. It doesn’t make sense to me when I know there are so many really very key issues that this government should be dealing with.

Just to talk again about just how even though we hear comments made by opposition members, by the minister himself that, “Yes, we’re going to use this for improving the land conditions,” or, you know, “This is what it’s going to cost for this,” we know that it’s kind of open ended, that things could change quickly. We’re not sure, really, because it’s not transparent to Albertans. It’s not transparent to us because it’s not written in the legislation. It seems that this government repeatedly wants to sort of nickel and dime Albertans – and more than nickel and dime: substantial increases to many things that Albertans must pay for now out of their own pockets at a very difficult time for us.

Of course, we know now the dramatic increases to tuition for postsecondary. Certainly, you know, I’m the representative for Edmonton-Riverview. The University of Alberta is a world-class institution that’s being devastated by this government, and recently they just spoke about the tremendous increases to tuition. Again, that’s another way this UCP government isn’t supporting Albertans through a pandemic but actually demanding that they pay out of pocket for more things.

Certainly, we know the other fees that they have, you know, sort of downloaded onto Albertans during a very difficult time. As the representative or the critic for Seniors and Housing – dependants were cut off from the drug insurance program some time ago. This, again, hurts vulnerable Albertans and seems to be a very misguided policy, but this government just goes: again, another thing. Another thing. There are so many things that Albertans are being asked to step up and pay for that used to be ways that the government supported Albertans, but this UCP government has a different plan.

8:40

Another, you know, reaching deeply into the pockets of Albertans is the rent supplement program. It’s been over a year and a half since we’ve even accepted any new applications to that program, so that means that hundreds of Albertans don’t have access to affordable housing when we have money from the federal government that’s sitting on the table that Alberta has to step up and match. Seven other provinces have agreements already with the federal government, but during a pandemic this government has left that money on the table while Albertans are really challenged to find and keep affordable housing, you know, in the middle of a pandemic, when we know that that’s the best place to be, that people have good housing, safe housing, appropriate housing. These are funds that are waiting for Albertans that Albertans are being denied. Here we are, a year and a half since that program closed, and each time I ask about that, the minister just says, “Oh, yes, we’re going to do that,” but it’s not been done. It’s just a travesty. These are things that the UCP government should focus on. These are fundamental to Albertans during a very difficult time.

We know of other attacks on very vulnerable Albertans. Certainly, during a pandemic it’s worse. We know that we have an opioid crisis, and this government is attacking harm reduction services. They’ve closed the ARCHES program. They’ve closed the Gunn centre. They’ve decreased the safe injection programs. There’s just a myriad of things that they’re doing to really not support vulnerable Albertans. We know that approximately over the last year, certainly, we’ve had a COVID crisis. You know, we say that there are about 85 people who have died each month due to COVID, but – guess what? – 90 people have died from opioid overdoses, yet here we are talking about this, Bill 64, Public Lands Amendment Act. There are many more things that are more important than this, and this reaching into Albertans’ pockets I think is just a considerable mistake by this UCP government. Any good that can come from this bill is not even in the legislation. As I’ve already made clear, it’s difficult to have confidence in this government because of the many broken promises that they have made.

Certainly, we know that at a time when we are being asked, really, to stay as close to home as possible, to vacation in Alberta, it’s an important time that people do have access to our beautiful province, to the Rockies, to all the areas where we do have camping. Of course, we already know that that’s a thing that the government has done previously, to increase camping fees in the Alberta parks already.

It is troubling that, you know, this is the focus of the UCP government instead of something that would really help Albertans.

Like, we've talked ourselves about a travel pass for Albertans. It just makes a whole bunch of sense on so many levels. We know that Albertans spend, before COVID, about \$7 billion outside of province on travel. That's a lot of money. Now they're being asked by the chief medical officer of health to stay home, and in that they still want to travel, they still want to be – we have so many beautiful places to go. They can invest that in Alberta. Well, why not support Albertans, give them some kinds of incentives to actually do that? That's why we suggested having a travel pass that would encourage Albertans to travel within the province. It would be a one-time rebate of 20 per cent of travel costs up to a thousand dollars. That could make a big difference for, you know, the average Albertan.

And guess what? Where would they be spending that money? They'd be spending that money in places for accommodation, food and drink, recreation, museums throughout the province. Small businesses would be supported. I mean, it makes just tremendous sense to support Albertans to spend that money because they can't go anywhere else. We need to be through this pandemic and certainly make sure that Albertans become immunized and we can develop safety within our communities, but in the interim we still need to have some downtime and – what do they call them? – staycation so that people can travel within our province. Why not support them this way?

[The Speaker in the chair]

Instead, here we are, Bill 64, and we are, you know, increasing fees. It feels like, you know, this UCP government doesn't understand that part of government policy can be incentives, can be ways to support people and not just download programs or download costs onto them and reach into Albertans' pockets. I really ask the members to think about that.

This is a proactive thing to support Albertans to go out to a whole bunch of areas for camping, different kinds of recreation across our province, help small businesses in those areas. I think that makes a heck of a lot of sense. I just encourage them to think about that. That should be a priority, you know, really supporting small business here in our province. This would certainly make a big difference to Albertans who are probably a bit frustrated, like all of us. We'd like to go on our regular holidays, sometimes further afield than Alberta, but we are also blessed to have a beautiful province and have many places to go. Again, it is this kind of nickel and diming Albertans.

Certainly, many people are struggling financially right now because of how difficult COVID, of course, has been on our province. People have lost their jobs; their incomes have been decreased. Certainly, I know that both my son and his wife are small-business owners, and especially her small business – they each have their own small business. Her small business is personal services like massage, aesthetics, that kind of thing, and she's really been devastated. They were closed down. Certainly, you can imagine that there are very rigorous COVID-19 protocols for that kind of work because, you know, people are very close together so they have to be very cognizant of that. Supporting small business, which a travel pass would do, would be really important.

The Speaker: Standing Order 29(2)(a) is available. The hon. Member for Cardston-Siksika.

Mr. Schow: Thank you, Mr. Speaker. It's a pleasure to rise this evening and speak on 29(2)(a). Earlier one of the members had suggested that they wished that more members of the government side would stand up and speak. I did adjourn debate, so I lost my opportunity, so I thought I'd just jump up quickly and talk a little

bit about my feelings on Bill 64, the Public Lands Amendment Act, 2021.

Mr. Speaker, I'll begin with a bit of a story. A friend of mine has a store where they sell truck accessories – you know, hitches, truck bed covers, tents, et cetera, these kinds of things – that you would find in great use whenever you're going camping. That friend told me that their busy season usually begins kind of around the May area as people get ready for May long weekend. His busy season this year started a month ago, and the reason for that is that people are preparing for what could be a summer spent here in the province.

Now, again, I can't speak to what will or will not happen, but people are now looking at opportunities to go explore the entire province, which I think is incredible because Alberta is such a rich, vast landscape, that I think everybody should get to know very well. In fact, I have plans to take my own children and my wife around the province to see what this place has to offer, some of the unexplored gems.

I share that story for a reason. We will likely expect to see an influx of camping in this province as a result of people staying domestic rather than going to places maybe south of the border or outside of North America. Because of that, it is my belief that with the influx of camping and visitation across Alberta there'll be a greater demand for trails and infrastructure and all the things that you would need to have a pleasant camping experience. I suspect that with this influx of people going out to visit places across Alberta, you will see increased garbage. You will see increased traffic and vehicles. You'll see all the wear and tear that comes with random camping.

We have two choices: just let it happen – and if that was to happen, then I suspect there would be complaints from the public and, obviously, from members opposite, who would probably suggest that we haven't done enough to protect our beautiful landscapes, which I think is a reasonable point. [interjections] I hear already the chimes of heckling. It's music to my ears. With that said, we do believe that there is a value in adding a fee because these fees, as is stated, will go back to supporting directly the visitor experience through infrastructure, upgrades, education, enforcement, public safety, environmental and waste management. So there is a reason for this bill coming forth.

8:50

Now, you take one step outside of this gorgeous building, and you will find that the sun is shining. Well, not anymore, but when I walked in here, it sure was. It's a gorgeous day. Many more ahead of us. No better place to be than outside. I love taking my kids and my wife through Cardston-Siksika to visit some of the streams and other places, and my dog Bronx – though my dog Bronx is an English bulldog, he's not much for walks. He's getting a little long in the tooth. Some might say that he's one paw in. But, you know, we're going to celebrate his golden years being outside.

All that to say that it is important that we have the infrastructure and the facilities necessary to make camping in this province a positive experience. That is why, you know, this bill is important now, because I am hearing members opposite suggest: why now? Why are we dealing with this now when there are so many other things going on across the province? It's a valid question. There are a lot of things happening. With that said, it's not to say that we can't deal with other matters as well. We have other bills that we're dealing with right now like the Citizens Initiative Act, the Freedom to Care Act, the Metis Settlements Amendment Act, 2021, and so many others that are vitally important to this province. But I ask members opposite not to criticize that we're dealing with this bill

now, because I see it as of great importance, and I hope they see the importance of it as well and vote in favour of it.

Thank you, Mr. Speaker.

The Speaker: Hon. members, are there others wishing to speak to join in the debate? The hon. Member for St. Albert has risen.

Ms Renaud: Thank you, Mr. Speaker. It's my pleasure to rise and speak to Bill 64, Public Lands Amendment Act, 2021. I would like to echo some of the comments made by my colleagues not so much around the timing of the bill, because there's very little in terms of timing that this government can do to surprise me – I'm not totally surprised. What I am a little concerned about is the lack of detail and then the lack of planning.

When you put all of the things together – you look at the piece of legislation, you listen to what the government is saying, what their staff are saying – sometimes they seem to be in conflict with each other. Then you actually look at the business plan that the government put out for Environment and Parks, and if you look at the performance metrics that were outlined, which were very skimpy, like all of the other ministries, I think we've got three outcomes and then, you know, a number of objectives and then initiatives supporting objectives.

If you look at outcome 3 in the business plan, I suspect that this piece of legislation – if you were to look for an outcome to fit it under to suggest that this work was going to support the outcome, I would suggest that it's outcome 3, which says, "Albertans and visitors have enjoyable and safe experiences where they live, work and play in Alberta's outdoors."

But when you go through the objectives, there are only four. When you go through the objectives, very high-level comments about improving access and management, providing angling and hunting opportunities, effectively managing Alberta government-owned or -operated water management and monitoring infrastructure, and responding and mitigating impacts of environmental conditions and events, including floods, droughts, and invasive species, there really isn't anything – and even if I look further at the initiatives supporting the key objectives, I really don't see a plan in any way to address some of the things that the government members are suggesting this piece of legislation would do in terms of contributing to the protection and the conservation of Crown land.

Now, it's not too surprising that this business plan, which one would hope is actually a document or road map for the work that will be done going forward – but sadly it does not do that, so we're very often left filling in the blanks with information that the government is maybe putting out in a press release or perhaps comments during debate. But there's really very little information in terms of planning.

While I agree – I do think that it is important to address the stress on the Crown land that people are using, that people are choosing to camp or do whatever sort of recreational activities on, that there be a fee to that. Okay; fair enough. But I think that you have to have a little bit more than that. You need a more comprehensive plan, not just to take the money, but where is that going to be invested? Specifically, where will it be invested, and how will you know that it's doing what you set out to do? Those would very much be metrics, measures that we would see in a plan or that the government could talk about when presenting a piece of legislation like this, but clearly they're unable to do that.

This piece of legislation does open the door for the Alberta government to charge for camping on Crown land – we've established that; you know, that's clear; that's fine – but it also opens the door to other fees. I'm not suggesting that any other fee

for any other activity on Crown land going forward would be wrong. What I am suggesting is that if the government is saying, "We're going to use these fees to do A, B, and C," then there needs to be a plan. Like my colleagues have suggested, this particular government right now has very little credibility with the vast majority of Albertans. There is not a lot of faith. This government has not demonstrated that they are one that can be trusted. So I think it would be in their best interest to be a lot more clear and up front about what those fees would be used for.

We've heard government members say that the funds will be reinvested in the land in terms of conservation. Well, that's all well and good. I think that we can all understand and agree with the fact that a lot of conservation does need to happen. But, again, there is no plan, there are no metrics, there are no benchmarks even for us to say: okay; if the government – I think the government estimates bringing in about \$1.7 million in the first year, and then I read somewhere in public reporting that in the following years they were looking at \$2.7 million. So it's not looking at the entirety of the Alberta government budget. It's not a ton, but it is significant. Where will that be used? I haven't heard any answers about that. I haven't heard of a plan other than: "Trust us. It's going to be better. We're going to make it better. It'll all be good."

You know, one of the things that I was thinking – and like my colleagues, but not recently, I have done a lot of camping. I didn't have a lot of disposable income when my children were young, so we spent a lot of time camping. One of our favourite places was in and around the Crowsnest Pass area. Of course, they liked to do sort of hard-core camping. We never had a trailer or a tent trailer. It was always tents, and it was always hiking, and we often stayed in places that were not sort of formal campgrounds.

These were, you know – we would go hiking and then camp and certainly have run across a lot of places in that area where you would see just the land torn up. Lots of – I don't even know how people got their tent trailers or their trailers up to some of these places. I have no idea. But you can see the big ruts in the land. You can see the destruction. You could see where even trees had been chopped down. You can see where fires have been. I'm not saying that camping like that is a bad thing, but I think monitoring the damage, repairing it, mitigating it, and enforcing it requires action.

One of the things, you know, that I would like to say: in all of the years, the many, many years that I've spent in that area of the province, I have rarely run into staff. Like, I've rarely run into fish and wildlife officers, maybe when we were fishing or maybe when we were near water, but out camping and hiking, rarely did we see anyone. So the big question I have is: if the government is going to charge these fees and then collect this money, how much of it will be reinvested in terms of human resources? I think those are important investments at a time when we know, not that long ago, government – we were told that some fish and wildlife officers would be deployed to respond to other issues related to rural crime. I think there were, last I read, over or around 100 positions or FTEs that were going to be used for other things. Now, that's all well and good. I mean, I could spend some time talking about the fact that this government didn't increase their pay for added risk and all of that, but I won't go there.

9:00

I think that we're already seeing that these resources, very limited resources in terms of conservation and protection, are being pulled and thinned and stuffed in other places when, really, if the government is saying through this piece of legislation that, "Our public land is important. We understand this is a problem. We want to keep our land healthy and safe for future generations. Here is what we're going to do. We're going to collect this money, we're

going to invest it back in conservation efforts, and the number one investment is people,” so boots on the ground. That’s what the government likes to say: boots on the ground.

What does that translate into? What will this investment actually translate into? What is the plan? It is my sincere hope that somebody will stand up at some point, somebody that has a clue or understands what the plan is going forward other than just passing this piece of legislation. I’m assuming that there’s been a discussion and a debate with the government caucus talking about legislation like this and what that means going forward. I’m sure we all have constituents that will ask us these questions, and so it would be good to have some answers to give them. I have a number of other questions about this piece of legislation, and, again, I hope that at some point somebody will stand up and tell us or give us a little bit more information about this.

Again I just want to go back to the fees. While the government has promised that all collected fees would go towards public lands, it doesn’t implement any legal mechanisms that would guarantee that. I guess the question is: why is that? This goes back to what we have seen. We just came out. We’ve just finished seeing the budget. We went through budget estimates and debate. I think there were a few common themes that were really problematic, and one of the things I already mentioned was in the budget documents, particularly the different ministry business plans, where we saw just an incredible amount of shrinkage in terms of metrics that we could go back and look at to say: did the program or project or investment that the government said you were going to make, did it produce the results that you thought it would?

That’s really the only way that we can measure. We see the investment, we see the goal, and then a year later we say: did it do what it actually said it was going to do? But what we’ve seen is just this massive amount of shrinkage in terms of outcomes, objectives, and then, of course, the description of initiatives that support the objectives. For a massive ministry, a large ministry, an important, vital ministry like Environment and Parks, we literally have three outcomes. We have – it looks like – one, two, three pages of text that talk about the work that government will undertake over the next year in Environment and Parks.

That leaves a lot to be desired. I mean, it just leaves a lot of questions. Again, this goes right into this piece of legislation, which is tiny. I know that it is only looking to charge fees for a certain kind of land usage. I understand that, but the implications of this are huge in terms of conserving the land, protecting the land. It would have been actually quite nice to see in the ministry business plan that this was actually a piece so it all fits together. It would have been nice. Without seeing any of those connections between these different documents, and there’s nothing that’s jumping out at me that says, “Yes, this was one of the strategies that government was going to employ,” I’m left wondering, like, do these things not connect? Is there not a big plan in terms of the land, in terms of Crown land? Is there not a larger, overall plan that this government has in mind? Are you just sort of picking things one-off and doing: yeah, let’s do this piece; let’s charge people for this use of land.

Again, it’s sort of piecemeal. It seems like it’s brought out because more people have been using the land during COVID, I suppose. But again I would encourage this government to take a more holistic approach with the land that we all enjoy, that we all have a responsibility for, that we all need to preserve and protect for future generations. That’s incredibly disappointing.

You know, the other thing I really wanted to say is that the last couple of years – and this relates to public land – I think probably most of us or a lot of us have heard from different public-sector workers who have been feeling like they are under attack lately from this government, feeling like, you know, the snide remarks in

the media, the attacks here in this place about public-sector workers, whether they are fish and wildlife, whether they are nurses or teachers or disability workers or whatever they are, and that is incredibly shameful.

For this piece of legislation – I think that we can all agree – to be successful, for there to be checks and balances to ensure that people are indeed paying the new fees and are using the land properly, we’re going to need human beings, people, people that are trained to do the work. I would suggest to government that it’s probably time for them to do a one-eighty about how they talk about public-sector workers. That’s what these folks are. They’re highly skilled, they’re highly trained, we rely on them, we need them, they are one of the most important conservation tools that we have, actually.

I think that it would be great if government would stand up and talk to us about – if they are publicly projecting government estimates of \$1.7 million in the first year in fees, and then the following years \$2.7 million as a total – how will that be spent? How many FTEs does that mean? What does that mean? Where will the money go? Is this money for trails? Is it for new trails? Is it for trail maintenance? Is it for new infrastructure? If it’s for new infrastructure, \$1.7 million isn’t a whole lot of money for infrastructure.

The Speaker: Hon. members, Standing Order 29(2)(a) is available. The hon. Member for Edmonton-Highlands-Norwood.

Member Irwin: Thank you, Mr. Speaker. I very much was appreciating the comments that my colleague from St. Albert was sharing. I think that she has a bit more that she wants to say. I know that she’s quite passionate about this, and I just – you know, I’m going to let her speak, but I just also wanted to again highlight that, of course, we know that there are a diversity of views on this bill.

We’ve raised multiple questions. In fact, even some of the government members have raised questions, so I am very much hoping that we will get to hear some answers to those, particularly around the fees and some clarity because we – and I know that my colleague has argued this, and we’ve all talked about this – are concerned about the lack of transparency and, as was highlighted by my colleague from Edmonton-Whitemud, the lack of trust in a government that just says, “You know what? Just trust us that we’ve got a plan and that we are going to be stewards of Albertans’ taxpayer dollars,” I should say, but that trust has been broken so, so many times. I think that Albertans are quite – it’s quite accurate for them to be concerned. If my colleague could share a few more of her thoughts.

Thank you.

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

Ms Renaud: Thank you, Mr. Speaker, and thank you to my colleague. Yes. You know, before my time ends, I did want to bring up one other issue that my colleague raised about fees. I think that this, really, can apply to almost any new program or any activity that we undertake in this place. I think that it’s really important, particularly when we’re looking at levying fees on people, fees for recreation like this, to understand that not everybody in this province can afford it. Believe it or not, not everybody in this province can afford \$20 or can afford \$30, even. I think, then, that when we are looking at imposing new fees, even for camping like we’re talking about or land use that we’re talking about, that is different than traditional camping and land use, there are still people on very low income, and I’m not just talking about people that live on AISH or income support but seniors that are on very limited incomes.

9:10

There are a lot of Albertans that struggle to make ends meet on a regular basis, but they should be entitled to enjoy the land like all of us that don't have financial barriers. I think it is vitally important that we all consider, no matter what we do, that there is a portion, there is a segment of Alberta society that just can't afford things like this. For them to save to have enough gas to get to a location to spend a few days away from the city or to gather with their family – let's not make a \$20 or a \$30 pass the barrier. It might be hard for us to imagine that \$20 or \$30 would prevent you from having a vacation, but it is a reality for far too many Albertans.

The other thing I would suggest is that if we're going to do more in terms of enforcement, I think it's really important that government really look at the way they get information out to people in terms of signage. I know that all the time that I've spent, you know, in the south, in the Crowsnest Pass area or in the Window Mountain area, there's very little signage. Again, I just want to impress on government that it's not just people that speak English that use the land, so I think it's really important that we think about the languages that we post signs in and we make this as accessible to all Albertans as possible. I think that there's a lot we can do to improve. Not just French. Not just French and English.

Member Irwin: First Nations, whose land we're on.

Ms Renaud: Yes. First Nations. I think it's important to acknowledge the land and the people that use the land and the people who treasure the land. I think that by taking small steps in terms of even just signage or even just clearly laying out what the rules are for people so that every single person understands them the same way, those are some of the things that we can do to level the playing field a little. It might not seem like a big deal, but I think a responsible opposition is suggesting it to government. I think a responsible government would listen.

The Speaker: Standing Order 29(2)(a) is available. The hon. Member for – oh, my. I was so enthralled that I lost track.

Are there others wishing to speak? The hon. Member for Edmonton-South.

Mr. Dang: Thank you, Mr. Speaker. I often also want to hear an additional five minutes from my colleagues over here, but no. It's a pleasure to rise tonight and speak to Bill 64, the Public Lands Amendment Act, 2021.

Mr. Speaker, it's something that's interesting as we see this bill presented before us because I recall quite distinctly, not too long ago, that the opposition members asked – I believe even in this place – whether the government would be raising fees to use the public lands in this province, and the government said no. I recall pretty distinctly that we asked both publicly in the media and here as well, and the government was adamant. I believe it was during committee as well, but the government was adamant that those fees would not be going up, yet here we see today Bill 64, the Public Lands Amendment Act, 2021, which fundamentally increases fees for Albertans to use Crown lands. It brings in a \$30 per person annual pass for the public land camping pass.

Mr. Speaker, I've got to say that it really is shocking. After we saw the government with what I think was a very significant blunder not that long ago, where they tried to sell off Alberta parks and delist Alberta parks and received significant push-back, and now we see them again receiving significant push-back on their coal policy. It seems that this government has not gotten the message: don't mess with Albertans' public lands.

Mr. Speaker, Albertans know that our outdoors and access to our outdoors is so fundamental and so important, particularly during this pandemic because, unlike members of the UCP caucus, unlike people who perhaps signed the letter, the 17 UCP MLAs who signed the letter saying that there shouldn't be public health restrictions, Albertans are following public health restrictions. They're not, for example, travelling to Hawaii or to Arizona. Instead of doing that, what Albertans are doing is they're accessing our public lands. They're going to Alberta parks. They're going to Crown lands and provincial recreation zones and public land-use zones.

One of those things that's so fundamental about that is that we know – and I've got a message here from a friend of mine who said, quote: camping is already expensive and prohibitive enough without the extra camping fees; it's such BS; as somebody who was recently unemployed, it allowed me to go camping for fairly cheap near Nordegg with my dog and my partner. End quote.

Mr. Speaker, it's very clear that Albertans were using and are using the public lands to go out and enjoy this province. We know that during this pandemic the Alberta parks system as well as the national parks system have been seeing some of the highest usage rates from within Alberta that we've seen in years, and the proof of that is that all you have to do is go on the national parks or the Alberta Parks websites and try to book a campground. It's extraordinarily difficult to get any of these spots because people are going out and trying to access the public lands.

What many Albertans are doing, particularly those who have lost their jobs during this pandemic – there are tens of thousands of Albertans who are unemployed as a result of this pandemic, and indeed over 50,000 Albertans were unemployed before the pandemic even began. For all those Albertans, access to our public lands, access to our PLUZs, access to our parks and our recreation areas is so essential, yet here we see a government who has not gotten the message after being slapped down time and time again by the public. I mean, I invite you to walk down any neighbourhood in Edmonton – I imagine it's basically any neighbourhood in Edmonton – or Calgary as well, for that matter, and you'll see signs that say, "Defend Alberta Parks." Right? It's because so many people are telling this government time and time again, despite them introducing bill after bill to try and make parks and public lands less accessible to Albertans, that they care and that they want to use these public lands.

So when the government gets up in this place – and I know the Member for Calgary-Klein got up and said: well, it's about making sure we have the right enforcement mechanisms, and it's about ensuring that we have the funds to do the types of maintenance and those things. That's what the government is trying to present with this bill. Well, if that is indeed the case, how come the government decided against a dedicated revenue fund? How come the revenues from this are going into the general revenue instead of a dedicated public lands management system? How come there were no options presented that would ensure that the money raised would go back into these systems?

Mr. Speaker, it doesn't look like there are any limitations to what kinds of fees the minister can impose. It doesn't look like there are any limitations on how high the fees can be. It doesn't look like the government has done any research, indeed, on what the impacts of these fees will be and how it will reduce access to the parks and public lands for Albertans. Really, it's something that simply is disappointing, and it's something that I think people are going to look at and say that it's another way this government is making life harder for Albertans. It's another way this government is making life more expensive for Albertans. It's another way, simply put, that this government is attacking the parks and public lands that

Albertans use every single year and more so this year than ever before.

I mean, I spent a considerable amount of last summer, Mr. Speaker, in the Whitehorse Creek wildland area, which is just southwest of Jasper national park, a beautiful area. Most of it is provincial wildland, provincial Crown land. The people that are using these areas to go camping, to go hiking do it because they love our province, right? They love the outdoors. They love the eastern slopes. And it's disappointing that this government would go in and try to take that away from so many Albertans, try to take that away from so many people who have already suffered so much this year, who have already lost access to so much this year.

Mr. Speaker, I mean, I agree that fundamentally we need to have a system in place where we have the mechanisms required to make sure we're not going to have waste or garbage building up in our public areas. That's absolutely correct, and it's absolutely correct that we need to have the protection in place to prevent unsavoury activity in these areas. But it simply does not make sense what the government is saying. What they're presenting is that they're going to charge people and then take that money to general revenue. They say: oh, trust us; trust the government; we're going to use it to preserve these lands. That's just not true, right? We know that that's not the case.

9:20

When this government takes money into general revenue, it's basically a tax grab in terms of this government. We know they have a habit of raising taxes on Albertans. We know they have a habit of charging more to Albertans and providing less, and this is just another example of that, right? It's just another example that this government is not committed to making life more affordable. Indeed, they're making life harder. Indeed, they need to protect these areas, and they need to go out and make sure that the protections will actually work.

Again, I don't understand why the government wouldn't have a dedicated revenue fund. If the intent is what the government purports it to be, if what the minister says is correct, then it would only make sense that we should ensure that this money goes towards enforcement, that this money goes towards maintenance, that this money goes towards our actual public land systems.

Mr. Speaker, again, when we look at the bill, when we look at the impacts of the bill, when we look at how people use our park systems, how people use our public land systems, when we look at people who do what we call random camping, it does not make sense what this government is purporting. It does not make sense that this government is presenting this as the solution, through charging families more, through charging people who are trying to go outside more right now, in the middle of a global pandemic, in the middle of a time when, again, Albertans are told they cannot travel to other jurisdictions. In many cases Albertans are choosing not to travel even interprovincially. Certainly, there's a global travel advisory from the government of Canada not to travel internationally. Unlike UCP MLAs who went to Hawaii, unlike UCP MLAs who went to Arizona, unlike those who decided that . . .

Mr. Schow: Point of order, Mr. Speaker.

The Speaker: A point of order is noted. The hon. Member for Cardston-Siksika.

Point of Order Language Creating Disorder

Mr. Schow: Thank you. I rise under Standing Order 23(h), (i), and (j). I did hear the Member for . . .

You'll have to forgive me. Your constituency?

Mr. Dang: Edmonton-South.

Mr. Schow: Thank you, Member.

. . . Edmonton-South, though speaking quite quickly, say that members have been lying. You have already cautioned the Member for Edmonton-Whitemud this evening.

Mr. Dang: I never.

Mr. Schow: Now, I am hearing the Member for Edmonton-South say that he did not say that word. If that is the case, then I'd just like to hear him say that, and then I will retract the point of order. I know you have cautioned members about using the word "lying" in the Chamber, Mr. Speaker, so I draw it to your attention.

The Speaker: I didn't hear the word "lying" used by the hon. Deputy Opposition House Leader. You're correct in your assertion that I've warned folks, but he knows what he said. If he said it, he'll apologize and withdraw. If he didn't, then we can proceed.

Mr. Dang: Thank you Mr. Speaker. I did not say the word "lying," and I certainly assure you I will not for the remainder of this speech, at least. If I may continue.

The Speaker: Continue.

Mr. Schow: Then I will retract the point of order, Mr. Speaker. Thank you to the member for clarifying.

The Speaker: Teamwork is really making the dream work here tonight.

The hon. Member for Edmonton-South.

Debate Continued

Mr. Dang: Thank you, Mr. Speaker. I hope we can keep this up for the next several hours, at least. We'll see how everyone feels in a couple.

I certainly think that when we look at our beautiful province, when we look at getting Albertans out in our province, we certainly want to be able to provide access to as many people as possible, people who aren't able to travel this year, people who aren't able to go on traditional family vacations they might have in other years, Mr. Speaker. Certainly, these people are now choosing to access our public lands in ways they never have before. I'll admit that sporadically throughout the years and certainly when I was growing up I had camped on public lands but never in ways like I have in the last year, during the pandemic. I made a point of going to our public lands during the pandemic because it was so difficult to get reservations in the national parks. It was so difficult to get reservations on the Alberta Parks system. We know that there are these wonderful spaces available for Albertans to use that in, I think, almost all cases don't require reservations and don't require significant bureaucratic hurdles in almost all cases.

We look at these systems, and we know that during a pandemic, that's when people want to go out and be able to experience these outdoor areas, as we've been encouraging Albertans to do, as we've been encouraging people to do safely and distanced. This is one of the best ways to do that. Instead, this government is trying to make it more expensive, is trying to make it harder, is trying to make it less accessible, and they aren't being clear with Albertans. They aren't being clear with Albertans that these fees will absolutely go towards maintaining and enforcing on these public lands. Instead, what they are doing is that they are taking these funds and putting them into general revenue, putting them into the big pot of money,

as it were, Mr. Speaker, that can be used on anything, right? It can be used on all sorts of programs and is not limited in any way and is not restricted in any way.

We also don't know if the minister will raise these fees at a later date or where else they may apply fees, because it turns out that none of these fees are restricted in this bill. It really is something that's disappointing. This new money that's being raised: I don't believe that the government has been able to provide a revenue projection. I don't believe that the government has been able to provide an impact assessment or a socioeconomic impact study. I don't believe that the government has been able to provide any assessment of what amounts of revenues would be raised.

The concern is: are we going to ensure that we actually use this money for good purposes – right? – creating new trails, maintaining old trails, repairing some of these trails? I know that in many cases and certainly in the Whitehorse wildland area there are, for example, paths that have been washed out for a number of years or are in very poor condition or pit toilets in the backcountry that need to be redug out or dug in a new area. Are any of these things going to be repaired or maintained? We simply don't know.

We ask, and the government has been unable to provide clarification other than that they're saying: oh, these funds will be used for the parks and the public lands. That's what they say again and again and again, but that's not even guaranteed in legislation, and they can't even specify where we'd be able to have these funds used. I mean, it's something that's really concerning. It's concerning that Albertans are going to get less and pay more – right? – that they are going to pay this \$30 or \$20 fee, depending on if you want to go once or multiple times.

Mr. Speaker, let me tell you that the type of person who wants to go camping once is going to want to go camping twice and so on and so on. Most people don't only want to go out and see the outdoors once a year, so I think that most people will be forced to pay for the annual pass. But when we look at the systems, when we look at the access to the outdoors, again, what we're talking about: tens of thousands of Albertans who have lost their jobs or significantly reduced their income and have seen almost no support from this government. These same people are going to have to now decide that they have to choose between perhaps buying the food to take camping or paying the pass fee to go camping, right? Those are the types of decisions people have to make now.

Mr. Speaker, it really is simply something that's upsetting. It's something that I think Albertans are going to be alarmed about. We've seen time and time again Albertans fight back against this government. Just walk down any street in a major city or, I believe, probably not even in major cities and you're going to see "Defend Alberta Parks" signs. I know that just on my block alone there are multiple signs. People care about the outdoors, people care about the beautiful outdoors that we have here in this province, and they want to access those lands. They want to be able to have access to those lands, reasonable access that involves making sure that we protect our lands, and if we are going to be charging for it, then they need assurances and guarantees in legislation that those funds are going to be used for what the government says they are going to use them for.

Albertans don't trust this government, Albertans don't believe this government, and you can see it when you walk down and see these signs. You can see it when Albertans have written thousands of letters to this government, when they have written thousands of e-mails and social media posts.

Mr. Speaker, I move that we adjourn debate.

The Speaker: Standing Order 29 . . .

Mr. Dang: To adjourn debate.

The Speaker: Oh, to adjourn debate. Sorry. I missed that last comment that you made.

[Motion to adjourn debate carried]

Bill 58 Freedom to Care Act

[Debate adjourned April 12]

The Speaker: Hon. members, is there anyone wishing to speak to the bill this evening? The hon. Member for Edmonton-Highlands-Norwood.

Member Irwin: Okay. Thank you, Mr. Speaker. It is an honour to rise and speak tonight to Bill 58, Freedom to Care Act. This is, yeah, my first time speaking to this piece of legislation, and I know with second reading we have much flexibility, so I am going to certainly connect specifically to the bill, but I do have to touch on a number of broader themes before I get into some of the specific concerns and questions that I have, so please indulge me if you will. I know you're all quite captivated. I can see that.

9:30

I have to start my discussion by really, I guess, asking: what problem is this bill trying to solve? Who's asking for this? I'm going to get into that a little bit more. I'm going to talk about some of the groups that have weighed in on this piece of legislation, but we're talking about – I'm looking at this from the bigger lens of this being an opportunity for this government to show its support for nonprofits, an opportunity for this government to truly be bold at a time – and I hate to use the term "unprecedented" because I know it's overused – an unprecedented time when nonprofits are absolutely struggling right now, at a time when this government could have, you know, listened to the concerns from the sector and really responded with funding, with supports. Instead, they chose Bill 58, Freedom to Care Act.

I want to talk about this a little bit more. When this bill was announced, I believe it was that exact same day – and forgive me if I'm incorrect. I can confirm that, but I'm pretty sure it was the exact same day or perhaps the day prior. Again, I say it a lot, but time is awfully confusing these days in the midst of a pandemic. Around the same time, regardless of the specifics, we had just stood, I had just stood with a number of representatives from the Edmonton Federation of Community Leagues. I was honoured to be there with them on behalf of our fantastic MLA for Edmonton-Castle Downs, our critic for culture. She was unable to be there that day, so I was able to stand, and of course my colleague from Edmonton-Riverview joined as well because it was in her beautiful riding of Edmonton-Riverview, in Hawrelak park.

We stood there with multiple representatives, volunteers from the Edmonton Federation of Community Leagues, community leagues all over the city of Edmonton, including from my own riding of Edmonton-Highlands-Norwood. We had the lovely Morgan from Elmwood Park and Danny from Riverdale, in case either of them are watching tonight, which I'm sure they are.

An Hon. Member: They are. Absolutely.

Member Irwin: That's right. I'm always optimistic that people are watching.

You know, they stood with us, and they talked about the cuts to community facility enhancement program, CFEP, and just how

devastating those cuts will be to communities, to nonprofit groups that are doing fundamental work.

I talked about the fact that in my riding of Edmonton-Highlands-Norwood, where – you know, I’ve said so many times in this House that I’m absolutely honoured to be able to represent that riding. We have so much diversity in our riding, but we also have some folks who struggle, right? We have some of the highest levels of child poverty, as an example. In my riding we’ve seen community leagues actually step up to fill gaps that government hasn’t been able to address.

I’ll give a shout-out to Eastwood. Eastwood is one of the poorest neighbourhoods in the city. It’s in the top five, just a couple blocks from where I live, in fact. They’ve stepped up, and they’ve really been addressing issues around food security. People are coming to that community league, that physical community building, to get food, to just be able to have sustenance for them and their families. You know, I can point to other examples like that, where community leagues are doing this fundamental work. We’ve also got countless examples of nonprofits that are doing this front-line work. They’re feeding people. They are administering harm reduction.

I talked about it the other day, that I was so proud to join a newer group called Bear Clan Patrol Edmonton Beaver Hills House, join them in my area, on 118th Avenue. For any folks who know that area, 82nd Street and 118 – so it’s kind of Cromdale-Parkdale, that intersection there where the old Cromdale Hotel was; Cromdale Safeway is there – we literally went about three blocks down 82nd Street and about two blocks over on 118th Avenue with multiple wagons full of food, and it was gone within that five-block stretch. My point in saying that is that the need is so great right now, right? The need is so incredibly great when it comes to just folks’ basic needs like hunger.

Bear Clan also works with a harm-reduction model. You know, there have been multiple examples, too – it didn’t happen on the night I joined them – where they’ve had to administer naloxone kits, where they’ve had to intervene. They’ve had to call 211 to help folks who are in crisis, right? Those are just a couple of examples, and I can point to so many more where we see nonprofit groups absolutely stepping up to do so much community work.

Again, I’m going to be able to dig into a lot more of the details around Bill 58, if not in this section of debate then soon, because I really want to provide that context of just how critical the work of nonprofits is. It’s always been. It’s always been critical. I think if I didn’t see so many organizations first-hand in my own riding – you know, we’ve got the bulk of a lot of the social service agencies, right? We’ve got the Bissell Centre, we’ve got Hope Mission, we’ve got Operation Friendship Seniors Society, we’ve got one of the Mustard Seed locations. The list goes on. So many of those organizations: I see the work that they do day in and day out.

You know, in conversations with folks like that – and I’ll come back to my conversation with the representatives from the community leagues, the Edmonton Federation of Community Leagues. Again, it was either the same day or the day prior that this bill was announced, that the Freedom to Care Act was going to be introduced in the Legislature. One of those representatives said to me: why this? She said, like: of all the pieces of legislation that this government could be introducing, why this one now? And I didn’t know. I mean, at that point, obviously, we hadn’t seen the bill yet. But she raised the question of, like: we’re clearly struggling. So many nonprofit groups are struggling, and I know that community leagues are slightly different, but it’s a good example of folks doing some of the front-line work. Why this piece of legislation now?

Had I not talked to so many representatives of nonprofit groups, I wouldn’t feel as comfortable sharing this position, but I have to

tell you that myself, my colleagues, my colleague from Edmonton-Whitemud and I, you know, have met with multiple representatives of nonprofits, not just in Edmonton; in Calgary as well and in other parts of the province. It’s a pretty consistent theme that nonprofits are really having a hard time right now. A lot of their funding sources have dried up, not just government funding, although I’ll talk about provincial government funding sources in a moment, but also they’ve found it a lot trickier with private donors, right? Like, we know that the recession associated with the pandemic has hurt a lot of those private funding sources as well. We also know the example of the cuts to CFEP. We know that government funding has been cut in many areas, or in other cases it’s been – what’s the word that this government uses? – reallocated or moved around to different pots, but we don’t necessarily know exactly where it’s been moved to or what those pots are.

9:40

Like I said, I’ve had so many conversations with representatives from nonprofits so many times where they are so fearful to speak out. Again, I can tell you that I know my colleague from Edmonton-Whitemud and I have had conversations with folks who are just – they don’t know how they’re going to keep their doors open. They’re doing absolutely critical work on the ground, and they’re worried that they could have to cease operations or lose some of their programs. Oh my goodness, I wish I could share some of the examples because there are so many. Do you know what many of those nonprofits say? “We can’t speak out. We’re fearful of retribution from this government. We’re worried about the small amount of funding that we do have being cut off.” It’s so tough because, truly, I don’t ever want to be accused of – I can’t say the L-word. Accused of . . .

An Hon. Member: Economizing on the truth.

Member Irwin: Economizing on the truth.

The Speaker: Let me provide some context for the hon. member if you don’t mind. It’s not that the word “lie” has been banned from inside the Assembly, but you can’t say that the government is lying or the opposition is lying or a member is lying. But you, of course, could say, “My brother lied to me” or “I don’t want to be accused of lying” or all sorts of other ways that you could use the word “lying.” It’s not that the word itself has been banned, just the context in which it’s used.

Member Irwin: Okay. Well, thank you. It was a good excuse to say *The L Word* on the record for anybody who knows the reference to that show, which I think is probably very few people in this Chamber. At least I could mention *The L Word*.

But I can say “lying.” I don’t want to be accused of lying. My point in saying that was that I truly do have countless examples of nonprofits that are struggling right now, and I cannot give a lot of specifics because, again, those organizations are so fearful of retribution from this government.

I’ll give a couple of examples without naming those organizations, right? I can think of one example of an organization that does a lot of work in harm reduction, and they know that they’ve faced some opposition from this government in the area of harm reduction. They know that they are relying right now on some funding from this provincial government, and they are concerned that it could be lost. While they’re struggling greatly right now, they are very, very hesitant to speak out at all.

I can think of another organization – oh my gosh, I could go on for hours, but again I can’t name them – that works with youth. Again, they’re facing some funding challenges. An example with

that organization: they, you know, have historically relied a lot on private funding, and again those sources of funding have dried up. Again, I could go on for hours, for sure.

My point in all of this – again, I haven't gotten into the nitty-gritties of this bill yet – is that we're facing a situation where so many of these front-line organizations are at a breaking point right now. You know, I appreciate and I know that there are some folks from nonprofits that have expressed their support of this bill. They absolutely have. You can see that by just looking up some of the news stories on this piece of legislation, absolutely, so I'm not questioning that at all. But I am questioning that at this point, when there's so much need out there, clearly, the government is choosing not to address some of those needs through this piece of legislation.

What I would like for them to do is to commit that they will take seriously the needs of nonprofits moving forward, and if they're not going to reimagine the funding that they've offered and if they're not going to reassess some of the cuts that they've made to funding that so many of these organizations rely on, then let's see them invest in the bigger societal issues that we're facing. So I want to see an investment in housing, I want to see an investment in harm reduction, I want to see an investment in mental health – right? – all these bigger issues, because we have not seen that to date.

Okay. I've given my spiel there. Again, I just can't say it enough. You know, folks know I'm a fairly active MLA, and if I didn't carry those conversations with me as much as I did, as I do – it's just been something that's on my mind a lot because when I hear from folks who are serving some of the most marginalized people in our province and they're not sleeping at night because they're not sure that their doors are going to be open next month, I mean, that's a pretty serious weight for us all to carry. Okay. [interjections] Because I'm hearing a little bit of heckling, I'm really looking forward to the members opposite joining in this conversation. And I know we're going to have a lot more questions on this.

Yeah. Where do I start? Let me ask a few of the questions that I do have specific to Bill 58, to the Freedom to Care Act. A couple of concerns. If passed, the LG in Council would have the power under this bill to designate an entity “as a non-profit organization for the purposes of this act,” which could lead to exemptions that would not otherwise be considered nonprofit. So we have some concerns. I know, I don't want to put her on the spot, but I'm looking forward to the my lawyer colleagues talking about this bill because some of the intricacies around language – I guess there's only one lawyer in tonight. But I've got some other amazing colleagues who aren't lawyers. [interjection] Yeah. The member for Lethbridge-West is not a lawyer, but – oh, my goodness – she sure could be.

There are some questions that we've asked, rightly, that we will ask around the language and how some of these things are framed. Does this open the door up to a bit of ambiguity in the definition of what is and what is not a nonprofit? The definition of a volunteer is another piece that we've got some concerns around. It allows for a director, officer, or trustee to be considered a volunteer, which – yeah – could be scary, and I'm looking forward to my colleague from St. Albert talking about this bill as well because I know, like me, she has a lot of conversations with folks who are working in the nonprofit sector, and I'm certain she'll be able to explain some of these challenges as well. But one of the issues with this is that this could include decisions by paid board members that lead to the harm, which of course my lawyer colleague will talk a little more about. But there seems to be a bit of a disconnect with the charitable food act, where decision-makers remain liable.

Yeah. I mean, what does this mean when there's this level of ambiguity in the definitions. I would think that, you know, the government would have taken the time to very much distinguish the differences in some of the ways these terms are defined, but it looks

like to me that they didn't take the time to do so. So I'm looking forward to hearing a little bit more about sort of the process that went into this and how they might address some of the concerns that the nonprofit sector will have undoubtedly raised. I think, interestingly, as well, it allows for the Minister of Culture, Multiculturalism and Status of Women to bring forward any number of exemptions, which then may be granted by cabinet.

Although there is more to say here, I can see that my time is running out.

The Speaker: Standing Order 29(2)(a) is available. Oh, a correction. Standing Order 29(2)(a) isn't available as the hon. Member for Edmonton-Highlands-Norwood was the second speaker after the mover and as such had 20 minutes.

Member Irwin: That's why my time . . .

The Speaker: Felt so long.

The hon. Member for Calgary-Klein.

9:50

Mr. Jeremy Nixon: Thank you, Mr. Speaker. Thank you for the opportunity to be able to speak here tonight on this issue. It's an issue that is very personal and important to me, so thank you for that. First of all, I wanted to address, since there was no 29(2)(a), some of the comments that were just made about taking seriously our not-for-profit partners and just point out some of the steps that our government has made to make sure our not-for-profit partners and our civil society partners know that they are, in fact, partners with the government, starting with our civil society council, that directly counsels the Premier and has helped build a plan with this government in regard to how we will manage and support not-for-profits, not just through COVID but as we go through recovery and come out of COVID. They've done some fantastic work, that is led by not-for-profit leaders from right across this province and from rural and urban, Edmonton and Calgary, with a wide variety of backgrounds. They are an excellent team.

Not only have we invested in trying to build a relationship. To comment on that, that kind of fear of telling government what we think, I remember that even working not-for-profit under the PCs. I heard that underneath the NDP. It seems to be a cultural issue in regard to trying to make sure that we have very open dialogue between government and our not-for-profits, so that we're a team, that we know each other, that we feel safe to be able to express our concerns and to be able to have a very real and honest conversation. I think that the Premier's council is a big step in that, but I also know that our ministers – our Minister of Children's Services, Minister of Community and Social Services – myself, and a lot of my colleagues, all my colleagues have been very intentional about reaching out and connecting with our not-for-profits so we can remove that sense of fear to be able to share and communicate with government. I'm excited about that and think this is part of that. Bill 58 is part of that, that listening and building those relationships.

The other things in regard to our investment and our supports for not-for-profits would be that not only are we continuing to fund social services, children's services, homeless services, and outreach supports; we've also added funds \$142 million for mental health and addictions supports. Throughout the pandemic we added \$60 million to support our not-for-profit partners. We added \$53 million specifically for mental health and addiction. I know that a lot of those resources ended up in Calgary and right there in my own constituency. We also put \$7 million towards an innovative fund with our civil society funds. We continue to fund and support our not-for-profit partners because we know how critical they are, and we're very thankful for that.

I wanted to start off talking about how I wouldn't be here today if it wasn't for the freedom to care. That stems back to my father's own story. He wouldn't be here today if it wasn't for freedom to care and individuals in our community that stepped up in a big way and took a homeless kid off the streets, into their own home, cared for him. He was able to then go on, pay it forward.

The other thing I wanted to say is that the Mustard Seed wouldn't have been here if it wasn't for freedom to care. A lot of the great work that my dad and the team of volunteers in the community were able to do was because we had that ability to freely care and help our neighbours in need. In turn we were served by our neighbours in need.

I wanted to stress that, just the absolute importance that we allow community to be community. When governments get in the way of community being community, we need to figure out how we can get government out of the way and allow community to be able to be there for each other to serve each other in that meaningful way. I think we've seen so many great examples of that through COVID. But we've also seen and heard a lot of examples of how government regulation and policy and our risk-averse nature has caused us not to be able to help people and, in fact, being so afraid of risk that we've actually put people in harm's way because we haven't been able to help people.

I even think about my dad. When I was just a little guy, my dad brought home a guy name Chico. I think maybe I've told this story. We often had people sleeping on our couch. One night Chico stopped by the Mustard Seed. He didn't want to use anymore, and he was looking for help. So Dad spent hours on the phone trying to get him into a treatment program, unsuccessfully. He just didn't know what to do with this guy, right? I mean, he didn't want to leave him and just send him back to the street because that window is this big. So instead Dad put him in car, which broke a whole bunch of rules that we have nowadays, and brought him home, put him on his couch – Chico woke up to all of us boys staring at him in the morning – fed him breakfast, and got him off to treatment the next day. I think about that. The way all of that started was because we had the freedom and the ability to be able to care for our neighbours in need. That's what we're trying to protect in this legislation.

I think that we all can agree that Albertans are extremely generous. That's something that I've always experienced throughout my life. We've seen it through the floods, through the Fort McMurray fires. We've even seen it throughout this pandemic. Albertans are willing to step up in a very major way. It may just be a Canadian stereotype that we'll all do whatever it takes to help each other out, whether it's holding the door open for a stranger, getting flour or sugar to a neighbour, cooking dinner for your neighbour that's stuck at home in isolation, or volunteering for a local charity. All of those options, all of those things make a huge difference in people's lives.

I know I've heard a lot of concern and people talking about mental health concerns throughout this pandemic. One of the great ways that you can work on addressing it is actually just getting out and getting involved in your community. If you're feeling isolated or stuck in your home right now, there are ways to safely get out and volunteer and get involved in the needs in your community. If you're concerned about your own mental wellness, that is going to go a long way not only for caring for need within your community but also for caring for people around you.

Even during this COVID-19 pandemic – I kind of talked about this already – Alberta charities have stepped up in a major way. I want to include our faith communities in this conversation as well because they're part of that. They're part of our civil society. I have

seen our charities, charities right there in Calgary-Klein, step up and meet need.

Centre Street church was my local church, by the way. They have stepped up, and they have been providing food hampers and meals throughout this entire pandemic to thousands of their neighbours. They've mobilized a volunteer army of over 200 people that have been out delivering these food hampers, just a huge thing.

[The Deputy Speaker in the chair]

Urban Society for Aboriginal Youth has been connecting with aboriginal youth out in the community, who have been struggling especially throughout the pandemic with isolation and health concerns. They've been building mental health care packages. We were able to help fund this through our grant program so that they could get mental health care packages to the youth that they're caring for as well as support for families that the youth live with and operate in.

Seniors' Resource Society is another program that we were to get some grant money to help. They rely on a volunteer army of thousands of people to distribute food hampers, to drive seniors to vaccination appointments, to pick up groceries and just do all sorts of other stuff in our community.

Our not-for-profits have stepped up in a significant way. Our community has stepped up in a significant way, too. An example would be the 50/50 jackpots. I know that the Mustard Seed and many other organizations received hundreds of thousands of dollars through the generosity of that program and just so many other opportunities and ways that people are giving and contributing.

Charities are specifically set up to make life-changing impacts in individuals' lives. Whether it's through volunteering with sick children, providing people with meals, or providing less fortunate Albertans with housing, not-for-profits like Hope Mission, the Mustard Seed, Boyle Street, the Calgary Drop-in Centre and so many more are critical, and they're there to support our most vulnerable in this province. I know that none of us ever really want to have to use those resources, but I can tell you that I'm thankful that I know they're there. If I'm ever in need or somebody that I love is in need, I'm just very thankful to know that there are great organizations that are there, that will step up and help my neighbours in need, my family if they need it. We want to make sure that government is not hindering their ability to do that.

Unfortunately, many Albertans need access to resources that charities are providing the public. We need to take steps in the right direction by making resources more accessible through the Freedom to Care Act. Getting government out of the way in many cases is what we need to do. The Freedom to Care Act would make it easier for charities to access and request exemptions to the regulations that stand in their way of helping Albertans.

10:00

I remember the Member for Calgary-Lougheed, the Premier, telling a story from the time of the Calgary floods, when volunteers made thousands of sandwiches and other perishable food items to help those who had been impacted by the floods. Unfortunately, their generosity was torpedoed because it didn't meet certain standards, and all of that food went into the garbage. I just think: what an absolutely terrible shame. I know the Mustard Seed in the beginning – we've kind of talked about it, how it wouldn't be here if it wasn't for the freedom to care. In those beginning days and even still today the meals are provided and served by lots of people out of their church basements and people in the community. The local Sikh temple, I know, has done wonderful work in regard to providing meals and caring for the homeless. To hear of all those sandwiches being wasted is just an absolute shocker.

Right now not-for-profits are looking to lend a hand and may need a one-time exemption from the government to assist in areas that aren't explicitly in their mandate, and we need to make sure that that's possible. Many of these groups may not even know which ministry they have to contact. They have to navigate that. They may not even know that they can request an exemption, and that is what Bill 58 was made for. The passing of this bill creates a website to act as a one-stop shop for not-for-profits seeking one-time exemptions that may not already exist. The website will direct the request to the appropriate ministry, which kind of saves the guesswork for the charity. That ministry will then make recommendations to cabinet, who will then decide if a one-time exemption is needed, streamlining the process and getting help for those who need it in our community.

We must take steps to reduce the red tape that charities have to face in serving their neighbours in need and make sure that we can create more ways for Albertans to be involved and allow community to be community. That's why I'm standing here today in support of Bill 58, Freedom to Care Act. I'm very proud of this minister and this government for championing this.

Thank you, Madam Speaker.

The Deputy Speaker: Hon. members, Standing Order 29(2)(a) is available. The hon. Member for St. Albert.

Ms Renaud: Thank you, Madam Speaker. It's my pleasure to rise on 29(2)(a) to ask a question to the Member for Calgary-Klein. A couple of things that it'd be great if he could expand on. The first thing I wanted to say is that, you know, I looked at the Bill 58 and I looked at the title, Freedom to Care Act. I don't know. Like the member, I've been in the nonprofit sector for many, many years, and we've been pretty free to care all along, so I don't really understand why suddenly a piece of legislation is going to free up nonprofits and registered charities to do their work. It's been happening all along. Maybe he could speak to that.

The other point I wanted to raise is that the member touched on the new Premier's civil society fund as he was talking about his support for Bill 58, and he talked about the \$7 million that was siphoned from Community and Social Services last year. To be clear, in the three years there will be \$20 million that will be moved from Community and Social Services to the new Premier's civil society fund to give out to a variety of organizations, some faith-based, some focused on different issues in the community. I'm wondering if the member could explain how moving money from a ministry that we know is already oversubscribed on a good day – because it covers homeless shelters, women's shelters, AISH, income support, disability supports, the list goes on. Huge waiting lists, huge oversubscription, and a lack of money to fund the activities that people need.

I'm wondering if the member could provide some clarity to the House, one, on his support for the name of the bill, Freedom to Care Act, and, two, if he could explain his support, why it is essential to move a total \$20 million from a ministry that is struggling, that struggles in a good year, to pet projects like the Premier's civil society fund.

Thank you.

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

Mr. Jeremy Nixon: Thank you, Madam Speaker. I'm actually really excited to be able to talk about the civil society fund. You know, there is great need in our communities, and the need is so great – this is why I support the Freedom to Care Act. It's bigger than what government can handle. It's bigger than what business can handle. It's bigger than what civil society alone can handle. At

the end of the day we need to bring all of these stakeholders together, and we need to work together collaboratively, innovatively, to figure out how: how do we use our limited resources as a society to do things differently, to do things more efficiently or effectively, maybe even consider things like social enterprise or other new, innovative ideas that are on the cutting edge of how we're going to go about meeting this growing need that's within our community?

I'm excited, again, about what the Premier's council on civil society is doing, that this fund is going to be focused on figuring out: how do we help partner better with our civil society partners and look for new and innovative ways of meeting need, building community, and growing our society and encouraging current civil society activity but also new types of civil society activity? I'm very excited about that.

In regard to the process with the freedom to care, there were methods, as I said in my speech, in regard to requesting exemptions so that charities can go and do that work. The problem is that a lot of charities (a) don't know about that or (b) don't know how to navigate the government system. This system gives folks a one-stop shop website where they can go find out what exemptions have already been made, put in their request, and save the guesswork and the challenge of trying to navigate the government bureaucratic system. It puts the onus on us, again, to build that relationship with our civil society partners, to hear what their needs are, and to try and help reduce those barriers so that they can meet the needs in their community.

Thank you very much for the question.

The Deputy Speaker: Any other members under Standing Order 29(2)(a)? The hon. Member for Lethbridge-West.

Ms Phillips: Thank you, Madam Speaker. I'm rising this evening to speak to Bill 58, the Freedom to Care Act.

The Deputy Speaker: Sorry, hon. member. We're at just a few seconds remaining on Standing Order 29(2)(a). Is that your intention?

Ms Phillips: Oh, no. Sorry.

The Deputy Speaker: Please go ahead, actually, on second reading on this bill. It's okay.

Ms Phillips: Pardon me, Madam Speaker. I thought the hon. member had concluded his remarks under 29(2)(a).

I am rising, then, just to be clear, to provide my remarks at second reading for Bill 58, the Freedom to Care Act. The first thing that one must ask when reviewing any piece of legislation is: what is the problem that we are trying to solve here with this piece of legislation? Who asked for it, and is there anything similar in other jurisdictions? We certainly see that limitations on volunteer liability exist in other jurisdictions, and there are some aspects of the way that this legislation is structured that are indeed rather nonproblematic, I think, for the Official Opposition. We'll get to a section-by-section analysis as we go along.

Having said that, I want to focus in on some of the exemptions for nonprofit organizations, the exemptions detailed in part 2, because this is where my eyebrows were raised with respect to this legislation. Now, the fact of the matter is that there are current regulations that allow for exemptions for nonprofits, and there have been a couple of examples cited in the media around the necessity of having this act structured in this way. The two examples cited are actually provided for already in legislation. Departments and ministers who know how legislation works know this, so indeed

there is an overbroad allowance in this act given that it allows for any regulatory exemption of any kind other than those that apply solely to nonprofits. Folks can apply for any sort of exemption, and that is, in fact, overbroad and unnecessary.

It is unnecessary for a nonprofit to apply for a Water Act exemption. It is unnecessary for a nonprofit to not have to follow occupational health and safety, for example, given that, first of all, there are exemptions within occupational health and safety as it is, but to take an overbroad approach indeed provides for far too great a latitude with respect to public health, public safety, and regulations that are designed to just keep us all safe.

10:10

That's the first problem with an overbroad approach, and certainly when you are looking for a cabinet to provide exemptions, you want to do so in a way that maintains public health and public safety and so on across the board and also maintains just a parity of expectation for citizens, that we are safe in terms of either occupational health and safety or food or any of these things regardless of how those services are provided. So the question is: why is part 2 so incredibly broad?

The next piece that I think is very, very problematic is section 6, the annual report to cabinet. "The Minister shall submit to Cabinet an annual report on

requests for exemptions." I think this section actually just kind of contains a couple of spelling errors. They spelled "the report to Albertans" wrong in this section. That's actually who should be reported to. The fact of the matter is that it's nice that cabinet receives an annual report, but actually it should be Albertans. If there are legitimate places, spots where exemptions that do not currently exist under the act are required, then we should be able to see what those are, for what kind of time period, who was requesting them, and where they will apply. If this act actually is solving an identifiable problem and if there are legitimate reasons that are in the public interest, then this should not be a problem. This absolutely should not be a problem. Just publish it.

I think there are a couple of other issues with overbroad as well, and one of them is the fact that there are no existing exemptions from, for example, Energy or Environment and Parks regulations, Children's Services, Indigenous Relations, Seniors and Housing. You know, I think that there's a reason for that, and that reason is that we have one level playing field for, for example, digging a well. When you drink the water out of that well, it's the same whether – the health effects of a well that was not properly inspected or following regulations are the same whether it happened with a nonprofit or a for-profit entity. That's why we always have to have the same rules.

Now, there may be areas in which a director or otherwise may be able to waive some requirements that generally speaking apply to commercial enterprise, that do not need to apply to nonprofits and charities. You know, oftentimes people will cite the provision of food at some kind of relief operation of some variety and that they should not have the burdens of a commercial kitchen placed upon them. That is a fine argument to make and is also already provided for in existing exemptions within the province of Alberta.

One of the reasons why I think it's so important for us to be able to both collar the application of this act but also have an annual report to Albertans on who is seeking exemptions and for how long and under what conditions is that we have had various exemptions in the past that are not necessarily in the public interest at all. For example, there used to be an employment standards exemption to pay less than minimum wage to people with disabilities. Now, our government ended that because it was wrong, quite frankly. You know, what we don't need is a cabinet who has also the overbroad

power to designate almost anything a nonprofit under the sun, and then we have a cabinet who is being empowered under this act to provide secretive exemptions and not tell the public about what those exemptions are for. We can see the problem here. Both of those potential pitfalls of this legislation could be addressed through amendment. Certainly, I think it is in the public interest for the province to do so.

Another exemption that used to be provided from the director of employment standards, before our time, and another thing we fixed, was that children as young as 12 could work in kitchens with, like, knives and fryers and things. Now, I have a 12-year-old, and that seems like a bad idea. Again, if this is not the type of exemption that would be provided, then just say so in the act; a real simple remedy for this particular question that I just asked.

Back to who was asking for this. Another question that I think the government should provide an answer for is: who is requesting cabinet to be able to designate a nonprofit? Who is asking for that? Is that a problem to be solved? You know, when we look at how the liability sections are written in this act, it looks to me like a bonanza for civil litigators. To me, this looks like a piece of legislation that might be tied up in a very nice bow and handed over to the Alberta Civil Trial Lawyers Association, and they'll be funding their annual vacations off it, because there seem to be some real grey areas with respect to assignment of liability. I think the government should be clear on answering those questions because this will inevitably be litigated. Oftentimes judges look to the intention of the Legislature in bringing in a piece of legislation such as this. So it is incumbent upon them to answer those questions now. There is no question that as it is structured right now, there are certain grey areas that will result in litigation. There's no question about that.

Now, one of the questions that I think should be or could be resolved by releasing the results of the nonprofit survey, which the government so far has declined to do – they did a survey on this topic in 2020, I believe, and have so far not released it so that we could perhaps have some insight, the public could, into what nonprofits said about the effect on their insurance coverage as a result of this act, any analysis on their other organizational policies and what kind of feedback they got. Of course, they haven't told us what people said in response. In fact, what nonprofits tell us, as the hon. Member for Edmonton-Highlands-Norwood indicated, is that their actual priority is the significant funding reductions that they received, not just from various grants and other targeted initiatives but also some of their bingo and casino and other sources of funds. This has been a very tough time.

The question of who is asking for this and what remedy does it propose and is it the right remedy could be easily responded to by the government by simply doing the thing that is the sort of common-sense approach and expected approach when we're making public policy, which is to release the results of surveys. I've not really ever seen an instance where government just says: no, I don't think I will. I wasn't aware that that was an option when one is prosecuting one's duties as a minister in the way that one should.

I think also there needs to be some cleanup on what constitutes a volunteer of the Crown. There's some daylight between how the liability is assigned for Crown as opposed to for nonprofits. The government should provide clarity on this. I think we also have some suggestions as to amendment. I don't know precisely what problem that is designed to solve. I do know, for example, that there are volunteers with Alberta Parks, and I do know that in the past there have been issues related to people getting hurt on the job or those kinds of instances. I don't know if this is designed for that or with some other target, and the province should be clear about that.

10:20

Another place where the province needs to provide clarity is around limitations of liability for professional liability. Would this limitation of liability apply to professionals, like, for example, if the volunteer is a professional, a lawyer, for example, giving advice or a psychologist giving advice? So some clarity there I think would be welcome because it could be that we are opening ourselves up to, well, as I said, unnecessary and unpleasant experiences of litigation, when there's no need to tie nonprofits up in that sort of thing.

I think, overall, what we have here potentially is a situation where government can designate anyone they want a nonprofit, which is odd because there are standards for what makes for a nonprofit. There are forms one fills out, one does various activities for registration depending on what kind of nonprofit. This is all very standard. So to have cabinet then walk in and say, "Well, you, you, and you; you're a nonprofit," that is a strange power to want or have.

I think the overbroad piece around the regulations opens us up to not just unlevel expectations around perhaps ambient air quality standards, occupational health and safety, simple matters related to whether volunteers are . . .

The Deputy Speaker: Hon. members, Standing Order 29(2)(a) is available. The hon. Member for Edmonton-Whitemud.

Ms Pancholi: Yes. Thank you, Madam Speaker. I'm pleased to rise on 29(2)(a) to respond and ask my esteemed colleague the Member for Lethbridge-West – she had a lot of good points although, as the Member for Edmonton-Highlands-Norwood mentioned, she's not a lawyer, but I swear her brain works like one, which is both a good thing and a bad thing. I suppose it depends on what you think of lawyers.

I think the part that I was quite intrigued by, that I found interesting, were, you know, her comments about the idea that Bill 58 indicates that the minister who grants exemptions or through cabinet reports to cabinet on those requests for exemptions and why that kind of seems like an odd choice for this bill to not provide transparency to Albertans. Rather than doing that, it's just going to be all internal cabinet discussions and information about which nonprofits and which organizations are exempted from, as she stated, all kinds of regulations. There's really no limitation within Bill 58. You know, what kinds of things would the Member for Lethbridge-West expect to see in terms of transparency when the government of Alberta is granting itself this authority to, by order in council, exempt nonprofit organizations from any regulation in Alberta? I'd love to hear her thoughts.

The Deputy Speaker: The hon. Member for Lethbridge-West.

Ms Phillips: Yes. Well, you know, this was the section that actually caught my eye. Well, this whole exemptions piece did catch my eye just because it seems that when we already are in a situation where there are no fewer than 420 regulations providing for exemptions in the nonprofit sector, by our count, we would have to just simply throw a blanket over the entirety of the government of Alberta, which, you know, could then put volunteers, those receiving their services, any potential staff that they work alongside, any family members of those receiving services at risk. I mean, that is a possibility. The way we know that is not happening is that we simply publish the list of exemptions that have been granted in any one year, such that we don't have to stand in the Legislature and, you know, muse out loud about what may or may not be exemptions

provided to folks who may or may not fit a traditional understanding of what is nonprofit.

As I indicated, there may be some areas that those 420 regulatory exemptions that currently exist do not address currently. That may be. If this was an act that simply provided a mechanism whereby there could be an application process for an exemption and then the province would then summarily turn around to the public and tell them what those exemptions were, then I think that that would certainly be something that the opposition would look upon as reasonable, but as it stands right now, this is not reasonable. That is one easy way that one could just provide a little amendment: the minister shall submit to cabinet an annual report that is tabled in the Legislature. There, look how easy that was.

In addition, if this overbroad regulatory exemption is not designed to exclude, for example, paying minimum wage to people with disabilities, if it's not designed to override or otherwise undermine the occupational health and safety code, then the province could simply explicitly exclude those from this act, and I think that would be another thing that would be in the public interest to do.

Another collar that they could put on this overbroad approach to this legislation is to include an immediate and pressing public need that can be addressed only through this exemption, and there should additionally be a duty to inform the volunteer of the exemption. Again, if these are regulatory exemptions designed to simply make life easier, then that shouldn't be a difficult thing.

The Deputy Speaker: Any other members wishing to join debate on Bill 58 in second reading? The hon. member for Edmonton – I don't know what's going on tonight. The hon. Member for West Yellowhead.

Mr. Long: Thank you, Madam Speaker. I mean, I do use temporary accommodations in Edmonton, obviously.

You know, I am very pleased tonight to be speaking to Bill 58, the Freedom to Care Act. Over the last year we've all learned so much about the importance of helping our neighbours, supporting our communities, and serving others through acts of kindness. Civil society organizations and nonprofits have held these values long before we were thrown into a global pandemic.

Before drafting the Freedom to Care Act, Alberta's government opened a survey for nonprofit stakeholders to provide their input on problem areas in their sector, and the overwhelming feedback received was that red tape outdated legislation and prohibitive commercial regulations are the largest problems that the sector faces. Regulations are meant to protect the health and safety of Albertans but as stakeholders noted on the public survey, good policy should already have exemption provisions. Governments are not infallible, and sometimes there are oversights that require changes to be made. Nonprofits should be able to focus on helping those in need instead of using valuable time navigating the existing exemptions to regulations.

Madam Speaker, the Freedom to Care Act brings good policy to the table and will help nonprofits and charitable organizations continue to help Albertans without extra red tape interference. If passed, the Freedom to Care Act will allow nonprofits to request new, one-time exemptions from commercial regulations that prevent them from performing social good and helping our communities. To ensure that the provisions of the act are producing expected results, meeting the needs of the communities, and not putting Albertans at risk, the outcome of exemption requests will be reported to cabinet annually.

Madam Speaker, several exemptions for nonprofits already do exist, but lack of awareness about those exemptions and how to

access them is a hindrance to nonprofits. In times of crisis and emergency it is critical that charitable groups have the ability to respond in a timely manner. Accessing and requesting exemptions will only work if nonprofits know where to look, which is why Alberta's government will create a website and provide contacts that these organizations can use to get help finding existing exemptions from regulations.

10:30

Madam Speaker, the volunteers that work in nonprofits commit their time, their money, and their hard work without expectation of reward. They take satisfaction in a job well done and find content in giving back. Volunteers don't provide supports to bolster their status or line pockets. They do it out of a genuine desire to help their neighbour and make their communities better. As we've heard, more than 1.6 million Albertans provide over 262 million volunteer hours to support their communities. With rough math that's equivalent to about 29,908 full calendar years. That speaks volumes about the character of Albertans.

If passed, the Freedom to Care Act will provide those volunteers with liability protections they deserve. Our province's nonprofit sector employs 280,000 Albertans and accounts for 5 and a half billion dollars in GDP annually. With over 26,400 nonprofit organizations in Alberta, there's no doubt that they will continue to play an important role in our province's recovery and in supporting our communities. The Freedom to Care Act will provide a reliable framework for civil society organizations so they can continue providing essential services for communities in our province, including those in West Yellowhead.

Madam Speaker, I was taught from a young age about the importance of helping others. I was taught that being a community member is so much more than your postal code. It's about creating networks of support with your neighbours. I remember that a number of years back I met with a leader in our community from when I was a young child, and he shared with me, said: you know, there was one time when my family had no food left in our cupboards. He reflected on how he knew that my parents had provided their family with food that he assumed was probably the last bit of food that was in our cupboards. Those are the sorts of sacrifices that our volunteers, our nonprofit workers do make for the value of their communities.

Over the years I've had the opportunity to volunteer in various capacities. Today I have the honour of meeting with several nonprofits in my communities who work tirelessly for social good. From food banks to shelters and school food programs to emergency services, nonprofits truly exemplify what it means to step up for our communities and give back to our neighbours. I am just so proud, so honoured to represent such amazing nonprofit groups and volunteers across West Yellowhead. You know, when I get to spend some time and get to meet some of the volunteers, the sense of service and the satisfaction they have in providing opportunities for people in our communities who otherwise might not have opportunities are just absolutely inspiring. A few of the organizations go as far as to allow individuals in the communities an opportunity to come in for a shower and to do laundry and use a computer to not only catch up on news but look for employment opportunities, things like that, just practical ways to meet needs of people who are hurting in communities.

You know, in this technological day and age it's easy for society to forget what it is to participate in community. Sometimes we forget that helping our neighbours involves more than hitting "like" or "share" on a nonprofit page. Luckily, we live in a province with so many amazing people who continue to prove that day in and day out there will always be people willing to do the work. Again, I see

that in my own communities as these volunteers will be up all hours of the night to fund raise to support their nonprofits and then go out and do the legwork during the days we well.

You know, Madam Speaker, I am so proud to support this legislation brought forward. I want to thank the Minister of Culture, Multiculturalism and Status of Women for her work on this. Nonprofits and volunteers are there for Albertans when they need it most, and this government is there to support the great work they do by ensuring that they aren't blocked by red tape.

With that, Madam Speaker, I move that we adjourn debate.

[Motion to adjourn debate carried]

Bill 51 Citizen Initiative Act

[Adjourned debate April 7: Mr. Schow]

The Deputy Speaker: Hon. members, we are on second reading of Bill 51. The hon. Member for Edmonton-Decore.

Mr. Nielsen: Thank you, Madam Speaker. I appreciate the opportunity this evening to add some beginning comments here on Bill 51, the Citizen Initiative Act. The Premier, the government, all of us in this House were elected to listen to Albertans, but I think what we see happening is that instead of taking the time to listen to the families and the businesses about jobs, about health care, about protecting our parks, not mining the Rocky Mountains, more or less – and I believe the Premier said that, you know, it's almost like not his responsibility to listen. It's the responsibility of Albertans to launch a massive province-wide campaign with which to get his and the government's attention on a policy issue.

I think this bill provides an avenue for people with greater means to be heard over and above everybody else. So I have some concerns with this bill, and hopefully I'll get a chance to address most of them, but we'll certainly give it a try here and see what I can get through. One of the things that I've always said over and over, time and time again in this House: I get hung up around language that I see presented in some of the bills. So I wanted to start with one on page 24, right at the bottom, under Part 3, initiative petition finances and contributions.

The reason I wanted to start there, Madam Speaker, is that what I saw over the course of the 29th Legislature, what I seem to be seeing throughout some of the 30th Legislature is this idea, this initiative, this ideology maybe: how can we put more money into politics? How can we, I guess, make the rules fast and loose? I mean, Alberta once had the distinct honour – and I use that term loosely – of being the wild, wild west of elections. Our finances and contributions were out of control, and what it did was that it allowed people with deep pockets to try to influence things. So instead of elections being debated on big ideas, they were being debated on big money.

When I'm looking at this – and I'm referring, under part 3, to section 20(3). "The total amount of all contributions by an individual to a proponent, or that may otherwise occur as prescribed in respect of an initiative petition, shall not exceed the prescribed amount." Now, when you first read that, that doesn't necessarily seem like a problem, but when you start to read on, you don't see what is prescribed. What are those amounts that won't be exceeded?

We were talking earlier this evening, Madam Speaker, around the trust that Albertans have right now in their government, and I must say that it's a little bit low because they're saying one thing; they're doing something else. They're doing one thing; they're saying something else. And a lot of times those things are just not lining up. Again, when I think back to what I saw throughout the 29th

Legislature, what I'm kind of seeing now: yet another opportunity to put money back into politics, to increase the amount of money that can be spent to influence things. Again we're heading in that direction of: instead of big ideas, it's going to be big money.

10:40

When you're looking at that concept of trust, you know, what limits will be set, and when can we expect to see them? Make a commitment to that: these are the limits we're planning to set; this is when we're going to be setting them by. Not just: well, take my word for it; we'll get to it; it'll be all right. The hairs on the back of my neck stand up every time I hear that. I guess, when I'm looking through this and I don't see this kind of thing, I find it very, very difficult to take the government at its word, that it's going to do the right thing, that it's going to be about big ideas, not big money. The track record so far is not lining up to that.

Now, if that's what indeed happens, I'd be happy to be corrected, but let's just say that I'm not so hopeful on that. Over the course of time we've heard from the government, even leading up to the '19 election: you know, this is about making sure Albertans get to participate, to have their voices heard. Yet we see so many situations where we should be listening to those voices and we don't. When we look at Bill 51, it's just simply a case of: we're talking the talk, but we don't actually intend to walk it.

I start to look at other things, and a good example, I think, to use, Madam Speaker, is how this bill is going to avoid some of the recent situations we've seen with all kinds of different questions on the ballot. I believe it was in California. There were 15 ballot propositions, ranging anywhere from kidney dialysis accessibility to stem cell research to lifting labour laws. That one always sends me into a bit of a tizzy because we have seen this government rolling back labour legislation not to the benefit of Albertans, making it harder for them, making it potentially more unsafe for them.

We saw things around app-based delivery services. You start to cloud all these things. People are trying to pay attention, but their lives are busy. They're trying to pay their bills, and especially since we've seen moves by the government to make that even harder by increasing all kinds of expenses – we just finished talking about now increasing the expenses on parks and Crown land for them to be able to enjoy, making it even harder. Then we see – and this rolls back to talking about the big-money part – instead over \$700 million in spending, including by very wealthy interests like Uber, to override the rights of workers. Is this the intent of the legislation that you're proposing here in Bill 51, to be able to have an organization like that come in with a bunch of money to try to influence a decision? Your language is potentially setting that up.

Another thing that I constantly hear from this government: well, you know, they don't do that in Ontario, and they don't do that in B.C., and that doesn't happen in Saskatchewan, and Quebec has never done it this way. We're supposed to be like everybody else, so how come, when I look through Bill 51, in B.C. advertising sponsors, third-party advertisers, have a spending limit? I believe it's 5 K. I don't see anything in there. Again, am I supposed to trust that something like that is going to come in? It's funny. I seem to remember back in the 29th Legislature, when it appeared like the previous NDP government wasn't prescribing something to go on in legislation, members of the opposition got very, very angry at the government for apparently not doing that. Did you actually believe that kind of position? You're doing it now for what you criticized then. What's changed? I constantly see that. Things that used to apparently occur and were criticized for now seem to be okay.

When I'm also looking over the B.C. legislation, that has the initiative requirement ballots, spending, advertising to be organized

in terms of proponents and opponents. I mean, that just simply assists with clarity. You know who's for an issue. You know who's against an issue. If you're for an issue: okay. Absolutely. Fine. If you're against it: okay. Fine. Be willing to admit it. I'm curious as to why that potentially has been omitted from Bill 51, again, going back to the fact that we're constantly pointing towards other jurisdictions doing things that we're apparently not.

Oh, here was an interesting one, Madam Speaker, that I remember hearing about all the time: not letting the government have the ability to advertise during an election period. I haven't found that in Bill 51. Now all of a sudden it's okay for the government to be able to advertise during the election period, or did you actually believe that back then? So why isn't that contained in Bill 51? I'm not seeing it. I haven't been able to find that.

There's also third-party advertisers prohibited from collusion to avoid the expense limits in section 26(4), which, to be clear, are unknown, yet legislation in 26(7) allows the transfer of funds from the initiative advertising account to the initiative advertising accounts of other third parties. I hate to say this, but it kind of seems like it's opening the door – or shall I say the back door – to being able to skirt the rules. Thus, if there's an issue and whether they're in favour of that issue or against it, it's going to allow a lot of money to be able to flow into that. Again, instead of about the idea, it's about the amount of money that can be spent.

Another big concern I have. Of course, there was a committee around this, Madam Speaker, to look at some of these issues going forward. I know there were three recommendations of the Select Special Democratic Accountability Committee: one on prohibiting initiatives that would propose changes to the Charter rights and freedoms; another one was requiring a draft bill with the proposal, and I'm not saying that people will get absolutely perfect legislation. That's fine. I'm sure we can find the ability to be able to help out with that. And then enacting reasonable campaign limits on contributions or expenses, you know, because the limits are left undefined under regulations.

Was this an error or just omission, like, "Uh oh, we forgot to put that in," or was it done on purpose so that later on we can just bump things up? I'm wondering why those recommendations from the committee that was struck on this, why they were ignored and are not contained in Bill 51. This was the committee that was enacted by this House to look at this issue, yet the government seems to be ignoring the hard work that was done by those members. It all translates back to the trust that Albertans have . . .

10:50

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

Seeing none, the hon. Member for Calgary-South East.

Mr. Jones: Thank you, Madam Speaker. Albertans deserve to have a greater say in the issues that affect them. Bill 51, also known as the Citizen Initiative Act, would allow Albertans to have an additional role in the democratic process, enabling them to put priorities forward between elections. If an Albertan wishes to take action and bring a legislative initiative forward, they would first apply to the Chief Electoral Officer. Then they would have 90 days to gather signatures in support of their initiative. Petitioners would need 10 per cent of province-wide voter support for legislative and policy initiatives and 20 per cent of province-wide voter support for constitutional initiatives across two-thirds of Alberta's constituencies. The Chief Electoral Officer would issue the petition, including the signing sheets to be used to collect signatures. The petitioner would be responsible for all costs associated with gathering the required number of signatures, but they could accept

contributions towards this initiative, subject to the financing rules that will be set out in regulations. The Chief Electoral Officer would then review the signatures and determine if the petition has been a success.

Successful legislative and policy initiatives would be referred to a committee of the Legislative Assembly of Alberta for consideration. If the committee does not support a legislative initiative, a public vote would be held. Successful constitutional initiatives would proceed through the process established in the Referendum Act.

Additionally, Bill 51 takes important steps to ensure that petitions come from Albertans, are signed by Albertans, and that any political group involved in this process are Albertan. Democratic reform was one of our election platform commitments. This legislation fulfills that commitment.

British Columbia has a similar process, and since 1995 there have been 12 initiative petitions. Sir Winston Churchill, a former Prime Minister of the United Kingdom, stated: it is the people who control the government; not the government, the people.

[Mr. Hanson in the chair]

I want to express my sincere thanks to the Premier and the Minister of Justice and the Solicitor General for their hard work in ensuring another promise made, promise kept. I look forward to supporting this legislation and further enabling Albertans to participate in the democratic process.

Thank you.

The Acting Speaker: Thank you.

Members, 29(2)(a) is available.

Seeing none, any other members wishing to speak? The Member for Edmonton . . .

Ms Sigurdson: Riverview.

The Acting Speaker: . . . Riverview. Thank you.

Ms Sigurdson: Thank you, Mr. Speaker. It's my pleasure to join the debate on Bill 51, the Citizen Initiative Act. Certainly, as a long-time activist myself I like that title. I think that that's an important title and that the more our citizens are engaged here in Alberta, the healthier democracy that we have. That is something that always has been a concern of mine, that sometimes our voter turnout in general elections, you know, has been under 50 per cent. It's been in the 60 per cent range, high 50s in the last few elections. But, certainly, the work that our NDP government did, when we were in power, did create much more ease in the electoral process. Consequently, there was a higher turnout in the last election in 2019, which we're very proud of in that Albertans were becoming more engaged because they did have more opportunities because some barriers were taken down.

Of course, it's very important for citizens of this province to be involved. I mean, that's the measure of a good democracy, really, that the citizens are active, understand, feel that they can be connected, aren't alienated. Certainly, sometimes politicians, as we all know, get a bad rap, sometimes validly so and sometimes not validly so. People feel like: well, no one is listening. So I see where this could spring up. You know, sort of, this is a grassroots kind of idea, that regular Albertans would have the power to step up and put forward issues.

But I must say that the current UCP government has opportunities already. They are the government. They have tremendous power to make decisions in this province. They absolutely can listen, and they can respond to citizens who are

active already. I feel like what's happening currently in our province is that people are feeling that the government is not listening. Certainly, I can give you many examples. One that is quite timely is just the UCP curriculum for the public school system. Many, many Albertans have stepped up and spoken out about concerns about the curriculum. Many school boards have also spoken up and say they won't pilot it. But day after day in this House the Premier says, basically: I'm not listening, I'm not listening to the concerns of Albertans, I'm not listening to, I think, extremely valid, missing in the curriculum . . .

The Acting Speaker: Member, I would caution that you are specifically targeting one member of the House, and I don't think that it is fair that you say that he is not listening. So I'd just caution you on that point, please.

Ms Sigurdson: Thank you, Mr. Speaker. Well, I'd say that perhaps, then, that the UCP government – is that allowed? – isn't listening.

The Acting Speaker: That would be more favourable. Thank you.

Ms Sigurdson: Okay. There we go. Thank you. Thank you for the clarification, Mr. Speaker.

I feel that people are speaking very loudly about these concerns, and, you know, there is a myriad of other examples, of course. I mean, I know that many advocates have spoken out on just the opiate crisis in our province and the move away from the harm reduction model by this government, additionally, the heartbreaking tragedy in continuing care, where over 1,200 seniors have died in continuing care facilities across this province during the COVID-19 pandemic. Both with the opiate crisis and also the continuing care crisis with COVID, we know that these are preventable deaths, and there are things that the UCP government can do.

Unfortunately, you know, I'm, I guess, reticent to see this as necessarily a game changer because I have witnessed, from pretty much a front-row seat here, this government's lack of ability to really respond to concerns and to change their course. If anything, it usually makes them dig in their heels more despite hearing loudly from many quarters. Certainly, we hear in the polls that are reported publicly that the UCP, if there was an election today, would not be government. We would be government. So that's a pretty loud voice, and we have not heard that once; we have heard that several times. There is a whole trend that is under way and that Albertans are registering very clearly that they do not like the direction.

With Bill 51, the Citizen Initiative Act, this bill has been put forward to give Albertans an opportunity to be kind of trailblazers, be, you know, coming from the grassroots and bringing forward actual legislation that the government needs to consider. Of course, there are some requirements. It says in here that it will allow Albertans to propose legislation and policy changes. They need 10 per cent of voters province-wide for that to sign on. With constitutional matters, that would be 20 per cent of voters province-wide.

But I guess one of the questions about that, too, is that I know that, certainly, looking at our province, it is extremely diverse. We have major highly dense populations in the two major cities of Edmonton and Calgary, and we have many middle-sized cities across the province. Then we have rural, towns, and then we have counties, people living in remote northern places in our province. There's no provision in this legislation at all to sort of have a distribution so that when people's voices are heard, actually it's important to hear from across the province. Because of the density of population in the cities, well, it's like the city could just be

making the decisions about what would go forward. So it feels like that's missing. It could really create some tension, I think, between rural and urban voters, and we already know that that is a significant issue. I think people sometimes express – certainly I remember hearing this when I was minister – that the rural folks feel like nobody is listening to them in the city, that we don't understand them, and that there are concerns about that. I think that, you know, that should be clarified. That should be looked at. Is the government willing to sort of address that difference and make sure that it is something that is wanted across Alberta in that 10 or 20 per cent piece?

11:00

Another area that is quite concerning is just about, you know, the expenses, the expense limits. It talks about expense limits. Here it's on page 26. It's section 22. It says, "Expense limits. A proponent shall not incur initiative petition expenses exceeding the prescribed initiative petition expense limits," so really it tells us nothing. They're not even identified in here. It's really in other legislation that we've heard that it exists. Well, actually, the only other jurisdiction in Canada that has this type of legislation is British Columbia, and they do have spending limits of, like, \$5,000, so that's clearly outlined in the legislation. I'm kind of curious as to – you know, this is such a broad statement. It just doesn't identify what that number could be.

I guess we want to make sure that this can be accessible to all. I think that that's what we know. That's perhaps the heart of this legislation being proposed; they really want all Albertans to have access to being able to bring issues forward. You know, if another group, another individual doesn't like this legislation, then, of course, they can speak out against it. They can campaign against that, and perhaps they have deeper pockets than this other person. Should it be money that rules that? I think in a healthy democracy, there has to be limits on that. I mean, I think that that's a significant part of this legislation that needs to be outlined very clearly. Otherwise I think we won't have a robust democracy; we'll have more of a democracy that favours people who have lots of money.

Certainly, that is a very important piece. Certainly, when we were first elected in 2015, Bill 1 – Bill 1 – for us was getting big money out of politics because we understood this principle. We understood the principle that for people to be able to be engaged, then they have to – we can't be excluding people just because they don't have, you know, exorbitant funds to put into lobbying campaigns so that they can switch the minds of the community or influence in that way. Of course, that's so important. In Bill 1, that we introduced in 2015, we said that corporations and unions could not donate. We took that big money out of politics, and that was a very substantial and clear signal, I think, to all Albertans that we believed everyone needs to be on more equal footing and getting out corporations and unions who both have access to a lot of money that many of us don't. It did make it a more fair playing field.

Again, here this legislation seems to almost welcome that because they are so silent on what the limits are, and I think that that's a deep concern. I really commend my colleagues on the other side of the aisle to look at putting in a specific amount that's fair and reasonable so that this legislation really does do what I think its intent is. Certainly, when it was presented and in certain discussions about it, it really is to enable all Albertans to feel that they can have opportunity in our government to influence policy regarding legislative policy or the Constitution, so having a limit on how much can be spent on an initiative. There are usually pro and con views on a particular issue, so people will line up against you or for you depending on that. If they can do that with unlimited funds, then it's very difficult to win those races.

I mean, we see that in the States oftentimes with their politics. Big money really rules that country, and I think that the outcomes there are quite tragic really, so I think that this is a very important limitation, on what can be spent, that should be clearly specified. I just want to reiterate that, again, B.C. has a \$5,000 cap, and I think that's reasonable and accessible and that Albertans could probably raise those funds, and it wouldn't be exclusionary.

So we know that this bill allows for this citizen-led policy, legislative, and constitutional petitions; however, the results of the petitions are not necessarily binding on the government. This makes me scratch my head. Like, I'm just thinking: well, what's the point then; why are we doing this? I think that seems to be a little bit of an exercise in futility. We want the government to respect the outcomes of these things. I would think that that would be the purpose of the legislation. Certainly, as I've said previously, I mean, it's quite apparent, I think, to many Albertans that this UCP government is not listening and is not responding to citizens' concerns, so even if you do all this work, you get those signatures, you do all the application correctly, it's not necessarily binding on the government. It feels a little bit confusing to me that the legislation would sort of have a back door so governments don't have to respect it, and that makes very little sense to me. I guess I'd just ask the government to sort of look at that piece of the legislation and see if that is really their intent.

The Acting Speaker: Thank you, Member.

Standing Order 29(2)(a) is available. I'll recognize the deputy government whip.

Mr. Schow: Thank you very much, Mr. Speaker. Thank you for giving me the opportunity to respond to the previous member's remarks. I'm going to jump right into it and talk about listening. It's just so important, especially for governments. While I understand that the members opposite may not like the curriculum that the member spoke about, for example, it is a draft curriculum. We have presented a curriculum that we said we would do. We engaged stakeholders. We brought in parents, teachers, subject matter experts to ensure that it was reflective of what Albertans wanted to see their kids learning in the classroom.

But let's go back to this conversation about listening. I have received a number of e-mails on the curriculum, and it is my job to listen, and I have. I've spoken with a lot of the parents and teachers who have given me feedback on that and will continue to do so. To suggest that because there is feedback on this and lots of e-mails coming in that we are not listening would be completely false. It's our job to listen. We knew these e-mails and this feedback was going to come back. It's a draft curriculum.

But I'll move on to the next part. Listening: the government is not listening. Let's talk for a minute about Bill 6. How many salt of the Earth, hard-working men and women drove to the Legislature during Bill 6 and explained very clearly how upset they were with the previous government's moves on Bill 6 and coming after farmers? They did not listen. Let's then talk for a moment about the carbon tax, the overwhelming opposition to the carbon tax. Albertans, again, were clear that a carbon tax was not something that they wanted the previous government to introduce, yet they did it. They didn't even campaign on it, Mr. Speaker.

11:10

Now, let's talk about the absolute devastation of the opioid crisis, something that is very close to home because I represent two of the country's largest reserves in the Blood Tribe and Siksika, a proud, honourable people, who are being devastated by an opioid crisis. I have seen first-hand this devastation. I see it almost on a daily basis

and how it's ripping families apart. The members opposite talked about a harm-reduction strategy that only introduced more harm. There are many ways to address this. Mr. Speaker, harm reduction is not the only one. They did not listen to the businesses and the members of the community in Lethbridge about the devastating effects that this harm-reduction strategy was having. Over and on top of that they were asked – they were asked – to audit this organization that was running the drug-injection site in Lethbridge. They said: “Oh, no. No problems here. Don't look over here.” There's over a million dollars in misappropriated funds.

[The Deputy Speaker in the chair]

Madam Speaker, the reason why I'm talking about this is because the member spent a lot of time in her remarks talking about listening to suggest that we aren't listening. This bill is specifically listening to Albertans. They asked us to put more power in the hands of the everyday citizens. We've not only done it with this bill but with the recall legislation and even most recently with removing mandatory vaccinations from the Public Health Act, something that's been in there since the early 1900s.

Madam Speaker, we are listening. To suggest that we are not slaps in the face of the spirit of this bill. I don't know why the members opposite have a problem with direct democracy, because democracy is about relevance. They're talking about big money. There's big money on the other side. I can tell you that right now. I walk through some of the communities and see every once in a while the Save Alberta Parks signs. Look who sponsors the bottom of those signs: Y2Y, CPAWS, Tides Foundation, Rockefeller. There's big money there.

Madam Speaker . . .

An Hon. Member: Soros.

Mr. Schow: Sure. The reality is this cuts both ways. I suspect I'm running out of time here, but the reality is, Madam Speaker, that this bill is proof that we are in fact listening. We will continue to listen, and I don't understand why members opposite have a problem with citizen's initiative when it gives people, everyday citizens, the opportunity to bring something that matters to them to legislators.

The Deputy Speaker: Are there any other members wishing to speak to Bill 51 on second reading? The hon. Member for Drumheller-Stettler.

Mr. Horner: Thank you, Madam Speaker. It's a pleasure to rise and show my support for Bill 51, the Citizen Initiative Act. As a few of my colleagues have said, it's an act that really will strengthen our democracy and make it more accessible for Albertans.

I was going to say, before I had my mid-life crisis and started spending my evenings with you fine people, that I hadn't given much thought to citizen's initiative referendums. I do know that we ran on a very thick platform document, and it had a plank in it on democratic reform and accountability. Citizen's initiative wasn't in there that I recall. I know recall was. I know fixed election date was in there. I know closing the AFL loophole and getting those big union dollars out of our elections was in there. Those are the things that I remember from that piece of our platform document. But this wasn't, specifically.

I remember the first time I heard it brought up, I think, was in a speech of the Premier's, and it did make me think about what that would look like. I like the idea. It sounded good. It sounded like it would obviously be something where the devil would be in the details. How would you create that, where you'd have thresholds

that, you know, were possible but not so achievable that they'd be used frivolously? It brought forward a lot of questions about what that would look like. Then later I had the opportunity to sit on the Select Special Democratic Accountability Committee and have a lot of great conversations and debate with some people in the House right now on both sides of the aisle and listen to stakeholders by teleconference and written submission and discuss what that would look like. A lot of those discussions led to a lot of what this Bill 51 is before us today.

Those thresholds I was speaking about: what was decided by the Minister of Justice here, upon our recommendations, was that 10 per cent of the voters province-wide would be needed for legislative and policy initiatives, so for anything that was in the jurisdiction of this House, but that for the other stream, for the constitutional initiatives, you would need 20 per cent of the province-wide eligible voters, but not only that; you would need 20 per cent in at least two-thirds of the electoral districts. I know there was great concern from one of the members opposite in those previous comments about: what about rural Alberta and rural versus urban? It would be exceedingly tough to not involve the cities, the country to get something that big across the line; 58 EDs is definitely a lot.

Any Albertan can do this, any eligible voter. First, they need to go to the Chief Electoral Officer with either their clearly outlined legislative idea or policy or a clearly outlined constitutional question that could end up on a ballot, and then once the Chief Electoral Officer hands them all of their petition sheets and says, “Okay; this is acceptable; here's your start date,” you have 90 days to complete either of the two types of initiatives.

Another comment, that I'd heard, I believe, from the Member for Edmonton-Riverview, is that this would be nonbinding, so what's the point? The first stream, the provincial jurisdiction legislative stream: if deemed successful by the Chief Electoral Officer, there is a mechanism in place in the act where then that piece would go before a legislative committee in this House. They would sit and go over it. If they found it acceptable, they would begin the legislative process, and if they didn't, then it would go to some form of provincial vote. It wouldn't just end here because they couldn't agree to move it forward.

Now, the other comment that caught my ear was that one of the members said: there's nothing in here for minority rights, and that was clearly something that was recommended by the committee. I do believe that on page 8, subsection (4), it says:

An initiative petition proposal must not contravene sections 1 to 35.1 of the Constitution Act, 1982 or otherwise limit or adversely impact the rights protected under sections 1 to 35.1 of the Constitution Act, 1982 in a manner that is not demonstrably justified in a free and democratic society.

I'm glad to see that the Minister of Justice and his team took that into consideration and made sure that it was part of this legislation.

In talking to constituents while I was on the committee, bringing it up back home with other Albertans at large, so to speak, to see what they thought, I know that it wasn't always thought of as – a game changer, I think, was the comment from the member opposite. It wasn't always seen that way. Generally it was considered that it would be a good tool in the democratic tool box, that it would be a nice piece to shore up the democracy we have here in Alberta. If there was a concerned group on either those provincial jurisdictions or something larger, they would have a path. I think that wherever you are on the political spectrum, people are very engaged right now. They want to be involved and active, and they like to do that in between elections. I think this is a good piece to what we have going on in Alberta.

11:20

The other thing that I just wanted to speak about briefly, on some of the talk about big money: it's a nominal fee, so there's not a lot of upfront cost. If you have a committed team across the province with, you know, enough concern or drive to get something across the finish line, it wouldn't necessarily have anything to do with money. It would have to do with keeping a government to account, pushing forward what may be an unpopular idea with the government of the day but might have mass support. I think it's a good piece. I don't think it's everything, but it's a nice piece to add to what we have going on in Alberta.

I think that the minister did a good job following the recommendations put forward by the committee in general. I know that the committee's recommendations weren't overly prescriptive. They kind of gave a range. I believe that the recommendation on the thresholds was between 5 and 25 per cent and that if they were to go ahead with a constitutional stream, they consider having some regional signature thresholds as well. I'm glad to see that that made it into the act. The 90-day period was what was recommended following what has been used successfully at least once in British Columbia on a petition length like that.

Overall I think it's a pretty nice piece. I know I'm excited to support it and hope the rest of the House does as well. Thank you, Madam Speaker.

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

Seeing none, any other members wishing to join debate? The hon. Member for St. Albert.

Ms Renaud: Thank you, Madam Speaker. It's my pleasure to rise and speak to Bill 51, Citizen Initiative Act. I've heard a lot of comments tonight about this piece of legislation. I'm glad that the member opposite is happy with the pieces that he described, but I think that there are a number of concerns that some of my colleagues have touched on that I would like to reiterate. There are also some suggestions and recommendations that the committee, well, parts of the committee, anyway, suggested to make this piece of legislation better that were summarily rejected, and I would like to touch on that.

Just an overall quick summary of this bill. This bill will allow proposals for legislative policy or constitutional changes to be approved by Albertans through the collection of signatures to meet thresholds and then brought to the Legislature and possibly to a plebiscite or a referendum.

Now, what I would like to say right away, right off the top, about this is that, you know, it seems like this government is really focused on muddying the waters as much as possible when it comes to municipal elections. I think if you think back over the last couple of years to some of the changes that have been made, whether it's like with the Senate elections – we won't even get into that, what kind of a waste of time that is, because it really isn't going to do anything. But it, I think, really does muddy the waters in municipal elections. Don't take my word for it, but we've heard this from municipal leaders. I think AUMA has been fairly clear about what their concerns are in terms of the money that's involved and, really, the bringing in of issues that shouldn't be there.

Again, there are the Senate elections and, of course, referendums. The government members like to talk about how much this is going to strengthen and uphold democracy in Alberta, and I would like to again remind the members, like I think one of my colleagues did earlier today, that this is the government that fired an independent Election Commissioner and then said: yeah, yeah; no, no; no problem; you know, the other guy can take care of all of this. Then

when the other office decided, "You know what? The scope of our work has really increased because of what's happening; we really need a larger budget, or we really need some help here," again government was, like, "No, no; you're good; you've got this."

It's kind of ironic to be sitting in this place listening to government members talk about how much they have worked to strengthen democracy when that was the most blatant attack on democracy in this province that I've ever seen, where we had an active investigation, we had fines being levied, all kinds of issues, and government decided: yeah; no; we don't really need that person. But that person could apply – Madam Speaker, I'm sure you remember that. Government members were saying: "Well, it's not really a big deal. That person could apply and, you know, get hired by the Chief Electoral Officer. No problem." Well, of course, that didn't happen. None of us were surprised by this. It is quite rich to hear the members opposite talk about their dedication to upholding and strengthening democracy in Alberta.

Anyway, I mentioned earlier that there were some other recommendations that came from the Select Special Democratic Accountability Committee. There were three in particular that government members chose to ignore, walk away from, and I think they're fairly important. The first one was around prohibiting initiatives that would propose changes to the Charter of Rights and Freedoms. I think we've touched on that. The other was requiring a draft bill with the proposal. I think that's pretty straightforward, why that would be a good idea.

The third is enacting reasonable campaign limits on contributions or expenses. Here's where I think you get into the weeds a little bit. It seems like all of these things where the government says, "We're all doing this under the guise of strengthening democracy" – really, this is opening doors, opening back doors in many cases, to introduce more money, more funds into democratic processes. I think we worked really hard over the time that we were in government to make some changes, to try to level the playing field to some extent. Was it perfect? No. But it was a really good start, and it was about limiting how much money could be spent by parties, how much money could be donated to candidates, all of those things. Now, certainly, we have some work to do around PACs, but we can have that discussion another day.

What we've seen is the introduction of different pieces of legislation that would introduce more ways for people to inject money into elections, and we know that money has an impact on elections. We know this, right? We absolutely know this. Once again I want to continue to say that this government's standing up and claiming to be defenders of democracy is pretty rich, because that's not the way that I see it.

One of the – hang on a second here. I want to talk a little bit about – you know, this bill certainly does allow for citizen-led policy, legislative, and constitutional petitions; however, the results of the petitions are not binding on the government. We also know that registered voters can use the initiative process to propose a new provincial law or policy or changes to an existing provincial law and then propose constitutional initiatives. Now, Elections Alberta will administer the initiative process, including determining if a proposal can proceed to the petition process and that the estimated costs of the initiative have not been disclosed.

It goes on. Third-party advertisers are allowed no limit on contributions or expenses pending regulations. Well, here we go with the regulations, and this seems to be a bit of a pattern with this government. They'll pass legislation that doesn't have a lot of detail, granular detail, about what that will look like in real time and then will turn around and develop regulations that are questionable. The thing with those regulations, Madam Speaker, as I'm sure you realize, is that we don't get to debate them in this place. Governing

simply by regulation I don't think is upholding and strengthening democracy in any way.

11:30

We know that petitioners have 90 days to collect signatures, and then if it's successful, the legislation and policy initiatives are referred to a legislative committee, and, of course, a constitutional referendum is referred to cabinet. Those are, I guess, the nuts and bolts of this legislation. Now, one of the concerns, obviously, that my colleagues have touched on is that there is truly a lack of clear rules around expense and contribution limits. All of those things will apparently be left up to regulation, with no timelines on when those will be produced. Once again, the problem there is that we don't have open, transparent debate on what those regulations will look like. Once again, this is a government saying, "Just trust us. We'll get it done; we'll get it done properly. We are the defenders of democracy," when, clearly, we know that their track record says the complete opposite.

There is no prohibition on the participation of political parties as a proponent. I think that if Albertans don't realize by now that this particular government has problems following the rules when it comes to elections, they're not paying attention. There's also no need for third-party advertisers to register for or against an initiative, which, again, I think just is the opposite of what open, transparent democracy needs to look like. There's also a risk, a very real risk, of regional issues being imposed upon the province as a whole, as there's no requirement for, I guess, signatures for participation in all communities, all areas of the province. Just like we hear again and again that people that live in rural or remote parts of Alberta don't want to feel like people that live in the large urban settings are making all the rules, are making all the decisions, the reverse is true. To have good legislation, inclusive legislation, transparent legislation, I think it needs to meet the needs of all Albertans – Albertans that live in big cities, Albertans that live in remote communities and rural communities – and this piece of legislation doesn't do that.

You know, obviously there are a number of amendments that we will be bringing forward to try to make this piece of legislation better, and I certainly look forward to that debate. But, again, I just wanted to underline some of the feedback from stakeholders. I think it's really important for government members who continue to say: we are the defenders of democracy; this will only strengthen democracy – Alberta's stakeholders: this is their position. Both the AUMA and the RMA were against allowing citizen initiatives or referendums to be held in conjunction with local elections, citing that votes on province-wide issues will detract from local issues. It feels like we've had this debate a number of times on different pieces of legislation, and that's precisely what municipal leaders are saying: don't muddy the waters. Once again, we see that this government clearly isn't listening, doesn't want the feedback, and is choosing to proceed how they choose to proceed.

With that, Madam Speaker, I will take my seat and move to adjourn debate.

[Motion to adjourn debate carried]

The Deputy Speaker: The hon. Member for Edmonton-South.

Mr. Dang: Thank you, Madam Speaker. At this time, seeing that we've made considerable progress, I would request unanimous consent of the Assembly that we move to one-minute bells for the remainder of the evening.

[Unanimous consent granted]

Bill 57 Metis Settlements Amendment Act, 2021

[Adjourned debate April 13: Member Ceci]

The Deputy Speaker: Are any members wishing to join debate on Bill 57 in second reading? The hon. Member for Edmonton-Highlands-Norwood.

Member Irwin: Thank you, Madam Chair. It has been a productive evening. I feel like I've spoken a lot, and I'm quite excited to speak about this bill, as you'll find out soon, spoiler alert, not because of my support of it but because of my passion for Métis folks in our province and what I know about Métis settlements.

Of course, we are on second reading, so that gives me a fair bit of latitude in how I approach this. I want to begin by picking up where members previous were talking about how this government is listening and how this government is consulting and meeting with Albertans. Well, I must tell you that we can certainly point to countless examples where, you know, a government that claims it's listening is sure doing a strange job at it. Who exactly are they listening to?

I'm thinking about just earlier today. I read a news story about how the Member for Banff-Kananaskis has now been called out by the mayors of the two largest towns in her riding, Banff and Canmore, asking her how she could possibly sign that letter questioning public health measures when neither of them had been consulted, two of her largest communities. That's just one example. One example. I can point to so many more.

I'm going to bring it back right away here – I see some people getting a little nervous – to Bill 57. This is an absolute example of a government not listening, not consulting, and that's not just us in the opposition saying that; that is absolutely what folks who are directly impacted by this piece of legislation are saying. It appears with Bill 57 that the changes within this piece of legislation have been unilaterally imposed upon the very people this bill is intending help, and I use the word "help" in air quotes, of course. Completely inadequate consultation. In fact, you know, Herb Lehr, who is the president of the Metis Settlements General Council, has been abundantly clear that this was an entirely flawed process. In fact, my colleague the Member for Edmonton-Rutherford, speaking of consulting, has done an incredible job at consultation with Métis settlements, of course, with First Nations, with the folks all across this province, all across the various treaty areas.

Since I can or I'd like to again bring it back to curriculum as an example here, you know, he's heard and we've heard from countless indigenous organizations. Multiple bands now have come out opposed to the UCP's regressive curriculum, and their biggest concern, of course, is the lack of indigenous content and the mistreatment of indigenous content, including not acknowledging the calls to action of the Truth and Reconciliation Commission, which, as we should all know, strongly called upon governments to ensure that students were learning about residential schools as early as kindergarten in age appropriate, developmentally appropriate ways. So I have much faith in my colleague from Edmonton-Rutherford when he shares with us that folks he's talked to feel that they were absolutely not consulted on this significant piece of legislation.

I've met with Herb Lehr before. I've had the honour of chatting with him multiple times. Not too long after I was elected, in fact, myself and the Member for Edmonton-West Henday, who represents the area where their head office is, had a great conversation. Like I said, that was not too long after I was elected, and just to hear about the work that they do in serving, I think it's

around 5,000 members across the province, you know, it sends – I should maybe frame it as a question. What message does it send to the Métis settlements when they're shut out of the process, when they're shut out of a piece of legislation that is so specific to the needs of their communities, the needs of their settlements?

11:40

I mean, I was going to say that I'm sure everyone knows the history of Métis folks and of settlements in this province, although I shouldn't assume that. You know, the current social studies program, which of course was developed under PC governments, which I was proud to implement as a teacher in rural Alberta, does a very good job of talking about the history of Métis folks in Alberta. Previous curriculums didn't do as deep of a dive. I was a product of some of the earlier curriculum. But the curriculum that we were working on certainly did, under the NDP post-2016. Like I said, I shouldn't assume that everybody in this Chamber does know the history. Of course, I worry about this because we know the Métis Nation – of course, the Métis Nation and the Métis settlements are not the same organization, but we know the Métis Nation has come out against the curriculum as well.

But back to the Métis settlements. In meeting with Herb Lehr a couple of years ago, like I said, I really got to understand a little bit more about the work that they do and the communities that they serve. When we heard that they were completely shut out of the process, you know, it just again highlights how rich it is for this government to continually lecture us on not consulting, when, again, the list of examples of this government not consulting is a long one, whether we're talking about parks or talking about coal or talking about curriculum. The list goes on.

Ms Pancholi: It's only been two years.

Member Irwin: That's true. The Member for Edmonton-Whitemud is absolutely correct. It's only been two years.

In fact, she and I and a number of members on that side of the House will be celebrating our two-year anniversary coming up soon, on the 16th. What is the two-year anniversary? Is it like diamonds? Paper?

Ms Pancholi: I think it's just love.

Member Irwin: We will find out. We will celebrate accordingly. [interjection] That's right.

But truly, though, I want to take this opportunity to share some of the concerns of the Metis Settlements General Council because they are significant. I mean, we're going to try again. Not to totally spoil what's happening, but we are going to be introducing amendments trying to adjust this bill. I'm fearful that this government is going to ram it through and that it's going to be a huge disservice to the Métis folks across this province.

One of the big concerns from Herb Lehr was the fact that, you know, it takes away, basically, their democratic right to decide how they're going to be governed. I want to quote him. Here's a quote from Herb Lehr: "Why is it that the Métis people have to have a nonindigenous person in charge of any accountability measure? True governance would be the empowering of our organization, or make another subsequent party to take on that responsibility so that you're policing yourself." He's absolutely right to be questioning why there wasn't even due process followed. I know the minister came back and said that, yes, there were some meetings that happened and whatnot. Herb Lehr has gone on the record to say that he didn't even see the bill until just before it was presented in the House. Again, the president of the organization that this bill is addressing wasn't even given any fair process.

A couple of big concerns that we need to highlight, that we need to get on the record. You know, this bill could very much risk the sustainability and the livelihood of Métis settlements, absolutely. It might affect Métis communities that are accessing the future fund. The future fund supports the governance and the operation of settlements. It's a fund that the Métis people of Alberta received in an out-of-court settlement by the Alberta government, making up for some oil and gas revenue. Those funds are owned directly by the Métis settlements of Alberta.

What else does it do? It changes the financial administration of the Métis settlements. You know, it changes the structure. Again, a couple of things there. It reduces the number of settlement council members from four to two. Now, again, why these fundamental changes to the organization would not have been discussed in detail with that very organization is just mind-blowing. Absolutely.

I heard earlier tonight as well – a couple of the MLAs were talking about what was and what wasn't in the UCP platform. Now, was this bill in the UCP platform? Wait time, wait time, as a teacher. No, it was not. As we said just – oh, gosh – an hour ago with Bill 58: what need is this intending to fill, to address? Where did this come from? Why now? I'd love to hear about that.

I think one of the words that came up a lot when this bill was framed to the public was about it reducing red tape. I'm sure my colleague from Edmonton-Decore would love to talk about that. What is red tape? Is red tape consultation? Just throw consultation out the window – there's some red tape gone – with this Minister of Indigenous Relations deciding unilaterally that he knows what's best for the Métis settlements? What's this red tape? I hear a little bit of scuttlebutt across the aisle, so I'd love to hear about exactly . . . [interjection] Scuttlebutt. Yes, it's a word. Look it up. I'd love to hear some of what this red tape exactly is, because it's quite concerning, again, when this organization was not even consulted.

I want to talk about a couple of other pretty significant concerns. I know it was shared with *Windspeaker* that e-mailed letters went out, back and forth, from this minister, and of course the government will point to a record of speaking back and forth on this matter. But Herb Lehr has been quite clear that that was not genuine consultation, so we've had to address some of the spin that we're hearing from this government.

Let's also acknowledge – and I think this is a really critical point – that, regardless, we cannot deny the fact that we are in the midst of a pandemic. There was a consultation plan that was developed just at the start of the pandemic, and Herb Lehr has pointed to some of the big concerns as to why there was not effective communication. We know that some of these Métis settlements struggle with Internet connectivity issues, folks not having land lines, as an example, right? And it's not just Herb Lehr who's raised some of these concerns. I've mentioned his name a lot tonight because he's been a really, really strong advocate for Métis peoples in our province.

Harold Blyan, who's the vice-chair of the Buffalo Lake Métis settlement: he calls out this same minister for proposing amendments that are meant to increase financial stability for the settlements without any sort of details. He calls this minister's plans to implement an essential services bylaw . . .

The Deputy Speaker: Standing Order 29(2)(a) is available. The hon. Minister of Culture, Multiculturalism and Status of Women.

11:50

Mrs. Aheer: Thank you very much, Madam Speaker. So much to unpack in just a few minutes here, but I want to say a couple of things. You know, I listened last night to the level of discourse that

was happening in here intently. It's just really my pleasure to be able to rise on this, but I just want to say something here: just a red dress. Let me say that again: just a red dress. That is Edmonton-Rutherford, who took a look at the red dress, a symbol of everything that is important, the commitment to stand against the murdered and missing women in this province, indigenous women, and in Canada.

Just a red dress. That came from the Member for Edmonton-Rutherford – created lovingly by Emily Taylor, in case you're wondering. Each stitch, each bead, each braid lovingly made, but it's just a dress. This is what he said, the person who you're elevating here in this discussion, about 1,200 women and girls who've gone missing and murdered in our country.

Mr. Dang: Point of order.

The Deputy Speaker: The hon. Member for Edmonton-South.

Point of Order

Allegations against a Member

Mr. Dang: Thank you, Madam Speaker. Under 23(h), (i), and (j), I think clearly the minister is making an allegation against another member in this place and imputing motives that are false and unavowed to the member here. [interjections]

The Deputy Speaker: Hon. members, there is a member who has the floor. I would like to hear what he has to say.

Please proceed.

Mr. Dang: Thank you, Madam Speaker. As I was saying, under 23(h) and (i) there are clearly some allegations being made as well as some false and unavowed motives being made against the Member for Edmonton-Rutherford, and certainly under 23(j) as well I believe it's abusive and insulting language that has clearly caused disorder in this place, as you just had to interject on that. I think that certainly the minister should refrain from targeting individuals, as has been well established tonight and otherwise in this place. Targeting individuals in this place is something that is unacceptable, so I would ask the minister to retract and apologize.

Thank you.

The Deputy Speaker: Hon. member, before I recognize you, I would just like to remind all members of this House that when a member is speaking and has been given way by the Speaker, I expect all other members to be respectful of that speaker and allow him or her to have the floor.

Now the hon. Member for Cardston-Siksika to respond.

Mr. Schow: Thank you, Madam Speaker. I appreciate you recognizing me to speak against this point of order, as I believe it is a matter of debate for the reasons that, first, the member in question, the Member for Edmonton-Rutherford, in fact said: your red dress is pretty, I believe was the comment. They were offensive then. They are on *Hansard*. He, in fact, apologized for these things, but I believe the members opposite have continually brought up the fact that we are not showing respect for indigenous cultures, and the Minister of Culture, Multiculturalism and Status of Women was simply pointing out the hypocrisy. I do believe this is a matter of debate. I don't see it as making any allegations against a member that are not, in fact, correct. I also don't see any imputing false or unavowed motives against another member, and I certainly don't find her language to be abusive or unparliamentary. So, Madam Speaker, I encourage you to rule against this point of order, as I believe it is in fact a matter of debate.

The Deputy Speaker: Hon. members, while certainly if a large portion of a member's debate is about a particular member in this House, that would very likely not be a debate that we would allow to continue in this House; however, as far as I can see it, under Standing Order 29(2)(a) for comments or questions and having only been one minute into this, this is very clearly a matter of debate, and I will ask that the hon. minister continue with her remarks.

Mr. Dang: Point of order.

The Deputy Speaker: The hon. Member for Edmonton-South.

Point of Clarification

Mr. Dang: Under 13(2), Madam Speaker, asking the Speaker to clarify a ruling. I believe that Standing Order 29(2)(a) is to provide questions and comments, and I'm going to read out the standing order here.

Following each speech on the items in debate referred to in suborder (1), a period not exceeding 5 minutes shall be made available, if required, to allow Members to ask questions and comment briefly on matters relevant to the speech and to allow responses to each Member's questions and comments.

I don't believe that the comments the minister was making are relevant to the speech that was just made by the Member for Edmonton-Highlands-Norwood, so I would ask you to clarify why the minister is being permitted to continue on such a matter when you've already specified that elaborating on Edmonton-Rutherford's comments would not typically be in order.

The Deputy Speaker: Hon. member, as you probably heard, I did explain why I made such a particular ruling, and the hon. minister has not been found to have been out of order and has been permitted to continue with the remainder of her time allowed.

The hon. minister.

Debate Continued

Mrs. Aheer: Thank you very much. It's interesting, Madam Speaker, through you, to be lectured. If you go back four years, there was over \$100 million in this fund, and the fund was drained by the previous government through the act of having oversight over those dollars. It's something that our minister has actually removed himself from in this. He's removed himself from what's called the future fund, which means that now the Métis settlements are in charge of those, and it's not just six out of eight Métis settlements; it's all eight out of eight. They're actually able to look at how it is that they want to fund.

It's interesting that the member opposite, Madam Speaker, who had the interesting discussion that he had last night, could have in the four years that he was there removed himself from that in order to give the Métis settlements the autonomy that they deserve and need in order to be able to run their own settlements independently of somebody. Speaking of colonialization, that is the epitome of that, when one person has autonomy over the dollars that other people should be spending through their own will in their settlements, but they didn't change that. I find it rich that in this conversation they continue this when they had the opportunity for four years to be able to change that, way back.

The Métis settlements want control, and let me also say that our minister spent a year consulting on this, well over 20 meetings, and on top of that, he engaged. These are people that he has had meals with, sat down with, travelled across the province and become friends with. Is everything going to be perfect? No. Are there going to be frustrations? Absolutely, yes, there will be. This is change; it's

not easy. But let me tell you that if the NDP, when they had been in government, had actually seen the importance of giving those dollars back to the Métis settlements, they might be in a better state right now to have been able to use their own money the way that they wanted to without the oversight of that government, Madam Speaker, telling them how they should use their money. And that should be a huge apology coming from them because that is absolutely ridiculous that they would call us out on something that they themselves did not have the courage to do at the time when they were in government.

Further to that, with the opportunities to be able to meet, obviously, the former minister must know that the future fund was something that was supposed to be there for the Métis settlements, not for governments to use. For them. It's interesting because when you continue to drive wedges, Madam Speaker, and you continue to just invest in division, this is what happens. This is work that actually needs to be done collaboratively in this House, working with these incredible people. This is a pool of talent, very savvy, intelligent, wonderful people, who have the ability to run their own settlements, as they should. In fact, some of the misinformation that has been coming here, that there's going to be caps on council members, all that: actually, no. It is opened up to them independently to decide for themselves how they want to fund those councils, and interestingly enough, previous to this, six out of the eight councils could determine how that money flowed, leaving two of those councils out. It was a demand that came from the Métis nations in order to make sure that all eight settlements had the capacity to make that determination.

Then, you know, what's really interesting is that this is empowering legislation, Madam Speaker, empowering legislation to give the Métis settlements tools to empower them to be successful, to be able to handle things. They have issues like bylaw breakers, for example, on their settlements.

Thank you.

The Deputy Speaker: Hon. members wishing to join debate on Bill 57? The hon. Member for Edmonton-Whitemud.

Ms Pancholi: Thank you, Madam Speaker. It's a pleasure to rise and speak in second reading to Bill 57, Métis Settlements Amendment Act, 2021. It's also a pleasure to speak after the hon. Minister of Culture, Multiculturalism and Status of Women, just for some contrast. I think what's very clear, when we listen to the minister's comments, is what is actually the concern with respect to what's in Bill 57. I heard repeatedly from the minister comments regarding what the government should have done, either the NDP government or what the current government is doing now, and I think that that's precisely the problem, the view from this government that it is the government's decisions and role and responsibility to make decisions for the Métis people of Alberta. It's about imposing what the government believes should be done. That's the language I heard from the minister, and I think that's precisely countered by the fact that it is actually the Métis Settlements General Council who is speaking out and saying: we were not consulted.

Regardless of what the minister or the members of the government want to say, at the end of the day this is key legislation, perhaps the key legislation in Alberta that affects the Métis settlements in this province, and they believe that they were not consulted. That's the end of that story with respect to whether or not it should have been government doing it or which government. It should be the role of the Métis settlements to govern that, and if they're saying that they believe they were not consulted properly, that is what we need to do and that is what we need to listen to and

that is who we should be listening to because this legislation directly affects them.

12:00

My colleague the Member for Edmonton-Highlands-Norwood provided a bit of an overview about what's in the content of Bill 57, and I'd like to go over that as well and walk Albertans who may be watching or listening at this late hour through what this bill is about. Bill 57, Madam Speaker, outlines changes – we've talked about it a little bit – to the structure of the Métis Settlements General Council: the number of representatives, the number of representatives at administration levels, and how settlements can make those decisions. But it also does a number of other things that, I think, are the issues that we're hearing and what the Métis Settlements General Council have expressed where they're concerned about potential changes that have direct effects on Métis settlement members. For example, Bill 57 requires Métis settlements to have what's called an essential services bylaw.

Actually, first of all, let's talk about how Bill 57 describes essential services. It defines it as:

- (i) the collection, treatment and distribution of potable water,
- (ii) the collection, treatment and disposal of sewage, wastewater and solid waste, and
- (iii) road maintenance, including maintenance of bridges and culverts.

Those are very fundamental key services that exist on settlements, of course, in municipalities. It's about water, it's about sewage, and it's about road maintenance. Now this bill is requiring – it's not permissive; it's not enabling – Métis settlements to have an essential services bylaw which allows those settlements to charge fees to Métis settlement members. That's very important, Madam Speaker.

As the Member for Edmonton-Highlands-Norwood indicated, you know, people may not be completely aware of all of the background on Métis settlements. There are eight Métis settlements across the province, representing roughly 5,000 Métis people. Métis settlements do not have the capacity – they're not empowered under their constituting legislation, provincial legislation – to tax, so they don't have the tax base. The Métis people on settlements generally live in lower socioeconomic conditions for various reasons. To require settlements to tax these individuals through a levy on essential services, the key services that everybody takes for granted – we know it's necessary to live with clean water and sewage and road maintenance. They're going to be required to pay for that. I think that that's – sorry; it's not even actually important what I think.

What is important is that, for example, Harold Blyan, who is vice-chair of the Buffalo Lake Métis settlement, has indicated that this essential services bylaw will see some very poor people – this is a quote from him – taxed beyond what they're capable of paying. This is another quote from Mr. Blyan. He says: "They want us to do what any other municipalities, town, city does. The difference, though, is that in the larger municipalities and towns, you have huge tax bases. Lots of people, lots of businesses, lots of infrastructure that you can tax. We don't have that here." That's a concern. That's a concern coming forward from the Métis settlements about this requirement in Bill 57 to have this essential services bylaw.

I think we need to listen, and I think that's the key point here. As much as the members of the government across the way may want to talk about that this should have been done or the former government should have done something or this government should have done something, what's important is that the Métis settlements believe they've been consulted and have an opportunity to provide feedback. Perhaps what the government is struggling with is: what is true consultation? Let's be clear. There are higher standards for consultation required, I believe, with the indigenous peoples and

Métis peoples of Alberta, but consultation at its core seems to be a concept that this government struggles with.

Now, I understand that in this particular case the Minister of Indigenous Relations has taken the position that we had plenty of meetings with the Metis Settlements General Council, so that counts as consultation. But, again, coming back to, “What do the Métis settlements believe?” they believe they were not consulted. Consultation is not just meetings. It’s not just sitting down with them. It’s also about actually taking that feedback.

I think we have to go back to the additional requirements that are expected in consultation with indigenous peoples and Métis people. I mean, there’s some ambiguity in the law about what those requirements are specifically under the Constitution, but it’s very clear that Métis people and indigenous people in Alberta are required a higher level of duty to consult. It is not simply UCP level of consultation, which, let’s be clear, is not a bar anybody wants to meet and any government should be proud to meet. It should be much higher than that just for the general public, but certainly when it comes to indigenous people and Métis people, it must be much higher.

The reason why is because the relationship is so critical, the relationship between Alberta and the Crown and the honour of the Crown and the Métis people and preserving that relationship. Genuine consultation may not even end up or result in a bill that actually looks substantially different from Bill 57. We don’t know that because it didn’t take place, but the idea is to engage and to actually take that feedback and provide meaningful opportunity for Métis people of Alberta to provide that feedback and to actually take ownership and feel ownership of the changes that are being made to them by the government.

That is the purpose behind requiring consultation. This is really the point that I keep making. This is not about the opposition saying that you didn’t consult properly because we know that that’s somewhat irrelevant to the government. Frankly, it’s pretty relevant when it comes from the general population of Albertans as well if we’re talking on curriculum, on coal, on parks, on so many other matters. But this is coming from the Métis settlements themselves, so that should right away be an indicator to the government of how important it is to pause and do that proper consultation because through that engagement, through that relationship, which is the heart of the duty to consult, is the relationship and maintaining that strong foundation so that the settlements don’t believe that changes are happening to them but that they are part of those decisions.

Again, it’s not coming from the Official Opposition. This is coming from the Métis settlements saying: we do not believe we were properly consulted. They do not believe that the meetings that were held were genuine consultation. I’m sorry that is has to be coming from the opposition to say that although I do believe those concerns have been expressed directly to the government and to the Minister of Indigenous Relations, and that should be enough to put a pause on things. Again, I go back to actually even what the Member for Edmonton-Highlands-Norwood mentioned: this was not a campaign commitment. There was no indication that the governing party was clear from the beginning that these were the changes that were going to be made, genuine consultation on those changes.

I actually appreciate that there are limitations on the ability of government to share draft legislation. I understand that. They might not have been able to share the exact wording of Bill 57, but I’ve also been part of government who has engaged in consultations, and for the record not for the NDP but for Progressive Conservative governments for many years when I worked as a public servant, who did engage in consultation on draft legislation that didn’t require giving an actual draft but gave meaningful direction and indication of where the government was looking to go.

That was very possible here. It was very possible to provide that genuine indication of where the government was looking to go and to do that consultation. I’m concerned, too, because of the concerns raised by the Métis settlements about the fact that much of the so-called consultation that the minister conducted was during the pandemic, when at the best of times it was very difficult to reach people, but certainly if there are those Internet connectivity issues, if there is difficulty doing that on settlements where it’s particularly challenging to have great Internet connection, to use this past year and say, “This is the year we consulted,” a pause could have been put on that.

I actually also come back to that we are in the middle of the pandemic, even though this government seems to continually forget about that. To rely on the challenging year that we’ve experienced to try to consult, according to the government, with a group of people across this province who are more difficult to connect with and more difficult to reach and say, “This is the year we’re going to bring forward this change,” why not put it on a pause to allow for some proper consultation simply to have the Métis settlements feel like they own this legislation as well, that this is part of what they want to do?

12:10

I want to mention, you know, that I understand, like, the future fund – let’s be clear about that future fund. The Minister of Indigenous Relations has gone on the record to indicate that it’s likely going to run out in a couple years. The change that’s being made now of requiring a unanimous motion, while certainly one could say that it provides, I guess, a veto overall to the Métis settlements as to whether or not to access dollars from that future fund, it also provides a veto to any one Métis settlement to prevent all Métis settlements from accessing that future fund. That’s the element of a unanimous motion. It requires all of them, and they’re not always going to agree.

I don’t know that anybody should have a specific veto, but the point is that I actually believe, it appears to me, that the changes made in Bill 57 requiring a unanimous motion to access the future fund actually make it pretty darn impossible to ever access that future fund. Maybe the motivation behind it is more about the fact that that money is dwindling, and the government doesn’t want the settlements to access those funds.

But most importantly, it should be about ownership by the Métis settlements themselves about the changes that are being made. Fundamentally, that cannot happen unless the Métis settlements and the people on the settlements believe that they have been genuinely consulted. For that reason, Madam Speaker, I’d like to table an amendment.

Should I read the amendment into the record, Madam Speaker?

The Deputy Speaker: No, not yet.

Hon members, this will be known as amendment RA1.

Hon. member, please proceed.

Ms Pancholi: Thank you, Madam Speaker. I would like to move on behalf of the Member for Edmonton-Mill Woods the following, that the motion for second reading of Bill 57, Metis Settlements Amendment Act, 2021, be amended by deleting all of the words after “that” and substituting the following:

Bill 57, Metis Settlements Amendment Act, 2021, be not now read a second time because the Assembly is of the view that the government failed to adequately consult with the Metis Settlements General Council in respect to the provisions of the bill, therefore unduly harming the government’s relationship with the Métis people of Alberta.

Madam Speaker, I believe my earlier comments pretty much clarify my position as to why it is we're moving this amendment. We believe that this bill should not be read a second time at this point in time for the very reason that proper consultation needs to be done with the Metis Settlements General Council and its members, with the fundamental purpose of preserving the relationship and not unduly harming the relationship between the government of Alberta and the Métis people of Alberta.

The purpose here is to simply make sure that pause is given, allow for proper consultation, allow for thorough feedback, allow for the Métis settlements to feel ownership over this legislation. That's what I think we should all want. We want this legislation to be one that fulfills their needs and our needs and also to better represent what both parties believe is the right thing to do.

Therefore, Madam Speaker, I hope that the members opposite will take that to heart. This is about allowing buy-in to have that commitment, to preserve that relationship, to make sure that all parties support this legislation so that it has the complete support of the Métis settlements. I strongly urge the government to consider this as part of preserving that relationship. I hope they'll do that.

Thank you, Madam Speaker.

The Deputy Speaker: Under Standing Order 29(2)(a) seeing the hon. Member for Cardston-Siksika.

Mr. Schow: Thank you, Madam Speaker. I appreciate the comments from the member for Edmonton-Whitemud as she engages in debate. It always enriches the Chamber, and I mean that sincerely. She always comes very prepared, and I appreciate those comments. I do, however, disagree with this amendment. I'll be voting against it. I think that the government is modernizing the Metis Settlements Act and wants to make sure that there is greater autonomy within the Métis settlements. The intent is to give them more control over their own destiny. The reality is here that this is a 30-year-old piece of legislation that needs to be modernized. I encourage all members of this Chamber on both sides to vote against this reasoned amendment.

Thank you.

The Deputy Speaker: Any other members under Standing Order 29(2)(a)? The hon. Minister of Culture, Multiculturalism and the Status of Women.

Mrs. Aheer: Thank you very much, Madam Speaker. I wanted to just give some clarity to some of the issues that were brought up by the member opposite. The member keeps talking about bylaws and taxes that are passed along and that they're mandatory. I just wanted to make clear that I think that information has been transferred wrongly to her, so I just wanted to clear that up.

It might just be a mistake in the reading of the legislation; however, we need to make it clear that the service payments that the member is calling taxes are already in use by the settlements, and also they're not mandatory. So the settlements now will actually have the power to do so if they choose. This message needs to get across. It keeps getting, I'm not sure if accidentally or purposefully, twisted and used in a way that is not appropriate. That is actually completely against what is actually happening with this legislation.

I will also be voting against this amendment simply because the relationships with our Métis brothers and sisters are imperative in any of the engagements that have been done. Quite frankly, I'm just curious. You were talking about consultation. Well, if you had consulted, you would know that these opportunities are already there for the Métis Nations. They already bill for water and sewer.

That is feedback that we had gotten directly from the Métis settlements.

Just to be clear, too, you have to be careful not to conflate the nation with the settlements. They're two completely different organizations, and they keep getting used interchangeably. Just be careful because one speaks for one, and one speaks for another. These Métis settlements: there are 18 settlements, very, very unique and independent. We want to make sure that we're speaking with the correct language when we're talking about this.

I also was wondering, too: the member had mentioned about wanting the government to impose – or about the roads and the culverts and other maintenance. So on one hand they're suggesting that the government should have oversight over this, and on the other hand they're suggesting that the Métis settlements themselves should have a say over what happens. I think that we need to pick a lane here. The Métis settlements want and deserve autonomy.

Honestly, when you see the way that the future fund was drained by that previous government with the oversight that they had over those dollars – and the member had mentioned logically that that number, that the money that is in that fund is significantly reduced. Well, she needs to ask the former minister why that is. He is the one who had the oversight over that fund. He is the one who had the ability to disperse those funds because of the oversight that our minister is taking away from, the ability to impose what a government would do with those dollars on behalf of the Métis Nation to use the member opposite's language.

Also, to be clear, these are tools for the Métis settlements to use should they choose to use them. This is the work that has been done. This is what happens when you consult. This is the work that was done with engagement, and this is how things came forward so that that autonomy is created, so that these settlements can be sustainable for the future, quite frankly, and have the ability, Madam Speaker, to be able to do the things that they want to do in their own communities without the oversight of the government telling them how they get to spend their money, something that that government never changed when they were in power for four years.

Thank you.

The Deputy Speaker: Are there any members wishing to join debate on a reasoned amendment? The hon. Member for Lethbridge-West.

Ms Phillips: Thank you very much, Madam Speaker. I'm pleased to rise in favour of this reasoned amendment. The reason I am in favour of this amendment is that the fact of the matter is that the Metis Settlements General Council has indicated that this bill was inadequately consulted; therefore, the fact of the matter is that the courts would interpret it as inadequately consulted very likely. Here we have a situation where the contents of the bill – and you know, the previous speaker's feelings about this, that, or the other thing are really quite irrelevant to the conversation. What's relevant is the fact that the president of the Métis settlements has indicated that the consultation has been inadequate, and he will be seeking court remedy. That is what is relevant to this conversation right now.

12:20

Let's go back and talk about why. Certainly, the Powley decision, the Supreme Court decision in 2003, indicated that Métis people have full status and distinct rights as rights-bearing peoples, beginning that process of recognition of Métis fully within Canadian law as being a recognized aboriginal people. Later on in 2016 the Daniels decision indicated that certainly the federal government has a fiduciary responsibility; therefore, the full section 35 rights apply to Métis people. Even before that there was a decision by the Supreme Court

in 2013 on the Manitoba Métis indicating that the honour of the Crown is triggered by the insertion of rights by Métis people. What does that mean? It is not entirely distinct from the fiduciary responsibility, but it is related to it. Honour of the Crown will vary with the circumstances, according to the court, but it will be engaged when there is a specific, quote, solemn obligation or promise that is intended to create obligations made by the Crown to an aboriginal group such as a treaty or other commitment.

Certainly, all of those honour of the Crown obligations are applied in various situations, including when the Crown is making a treaty or statutory grant, when the Crown assumes discretionary control over specific aboriginal interests. Because the Crown is in fact moving in that discretionary way, then, in fact, they must act in a way that essentially recognizes those section 35 consultation rights. Why is this important? Well, because in this province we have a history of the Crown, in fact, acting in a discretionary manner vis-à-vis the Métis people in this province. Of course, the Northwest Rebellion in 1885 led to a number of Métis people moving into that area between Saskatchewan and Alberta. In fact, after the Frog Lake massacre there was a communal land base identified at St. Paul in 1895, and by 1931 Métis leaders were petitioning the province of Alberta for land, education, health care, hunting, and fishing. By mid-1935 the province had assumed responsibility for Métis by setting aside communal lands. They formed a commission called the Ewing Commission, which focused on Métis needs and on economic advantages of what they called at the time a “colony system.” The Métis themselves asserted needs, not rights, and the province then recommended land as one of those needs.

Now, it’s interesting that when the province was responding to that Ewing Commission in 1935 – I found an interesting quote that had accompanied the introduction of the 1938 Metis Population Betterment Act in this Chamber. That act was in response to those recommendations of the Ewing Commission. Here’s an interesting quote that I found in a history book about this:

In a rather unique cooperative approach, Metis leaders apparently prepared drafts of the enabling legislation and worked with representatives of the provincial government on subsequent revisions until a mutually acceptable draft was complete. *The Metis Population Betterment Act*, was passed and received assent on November 22, 1938, [at which point] a joint Metis/government committee was established to identify suitable . . . settlement area sites and land areas were set aside by Orders in Council.

Now, time marched on, Madam Speaker. On this matter of the future fund, a lot of that comes out of the settlement of oil and gas proceeds litigation begun by Métis settlements in 1968. The resolution of that took 20 years, for its full resolution. There was a court case that went on for at least 10. In a number of different ways the province had to respond to those demands by Métis people, and they did through the creation of that fund.

Now, in 1988 the province then rewrote the Metis Settlements Act, and it essentially forms the basis of what we see in front of us today. Once again, we have a situation where that same book is referred to. Here’s what they have to say about that.

In order to develop a complete legislative package . . . Bill 64 . . . that it was called at the time

. . . provides the Minister with broad powers to make regulations on substantive matters such as membership and land management. These powers must be exercised . . .

here we go

. . . in conjunction with the General Council however. The substantive regulations may only be made or amended at the written request of the General council, unless the regulation is required to protect the public interest,

et cetera, and so on.

That act then passes, and there is another spot in this write-up where, in fact, Alberta took great pains to recognize Métis people as constitutionally protected and Métis lands set aside as settlement areas because, in fact, they were a little bit concerned that the 1982 Constitution Act, that had just come in, did not fully recognize Métis people. Of course, the Supreme Court of Canada has weighed in on that since.

You know, that is the history of the legislative framework for governing Métis settlements in this province. In other words, the Crown has exerted discretionary authority with respect to Métis people, and there is a long history of those obligations being discharged in a way that is collaborative, that recognizes a needs-based – in fact, I would argue that the section 35 understanding of how consultation should be undertaken vis-à-vis Métis people is further moved along by the fact that the province gave land and that all of the jurisprudence around what constitutes consultation, what constitutes indigeneity in this country has been somewhat complicated. The conversation has been somewhat complicated when we are talking about whether it is a land-based rights conversation or simply a rights-based rights conversation in the case of Métis people, off-reserve First Nations. The Daniels decision largely settled that matter, but the fact of the matter is that the existence of a land base here in Alberta and its historical significance dating back to 1885 and then being regularized in law by 1938 – the fact is that Alberta has then triggered that doubly so.

You know, there is no question that when Mr. Lehr says, “This thing has to be passed, and then we’ll go to the courts for an injunction,” he’s probably pretty serious, and he’s talked a lot about the honour of the Crown in his public interventions on this bill as well. In that he is referring to the Crown obligations that are laid out in that 2013 Manitoba Metis Federation court case. The fact is that, really, some of the representations that we’ve heard about, how this act works or doesn’t work, are really immaterial to the conversation before us right now.

If we have a situation where the Métis settlements council has indicated that they have not been consulted when the record of history shows that they are consulted every single time and where the Crown has, in fact, provided a land base and the Crown has, in fact, treated the Métis settlements council as full indigenous peoples in this province, as it should be – that is an historical inheritance that we should be proud of, and we shouldn’t be turning our backs on at this point at all. Those facts indicate that this bill should certainly be paused at this time, unless, of course, our goal is to make a whole bunch of money for lawyers and to create a whole bunch of headaches for Métis people, who look at their provincial government and say: “Okay. Now you’re going to decide who’s Métis and who’s not and if I deserve consultation?” No. Actually, the courts have spoken on this. It is not up to this government to decide that. It is constitutional that they should be consulted, so that’s why this amendment is before us. You know, I think the government should think long and hard about the next interventions they make on this bill because they are going to end up in court briefings. That is where this is headed. It’s too bad because it doesn’t have to be this way.

Thank you, Madam Speaker.

12:30

The Deputy Speaker: Standing Order 29(2)(a) is available. The hon Minister of Culture, Multiculturalism and Status of Women.

Mrs. Aheer: Yeah. Just a couple of things. I’m just curious. I’m just going to ask the question: was it consultative of the NDP to drain the future fund? Just curious if they reached out to all of the Métis people, all of the families, everybody whose money that was

when they drained the fund. Just curious if they consulted with the Métis Nation when they drained the fund. Just curious because – it's interesting because you talk about, you know, the obligations being discharged. Well, I'm curious if the NDP did that when they were in government, if that was their obligation, to use those dollars with the oversight that they did to drain that fund so that now the Métis settlements are left with very little cash left in that fund. Just curious if that is part of discharging your obligations.

You know, I appreciated the historical piece, for sure. Thank you so much. It's always wonderful to hear about how we got here. It's imperative, actually, in order know. But when we're talking about Métis settlements, these folks deserve to have autonomy, they deserve to be able to move forward and be sustainable, they deserve to be able to make their own decisions, and they deserve to have that independence. That is part of the consultation. That is part of the engagement.

What you're suggesting is that we go backwards and take those away from them and go back to where it was, where government, your government, when you were in government, had oversight over their money and how they spent that money. Did you consult – sorry; through you, Madam Speaker. Did the members opposite consult when they drained the future fund?

Thank you.

The Deputy Speaker: Hon. members, under Standing Order 29(2)(a) the hon. Member for Lethbridge-West.

Ms Phillips: Sure. I'll respond to that. I guess the answer is: was there a lawsuit? But also the answer lies in section 246.1(3). The previous act allowed for a joint review committee that would consider measures that should be provided for to protect the public interest with respect to matters dealt with in the act. It is a joint review committee by the minister and the general council, that section 32 of the act – under this it's repealed. You know, the fact of the matter is that any oversight that the minister is making representations about has been repealed under this act. She'd do well to read the legislation.

The fact is also that – really, what the point here is is that there have been representations by the Métis settlements council, regardless of the merits of the act, that they have not undergone adequate consultation. When aboriginal people say that, it's not just: oh, like, you know, somebody spaced out on the meeting. There are actual constitutional obligations here. That's what this government, ramming through this legislation, is opening themselves up to. There's just no need for it. We know now what constitutes appropriate consultation and what level, we know what will trigger it, and we know that it's not just a nice-to-have; it's constitutional. So let's just get on with it. It shouldn't even be a basic of reconciliation. It's just a basic of reading the Constitution and understanding who we are as Canadians. Let's just do that and put this bill on pause.

Thank you very much, Madam Speaker.

The Deputy Speaker: Any other members under Standing Order 29(2)(a)?

Seeing none, any other members wishing to join debate on amendment RA1?

Seeing none, I will call the question on amendment RA1 as moved by the hon. Member for Edmonton-Whitemud on behalf of the hon. Member for Edmonton-Mill Woods.

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

[Several members rose calling for a division. The division bell was rung at 12:35 a.m.]

[One minute having elapsed, the Assembly divided]

[The Deputy Speaker in the chair]

For the motion:

Dang	Pancholi	Renaud
Irwin	Phillips	Sigurdson, L.
Nielsen		

Against the motion:

Aheer	Issik	Schow
Allard	Jones	Schulz
Amery	Loewen	Sigurdson, R.J.
Armstrong-Homeniuk	Nally	Toews
Copping	Neudorf	Toor
Dreeshen	Nicolaides	van Dijken
Fir	Nixon, Jeremy	Yaseen
Horner	Panda	

Totals: For – 7 Against – 23

[Motion on amendment RA1 lost]

The Deputy Speaker: We are back on the main bill, Bill 57, in second reading. Are there any members wishing to join debate?

Seeing none, I will call the question on Bill 57.

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

[Several members rose calling for a division. The division bell was rung at 12:39 a.m.]

[One minute having elapsed, the Assembly divided]

[The Deputy Speaker in the chair]

For the motion:

Aheer	Issik	Schow
Allard	Jones	Schulz
Amery	Loewen	Sigurdson, R.J.
Armstrong-Homeniuk	Lovely	Smith
Copping	Nally	Toews
Dreeshen	Nicolaides	Toor
Fir	Nixon, Jeremy	van Dijken
Horner	Panda	Yaseen

Against the motion:

Dang	Pancholi	Renaud
Irwin	Phillips	Sigurdson, L.
Nielsen		

Totals: For – 24 Against – 7

[Motion carried; Bill 57 read a second time]

Mr. Nally: Madam Speaker, I see by the clock on the wall that it is late. We're tired. We've had good progress tonight. I move that the Assembly adjourn until 1:30 p.m. on Thursday, April 15, 2021.

[Motion carried; the Assembly adjourned at 12:44 a.m. on Thursday]

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For inquiries contact:

Editor

Alberta Hansard

3rd Floor, 9820 – 107 St

EDMONTON, AB T5K 1E7

Telephone: 780.427.1875

E-mail: AlbertaHansard@assembly.ab.ca