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The 30th Legislature
Second Session

Alberta Hansard

Monday evening, May 31, 2021

Day 106

The Honourable Nathan M. Cooper, Speaker

Legislative Assembly of Alberta
The 30th Legislature
Second Session

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New Democrat: 24

Independent: 3

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Legislative Assembly of Alberta

7:30 p.m.

Monday, May 31, 2021

[The Deputy Speaker in the chair]

The Deputy Speaker: Good evening. Please be seated.

Government Bills and Orders Second Reading

Bill 62

Red Tape Reduction Implementation Act, 2021

[Adjourned debate April 21: Mr. Rehn]

The Deputy Speaker: Are there any members wishing to join debate on second reading of Bill 62? I see the hon. Member for Edmonton-Meadows.

Mr. Deol: Thank you, Madam Speaker. It's my pleasure and honour to rise in the House and add my comments on Bill 62, Red Tape Reduction Implementation Act, 2021, on behalf of my constituents and fellow Albertans who share my views on this bill. This Bill 62, Red Tape Reduction Implementation Act, 2021, proposes changes to nine different acts across six ministries. Under Treasury Board and Finance, both the Securities Act and the Business Corporations Act are being amended and updated. In Energy, the Alberta Utilities Commission Act is amended to include now timelines for the approval process. The prompt payment act and the Real Estate Act are being amended in Service Alberta. The Employment Standards Code is amended so that, in this case, employers do not need to update hours worked daily.

The Alberta Utilities Commission Act is being amended to allow the creation of mandated timelines or time limits on the approval process. It changes section 17 of the original act, confirms that the commission can establish its one rule regarding targets on applications.

The Builders' Lien Act is being amended by allowing prompt payment to be expanded now to P3s for municipal and postsecondary projects. The bill also makes changes to include consultants such as architects and designers as part of prompt-payment rules. Bill 62 also amends the act to change the adjudications process to be interim binding now instead of final, that was proposed earlier in Bill 37, I believe.

The bill does propose some good amendments but also raises some questions around the way the work is being done. A number of things could have been dealt with as housekeeping items and could have been done through statute amendment acts instead of, you know, bringing this as a piece of legislation in the form of Bill 62, that we are discussing here today. So that's one aspect.

The other thing is that a number of changes being proposed are affecting six different ministries other than the red tape reduction ministry. The question arises: specific to this, when the Ministry of Service Alberta is being granted some extra powers to deal with certain things, why could this ministry itself not move forward, propose these changes in the House? Similarly, the other portfolios, the other Executive Council members, why could they not make changes in their own ministries?

Another question. When we debated Bill 37, I remember my comments during the debate when we were debating the Builders' Lien (Prompt Payment) Amendment Act, 2020. I shared my experience on this. There are a number of other areas and sectors where work is being conducted by a number of different contractors. We went through those: the people working in the

transportation sector and also the tech sector, the energy sector, a number of other sectors. The thousands of contractors working: why were they not considered? That was an important question. Even though a number of arguments I made in my debate were also included in the amendment proposed by the Finance minister of Alberta later on, still it's very surprising to see the very bill we debated in the past and the positions that members suggested and raised very reasonable concerns on. Now that bill, before even being proclaimed or implemented – we are again discussing this bill in the House. Who are we consulting, which industry, who are the stakeholders, and what was the feedback? I think it's important to the total work before bringing changes.

The concerned people in different sectors in the province: their issues could have been and, in this case, should have been addressed at the same time we were discussing this bill. Looking at this bill, to me, a number of sectors are still not part of the proposals this bill proposed. That is the very question that I would once again be happy to hear the comments from the Ministry of Service Alberta on, in this case. Also, they are somehow attached and related to the work under the Alberta Securities Commission for a number of years. There are a number of things to be addressed in these proposed changes before we move ahead, how these changes will not impact or affect the security or safety of the ordinary Albertans dealing with these very calculations in the work of the Alberta Securities Commission.

A number of concerns. I would be happy and would appreciate the response and answers if the number of ministries in this case, related ministries, can stand up in the House and want to provide their feedback on these concerns. One of the most important things – the most important, not one of the most important . . .

The Deputy Speaker: Hon. member, I hesitate to interrupt. Our records indicate this is the second time you have spoken at second reading on Bill 62.

I will now ask another member wishing to join debate to stand up and speak. The hon. Member for Edmonton-Beverly-Clareview.

7:40

Mr. Bilous: Thank you very much, Madam Speaker. I'll attempt to go down to one mask and not two, just to make it easier on speaking. It's my pleasure to speak to second reading of Bill 62, the Red Tape Reduction Implementation Act, 2021. I'll start off by saying that I'm pleasantly surprised at this version of a bill, that we've seen a number of times since the UCP were elected government, that has some positive changes in its contents that I do welcome.

I do have some questions regarding a few pieces. As has been the case – and it's understandable – these red tape reduction bills are omnibus bills. Recognizing that on the one hand some of these amendments that we've seen over the past couple of years are changes to legislation and, of course, need to come through this Chamber and that others that have come through the Chamber via legislation are actually orders in council that could have been done outside of the Chamber, it really begs the question, you know: are we trying to score points for optics, or are we actually trying to reduce red tape and make it easier for businesses to operate in the province?

I'll go through the bill. As I mentioned, there are a number of changes that affect a number of different pieces of legislation, which is not a bad thing in and of itself although I know – and this is the part that I find amusing, Madam Speaker – that when the shoe is on the other foot, it's like the members of the government have forgotten their time in opposition or somehow have squared a Jekyll and Hyde kind of attitude towards certain things that when the previous government brought in legislation, they lost their minds

over. Now that they're the government, everything is good: nothing to see here; this is fantastic. Omnibus pieces of legislation are an example of that. But I digress.

I will go through and talk at first about the builders' lien or the prompt-payment component of this piece of legislation. I know I've spoken to a number of different industry representatives and especially subcontractors, who take on the work, take on the expenses, but prior to legislation, as far as being paid within a reasonable amount of time, we've all heard stories of subcontractors – some, not all – going months and months and months.

I do want to say at the outset that, of course, there are phenomenal contractors to work for that pay as promptly as they can. They take good care of the subcontractors they employ. We know that. I mean, the reason, I think, Madam Speaker, that we have legislation is to ensure that those folks who take advantage of others or try to push the limits to the wall have limits, quite frankly. We could talk about why we have speed limits. I think the majority of people, the majority of Albertans would drive at a reasonable speed, but the reason we have limits is because there are some that would throw caution to the wind, risk themselves, others, and drive as fast as they want.

Without going too far down that path, the point is that ensuring that our subcontractors are being paid within a reasonable amount of time I think makes sense, quite frankly. We know that subcontractors take on a significant amount of risk and, as well, debt, so ensuring that they are being paid for the work they've done in a reasonable amount of time, quite frankly, Madam Speaker, is reasonable.

I appreciate that within this bill the prompt payment is being expanded. If I'm not mistaken, we introduced prompt payment when we were government because it didn't exist in this province. Again, those who work and do the work should be compensated within a reasonable amount of time, and I don't think, you know, anyone would question that or object to that, Madam Speaker.

Within this omnibus piece of legislation it expands to include architects, designers, and consultants. Again, I think this is a good thing, Madam Speaker, that it also ensures that the act has changed the adjudication process to be an interim binding decision as opposed to a final binding. This just allows the participants that – it'll be brought before the courts if it's not satisfied with the adjudicators. This just gives another tool or another opportunity for those involved to continue to pursue justice.

I do think what's interesting, though, Madam Speaker, is the fact that the original amendment, if I haven't mistaken this, has not been proclaimed, or it has not come into force. I don't know if this was an example of the UCP government getting ahead of itself and being excited to make changes without having thought through all of the different implications. The fact that we're amending a piece of legislation that has not actually come into force yet, that was already amended, tells me that something was missed the first time around. I won't harp on this subject. I recognize that, again, we are all human beings; we are all susceptible to making mistakes. I just find it curious that the government is already amending a bill that amended prompt payment, I believe, less than a year ago. Something interesting to note.

We'll move on, Madam Speaker, to talk a little bit about the Business Corporations Act and the Securities Act. This makes some routine changes that aligns Alberta with the rest of the country. I can tell you that as the former minister of economic development and trade I carried bills like this, that ensured that Alberta was in line with the rest of the country, so there are no concerns there whatsoever. I appreciate the fact that that's housekeeping.

Moving on. The Employment Standards Code: I have questions around this. Madam Speaker, I don't quite understand, so I really would appreciate it if a minister could speak to this in Committee of the Whole. My understanding of this change is that an employer no longer needs to record the hours of work daily for their worker. My question: is there a collar on this? Is it weekly? Is it biweekly? Is it monthly? Is it left to the employer to do within a calendar year of 365 days? If so, I'm just curious about the logic of it. If it's allowing an employer to not have to record the hours daily because of, potentially, long weekends, a funeral, a family celebration, a family tragedy, I think that's understandable. If it's something that's expanded beyond that scope, I'm curious as to: what is the rationale behind it? What's the logic of expanding this? How do we ensure that we're safeguarding that the hours worked by employees are, in fact, being recorded and that they won't be misrecorded or that there's a genuine case of someone forgetful recording an inaccurate or incorrect number of hours, and now we're creating a whole bunch of problems?

I'd also like to know who has asked for this. Which employers are asking for this change? Is it a majority of small-business owners? Are these medium-sized enterprises of a hundred employees or more, or are these larger corporations?

I think within that, how do we ensure that hours – if they're not being recorded daily, how are they being tracked? I know that there are many different CRM systems that different companies use. I'm not opposed to those whatsoever, but how do we ensure that they aren't making mistakes or that hours aren't inaccurately being recorded? At the end of the day I think a change like this may have good intentions, yet it may cause a lot more problems than is worth while.

And if this hasn't been changed since this was first brought in through the act, why are we making changes today? What's prompted this necessity to make these changes?

7:50

To be frank, Madam Speaker, I'm open to the argument that I'm hoping the government will put forward. I think it's reasonable to ask why certain changes are being made, who is asking for them, how they improve the lives of Albertans. I hope that my colleagues across the way will answer these questions because they are legitimate, and they're being asked on behalf of all Albertans.

Moving on to the Family Property Act, my initial understanding of this, recognizing that we're still in second reading, Madam Speaker, is that this is to ensure that the former spouse or partner can retain property and ensure that in the event of a loss of a spouse or a partner, there is not time and money being wasted on who has the rights to this. We've all heard of stories of spouses and partners of folks who have maybe lived in a home their whole lives. Suddenly the partner or spouse passes away, and, for reasons beyond me, it suddenly becomes very complicated and that widower is being removed from a home that they've spent their whole lives in.

You know, I will say that if this part of the act is amending that and fixing that, then to the Minister of Justice, I tip my hat to you. I appreciate the fact that – if this is fixing that issue, that many folks have lived through unnecessarily, then I applaud that and I appreciate that.

The Deputy Speaker: Hon. member, just a reminder to direct your comments through the chair. Even nice ones.

Mr. Bilous: Thank you, Madam Speaker, for that reminder. I will endeavour to channel my comments through you to the minister or to others.

Moving on to the Fatal Accidents Act, this piece of the legislation is proposing that routinely reviewed, legislated financial amounts regarding bereavement damages can be published online and no longer need to be tabled in the Legislature. This I find curious. If they're being tabled in the Legislature, I feel that's not onerous on the minister. Quite frankly, the minister has a whole front bench that can table documents on his or her behalf. What this does is it ensures that all 87 MLAs in this Legislature are aware of when that happens.

Publishing them online, although it may help the average Albertan to have more access to it – because let's keep in mind that any document that's tabled in the Chamber, Albertans do have access to, they'll have access to that. But what it doesn't do is provide, I guess, an opportunity for all members to be aware when a new report is being tabled or published.

For me, the question is: why is the government moving down this path? Simple question. There's nothing, you know, underneath that other than that I'm curious as to why we're making that change. I'm happy to put forward reasons as to why this is not onerous, it's not time consuming, it's actually not red tape. It's actually good accountability and transparency, which I don't personally view as red tape. I think, you know, ensuring that Albertans are aware of things like this is a good thing.

Moving on to the Real Estate Act, a number of changes made. I know or at least my understanding of this is to ensure that members on an industry council can stagger their terms. I'm surprised that this actually isn't already the case, to be honest, because most councils or boards have a staggered appointment calendar so that there is that consistency, so that there is this constant, you know, knowledge of what's happened to date.

Another change is – I'm not quite sure, but it's giving the Minister of Service Alberta the regulation-making authority around how council makes bylaws. You'll have to forgive my ignorance, Madam Speaker. I'm not up to speed currently on how the council makes bylaws, so I'm not sure how this change will, again, either expedite that process or how this helps to cut red tape.

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

Seeing none, any other members wishing to join the debate? The hon. Member for Edmonton-Castle Downs.

Ms Goehring: Thank you, Madam Speaker. It's my pleasure to rise this evening to talk about Bill 62, Red Tape Reduction Implementation Act, 2021. As tradition, that I've been doing in this Chamber whenever I have an opportunity to speak for the first time, I'd like to acknowledge all of our front-line health care workers that are working so hard to ensure that Albertans are taken care of when they're sick. They're giving immunizations. They're really working hard, and I just want to say thank you to all of those individuals.

When we're talking about Bill 62, Red Tape Reduction Implementation Act, 2021, we've heard members talk about the enormity of this piece of legislation. In fact, it impacts not just the Associate Ministry of Red Tape Reduction, but it also impacts Treasury Board and Finance; Service Alberta; Justice; labour; Jobs, Economy and Innovation. I've got lots of questions about this act that's being introduced, and I think the biggest question is: why wasn't this done in a statutes amendment act? We see this government trying to create work, if you will, for an associate minister that they appointed with a flashy title that says "red tape reduction," but when I look through all of the proposed changes to the legislation and those affected ministries, I'm having a hard time seeing how it's actually reducing red tape.

To me, when I read through this, yes, there are some changes that are positive. Could they be done through a statutes amendment act? Absolutely. Did a ministry need to be created to do this kind of work? I don't think so. I think that each one of these ministers has the capacity and, if not, probably the expertise in their ministry about how to deliver the results that they're looking for in this piece of legislation.

I guess to start off, I'm curious about how much of an actual impact the ministers that are impacted in this piece of legislation had a voice around this piece of legislation. Were all of the ministers that have their ministries involved – did they all do their sort of consultation with their respective areas? Did Service Alberta have their own kind of consult? How did it look when it comes to creating this piece of legislation? We've said time and again that the creation of a red tape reduction ministry doesn't seem to make sense when ministers do this work and are probably the first to identify an area that can be tweaked or changed or modified. Why create a new ministry to do that? That, to me, just seems like red tape. It's creating more of a barrier, one step removed from the actual people that do this work every day.

When I look through the pieces of legislation that are going to be impacted, I'm curious about what that consultation looked like. Did the red tape minister do a consultation with the real estate group, with those from Treasury Board and Finance, those from Service Alberta? Some of this stuff is quite intricate, and I don't know how these consultations could happen without including the ministry, which, to me, seems like double the work. It seems like we have a minister that's tasked with red tape reduction who would then have to go to the ministry that holds the actual information and get them tasked to do some of this work. This whole piece of legislation in itself seems like a make-work project to support why this government created a red tape reduction ministry.

8:00

Like I said, some of the changes are good, and we've heard colleagues talk about some of the things that should be changed. That's not what the concern is; it's just how this change is coming to be. I mean, we're in a current economic and health crisis, and I continue to stand up in this House and debate legislation that has zero impact on addressing that, on addressing the economy or addressing the health crisis that we're in right now. I look through this, and I think: how is this creating work? How is this getting Albertans back to work? We hear the government talk about this plan that they have: they're motivated, it's going to be the best summer ever, and they're creating jobs. We haven't actually seen it.

We have a piece of legislation that we're debating that, if reducing the red tape in things that matter like addressing the economy, would make sense, why we're debating that right now. Let's get Albertans back to work. Let's actually implement a plan that works. Let's cut that red tape. Let's talk to Albertans to see what some of the barriers are when it comes to offering the services that they have. I know that the live music industry would love to talk to this government about some of the barriers that are currently in place that actually – if reduced, they could go back to work. They could be part of that economic recovery plan. But that is nowhere in this red tape reduction.

We hear this government talk about travel and tourism and how, you know, Alberta is the destination to come to, yet we don't actually have a plan that is doing that. What we have seen are barriers being implemented, costs affiliated with accessing public lands. I don't understand how we have an opportunity to actually reduce red tape, to improve our economy, to improve health outcomes of Albertans, but those strategies aren't in this piece of

legislation. Is that because we're relying on a minister of red tape to guess where the areas are that could be reduced? That's a concern because ultimately you would want to look to each minister responsible for their file and talk to them, and they should be the ones bringing forward the ideas about ways to reduce red tape, possibly get Albertans back to work, looking at ways that we can improve our economy and have some sort of actual strategy rather than doing the work that's needed so badly right now.

Albertans are talking about ways that we can be safe together, ways that we can get Albertans back to work, ways that – business owners are pleading with this government for clear communication, for information about how they can safely open. We saw this relaunch strategy released, and I think that when it comes to Bill 62, the red tape reduction act, we have a piece of this legislation that talks about travel and tourism in the province, and I think one of the things that I'm hearing from friends and family around the country is that there is no way they are coming to Alberta. There is too much information out there that is inconsistent. It's continuously going to an extreme, to a reduction, to an extreme, to a reduction. There's simply uncertainty about what we should be doing.

So when I see that they're talking about improving outcomes for the travel and tourism industry under the Travel Alberta Act, I still don't see a plan that's going to encourage Albertans to come and travel in our province. They're claiming that what they're doing will expand the travel Alberta can do, but I still don't see a plan anywhere in this on what is going to be implemented to actually support and encourage travel within the province, so I have questions about that. I have questions about who they talked to. Were they speaking with all of the different festivals that actually impact travel within the province? You hear of people travelling all around the province to do different sorts of festivals. The stampede is one example of that. People will go to Calgary because there's a big event happening. But what I'm also hearing from these big event producers or even small event producers is that what they need when it comes to – if you want to call it red tape reduction, they need to have a voice at the table.

When all of these pieces of legislation are being impacted, I'm curious who they're talking to because I hear over and over that industries have ideas. Is the associate minister talking to those different industries? Are they talking to all of the stakeholders that they need to be talking to? I'm guessing that they have to go to the minister to find out who those people are because the minister should have a very clear understanding of who their stakeholders are, what sort of requests have come in. If I was a business and I needed some sort of change, I wouldn't think to reach out to the red tape minister; I would think to reach out to the ministry that actually impacts my work. That creates another step for an individual that has a concern or would like to meet or has a strategy. That creates another barrier or piece of red tape, if you will.

I'm curious. What sort of consultation happened with each one of these ministries? How involved was the minister? How involved was the ministry's staff? How involved were all of these individuals that are being impacted by these several pieces of legislation? Did they have a voice at the table to see how the changes to the Real Estate Act would make?

Did they talk about – like, who did they speak to when they talked about the Employment Standards Code? I would question who wanted the employer to no longer record hours of work. It says there that they're not required to record it daily, but they're still responsible to track them. What does that mean? Did they talk to employees? Did they talk to business owners? Did they talk to small-business owners? Did they talk to industries? I don't know who would ask for this. There doesn't seem to be any logic by

saying that they no longer need to track the hours of work, but they're still responsible to actually track them.

What happens if there's a discrepancy? If they're not required to actually track them, what do you go back to? Who's liable for that? If I as an employer am reporting that I worked my regular 40 hours and then I have 15 hours of overtime, how is that being tracked? I know that this government has made significant changes to the ability to overtime and that there was a lot of onus put on the employee to advocate for themselves when it comes to overtime. If there was a discrepancy, a lot of the onus was put on the employee. Is this another piece of legislation or red tape reduction that puts more employees in a vulnerable position where they have to advocate for hours worked? If the employee is tracking it and writing it down every day but the employer isn't, whose logs are more reliable, and how is it going to be resolved if they don't equal the same amount of hours worked?

I think it gets really tricky when we're looking at the overtime piece and the ability to say: I worked this many hours of overtime. I know a lot of employers have the best intentions, and they have agreements in place where an employee will work a certain amount of hours, and then before overtime occurs, there perhaps should be a conversation. If they're not tracking it, they're not recording it, how does the employer know that the employee is actually at a place of earning overtime hours now? Maybe in a small business that could be an easy conversation, but when you're dealing with multiple, multiple people, is it up to HR? Is it up to your supervisor? Is it up to your manager? Who is responsible for the monitoring of this? Who is responsible, ultimately, for the tracking and reporting of this, and then how does this get resolved if it's not agreed upon, there's a discrepancy?

How long does the employee have to wait to get paid out? That's a question that I'm curious – if there is a discrepancy and, let's say, this employee is paid weekly or monthly, how does that employee get it resolved in a timely manner so that they're actually paid for the hours that they are claiming that they did? This, to me, seems like a lot of extra steps that could be eliminated by the employer having to actually record hours of work. It doesn't make sense.

8:10

When we look at the Family Property Act, I agree with my colleague from Edmonton-Beverly-Clareview about the concerns when we have a spouse or a partner that's passed away. There's definitely a need for that. When we're looking at times of grief, the last thing that families need is that added pressure of trying to prove rights and property and all of that. I think that that's a really good step.

I think that when we are looking at the Fatal Accidents Act, there is now a step where it's going to be online and no longer required to be tabled in the Legislature.

Thank you.

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

Seeing none, the hon. member for Edmonton . . .

Mr. Eggen: No. That was 29(2)(a).

The Deputy Speaker: Oh, my apologies. Under Standing Order 29(2)(a) the hon. Member for Edmonton-North West.

Mr. Eggen: Okay. No problem. Thanks, Madam Speaker. I guess with masks on we have to use our eyes more to communicate. Thank you to the hon. Member for Edmonton-Castle Downs for pointing out a number of areas that I had a problem with in regard to this particular bill, first of all, the categorical issue, which is that

these red tape reduction acts that pop up in every session seem an awful lot like omnibus bills, that have existed since time immemorial in the Legislature, not just here but around the world using the Westminster system. This whole notion that this government is conflating this idea of cleaning up the government and all that kind of thing by just simply putting a different name on something that's been around forever really is, I think, slightly deceiving.

Mr. Bilous: Sleight of hand.

Mr. Eggen: Yeah. Sleight of hand. You know, we'll put a coat of paint on this thing and call it something that we promised during the election, right? I mean, that I find sort of troubling.

Then the second issue is the use of omnibus legislation to cobble together maybe some things that need to be done to clean up the laws and so forth and refine them over time, which is a normal process. It's part of why we're here in the Legislature, to go through those things, right? It's not making laws for the sake of laws. It's a part of the evolution and process of governance. But when you take some of those things – some of them are good ideas – and then you kind of hack them together with some other things that are questionable or even not particularly useful, then you're dragging down those good ideas with the bad ones, quite frankly.

I think it's a good lesson for all of us to differentiate between these things and then also to be reminded that there's a perfectly acceptable way to put together legislation of a less significant nature and come to an accord with members of the Legislature, both government and opposition, and use something called the statutes amendment act, right? Again, this is a time-honoured way by which you can deal with emerging issues and make some minor adjustments, and you do it in accord with everybody in the Legislature, really. You don't have to, you know, stumble along and use a great deal of time and effort and so forth to deal with these things.

You know, in the three – it's interesting because the hon. Member for Edmonton-Castle Downs kind of pointed out the three parts of this omnibus legislation that I found the most troubling as well. We were thinking down the same lines, and I guess they kind of jump out, right? This first part, that I think you described much better than I understood it to be, is in regard to this Employment Standards Code, which does – no longer is an employer compelled to record hours of work daily although they are still responsible to track them. Maybe I'm reading that wrong. I mean, this is why we're here. We can stand corrected. That language, that use of language, in my mind, means the same thing. You don't have to record it, but you still have to track it, right? In other words, you're still writing it down somewhere, I presume, unless you're committing it to memory or something. Presumably you are going through that process anyway, so why would you not be recording it? What's the definition of record? Is that putting it into a public document? Is that sharing that information with your workers? Is that making that available if it comes up on some sort of legal action or something? Is that what is being described here?

On a very simple level I think the hon. Member for Edmonton-Castle Downs actually explained it much better but with the same question. If we can boil it down to that simple thing – if you are tracking it, then you're recording it – what is the logic of that? I really don't understand, so the government can help us with that, I'm sure. I will wait for an answer.

The Deputy Speaker: That concludes the allotted time for Standing Order 29(2)(a).

I see the hon. Member for Edmonton-City Centre to speak to second reading on Bill 62.

Mr. Shepherd: Thank you, Madam Speaker. Indeed, I appreciate the opportunity to speak to Bill 62 and some further attempts at what the government refers to as red tape reduction. As some of my colleagues have noted this evening, the idea of red tape reduction is still one that is somewhat vague with this government. Certainly, the idea is that it would be about removing things that get in the way of businesses being able to operate efficiently or issues that are identified and systems and processes that are problematic, but what we find time and again when we receive these bills is that that does not seem to be the focus. Instead, what we have are, as my colleague noted, omnibus bills which are cobbling together a number of wide-ranging changes on various pieces of legislation from various departments that, in many cases, probably would have been far more appropriately brought forward by the minister in question but instead are being bundled together for a variety of reasons.

One can only speculate what those might be, whether it's something that the government is hoping to escape notice on, so they bundle it together with a wide number of other changes, or perhaps it's something that they feel is not worth the scrutiny that it would normally receive in the Legislature. Perhaps they simply feel that the ministers themselves don't want to take the time to do that work. It's not known at this point, but what we do know is that we have a bill in front of us here, Bill 62, which is amending nine different acts encompassing six different ministries.

Now, certainly we don't disagree with some of the changes that are being made here. There are some reasonable things that are being brought forward, but there are some other things, as my colleagues have noted, that really do need a bit more explanation and perhaps suggest that there should be a bit more consultation with Albertans. Some of these changes are simply housekeeping measures that simply could have been addressed through a statutes amendment act. As I noted, some of the more substantial changes that we have being put forward here in this omnibus bill, certainly one would expect that they would be led by the minister in charge of the ministry where these changes are being made.

Madam Speaker, it's not that there is a lack of potential actual red tape that could be addressed by the associate minister. For example, I would note that just today I was browsing social media, and I noticed that there was a tweet from someone who noted that their husband was heading out to camp in Kananaskis for three days. They're heading out tomorrow. They are required to have a park pass starting tomorrow, but they can't buy the park pass until tomorrow, the day that it is required, and on the website it says visitors should buy their park pass before arriving in the area. But there is no way to do so. It says on the website that the passes can be purchased online, but there is no link to purchase that pass online. It notes that there are four places where they can purchase that, but those four places are all within Kananaskis, which makes it impossible to buy the pass before entering, as the website also advises.

8:20

So there, Madam Speaker, is an example of actual red tape, an example of where the government has actually set up a system which is unworkable, which actually presents more barriers and requires Albertans to jump through more hoops to accomplish the goal, which in this case is the government extracting more money from Albertans. As we are discussing the bill about red tape that, in fact, is an omnibus bill pulling together a large number of pieces of other legislation, it's not for lack of actual work that this government could be doing to address the red tape and the

obstructions that it itself is creating as it rushes forward with other pieces of legislation, making life more difficult for average Albertans. That's it.

I would also note that in terms of red tape, you know, they offer that there will be exemptions for First Nations and others, and they still have not actually set those exemptions up. So there's no information on what the actual eligibility criteria, et cetera, is for something which begins tomorrow.

In terms of this bill we have some amendments here to the Fatal Accidents Act, which propose that the routine reviews of the legislated financial amounts to the bereavement damages can be published online and no longer need to be tabled in the Legislature. Now, certainly, Madam Speaker, I have no problem with publishing things online. Indeed, I would love to see that the government actually had put online that link for people to buy the passes they will need tomorrow for Kananaskis. In this case, certainly, it's reasonable that this is a routine review. Legislated financial amounts: post them online. Now, I don't consider it red tape that a member be required to take likely less than a minute at most, too, to stand at the Legislature and table the document. That is part of the many processes and procedures that we have in this House in order to ensure that we continue to have transparency. Now, I recognize that "transparency" is a word to which this government is incredibly allergic. Just today I was talking with the Minister of Health about the fact that he has not yet been able to release a report on the first wave of the pandemic nearly six months after he promised it would be available.

One could certainly run down a litany of other circumstances where this government has made multiple changes, multiple attempts, and used every lever at its disposal to provide less information to Albertans and to hide from scrutiny, not least of which is their energy war room, which they purposely set up as a corporation in such a way that Albertans cannot get any information, or at least that is the government's claim. I understand that it's about to be tested by several members of the press. Certainly, I look forward to what the results of that will be.

But, again, we have a situation here where this is not a significant burden of red tape, Madam Speaker. This will not make a difference for a single Alberta business. This will not do a thing to improve the economy, which has been flagging so badly, the hundreds of thousands of jobs that have been lost under this government. This does not in any way meet the mandate of what they have claimed they established an associate minister of red tape for. Tablings allow for a notice of a report to be given, that information be tabled in the House. It is on the public record. But, of course, now this government would prefer to just quietly slip that through online.

Now, in regard to changes to the Real Estate Act Bill 62 makes some further changes to the Real Estate Act. These were begun in the fall of 2019, and it's basically amending to allow members on the industry council to serve less than a term of three years so that they can stagger the rotation of members. That's not an unreasonable thing, Madam Speaker. We see this, of course, all the time with many of the agencies, boards, and commissions which are set up by the government of Alberta. We all get the orders in council in our e-mail box that let us know when changes are being made.

Of course, indeed, in all of these situations we do see the staggering of members so that you always have at least a few members on a particular council unless, of course, you have a change of government or a government that simply decides that they want to get rid of everyone that was appointed by the previous government, as we saw in many cases, particularly with our postsecondary institutions early on in this government's term. But generally speaking, you will keep a few members that will carry over and you will stagger it so that you always have folks who have

experience and knowledge of what the group has done before. New members have the opportunity to get more experience and knowledge, get trained, and it helps things to run more smoothly. So that is not an unreasonable change to be introduced here.

Another change to the Real Estate Act is a change to give the Minister of Service Alberta some regulation-making authority around determining how certain industry councils can make bylaws.

Then, lastly, Bill 62 gives the board the ability to determine the eligibility for criteria regarding candidates for the industry council.

Now, we've had previous changes to the Real Estate Act, and indeed those were brought forward by the Minister of Service Alberta. He led those changes. It seems sensible that he would be the one that would lead those changes again now, the further amendments. This bill is giving powers to that minister. We are awarding new powers to the minister in order to have more regulation-making authority. Why is that minister not standing and putting forward the bill to do that? Why is that coming from the Associate Minister of Red Tape Reduction?

We do, as my colleagues have noted, have questions about how this was arrived at, what process was done to ensure the industry approved of these changes. Did the Associate Minister of Red Tape Reduction sit down and consult with the real estate industry? Did he bring this to the Minister of Service Alberta and the Minister of Service Alberta went and did those consultations and came back and passed that information back to the Associate Minister for Red Tape Reduction, which would itself, Madam Speaker, seem to be a process which would be just in duplication and causing more red tape?

Again, we have to ask: would it not have been simple for the Minister of Service Alberta, if this was an issue within his department, to have dealt with that issue internally rather than through yet another additional party, the associate minister of red tape? Since this is indeed giving more power to the minister, then we have to ask: were there concerns about this from the various industry councils? Perhaps those are questions that could be answered by the Minister of Service Alberta or perhaps the Associate Minister of Red Tape Reduction. I think those are legitimate questions.

Again, we see the problem here, Madam Speaker, that by combining so many pieces of legislation and so many different perspectives and so many different pieces, it makes it difficult, then, to get clear answers on the process that had gone into this, on how it's been approached. Indeed, in this case we have at least two different ministers who were involved and at present not much opportunity to get an actual answer.

Additionally, on this bill regarding red tape reduction we have changes to the Alberta Utilities Commission Act. Now, it's being amended by allowing the creation of mandated timelines or time limits on the approval processes. The question again is: how was this arrived at? Was this a recommendation which came forward from the commission itself? Was it a specific request to the minister? Of course, in that case, this would be the Minister of Energy. Did the Minister of Energy bring this to the Associate Minister of Red Tape Reduction, or did the commission approach the minister of red tape reduction and then he approached the Minister of Energy to clarify? Or was there, in fact, any discussion about this? How was this arrived at, and where did it come from?

We also note that there are changes to the Family Property Act, amending the Family Property Act to replace references to the Intestate Succession Act and the Dependents Relief Act with the Wills and Succession Act. Now, the government claims that this is to ensure that a former spouse and partner can retain property and help to ensure that time and money is not being spent on who

should have this. Now, I'll concede, Madam Speaker, that in this particular instance this particular change does seem to be actually trying to make a process more efficient. That's trying to reduce the burden on Albertans. That's fair. That is a reasonable thing to do. We do have to ask, though, why this wasn't done, then – if this is such a basic change within a statutes amendment act, perhaps why wasn't it presented by the Minister of Justice? Perhaps the Minister of Justice would be able to provide an answer for that and clarify how this process came about, where this change came from, and why it was elected that it should be done through the red tape reduction act.

8:30

Of course, as my colleagues have noted, there are also changes to the Employment Standards Code by which an employer no longer needs to record the hours of work daily, but they're still required to track them. I would be interested to hear from the minister of labour where this piece came from. It does seem to be a bit of an odd piece. Perhaps there is an explanation here about why it is considered a burden to require the employer to do this daily but still say that they are responsible to track them. Perhaps is it that the employer can't be present at the work site every day or review the time sheet? I'd be interested to hear where the challenge is, the burden that this has created for employers.

Then, as my colleague from Edmonton-Castle Downs noted, I think it's important to understand what the impacts might be, how this might affect employees' hours being tracked and whose responsibility it is then to ensure that those are being tracked accurately and correctly. Does making this change put that at all at risk? Does it create any potential that employees may not be properly compensated for hours that they have worked? I'd be interested to hear.

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

Mr. Bilous: Thank you very much, Madam Speaker. You know, I honestly must say that I don't know if other members in the Chamber enjoy listening to my colleague the Member for Edmonton-City Centre as much as I do, but I appreciate the fact that his comments are always extremely thoughtful. They're very much on point. I don't know about the rest of the members in the Chamber, but I am very interested to hear what the member's concluding thoughts are regarding this bill.

The Deputy Speaker: The hon. Member for Edmonton-City Centre.

Mr. Shepherd: Well, thank you, Madam Speaker, and I appreciate the kind words from my colleague from Edmonton-Beverly-Clareview. As I was noting, I was just speaking there, again, about the changes specifically around employment and employers being required to keep track of employees' hours.

I was just going to say, lastly, there that it would be helpful to get some clarity from the minister of labour about the purpose behind that change and who was consulted in the process of making that change because, again, we certainly have heard numerous concerns from a wide breadth of Albertans on what this government considers consultation. In so many cases it seems that the government is interested in setting up processes to tell them what they wanted to hear, that in so many cases this government is trying to pick and choose a few folks to give it the appearance that they have actually engaged in consultation when, in fact, they have not, as we've seen recently, for example, with the Minister of Education on her curriculum and so many indigenous leaders and communities

and indeed some of the very people who she has been quoting as supporters of her curriculum coming out and being quite clear that, in fact, they are not and that they felt the consultation in which they were engaged was at best manipulative and at worst somewhat deceptive.

Lastly, this bill touches on the builders' lien amendment act. Again, I appreciate the reasons for the changes that have been made. This is what's known as prompt payment legislation. Indeed, during my various occupations and work that I've held, I've had the chance to get to know a few folks who work in the construction and contract field and indeed spoke with many during my time as a taxpayer services agent for the Canada Revenue Agency. The challenges that many of them face in the construction industry, at least at that time – I don't know how much it's evolved since then, but at that time pretty much everybody in the industry was considered a contractor. Whether you were the guy that was doing carpentry, whether you were the guy that was doing roofing or you were the guy that was pushing a broom and sweeping up nails and sawdust, you were treated as a contractor.

Of course, we know, then, for folks that are working as contractors, they are dependent on when they are paid by their employer, and in many cases in the construction industry we know that there were challenges then with folks that would – a few companies, certainly not all but some, would abuse the process and withhold payment so that they could earn a bit more interest in the bank rather than passing on payments promptly to the contractors who would work for them, so we had a change in legislation to address that. Now this bill is making some changes to also include, then, consultants in that process, architects and designers, as part of prompt payment rules. Certainly, I'm in support of that, especially as these days we find that we have moved more and more into a gig economy, and certainly for younger generations less and less often are they being offered full-time employment but more and more often hired as contractors and having to pull multiple pieces of work together.

So this is important, I think, in the construction industry and perhaps something that we should be considering on a larger scale to help support the many folks that are now working in what's known as the gig economy and the real pressure that that can put on individuals who have done the work and are still waiting to be paid by the people who have contracted them.

Now, this particular piece of legislation is changing also, then, the adjudication process to be interim binding instead of final binding, so that allows the issues to be brought to court if they're not satisfied with the adjudicators. Certainly, that's a good process to have. Certainly, we believe in fair adjudication on this side of the House, as much as this government does not, as it has demonstrated with Alberta's physicians and doctors. They prefer to tear up a contract rather than sit down and deal with it fairly. Certainly, at least in this case, they're putting forward legislation which makes for a fair adjudication process and indeed access to the courts, as much as this government is facing a court challenge from physicians in the province of Alberta over having torn up their contract, doctors having chosen to reject the contract that was offered next through this current Health ministry.

The Deputy Speaker: Any other members wishing to join debate? The hon. Member for Edmonton-Manning.

Ms Sweet: Well, thank you, Madam Speaker. It's a pleasure to rise this evening, at 8:30, to speak to some of the questions that are arising out of the Red Tape Reduction Implementation Act, 2021. Now, I'm probably going to spend the majority of my time speaking about the Alberta Utilities Commission Act. Part of the reason for

that is the fact that we've seen over a significant period of time many pieces of legislation under the red tape reduction portfolio, ministry, whatever we're calling it, that have had significant impacts on rural Alberta and their property rights.

Again, we see another piece of legislation, now Bill 62, but of course prior to Bill 62 we had seen a red tape reduction act when it came to Bill 1, when we saw that it was about looking at the liabilities management act, which, I believe, was maybe still Bill 1 – there were a couple of them – then we had Bill 12, and then we had a couple of other ones. In all of those different pieces of legislation, all specific to red tape reduction, we saw significant changes to legislation and regulatory processes as it came to property rights and access to land.

Now, again, we see Bill 62 popping up, and what Bill 62 is doing is amending the section around the Alberta Utilities Commission Act. Fun fact about the Alberta Utilities Commission Act: it actually speaks to 10 pieces of legislation. Ten different pieces of legislation. All of those different pieces of legislation impact different pieces when it comes to our utilities and specifically when it comes to the development of projects for utility corridors. That could be anything from power lines to water to hydro, electric energy, solar, oil and gas, pipelines: all under the Alberta Utilities Commission Act. What Bill 62 is doing is that it's accelerating or allowing an acceleration of the approval process for many of those projects.

Now, as the hon. Speaker may know, we're actually going through a process right now through a committee around real property rights, and part of the discussion that's happening around real property rights is this very issue, which is access to land for utility corridors. So to see a piece of legislation, Bill 62, being introduced into the Legislature that is actually speaking to a very issue that is real to Albertans and is actually happening in a committee discussion at this moment is interesting, I would say, respectfully, because we are hearing from Albertans that there continue to be struggles and there continue to be concerns from Albertans around some of the access to land and what is happening on the land of many landowners when it comes to their utilities, having appropriate notification. We see abandoned wells, different things like that that have had a direct impact on rural Alberta.

[Ms Glasgow in the chair]

To see a conversation happening and a piece of legislation that is supposed to reduce red tape, that specifically speaks to amending by allowing creation of mandated time limits on approval processes, I think, raises some concerns.

8:20

Of course, the reason that it raises concerns is that maybe there are some legitimate questions around how long it was taking for the approval process, but I think the counterpart of that, which is something that the government may have wanted to also include in this amendment, would be: how long is the appeal process? Why does the appeal process take so long? When a landowner has a concern about what is going on on their land and when it is directly addressing a project that could potentially be going through their property, they should have a right to due process. But we don't see in this piece of legislation the property owners' rights being reflected. We see industry's rights being reflected. We see an acceleration potentially or an increase and a creation of mandated timelines, but we see nothing that protects the landowner.

The other piece of this that I find very interesting as well is that there are changes to section 75, which ultimately gives cabinet the authority to set the timelines on projects and to make related regulations, so cabinet can then get involved. Well, the point of this

– and if we look at the Utilities Commission and we see what's been going on, there are currently four different sections of regulations that the Alberta Utilities Commission Act is required to follow when it comes to fair, efficient, and open competitions, when it comes to looking at liability protections, when it comes to market surveillance and security management regulations. These regulations are in place, and the reason they're in place is for this very reason, which is to ensure that there is an open and transparent way not only through the industry that is looking at developing some kind of utility but also to ensure that there is clarity for landowners around what their rights are.

When I see that cabinet has, then, the authority to set the timelines on projects and then to make related regulations, what I see is that the government is actually saying that these four regulatory outlines can be amended or changed at any given point through an order in council. Well, then what's the point of having regulation? The issue with these Alberta Utilities Commission Act regulations is that once a regulation is changed by the cabinet, it sets precedents for the future when it comes to other land rights for owners because we know that it's the regulation and the interpretation of the regulation that sets precedents when we move forward on other appeal processes. The utilities component is always very interesting when it comes to the fact that they interact with each other through regulation, not necessarily within the law, and the context of a regulation actually can predispose a law.

If we look at some of the other changes that we've seen and we look at the fact that in the past red tape reduction – because the issue here, Madam Speaker, is that we've now seen three pieces of legislation that actually deal with different types of energy. When they're dealing with these different types of energy, it's actually directly relating back to rural Alberta and property rights. One of the questions that has come up when we saw Bill 12, which was expanding right of entry for the Oil and Gas Conservation Act and the Pipeline Act, was: what happened to the Surface Rights Act?

In fact, if we look at the law, the law would say currently under the Surface Rights Act, if we look under section 2 of the Surface Rights Act, 2(1), that the act

applies to all land in Alberta except land within the geographic area of a Metis settlement . . .

(2) If there is a conflict between this Act and anything contained in any grant, conveyance, lease, licence or other instrument, whether made before or after the coming into force of this Act, with respect to right of entry in respect of the surface of any land incidental to any operations concerning mining, drilling, pipelines, power transmission lines or telephone lines,

which all would go under the Alberta Utilities Commission Act, technically,

this Act prevails,

which is the Surface Rights Act. But if we look at the Surface Rights Act and then we look at all the past appeals that have occurred under the Surface Rights Act or the Alberta Utilities Commission Act or the Pipeline Act or many of the other acts, the 10 acts that currently are under this – I could list them off – we've seen that regulations have actually been developed to off-set the very language within the Surface Rights Act because it's been established under regulation.

So the Electric Utilities Act, the Gas Distribution Act, the Gas Utilities Act, Hydro and Electric Energy Act, Municipal Government Act, Oil and Gas Conservation Act, Pipeline Act, Public Utilities Act, Renewable Electricity Act, Utility Payment Deferral Program Act, and the Water, Gas and Electric Companies Act all fall under this piece of legislation that is currently before the House, for which the government has now decided that cabinet has the overall authority to make regulation.

[The Deputy Speaker in the chair]

For rural Albertans I think the question would definitely become: well, where are my rights? What happens if I disagree with these projects going forward? In fairness to the AUC, or the Alberta Utilities Commission, we know that there is a process for notification if a project is to be developed. There absolutely is an application process. That application process does require notification to the landowner to ensure that the landowner is aware that the application is being made. Fair enough. But if we see this piece of legislation going forward – and these are all questions I'd love the government to be able to answer, I think for rural Albertans specifically – if there is an acceleration or an amendment to the creation of the mandated timelines or the time limits, does that change the requirement of notification?

What we see right now is that there is no timeline associated with notification. In fact – fun fact – the applicant actually gets to set the timeline for notification of the landowner and response time. So if everybody's in a rush for some reason, the applicant can actually say: well, two weeks is sufficient; we'll put it in the local newspaper, and we'll see what kind of response we get.

Again, I think I recognize that the government feels like this is something for red tape reduction and this is going to improve things, but when you start looking at this one single change that actually impacts 10 other pieces of legislation, that have also been impacted by two other red tape reduction pieces of legislation that have come forward, all of which have supported industry to move forward with development of oil and gas, electric, hydro but have minimized the rights of property owners, I think there needs to start to be a discussion.

So I'm opening up the government's discussion, and I would like to hear back from the red tape reduction associate minister and/or maybe the Minister of Energy or the associate minister of natural gas to tell Albertans how it is that by changing these timelines, they're ensuring the rights of property owners and that the surface land rights, the Mine and Minerals Act, all the different pieces of legislation that are going to be changed by this simple amendment under the Alberta Utilities Commission Act still protect the rights of landowners. If we see, as we are seeing right now with the abandoned wells – there could be potential issues for rural Albertans: their inability to sell their land, their inability to be able to get compensation, all of the things that we know are real issues for rural Albertans. I'm just putting those questions out there. My hope is that the government will respond at some point. We can move it forward for another day.

But I will again put it on the record that I think right of entry is an issue. I think making sure that surface rights are protected needs to be ensured before these changes are made. We need to understand the impact of those 10 pieces of legislation. We need to understand the rules around the submission deadline and notification for landowners and responses, and of course: why is there not an appeal deadline? Why would a landowner have to go through appeal after appeal after appeal with no deadline, yet we'll set deadlines for approval process? It should be on both ends. Protect the landowner while supporting industry. Balance.

Those are my thoughts around this, Madam Speaker. I don't know how long I've been speaking for.

The Deputy Speaker: You're close.

Ms Sweet: Pretty close? Okay. Well, with that, then, I'd like to adjourn debate.

The Deputy Speaker: Good timing.

[Motion to adjourn debate carried]

8:50

Bill 68
Election Statutes Amendment Act, 2021

[Adjourned debate April 22: Mr. Madu]

The Deputy Speaker: Any hon. members wishing to join debate on Bill 68 in second reading? The hon. Member for Edmonton-West Henday.

Mr. Carson: Thank you, Madam Speaker. It's an honour to rise this evening to speak to Bill 68, the Election Statutes Amendment Act, 2021. You know, I see some pieces within this legislation that I in principle support, specifically around some of the conversations about changes around how we're supporting the francophone community, and I hope to get to that here in my discussions.

But I also have to reflect again on the changes we're seeing specific to elections through Bill 68, and I am quite frustrated again as we look back at some of the other pieces of legislation that we've seen from this government regarding elections. Of course, whenever we're talking about opportunities for Albertans to have their voices heard, whether it's through the idea of elections provincially, municipally, on a school board level, any opportunity that we have as legislators in this House to strengthen those procedures and strengthen the transparency that we are offering to Albertans is a good opportunity for us to do so. But, unfortunately, through Bill 68 we see again an unwillingness to, I think, do what's in the best interest of Albertans.

We look back, just for starters, to Bill 26, the Constitutional Referendum Amendment Act, 2020. We saw the minister propose changes through that bill, and of course it was passed before this House, with the UCP having a majority of the votes here. But we saw the government move that third-party organizations would have the ability to spend as much as \$350,000 without having to explain what they are using that money for.

In a similar vein, Madam Speaker, we can look to Bill 27, again, the Alberta Senate Election Amendment Act, 2020. This government passed that legislation, where we saw that \$30,000 would be able to be spent by third-party organizations, upwards of \$500,000 for a referendum, for third parties again. So we're seeing a constant move to, first of all, allow third-party organizations to spend money essentially unaccountable to the rest of Albertans, to this House, and it's very frustrating.

Looking further to Bill 29, the Local Authorities Election Amendment Act, 2020, we saw some major changes to how municipal elections will be run, with the move to allow \$5,000 to be given to essentially as many candidates across the municipality, in this case, as they wanted to, and it's very frustrating for me because, again, we should be doing everything we can to strengthen election laws.

I remember quite clearly the conversations that happened at that time specifically around Bill 29 and the promises that were made by this government to whether it be councillors, prospective councillors, people who are interested in getting involved, or even just Albertans and Edmontonians who wanted to see this legislation strengthened. I think that there was a lot of goodwill at the beginning of those conversations and even through that consultation process, an understanding that things were going to change for the better, that more transparency was going to be put in place.

I remember speaking to councillors in our city here about the opportunity to allow more transparency around the idea of ensuring that candidates were showing where their money was coming from and how it was being spent before the election took place. Unfortunately, as we saw Bill 29 proceed, as far as I remember, that

never took place, and those initial goodwill, good-faith conversations did not carry out in the way that the minister and this government had proposed that they do.

Now we see here again, through Bill 68, the Election Statutes Amendment Act, 2021, this government inserting new clauses into the Election Act that deal with restrictions on government advertising. Further to that, we're seeing the willingness of this government to move forward with the ability of members of Executive Council, or specifically cabinet members, to be part of the conversation in their role as Members of the Legislative Assembly, to publicly express their opinion on subject matters of a referendum.

Again, while I can appreciate the principle of this idea potentially, that we should all as members have the opportunity to speak freely on these issues, I'm very concerned with the path that we're taking through the bills that I've described and further to this piece of legislation, that this government is truly stacking the deck not only for themselves but essentially for any incumbent. I think that when we are passing legislation, whether it's around the idea of a referendum, whether it's around Senate elections, whether it's around municipal or provincial elections, we should be doing everything we can to level the playing field. Unfortunately, up to this point we have seen anything but that.

We have this government bringing forward this legislation. Of course, currently the Election Act prohibits government advertising through their department or a provincial corporation in the period leading up to provincial elections or referendum votes, and again we are seeing through this, I would argue, quite a large change to business as usual in this province in terms of ensuring that elected officials or other stakeholders are staying out of the fray – well, I guess, in this instance, Madam Speaker, specific to cabinet members and members of the Legislature – staying out of these fights, especially when it comes to election time. Whether through Bill 68, the one before the House right now, or the changes that we saw through Bill 27, the Senate election act, we are seeing again and again a government that wants to change the rules to benefit themselves and, I would argue, hurt everyone else that wants to be involved in the process, giving themselves an upper hand, giving incumbents an upper hand, and it's very frustrating.

Again, when we look at some of the other changes in here around francophone school boards and this bill bringing the eligibility for voting or running in a francophone school board election in line with section 74(1) of the Education Act, that is administered effectively, I would argue, to other school board elections, we can appreciate in principle where that conversation is coming from, and I think that we've heard the voices of the school boards that think that we need to modernize this process. But we are told that we have to vote on this piece of legislation that is taking two quite, I guess, unrelated, potentially, issues and putting them into one and forcing us to make a decision on both of them with one vote.

We've seen this government do this before. For instance, we just finished speaking on Bill 62, the Red Tape Reduction Implementation Act, 2021, where we saw again an assistant minister bring forward several topics on a variety of issues that spanned several ministries, and we're asked to support or not support a piece of legislation, again, without being able to fully dissect which parts we support of the legislation, which parts we don't support. Of course, we have the opportunity to put forward amendments, Madam Speaker, as we often do, but as has been the case up to this point, we don't often win those votes on this side of the House.

An Hon. Member: This time will be different.

Mr. Carson: This time maybe it will be different, Madam Speaker, as we see opportunities to strengthen this bill as it has been presented before the House this evening and previously.

When we look at some of the changes to the francophone school boards, you know, previously only individuals eligible as francophones under section 23 of the Constitution were eligible to stand for election as trustees for francophone school boards. We're seeing some changes around that. Again, I think in principle there is a relative willingness to support some of these issues to strengthen that process.

But then we look at the other pieces within here and the willingness and the hope that this government can essentially start to campaign before an election is called or through that election process using the powers that they've given themselves within this legislation, the powers that they gave themselves in Bill 26, the Constitutional Referendum Amendment Act, 2020. We are seeing a clear path for essentially large amounts of money, unaccountable money, to flood into our elections, to flood into these opportunities to have important discussions.

9:00

No doubt, Madam Speaker, I overall support the idea of referendums, and I know that we need to do everything we can to ensure Albertans are able to have their voices heard, but through Bill 26 and previous bills before this House we've seen this government give themselves the power to decide who gets to bring those ideas forward, and at the end of the day the current Premier gets to choose which idea is worthy of going to a referendum vote, which is extremely unfortunate. We should always be working to ensure that it's the grassroots of this province, the everyday voters, that have these opportunities to bring their thoughts and their concerns forward. But through Bill 26 and through this legislation we see that it's essentially going to be the government's decision, and they are going to be able to spend money and talk about these issues at a level which we've never seen before.

I think that Albertans should take pause when they see this legislation. Specific to the idea of ministers and MLAs participating in referendums, again, we see restrictions changing within this bill. I think that we supported the idea, when we were in government, that Albertans should expect that government MLAs and cabinet ministers are not campaigning on the public's dime and on the public's time when they should be governing. Unfortunately, again and again we've seen the opposite happening from this government through this bill and many others that came before the House.

Just thinking of some examples of MLAs and ministers being able to campaign for or against a referendum in the House or through the minister's office or constituency communications, I think that whether we're talking about e-mails or we're talking about social media or any other opportunities that we have to communicate with Albertans, potentially door to door in your official capacity as a minister or as an MLA, these are all incredibly important parts of our democracy, opportunities for us to go and hear from Albertans, but when we turn that to becoming campaigns on referendums, one way or another we are setting a dangerous precedent, potentially. I'm very concerned how that could play out into the future.

Again, we were supportive, if I remember correctly, in our time, from 2015 to 2019, of the idea that we wouldn't campaign through our ministry budgets, through our MLAs' budgets, especially during a campaign period. At the time the Wildrose opposition and the UCP opposition supported those ideas, that we should do everything in our power to level the playing field, to ensure transparency, to ensure that the public is paying for their minister to be a minister and not somebody looking to win the next election.

So it's so unfortunate that here we are today seeing more opportunities for the government to go back on their word and on their intent at that point.

I do look forward to hearing more of the conversations that happen this evening. I hope to hear from the minister responsible for this bill on why we've seen such a one-eighty on so many of the pieces of legislation that have come before this House: in Bill 29, in Bill 27, in Bill 26. There have been many opportunities for this government to give themselves a hand up to support themselves and the incumbent ministers and MLAs in this House, and again we should be doing everything we can to allow more voices to be part of this process, to allow a more even playing field for anyone that's interested in getting involved.

So while we look at some of the changes proposed, again, to the school boards, I think there are some opportunities to strengthen the process that's already in place for that. I find it very hard, without amending the proposals that we've seen for ministers' offices or constituency funds, to be able to express an opinion one way or another on a referendum question, to be very concerning, and it's going to be very hard to support this process if we don't see amendments to what is before us today.

Again, I look forward to hearing from some of the other members. I look forward to hearing from the government caucus about why they think that giving ministers and MLAs the opportunity to go out and essentially campaign while they should be doing the important work in this House, why they think that it is an effective use of their time, why they think that it supports democracy and encourages transparency through this process. Unfortunately, you know, through many of these bill debates we have not been able to get the answers that we require, whether it's about who was consulted on processes specific to giving the government more power to administer a referendum, to spend their time talking about them, potentially, whether they're voting one way or another on it.

There's a lot to be concerned about here, and I hope to hear from the ministers responsible. As far as I can tell, there has not been a fulsome consultation process through this. I think that we've seen in the past that even when the government and its ministers are consulting, when we reflect on previous bills specifically around elections, they consult on one decision or another, but when we see the final details of that legislation, it is quite different from what they had originally proposed through that consultation.

With that, Madam Speaker, I appreciate that we, hopefully, will have an opportunity to hear from the Justice minister this evening about the changes that are being proposed through Bill 68. I think that with that, I will take my seat.

Thank you.

The Deputy Speaker: Are there any other members wishing to join debate? The hon. Member for Lesser Slave Lake.

Mr. Deol: Thank you, Madam Speaker . . .

The Deputy Speaker: My apologies. I recognize the hon. Member for Lesser Slave Lake. He's right behind you.

Mr. Rehn: Thank you, Madam Speaker. It is a privilege to stand up and speak this evening to Bill 68, the Election Statutes Amendment Act, 2021. This bill accomplishes two things. Firstly, it expands the eligibility for francophone school trustees, bringing that eligibility in line with criteria applied to other school boards. Secondly, it clarifies that while the government is prohibited from advertising during a referendum period, all Members of the Legislative Assembly and members of Executive Council, also known as cabinet ministers, are permitted to publicly express their views on

referendum topics in their role as Members of the Legislative Assembly.

I'll start by briefly addressing the changes to francophone school trustee eligibility. Frankly, I cannot see why this change would be opposed. The current eligibility criteria mandate, that in order to run for a trustee position on a francophone school authority, an individual must have school-age children attending a francophone school, has resulted in the exclusion of francophones without children in francophone schools from having a voice on francophone school authorities. There is no similar requirement to have children actively enrolled in the public schools in order to stand for election as a public school board trustee. This change is fundamentally about ensuring parity and fairness within the francophone school authority system. It makes sense and is the right thing to do. I hope that this change will see broad support from this Legislature.

Now, the second portion of this bill, which clarifies whether Members of this Legislative Assembly are able to publicly express their opinions on referendum topics, strikes me similarly as the right thing to do. Seeing as there will be a referendum question alongside this fall's local election cycle, I'm glad to see that the government has included this crystal clear wording on if and how MLAs can speak to referendum questions. While it would be inappropriate for the government to stake out a position and then push that position in response to any referendum question, it is fair and proper that individual elected officials are able to publicly express their opinions on referendums in their capacity as a local elected representative. The proposed amendment to the Election Act leaves no room for doubt; MLAs can opine in their capacity as MLAs and their capacity as MLAs only.

9:10

Members of the Executive Council are not subject to any doubt either. They can provide their thoughts on referendum questions in their capacity as MLAs and their capacity as MLAs only. From my point of view, Madam Speaker, this is the right balance. While it would be inappropriate for the government to take a position as a government or a cabinet minister to take a position as a cabinet minister, it would be unacceptable to prevent them from providing their views on referendum questions.

It is a pleasure to offer the government my wholehearted support on this bill, one which I truly believe makes a necessary change with regard to francophone school authorities and which I truly believe strikes the right balance with regard to MLAs and members of Executive Council offering their opinions on referendum questions. I hope to see this bill pass swiftly and with broad support.

Thank you, Madam Speaker.

The Deputy Speaker: Any members wishing to speak to Standing Order 29(2)(a)? The hon. Member for Lac Ste. Anne-Parkland.

Mr. Getson: Yes. Thank you, Madam Speaker. Actually, I'd like to cede my time back to the MLA from Lesser Slave Lake. I'd like to hear more about how this impacts positively his community since he doesn't have as much of a chance to speak as some of us in here.

The Deputy Speaker: The hon. Member for Lesser Slave Lake.

Mr. Rehn: Thank you, and thanks to the member. My communities have a very strong francophone school system in them, and I've heard about this from a couple of my constituents saying that they also support the changes on the francophone side of things.

On the other portion that I spoke on, meaning the clarification on whether cabinet ministers, MLAs, and the government, what they can do or cannot do in regard to the question that is going to be

raised this fall, I think that it's also important for the minister to clarify that, and I appreciate his hard work in doing that.

Thank you.

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

Seeing none, any other members wishing to join debate? Perhaps the hon. Member for Edmonton-Meadows.

Mr. Deol: Thank you, Madam Speaker. Thanks for the opportunity once again to rise in the House and speak to the bill in hand, Bill 68, Election Statutes Amendment Act, 2021, on behalf of my constituents of Edmonton-Meadows. You know, as we spoke to a different piece of legislation before, we see the same pattern. The bill being sponsored by the Ministry of Justice also affects a number of different ministries, that include Education, culture, multicultural, municipal, a number of ministries, so another omnibus bill that we are debating in the House. I do have a concern, but I will try to go over some of the propositions and proposals being presented for the debate in this House.

The bill's provision to expand the eligibility for francophone trusteeship seems a positive move, to us, based on the conversations with the francophone community. Definitely, we support the expanded eligibility. But a number of important things are left out on this issue, like so much government legislation. This leaves the definition of francophone to be decided through an order in council, so there is no clarity on this. Candidates are being nominated presently for fall elections. When will additional regulations through order in council be confirmed? This is the biggest concern that's not being addressed in this bill.

Given that this legislation will define the boundaries of a linguistic, cultural, and school community, it is even more important that the community be involved and, in fact, be a main driver, actually, in the conversations.

So will this government commit to consulting with the francophone communities prior to adopting regulations? Again, it is very time-sensitive work we are doing here. Elections are coming, not very far away. That is the other important question that comes out of this very naturally: will these changes in the legislation be ready to be used for the upcoming elections this fall?

Some of the other challenges that my colleague the Member for Edmonton-West Henday already stressed are the concerns about the way the bill is actually making changes that will impact the political influence, like, partisan political influence, into referendums. The biggest concern around this area is: what is the safety and accountability or transparency if this bill goes ahead as it is? How would you protect – I just wanted to actually ask this question of the Minister of Justice through you, Madam Speaker. How will this bill not open the way for abuse, I would say, of the public money that is basically intended or allocated to the public sector, the offices of the ministries, for the members of this Legislature to use those funds specifically either to serve their constituents or serving Albertans at large? What are the measures that we are taking in this bill so that accountability is not being compromised and public, taxpayers' money is not being used for political purposes?

The bill inserts a new clause into the section under 134(1) of the Election Act, that deals with restrictions on government advertising. The new clause (3.2) proposes to allow "a member of the Legislative Assembly [or] a member of the Executive Council in [their] capacity as a member of the Legislative Assembly [to] publicly [express their opinion] on the subject-matter of a referendum." This could allow MLAs and ministers to campaign for or against referendums in the House or through a minister's office or constituency communications. Currently the Election Act

prohibits government advertising through the departments or provincial corporations in the period leading up to provincial elections or referendum votes and limits allowable communications of Members of the Legislative Assembly to matters before the Assembly.

9:20

Looking at this bill, the first thing that was in my mind, the comparative arguments – I still remember the federal referendum in 1995 and the controversies around that and the role of an individual, a Premier, who had a long political career and experience in many different political parties. At least, all those parties and his roles in those parties were against political influence. Not only that, but they worked very hard and very long to hold the then government in power accountable for misusing the public funds for wrongdoing.

This is a hypocrisy. Why is there a dual standard now when we come to Alberta? I see a number of other things even, but I will not really go on and compare the referendum in Quebec, the federal one, versus Alberta. You just made a 360-degree move suddenly. This is very important. I would like to hear directly from the Premier, who has a long history and a long role, regarding the very similar matter that happened in the federal jurisdiction, and now that is being proposed by the provincial government, this government, as led by the very same individual that we were seeing on the different levels of the federal parties. I would like to hear if the Ministry of Justice and the Premier, too, can provide clarity on this, to see what he sees as different than what it was in 1995 in Quebec. How is it justified here?

In general I do have concerns. I wish we would have something better to debate. This government came into power in 2019, with their list of promises and signed guarantees, and I wish there would have been more conversation around those issues. How are we working to create jobs when we have I think it's the second-highest unemployment rate in the country right now? Nearly a quarter of a million people are unemployed, and we just reconvened the Assembly after a very particular situation due to public health orders. The Assembly was shut down for two weeks. There have been a number of issues. I don't mind, you know, debating this bill.

The second part of this bill specifically focuses on the long-due process or demand from the francophone community, but again, as I said, this is another omnibus bill we're discussing. Under the guise of that very demand, the government, in the same pattern – my colleague the Member for Edmonton-West Henday raised the question: why is the government so convinced or so indulged in influencing politics either with their dark money or big money, as you can call it? We call it dark money when there is a lack of a mechanism of accountability around the money flooding into the political system. We have seen the pieces of legislation last year being discussed and passed by the majority of this government that were really against the mandate of the democratic process of this Assembly.

So those are the questions before we will, you know, make up our minds to expand further discussion on this. The biggest concern – I'm just trying to put it in the perspective I really want. I'll just change the way I wanted to say it. It is incumbent on us as elected members of the Legislature and on behalf of my constituents of Edmonton-Meadows that I represent those views on the accountability and transparency of taxpayers' money being used for those very narrow political purposes. The government, first, needs to, you know, really explain to us, when we already have a mechanism . . .

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

Seeing none, any other members wishing to join the debate? The hon. Member for Edmonton-Castle Downs, followed by the hon. Member for Calgary-East.

Ms Goehring: Thank you, Madam Speaker. It's my pleasure to rise this evening to speak to Bill 68, the Election Statutes Amendment Act, 2021. There are pieces of this legislation that I do believe are beneficial. Specifically, I just heard my friend here speak about the francophone act and how that is needed, and I think that that change was not only requested by the community, but it's something that makes sense. It comes into line with the current eligibility to run under the municipal act for other trustees, and I think that it only makes sense to be able to have the francophone community a part of that.

When I look at the current standards in order to run, part of that is that you had to have received your education in French in K to 6 education in Canada, and when I look at Edmonton-Castle Downs and the beautifully diverse community that it is, according to the most recent census 10 per cent of Edmonton-Castle Downs is French speaking. When we were in government, we approved and funded a new school in the community for the francophone community because of the high volume of families that are francophone. So when I see that the eligibility to be able to put your name forward to run as a trustee is being changed, I think that it only makes sense.

When we look at the incredible diversity in Edmonton-Castle Downs, not everybody that would like to run to represent this area is necessarily educated in Canada. We have such a diverse population. We have people from all over the world that come to live in Alberta, and I know that in Edmonton-Castle Downs we have that beautiful privilege of having such a diverse community, with, like I said, 10 per cent French speaking. So I think that this is a welcome change, and it's something that definitely speaks to the changes that are happening in the province, that we have a beautiful immigrant community here and people that want to be involved in service, and being able to expand eligibility I think makes sense. I definitely support that that's something that's happening, and I think that it's wonderful to see this government doing that.

9:30

The piece of this legislation that I do have concerns with is that the definition of francophone is still to be determined, and I'm curious why it isn't put in this legislation. I think that it's something that I'm sure they talked to the francophone community about, I would hope, in consultation with them. I would think that they would be able to provide a definition quite easily of what that means, and I think that having it not in this legislation is a bit confusing. I've seen a trend where there are so many pieces of legislation that have these big questions and these big gaps left in them. The government says: we'll do that in regulation; we'll do that later. That makes me question: what's the motivation behind that? Something as simple as being able to define francophone is quite easily resolved by talking to the francophone community to come up with a definition. It shouldn't be something that Executive Council needs to determine. Ask the community. I'm sure that they would happily be able to provide a definition for themselves.

I'm hopeful that perhaps by the time that this legislation is resolved, there would be an amendment from the government to actually include a definition. We are in a bit of a time crunch because we have a municipal election that's coming up this fall, and I would hope that the definition would be confirmed well before this fall election. We're seeing individuals all across the province come forward and identify that they have been successful in seeking the position of running for municipal elections and trustees, and I

think it would only make sense to be able to have that definition to give out prior to an election where they would be running. I would hope that it would be done soon because people, like I said, are announcing right away. We know – everyone one of us in this Chamber knows – the amount of work that needs to go into a campaign, and the earlier you can start, the better. So I would encourage the government to come up with this definition.

There are also some pieces of this legislation that will help define the boundaries. Again I hope that this is something that is happening in consultation with the community rather than the government arbitrarily making these decisions, that the community is able to say: this is what we want; these are the boundaries; this is what makes sense for our community; these are the natural boundaries. I sincerely hope that the government is listening to the community when it comes to that.

I think that something I would implore the government is that when they're making these decisions and they're looking at regulations, they're actually talking to the francophone community, including them in those creations of the regulations, because it's really unfortunate when you hear that decisions have been made and definitions are done and then the community is upset because nobody talked to them. I really hope that this government is really listening to the community that this is impacting. This is a wonderful opportunity to have the community directly impacted involved in the conversation, and I think this is a wonderful piece that could have success if they're authentically consulting with those that are impacted by that.

Another piece of this bill would allow government funds for MLAs and ministers for partisan activity in relation to a referendum. Madam Speaker, I can't tell you how concerning it is that this would be something that's allowable. Right now we have very strict guidelines, through our Members' Services orders, that clearly define what is an eligible expense and what is not. I sit on the Members' Services Committee, and we're tasked with reviewing the orders and coming up with recommendations and making sure that the orders that we have, especially when it comes to expenditures or definitions of what's partisan and what our communication guidelines are – it's very clear what is an allowable expense and what is not, and right now it is clear that partisan activity is not an eligible expense, whether it's out of your constituency office or out of a minister's office.

I know as the representative for Edmonton-Castle Downs that I represent everybody. I have the privilege of being able to listen to all points of view of my constituents when they come to me, and I can honestly say that regardless of your political stripe you're welcome at my office. You can come in and talk to me about your concerns, talk to me about your strategies, talk to me about the things that matter to you as a constituent of Edmonton-Castle Downs.

My fear is that if we start putting partisan politics into our expenditures, into our ability to advertise and communicate, that is not just blurring the line; it is blatantly destroying the line. It becomes a free-for-all in being able to spend money to support partisan practice. I think that that is a huge area that we need to be cautious of because I need my constituents coming into my office to know that their opinion is respected. Regardless of the party that I represent, when it comes to my constituency office, it is nonpartisan. Everybody is welcome to come in. My communication goes out, talking about things that are happening in government, in a nonpartisan way. It's very clear in our orders what is allowable and what is not, and if there's any question, we have those conversations. There are checks in place where we can go through something with our expenditure officer to talk about the language

that we're using, the questions that it could be perceived as being partisan.

But this piece of legislation is saying that it's allowed to be spent, under government funds, for us to be partisan when it comes to a referendum, and I think that constituents that don't support the political party that that member represents might have an issue knowing that their MLA or the minister is eligible to use government funds to pay for communications for partisan activities. It's just not acceptable. This is a Chamber that we should be holding to the highest standard when it comes to expectations of how our members conduct themselves. When we have referendums, we have an ability as members in this Chamber to debate, just like we're doing right now. We have the ability to debate, to be able to express our opinions, to be able to clearly talk about what's being proposed.

Now they're wanting to put another level to that, a whole new level about allowing funding for partisan activity. I don't understand. We have two very clear expectations when it comes to being an MLA. We have our job representing our constituents. We have the funds that come out of our office to do that, and the ministers have funds that come out of their offices to support the work that government is doing, not the party side of things. We know that there's a very clear line between partisan and nonpartisan. I know, when I'm in my partisan side, what that means. It's very clear what I'm allowed to do. Elections Alberta has laid it out and said: this is what's allowed; this is what's not.

9:40

Bill 68 wants to change that, and they're using it in a way where it's in relation to a referendum. I feel that it's opening up a door that is way too convoluted. It is taking the one side, saying that anything related to party activities, anything partisan can't be done, oh, unless it's a referendum. We arguably have the ability to stand in this Chamber and talk about our opinions and express ourselves about how we feel about a particular issue. We shouldn't then get an extra opportunity to come out and use taxpayer dollars to try and sway the opinion of those that are going to be voting on the referendum. I think it's very concerning when we look at the government proposing ways to spend government funds to do partisan activity, whether it's out of the ministry or whether it's out of your constituency office.

I think Albertans expect to be represented. Every Albertan should be able to have a voice and a say in what happens in this Chamber and what happens out of our offices, and the money shouldn't be spent on only those that support our political stripe, whatever that is. I think it's completely unfair, and I would suggest that if we looked back into why the orders were done the way they were, the majority would support that partisan activity should not happen in provincial politics. It shouldn't happen in federal politics.

As part of the committee for Members' Services, when we're looking at changing orders, one of the things that we often do in many of our committees is a cross-jurisdictional scan. I can tell you that there isn't any province in Canada – or the federal government of Canada does not allow for partisan advertising or communication out of their MLAs' budget for their office, out of the government budget for their ministries, even out of the caucus budgets for each caucus. So I don't know why this government believes that going against every other province . . . [Ms Goehring's speaking time expired]

Thank you.

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

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

Mr. Singh: Thank you, Madam Speaker. I am very thankful and honoured to have the opportunity to rise and speak in this Chamber about my support for significant legislation that is part of strengthening our democracy, Bill 68, the Election Statutes Amendment Act, 2021. I thank the minister for bringing this legislation forward, that puts clarity in the conduct of a referendum in our province.

A referendum is a democratic expression of the will of the people and an important procedure in making major decisions rather than providing the sole decision-making power to the government authorities. The exercise of a referendum is important as it reinforces our democratic foundation by giving Albertans a louder voice and a better chance to be considered, with more participation in a direct role in our sovereign system. The provincial government held dozens of fair deal panels throughout the province, and the results were astounding. We found that an overwhelming number of people want a greater say on matters that affect their daily lives and the future of their province.

Last year Bill 26, the Constitutional Referendum Amendment Act, 2020, was enacted, which allows referendums to be held on more topics, including on government-led initiatives or matters of public interest, before they're implemented, including the recommendations of the Fair Deal Panel. Madam Speaker, Bill 26 made it clear that a referendum could be held alongside a provincial or municipal election or by itself. By doing this, it will increase efficiencies as government expenditure will be less if referendums are done during an election that is about to happen rather than conducting it separately and starting from scratch. Also, on this conduct, more Albertans are expected to be out there during the polls as they're encouraged to engage in provincial or municipal elections and issues that affect them.

In addition to that, we have Bill 51, the Citizen Initiative Act, which is currently under the consideration of this Legislature, that will allow an eligible Albertan to put forward a petition regarding a legislative proposal, a policy proposal, or a constitutional referendum.

We often see some debates and exchange of views when a referendum is about to be undertaken. We also see different advertisement or publishing regarding insights on the question that is the subject of a referendum. This may be for or against it. These are common activities to promote one's understanding about the subject matter of the referendum and to provide the people additional information.

Having said that, Madam Speaker, a third-party advertising spending limit was set as well last year, which is \$500,000, while the audit threshold is \$350,000. The spending limit does not apply per question but for the entire referendum. This means that a third party will have to decide how they divide their financial resources among multiple questions. On the other hand, the \$350,000 audit threshold is approximately two-thirds of the \$500,000 spending limit, which is consistent with the two-thirds threshold used for general elections and Senate elections. Even if a third party spends below the audit threshold, they could still need to file a return, which includes a financial statement, with the Chief Electoral Officer, the same as in a Senate election.

[The Speaker in the chair]

For referendums in other jurisdictions such as British Columbia and the United Kingdom, it is common practice for the government to provide support to the proponent and opponent groups with taxpayer dollars. In Alberta this will not be the case, and third parties will have to raise their own money. I can say that ours is

better because ultimately Albertans should be the ones who decide which side they support financially.

Currently there is no clear rule or provision under existing laws whether a government minister is able to publicly express an opinion or views regarding the subject matter of a referendum. This bill, Mr. Speaker, introduces certainty in that respect. Bill 68 will permit ministers in their capacity as MLAs to join or participate in debate, interviews, or other forms of public speaking to provide their views on referendum questions.

As we all know, Alberta is the home of diverse communities. With this composition we have learned the importance of sharing another's culture, ethnicity. We enjoy each other's activities and celebrations, and we respect each other's views and opinions. Having said that, Mr. Speaker, our democracy has allowed any person to express and to be heard on their thoughts on matters concerning the general public which have been put into the referendum.

Albertans have participated in various referendums, including on the generation and distribution of electricity in 1948, a vote on daylight saving time in 1967 and 1971, and the 1992 constitutional changes. Moreover, Canada has had a tradition of referendums on vital issues, including the 1898 vote on the prohibition of alcohol, the 1942 vote on conscription, and the 1992 vote on the Charlottetown accord. Referendums have been conducted on major issues in provinces such as grain marketing, proportional representation, electoral systems, public health insurance, and constitutional change – all of these, Mr. Speaker, are an appropriate exercise of democracy – together with the hundreds of municipal referendums held in various towns and cities across Canada.

9:50

Guided with basic principles of democracy, any person should be freely able to express opinions and thoughts on matters that will directly affect them. This, too, should apply not only to the regular members of the Legislature but also to the government ministers in their capacity as the representatives of their constituents. Bill 68, Mr. Speaker, will explicitly allow that. The government ministers, like every other MLA, were voted upon by their constituents. They should be able to voice what they have heard from their constituents regarding matters which are the subject of a referendum. Albertans deserve to hear all viewpoints in the referendum process. The changes that Bill 68 introduces would make it clear that ministers, just like all other MLAs, are allowed to engage in a robust public debate about matters that are important to Albertans. That is very important in a democratic system. Everyone is heard and able to express their understanding on matters that will affect them.

Similarly, by allowing the elected leaders to join debates in public speaking opportunities on referendum questions, Albertans will be able to receive their views on the subject matter and make an intelligent decision in casting their support. As referendums in Alberta can be held on an extensive range of issues on matters of public interest or concern, which includes an opportunity to have a more direct position on certain recommendations of the Fair Deal Panel, the public needs an open engagement with MLAs, including government ministers, regarding the subject matter of the referendum.

This bill would engage, encourage MLAs across the province to get behind their constituents when they exercise their fundamental rights by freely and openly expressing their support in public. Constituents would bring to the attention of their MLA what their opinion is, and in turn the MLA would express the opinion of the majority in their riding. With this bill, Mr. Speaker, I am glad that it will provide a clear picture that MLAs, including government ministers, can express views on the topics of referendums. I'm sure

that the current government ministers are looking forward to being part of the robust public debate that is directly linked to the interest of the constituents.

I'm delighted to further participate in this democratic process with Calgary's constituents, a very diverse constituency where the central business district is located on International Avenue, or 17th Avenue S.E., which is composed of various businesses catering to different ethnic communities surrounding the avenue. As political leaders and representatives it is of utmost importance for us to stay engaged within our constituencies in this democratic process.

This bill together with the recall legislation and citizens' initiative here in Alberta will strengthen our democracy. This is an important recommendation to bring forward in this Chamber, and it comes as a reminder that we do not single-handedly serve the party that we represent. It brings forth the reinforcement of the fact that we represent the diverse political realm of our constituencies. We must not withhold our members and ministers having their opinions heard on the referendums in public debate. By having this bill, the government recognizes the importance of diverse perspectives on policy issues. This encourages good policy development and will lead to a government creating an atmosphere in which we are able to bring our constituents' concerns forward.

Mr. Speaker, this doesn't mean that any minister can utilize government funds to promote their thoughts. The Election Act prohibits government departments from advertising or publishing information about its programs or activities that may have a disproportionate impact on voters during a referendum. Ultimately, under no circumstances will this bill provide government departments, ministers, or members using their direct government resources to persuade voters' intentions during a referendum.

Bill 68 will also amend the Education Act by broadening eligibility for francophone school board trustees, allowing for the creation of additional classes of eligible individuals to be nominated. This, Mr. Speaker, is a support for Alberta francophone schools as part of a robust and vibrant education system. Also, this change is supported by the stakeholders during the Education department's conversations with them. The government will continue to be involved and interact with francophone school board trustees, parents, and other impacted stakeholders on future eligibility criteria.

Bill 68 is an important piece of legislation to ensure that government members from north to south in Alberta will have the ability to publicly stand up for their constituents through public debate and referendums. This bill is a must-pass to further our democracy and to give more power to Albertans in this democratic process. Let me again express my appreciation to the minister for bringing Bill 68 forward together with bills 51 and 52 as they empower citizens with more participation in a more direct role in our democratic system. I encourage every member of this Chamber to support this bill to reinforce our democracy in Alberta.

Thank you, Mr. Speaker.

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

Mr. Sabir: Thank you, Mr. Speaker. Certainly, it was a written speech and very well written. I listened to the speech with interest, and a couple of questions came to my mind. I thought I should direct those questions to the hon. member. The member talked about Albertans participating in referendums before, so the question I have is: why is this piece of legislation, then, important and necessary when they were able to participate before? Or was there

a law that prohibits them, restricts their participation? If the member would like to expand on that one.

The second thing that I noted: the bill also expands eligibility for francophone trusteeship, but it doesn't define the term "francophone" in this piece of legislation. If the member would like to comment on that one, I will cede the rest of the time to the member.

The Speaker: Are there others under 29(2)(a)?

Seeing none, is there anyone else wishing to join the debate this evening? The hon. Member for Edmonton-North West.

Mr. Eggen: Well, thank you so much, Mr. Speaker. I rise with some interest to speak to Bill 68 here this evening. You know, I don't want to go over too much of the same ground although certainly my colleagues have both, I think, defined the potential advantages of this bill but also some areas that need some attention and some work, so I think I would like to maybe speak much more specific around the problematic elements of this bill. Of course, in second reading we look to the general principle of what is trying to be expressed and then, of course, look for ways by which we can perhaps improve the bill through the other stages of debate.

10:00

The first part. I just want to talk about the francophone elections. Certainly, this issue has been brought to my attention a number of times, so I'm glad to see it being addressed. We know, of course, that our participation of Albertans in the francophone school systems that we have across the province has been increasing quite dramatically over the last number of years, and a lot of it has to do with immigration from francophone countries. I mean, of course, this is a welcome addition to the fabric and the diversity of our province, and it's important to recognize not just a French as a second language program or a French immersion program but actual francophone school boards as being integral and vital to the diversity of our province and a recognition of French as an official language here in the province of Alberta as part of the Confederation of Canada.

We always need to go back to that because I know that we see in various forms that there has been hesitancy around the full recognition and use of French, our second official language, here in the province of Alberta. I think it's important for us, as we continue to look for ways to diversify our economy, to help reach out to the rest of our country and the rest of our world, that we take that fundamental advantage, that fundamental necessity of promoting our official second language, French, to recognize the cultural identity of our population. It will help as well to build, reaching out to the rest of the world through the francophone community around the globe.

Specific to this bill, of course, it's changing the eligibility potential for candidates to run. I presume that it can be passed and then come into effect for this election coming up. I guess the minister can certainly clarify that for us. But, as I said before, part of the revitalization and the growth and the success of our francophone schools across the province is immigration from other parts of the world, from francophone countries, so it's important to be able to allow individuals in that situation to run in the school board elections. I think that this change is a reflection of that desire and that responsibility we have as legislators to ensure that people can run in those elections.

The only question I have – and, again, you know, I'm sure that the minister might have a reasonable explanation for this – is: why are the full eligibility criteria and so forth not encompassed in this act? Rather, it has sort of somewhat cryptically been said that these

will be fleshed out and expressed fully in an order in council coming after this bill or, hopefully, maybe in sequence with the passing of a bill like this in some form. I'm just curious to know why we wouldn't just have the full-meal deal, so to speak, Mr. Speaker, put into this bill now for us to see. What's the order in council part that we have to wait for? Why is that taking place? I mean, that would be my only concern. Quite frankly, we want to make sure that the full disclosure of the democratic process is laid out for everybody and that it's not in any way being curtailed or somehow compromised by the ability of a minister to limit that democratic process through an order in council or a ministerial order, for that matter.

The other part of this bill – and, again, it seems like it's a theme this evening, where you have a bill that is talking about one thing and then you have another part of it that talks about something quite different, you know. So you take, I think, a very functional desire to democratize further the francophone school trustee situation, and then you tag onto it something around referendums and participating in referendums, right? Are the two related to each other? Well, only tangentially. I mean, there's some vague sort of notion of elections, I guess, right? But, you know, they're two quite different things in regard to eligibility for trustee candidates in the francophone school board and then suddenly also having some talk about referendums and the government participating in referendums as well.

Mr. Speaker, you know, one thing that we must always be on guard for is that we don't allow the misuse of monies to be spent in elections and how that can construe the outcome of an election and how it can construe the use of public funds for endorsing and supporting something that is being voted on. That's where I see the problem in this Bill 68 in regard to the participation in referendums.

You know, I think there's probably a way to fix it, quite frankly. Being the very helpful Official Opposition that we are, I think we can come up with an amendment that can perhaps clear the air in regard to the use of constituency funds from our constituency budgets and the ministers' funds from their ministerial offices to make sure, crystal clear, both in reality and perception, that those monies would not be spent endorsing referendums and positions within a referendum here in the province of Alberta.

I mean, the whole referendum idea is certainly intriguing, and it's interesting. I think that we'll head down this journey together, right? But there have to be rules, as there should be for any elections, in regard to the expenditure of money. When you put in a new thing to be voted on, like a referendum and so forth or the recall legislation and so forth, if you are allowing at the same time unlimited funds to be spent on those things, then you're opening the door to all kinds of problems. We only have to look as far as our neighbours to the south, in the United States, to see just how insidious and problematic those problems can become, where, you know, without spending limits you literally have hundreds of millions or even billions of dollars being spent on various levels of elections. That's not freedom; that is purchasing democracy for the highest bidder, quite frankly.

You know, with this one little piece here, again, to make sure that if we're talking about referendums, we have to talk about endorsing certain positions on referendums; well, that's fine, I guess. But using public money to support those positions either through a constituency office or through a minister's office: that's not acceptable. I think that, really, if we take the pulse of that around the room here, people would get a head nod on that, right? Well, the public certainly would, and I think that on a practical level Members of this Legislative Assembly would acknowledge the reasonableness of that as being common sense, quite frankly. We'll test that in the coming days here in this Legislature's spring session,

and hopefully the reason and, as I say, the sense of fair play and common sense will prevail in that regard.

Those are the two areas, Mr. Speaker, that I kind of have identified as challenges with this legislation. You know, we know that the francophone issue is something that needs to be clarified. I think that's beyond reproach. I think that we need to make sure that we have clarity on this niggling sort of thing, suggesting that there will be an order in council or something that will accompany this.

10:10

I think we need that to be fleshed out so that we're not supporting something that's sort of hiding in the shadows somehow – right? – or just not being clear and then, with the referendum thing, to ensure that we do not use the positions that we have at the constituency level or, you know, much more powerfully on a ministerial level for budgets to support a position or not on any given referendum that might come forward here in the province of Alberta.

That's kind of my assessment of things, Mr. Speaker, and I invite others to come forward and provide constructive criticism perhaps as to where I've made a position and/or helped to illuminate the debate further.

Thanks.

The Speaker: Hon. members, Standing Order 29(2)(a) is available. The hon. the Minister of Justice and Solicitor General.

Mr. Madu: Thank you, Mr. Speaker. You know, I have been listening to the debate on Bill 68, the Election Statutes Amendment Act, 2021, that is in the second reading stage, tabled before this Assembly by myself, the Minister of Justice and Solicitor General, to make sure that we continue to advance the work of ensuring that all of us have the opportunity to participate in our democratic process.

You know, Mr. Speaker, I have listened to the Member for Edmonton-West Henday, the Member for Edmonton-Meadows, the Member for Edmonton-Castle Downs, and the Member for Edmonton-North West, being the last speaker from the members opposite, mischaracterize this particular bill. Everything you've heard about this bill with respect to the provision that will allow MLAs, ministers in their capacity as MLAs to participate in the democratic debate with respect to referendum topics is completely not true. There's nothing. This is oftentimes some of, you know, the disappointment that we get to deal with before the floor of this Assembly. I appreciate, though, the opportunity of the members opposite to speak on this particular bill because it reveals a lot. That is how our fellow citizens get to see how our minds work, get to see our world view on all kinds of topics, all kinds of democratic issues.

Mr. Speaker, you know, this bill does two simple things that are not the subject of controversy. One, with respect to Francophonie in our school system it expands eligibility so that members from that particular community could participate in their election as trustees. It removes a barrier that has prevented the members from that particular community participating in their own school system. Very simple, straightforward. Nothing else.

Two, with respect to members of Executive Council in their capacity as MLAs being able to participate in referendums: again, very simple. Right now, under the current system, members opposite are able to participate in democratic referendums, but for members of Executive Council in their capacity as MLAs, not too clear. This is not just coming from me. This is coming from the Department of Justice and the Chief Electoral Officer, that it's not that clear. All this does – all this does – is allow ministers, who, by the way, before they become ministers are representatives of their constituencies. The members opposite would want this Assembly

to deny them the opportunity to express the views of their constituents whilst allowing them to be able to express their own views. That is the most shocking thing that I have heard from the NDP members opposite.

So it is okay for them. Mr. Speaker, all you need to do is that you should just go to social media, Facebook or Twitter, and see. You can read stuff from all members opposite on a wide range of issues – on a wide range of issues – you know, but they would not want members of Executive Council to be able to express the views of their constituents in a referendum.

You know what the members opposite are afraid of? It is not what they are talking about in terms of expenditure. You know, the budget for the minister's office in the hands of the department: this particular bill, Mr. Speaker, this act in section 134.1(3.1) deals with that particular issue.

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

Is there anyone else wishing to join in the debate?

Mr. Bilous: Oh, Mr. Speaker, I'm excited to speak after the minister – yeah; very excited – to clarify a few things that he has suggested. This bill makes a couple of different changes. It doesn't just clarify. The biggest concern that the opposition has is that there is now an ability for the minister to use his or her ministerial resources to affect the outcome of this election. Show me. Where, Minister, in the bill does it say that a minister cannot use his or her budget, through you, Mr. Speaker? It doesn't. Therefore, it's a loophole you could drive a bus through unless the government closes that loophole. I welcome the government to bring forward an amendment to clarify that in black and white because as it currently stands, there is not clarity – believe me, there are several lawyers in the room – that definitively states that a minister cannot use his or her budget.

Where I will challenge the minister on his argument that he is an elected representative: he is; he's also a member of Executive Council, which gives him privileges and resources and access that no other private member has. There is a reason that on Monday afternoons it's called private members' business. Why? To ensure that there is not a tyranny of the elite – it's not even of the majority – of the executive. It's to ensure that private members also have the ability to not only express their opinion but that they cannot be silenced by the government.

Let's be clear. The government is made up of Executive Council. The majority of the members opposite who sit in this Chamber are not part of Executive Council, but in this place we, through you, Mr. Speaker, guarantee that their rights as members are upheld because every member represents a significant number of Albertans. Whether or not they are part of Executive Council, they are equally as important, they equally represent a significant number of Albertans, and their rights need to be protected.

In this piece of legislation as it's currently written, there isn't clarity. Now, I invite, I welcome, I ask the minister to bring forward an amendment to clarify definitively in the bill that a minister cannot use his or her ministerial budget. Now, I will remind Albertans that ministerial budgets are significant. They're no small amount. We're talking – hundreds of thousands of dollars to millions of dollars is a minister's budget. I appreciate that the minister currently is saying that his budget cannot be used to influence the election. It's not currently stated in the bill, so by law a minister could use his or her budget.

10:20

Now, where I will clarify with the minister: I'm not talking about the ministerial budget; I'm talking about the minister's office,

which is a line item in the department budget that is controlled exclusively by the minister. How do I know this? I was a minister for four years. The minister does not seek approval from the department on how to spend his ministerial office budget. I welcome any member to challenge me on that because they are incorrect. The minister's office budget is part of the ministry but is controlled exclusively by the minister's office. All that we're asking for is a definitive declaration, a definitive answer through the bill, not through debate in the Chamber – I appreciate that both sides ask each other to trust us on what we're saying; sometimes we have that level of trust; sometimes we don't – to assure Albertans that monies from government in the offices that the ministers hold cannot be used to influence elections, that it is stated in the bill. That's all I'm asking.

Again, members in this Chamber will know that I'm happy to give credit where credit is due. I do time and time again. I appreciate the fact that part of this bill amends who can run to be a francophone representative. I honestly appreciate that that definition is being expanded because I think that in order to ensure that we have not just adequate representation but actual representation of people who are part of the francophone community, that definition needed to be expanded. I am a hundred per cent in favour of that. A hundred per cent.

The questions and the concerns that I have are around the undue influence that MLAs and ministers – and I say MLAs, all MLAs. I'm also talking about my concern for government, opposition, all 87 MLAs. There should not be opportunities for MLAs to unduly influence the outcomes of an election. Now, I appreciate the fact that we can all take to our social media. We can take to engaging with constituents to try to influence their vote. Fair enough. But when there is an opportunity through legislation to unduly influence, financially or otherwise, the outcome of an election, then I have a concern with that.

Now, I appreciate – the minister is shaking his head. The minister is engaged in this conversation, and I will give the minister credit, through you, Mr. Speaker, that the minister is very engaged on his files and his bills as they come through the House. From one member to another, I respect you for that. For me, we could very easily clarify this and put this concern to rest through an amendment, whether through the opposition or through the government – and I'll tell the Assembly that I will support either – to ensure that this and these elections are not unduly influenced. That's what we're talking about.

You know, I appreciate on the one hand that this is the second piece of legislation that I've stood up to debate this evening where the government is making, I believe, a real attempt at improving a piece of legislation, and there are some aspects in this piece of legislation and in Bill 62 that I support. The challenge, Mr. Speaker, is that there are elements in Bill 62 and this current bill – and, to be fair, Bill 62: there are more concerns that I have that would require several amendments. However, in Bill 68 here, the Election Statutes Amendment Act, 2021, that can be clarified to a point where I believe the Official Opposition would support wholeheartedly.

I know, through you, Mr. Speaker, to the minister and to the government members, that the francophone community is in support of a number of changes that are being proposed. I know that. The francophone community has concerns and questions around changes to the involvement of MLAs and ministers. All we're asking for is for clarity through legislation, not through regulations, not through "take my word for it." I appreciate that members on the other side may have the highest level of integrity. The challenge is that it needs to be written into legislation to assure Albertans that in the future not just current ministers who hold their

positions but future ministers will all follow the letter of the law. That is what we're asking for.

Mr. Speaker, I remember speaking to pieces of legislation in 2012, when I was first elected, and talking about the honour of a minister of that time, in that day, and how they may uphold the spirit of what they are proposing, but what Albertans want is certainty, and in order to get that, they need it written into legislation so that every other minister that follows them will be held to the same standards and will uphold the same bar.

The challenge is that we don't get that through regulations. We don't get that through orders in council because that is done behind closed doors, and the members opposite know that. These were the same arguments they gave when they were opposition, the exact same. In fact, if we could roll *Hansard* tape, I could name members that still sit in this Chamber to this day that had concerns when significant decisions were left to orders in council. I don't want to debate the merits of the fact that there are times and circumstances that warrant decisions made by an OIC, or order in council, but the fact of the matter is that every opposition party since I've started following Alberta politics has a concern when significant decisions are not spelled out.

And I get that what we're doing, folks, is keeping lawyers in business. I mean, they'd love this. This is their bread and butter, no disrespect to lawyers. I have a great deal of respect for lawyers. In fact, I share a bench with many of them. But as much as we can clarify and spell out the parameters, the better. I appreciate that the minister, through you, Mr. Speaker, is indicating that although I have these concerns, that's not the case, that ministers will not be spending their ministerial budgets. I appreciate that the minister is saying that or indicating that.

10:30

The challenge is that until it's written in legislation, the minister may be a person of integrity and may never use his or her ministerial budget. If it's not written in legislation, there is a chance that other, future ministers – I'm not even going to make an assertion that any current minister would do that but that it could be done. We just want to ensure that elections are fair and free from undue influence and bias.

For those reasons, Mr. Speaker, I'm asking the government to bring forward an amendment to clarify this, and I will support this bill.

Thank you.

The Speaker: Standing Order 29(2)(a) is available. I see the hon. the Minister of Justice and Solicitor General has risen.

Mr. Madu: Thank you, Mr. Speaker. Once again let me thank the Member for Edmonton-Beverly-Clareview for his contribution to this debate. You know, I am again grateful for the opportunity for all members to be able to speak to this bill, which, as I said before, is a very simple bill. The bill, with respect to allowing the members of Executive Council in their capacity as MLAs to be able to express themselves, which is what their constituents would expect them to do, has one subsection – there's nothing in this particular bill that allows for ministers to use their ministerial office expenditures on elections, referendums, or otherwise. This has been in law as far as we have been having elections.

What the Member for Edmonton-Beverly-Clareview is saying, in a nutshell, is that there is a distinction between normal elections and a referendum, which is a very absurd argument to make. There is a distinction between other elections that we have been having, and ministers have had to participate in the past, and therefore there ought to be a law now that says that you can't: that's an absurd

argument to make, with all due respect to the Member for Edmonton-Beverly-Clareview. I am a lawyer who has presided over these particular pieces of legislation. That's something I know about, legal principles and the interpretation of legislation and statutes.

But at the heart of their concerns, Mr. Speaker – and for citizens listening at home, you would think that this is a real problem. It isn't. You know, section 134.1, subsection (3.1), makes it clear, a whole list of things for the members of Executive Council or the department or government corporations, prohibitions on participation in referendums. It's there in the Election Act, that is not being amended. This is only in subsection (3.1). It says that, for clarity purposes, you know, ministers represent their people as MLAs, and they have every right, as members opposite, to go to their constituencies during a referendum to express themselves on a particular topic that is subject to a vote, and ministers in their capacity can do so as well.

Asking for an amendment that would prohibit a minister from using his ministerial expenses in a referendum is redundant. It doesn't make any sense because the law doesn't allow that right now, as we speak.

I urge every member of this particular Assembly, you know, to vote for second reading of this particular bill because it is the right bill. Perhaps their concern is that because they wrote amendments to the election finances act in the past, they allowed a loophole for the AFL. So there's something they know about loopholes. We haven't done that; that concern doesn't exist. That's why also, Mr. Speaker, we committed to closing that particular loophole. We are the party, the government side, that has committed to closing the loophole that allows unions to funnel so much money to the members opposite during elections. We have not sought to do that; we are seeking to close that particular loophole. So I am not going to be asking to close a loophole and write another loophole. There's nothing like that in this particular bill.

Thank you, Mr. Speaker.

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

Are there others? The hon. Member for Edmonton-Manning.

Ms Sweet: Well, thank you, Mr. Speaker. It's an honour to rise. You know, I've been listening to the debate with my hon. colleague from Edmonton-Beverly-Clareview and the minister and the dialogue that has been going on. We had many conversations at the Democratic Accountability Committee around election financing and making sure that we're looking at third-party advertising and all of the different ways that money could end up being introduced into potential elections. I don't think the thought crossed any of our minds that we'd actually have to get into a discussion around constituency budgets, members' budgets, and then ministerial and department budgets.

Now, I just want to clarify something that I think needs to be put on the record. There is a difference between a department budget, a provincial corporation, and a ministerial budget, which is the ministerial office, the MO. Ministerial offices are not included, actually, in this piece of legislation at all. In fact, I looked at the bill and I brought the bill into the House because I felt that it was important that we clarify exactly what we're discussing. If what the minister is saying is accurate, then to amend it to clarify it even further shouldn't be an issue. It should just be very common sense. Let's just make sure it's as clear as clear can be so that there's no ability for interpretation of the way that it's currently written to potentially be used in a way that wouldn't be appropriate.

Again, I appreciate that the current amendment that is coming through this piece of legislation, Bill 68, does say:

(3.2) For greater certainty, subsection (3.1) does not prohibit a member of the Legislative Assembly, including a member of Executive Council in his or her capacity as a member of the Legislative Assembly, from publicly expressing his or her views on the subject-matter of a referendum.

Absolutely. That is what it says. I agree. It does say that. What it does not say in the section that that is amending is about constituency office budgets or members' budgets, whether it comes through a constituency.

There's nothing, actually, explicit anywhere that speaks to a member's ability to use their constituency budget for this purpose or that prevents it from happening, in fact. The way that the act is written, there is no discussion around private members, Members of the Legislative Assembly, being involved in this activity up until this moment, which is now in this piece of legislation. It does raise a question around the ability to use public dollars, because that is what funds our constituency offices, and what prevents a Member of the Legislative Assembly from using their dollars to somehow discuss a question that is being put to Albertans.

10:40

Now, the other piece that I also want to discuss is that in section 134.1 it actually speaks only to the department or a provincial corporation; it does not speak to the MO, so the ministerial office. It is not explicit in this piece of legislation. In fact, it also says that the activity "related to the subject-matter of the referendum that has a disproportionate impact . . . in the areas of Alberta in which the referendum is being held unless the advertisement or publication" – and then it lists a whole bunch of exemptions.

Those exemptions could be and might be "required by law" or "required at [the] time to solicit proposals or tenders for contracts" or "because it relates to important matters of public health or safety." If the referendum was about public health or about public safety, let's say looking at whether or not we want to have our own police officers and our own police services – some would deem that as public safety – there would be an exemption with the way that this is currently written.

"A continuation of earlier publications or advertisements and is required [by] ongoing programs of a department or a Provincial corporation." Okay. So the government knows there's going to be a question put forward. There may be a discussion that's happened around the cabinet table or at caucus. A discussion has already been decided so that they know there's a referendum coming. There's going to be a question put to Albertans. There is nothing that prevents the minister from using their office to continue to produce publications or advertisements if those advertisements were done prior to the question being put. That is how it is currently written in the legislation.

It "occurs at a time when the Legislative Assembly is not dissolved and deals with a matter before the Assembly." [interjection] I mean, the minister is commenting back. There will be 29(2)(a), and he's more than welcome to stand up and respond to me again. The reality of it is – and I believe, Mr. Speaker, that we have lawyers in both the government and the opposition – that legislation is always open for interpretation. It is always open for challenge. Part of that is by defining and reading how the legislation is written and can potentially have loopholes that could be used and that would have to be challenged. We see it happen all the time. All the opposition is saying is: for certainty of this piece of legislation, ensure that there's no opportunity and that the interpretation of what is happening within section 134.1, with all of these exemption areas, is explicit, that the ministerial office budget may not be used

as well as that constituency office budgets will not be used. It is a clear housekeeping opportunity.

What I don't understand is why we've now spent all of this time having this discussion on the reality of an interpretation. The minister will say that the government is interpreting this piece of legislation one way and that this section that is being introduced does not actually impact the rest of the section. Well, in fact, it does. That is the government's interpretation. Fair enough. Well, the interpretation on this side is that we disagree. We disagree because it does allow for exemptions in 134.1 and, in fact, does not specifically speak to a ministerial office budget and does not specifically speak to the constituency association budget or membership services, whatever we call it. Because it's not explicit, we have already spent 45 minutes debating back and forth whether or not it is in the act. The fact that this conversation has continued for 45 minutes about whether or not it's actually existing within the piece of legislation and whether or not the exemptions exist or whether or not it is explicit and defined within the legislation speaks to the fact that it is not clear enough in this piece of legislation to say that it cannot happen.

It is a disagreement on the facts – that's true – which opens it up to legal interpretation, which opens it up to the fact that a member could say that this could happen. A ministerial office budget could be used or a constituency office could be used because there is nothing explicitly in the section to say that it cannot, and that is where the discussion happens. It is a matter of debate, for sure, but the fact that it's a matter of debate is a problem. When we look at it, again, defining "greater certainty," this is the only piece within the Election Act and any of the pieces of the Election Act where we explicitly start talking about members of Executive Council and where we start talking about Members of the Legislative Assembly. It is the only area where it allows for this conversation to happen. So the question that arises from it is: why as elected individuals would we use a place of privilege, which we all come from as elected individuals, to start influencing a conversation around a vote? If we're going to start getting involved in the question that is put to Albertans, and there is nothing explicit to prevent – it is very, very different than a general election.

When the government is dissolved, the money that is being used is from parties, maybe third-party advertising. We tried to fix that, but, you know, things happened. This is still when a government is active, when the government still has the authority to create change, to create legislation, to do all of those things. It is not the same as a general election. There is a significant amount of power and privilege that comes with the ability of being elected, so to inject this into a piece of legislation without explicitly putting financial rules in place, clear financial rules that explicitly deny the use of any public dollar to be used, is a problem.

Again, I appreciate that the minister does not agree. That is the minister's prerogative. But to be able to look at it and determine what the interpretation of it is, to say that – and explicitly in 134.1(3.1) it says, "disproportionate impact on voters." What is disproportionate? What does it mean when it says that it disproportionately impacts voters? What is the definition of that term? Who decides legally what would be a disproportionate impact on a voter? How do you determine that that is actually a legal definition, and what is the threshold? There is no threshold within this section to say what influence an elected individual will have that would disproportionately impact the outcome of a vote.

It is not clear because what I could determine as being disproportionate versus what the government would determine as disproportionate influence versus even another colleague within my own caucus or another colleague in the other caucus could say: well, I feel like what happened here is that a member of the elected

Assembly was disproportionately influencing my voters or the constituents in my area. So it is up for interpretation. If we're going to write a piece of legislation and we're going to amend the sections to have words that are vague, that do not have a threshold that says that this is the ultimate threshold that we'll allow to happen, yet also in that same section have exemptions where you could still do this if it met these requirements, well, again, who determines what these requirements are? Who is to say?

Again, I think the most prominent one would be (b)(ii): "because it relates to important matters of public health or safety." The government could still use public dollars through a department or a provincial corporation if they deem it relates to an important matter of public health or safety. Well, you could write a whole bunch of questions to put forward that could relate to public health or safety, and now the government has the ability to use all the monies that they want. That is how it is written within this section.

Again, I do believe that although we could debate this back and forth numerous times, it's explicit, it is there, and there are exemptions there. And when the government starts to introduce sections that allow legislative members to start being involved in their capacity as elected officials, Members of the Legislative Assembly, and then in that same section provides the ability for departments to still use dollars but not explicitly deny access to ministerial offices' budgets, which are separate from the department, very much so, and/or constituency budgets, it raises questions.

Again, I support the comments that the hon. Member for Edmonton-Beverly-Clareview made. I recognize that the minister and the government feel that it is explicit; however, I would say that it is not. I would encourage the government to take this back and to think about it and to make it more explicit. Then it's no longer a discussion, we can move forward, and the bill is even stronger because of it.

Thank you, Mr. Speaker.

The Speaker: Standing Order 29(2)(a) is available. The hon. the Minister of Justice.

Mr. Madu: Thank you, Mr. Speaker. I just wanted to, again, very quickly respond to the comments by the Member for Edmonton-Manning. You know, listening to her referring to those subsections that she was referring to, you would think that those subsections are contained in Bill 68, Elections Statutes Amendment Act, 2021.

10:50

Not true. No. The sections she referred to are sections that are already in existence in the Election Act. They are there. The totality of the sections that she was talking about have absolutely nothing to do with Bill 68. They are contained in the actual Election Act, that Bill 68 seeks to amend but in a certain, just one, subsection. Everything she spent the last 10 minutes talking about: not in Bill 68. Not in Bill 68. In the Election Act.

You know, one thing is clear, that Bill 68 only allows MLAs who happen to be cabinet ministers, members of the Executive Council, to be able to participate in the conversations around referendum subjects, just like the MLAs would do, without any prohibition whatsoever. That's all. Nothing else. There is nothing in this particular bill that would enable a cabinet minister to spend money from their department or from their whatever or from their ministerial office budget in a way unlike their other colleagues. We do have a law in this province that regulates how much money and the type of money we spend on elections. That law is called the Election Finances and Contributions Disclosure Act. That is that law. We have not sought to amend that particular law to create any

loopholes for cabinet ministers or MLAs indeed. As I said, there is nothing in Bill 68 that creates a loophole for anything. But as I said before, the members opposite: there's something they know about loopholes. They created a loophole that allowed the AFL the ability to funnel millions upon millions of dollars to the NDP during elections. Millions upon millions.

This is also similar to the same argument that they made when we tabled Bill 29. They said: oh, we are getting rid of pre election day disclosure; as if we have had one before. None ever existed. There were at that time 341 municipalities in Alberta. Not one had a law or a bylaw allowing for pre election day disclosure. But listening to the members opposite on that particular debate, you would think that we came and removed a pre election day disclosure that the municipalities have put in place. It's completely not true. It was the same argument, similar to the one they are making right now, because this is something these members know about, loopholes.

I have undertaken to close that loophole as the Minister of Justice. So if there is any loophole out there that you guys know about, please bring it to my attention, and I will close that. I am closing the one that you guys put in place that allowed the AFL to funnel millions upon millions of dollars to you guys.

It is not contained in this particular bill, Mr. Speaker. Absolutely not. Absolutely not. While I welcome a vigorous debate on the piece of legislation before us, let's focus on the substance of the bill because that is what our people expect of us. Let's focus on the bill. The question is whether or not cabinet ministers as MLAs should be allowed to participate in referendum questions.

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

Is there anyone else wishing to add to the debate? The hon. Member for Calgary-McCall.

Mr. Sabir: Thank you, Mr. Speaker. I would like to speak briefly about this bill. I'll also repeat what my colleague said. Whatever she said, that was exactly in the legislation. As the minister has said, as many of my colleagues have said, the bill is doing two things. One relates to francophone school board elections. What we have heard from the community is that those changes are welcomed by the community, and certainly we are in support of these changes.

But there is one thing in the bill, and let me read it for the minister's benefit. It's section 3(2). Section (a) sets out who can run for that election. It lists that individuals should be francophone, 18 years or older, a Canadian citizen, living in Alberta for six consecutive months immediately preceding the nomination. Then there is another section, section (b), which says, "the individual is a member of a class of individuals prescribed by the Lieutenant Governor in Council as being eligible to be nominated as a candidate for election and to be elected."

On one hand this bill makes changes, very clear changes, sets a clear criteria for who should be elected to francophone school boards. The criteria is supported by the community, and certainly on this side of the House we do support those changes. But at the same time the government is reserving powers to cabinet that they can come up with a class of individuals who can be eligible to be elected. I don't think that anybody from the front bench has explained why it is necessary for them to have that left to cabinet to decide. Did the community ask for that? Were there consultations around that? That's one concern.

The second thing, the changes with respect to the Election Act. This bill is adding a provision that starts with "for greater certainty." Usually these kinds of provisions – the minister is a lawyer himself as well – are used where there is some confusion. The existing

provision was very clear that during a referendum period a department, a provincial corporation shall not use public funds, equities, unless it's required by law, unless it relates to a matter of health and safety, those kinds of things. That provision was very clear. The purpose of that provision is that when government is going into a referendum, any government department or provincial corporation shouldn't try to influence the outcome of the referendum by using public funds.

The provision that government is adding here:

For greater certainty, subsection (3.1) does not prohibit a member of the Legislative Assembly, including a member of the Executive Council in his or her capacity as a member of the Legislative Assembly, from publicly expressing his or her views on the subject-matter of a referendum.

Clearly, what this provision is saying is that a member of Executive Council, any cabinet minister, can express their views freely on the subject matter of a referendum as MLAs. We all as MLAs do get budgets. Every one of us gets a budget from the LAO, and a certain portion of that budget is reserved to help us express our views.

11:00

Like, even in my neighbouring constituency – I was passing by the Member for Calgary-Falconridge's constituency. He has a board in my riding about encouraging people to get vaccinated. He's expressing his views by using public funds. By passing this provision, will he be able to use those funds in his capacity as MLA to express his views on the subject matter of a referendum? If that's not the intention of the government, I think what the Member for Edmonton-Manning was suggesting is that the government can simply put a clarifying provision in there. We can bring forward that amendment that prohibits MLAs from using the constituency budget to express their views on the subject matter of a referendum.

If the government is honest about these changes and all they want is to protect members' rights to express their views, then I think that's a reasonable request. We're seeking clarification from the government. Will members be able to use their MSA to express their views on the subject matter of a referendum? If the government can conclusively rule that out, I don't think there is anything stopping them from accepting an amendment that will put there: for greater certainty, Members of the Legislative Assembly budgets should not be used by members to express their views on the subject matter of a referendum.

With that, I will take my seat. At the next stage, the committee stage, we will try to clarify these things further.

Thank you, Mr. Speaker.

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

Mr. Bilous: Thank you very much, Mr. Speaker. It's my pleasure to rise under 29(2)(a) to make a brief comment or question for the member. You know, I appreciate the minister's attempt to say that ministers are not going to abuse their power, that they are just MLAs. The fact of the matter is that ministers have a greater reach in their influence – financially, politically, and through the media – than private members do, and if you don't believe me, let's compare news stories from ministers to private members, because one outweighs the other. The fact of the matter is that the minister . . .

Mr. Sabir: Unless they go to Mexico.

Mr. Bilous: My colleague just said, "Unless they go to Mexico," in which case, well, that's different. I won't go there.

I do want to draw attention to page 3 of the act, section 134.1. I'm speaking through you, Mr. Speaker, to the Minister of Justice specifically to remind him of his own bill.

Mr. Madu: I know my bill.

Mr. Bilous: I doubt that, sir.

(3.2) For greater certainty, subsection (3.1) does not prohibit a member of the Legislative Assembly, including a member of the Executive Council in his or her capacity . . . from publicly expressing his or her views on the subject-matter of a referendum.

What the minister, through you, Mr. Speaker, needs to accept is the fact that as a member of Executive Council they have undue influence, sway, and access to the public and public opinion, more so than other members.

It's the same argument that Hollywood actors use when they say, like: oh, I'm doing my own thing, and I have no influence over people. You do. As a member of the Crown you're not only elected to represent your constituents; you're elected to represent the province, and you have influence over voters above and beyond and outside of your own jurisdiction. It's not about influencing your own constituents. It's using your office to influence voters elsewhere, and that's where, Mr. Speaker, there need to be safeguards so that ministers don't abuse their position.

The minister can stand up and talk about how he's not going to do it, nor is his government. I'm sorry. I'll take the minister's word at face value, but unless it's in legislation – unless it's in legislation – which it's not, then ministers can abuse their position. That's the concern we're talking about over and over again tonight.

If the minister is actually concerned and being sincere about correcting this, then the minister should have no problem bringing in an amendment, but instead he will argue against this and change the subject and try to accuse the opposition of A to Z. I mean, he's taking a page right out of the playbook of the Premier. We're not talking about that. What we're talking about is: then bring in an amendment. Why is that so hard to do? The minister is busy making excuses on why it doesn't need to be in here whereas it does need to be in here. If the government is sincere about this, they'll fix this loophole.

The Speaker: Unfortunately, that concludes the time allotted for Standing Order 29(2)(a).

Is there anyone else wishing to join the debate on the main bill? The hon. Member for Peace River.

Mr. Williams: Well, thank you, Mr. Speaker. I wanted to take the opportunity to really confront the opposition members on what they're saying. We heard from the Member for Edmonton-Beverly-Clareview that there's a possibility that cabinet ministers would abuse their position, that there's undue influence because of this. Let's be clear on what we're talking about.

We're talking about elected representatives under the auspices of their office representing people, Albertans who elect them, speaking their view in public. That's what we're talking about. We're talking about allowing members, whether they are members of cabinet or not, backbench, opposition, front bench – I do not care. We're saying that they should not be able to have undue influence by speaking their mind and representing their constituents. Now, this is absolutely concerning. The language used by the member opposite is a little bit, let's just say, dramatic: you know, abusing their position as an elected representative. That is their job, Member for Edmonton-Beverly-Clareview. It's their job to speak for their electors. It's their job to come here and in public to advocate.

On questions of the referendum, whatever they may be, yes, sometimes my constituents might have views on a referendum question. Sometimes it's important for me to be able to articulate that as a backbencher, the same as it would be for a member of the front bench in government. It is absolutely outrageous to somehow presume that this little act should override what I believe is a moral and probably in this body, sadly, more importantly, a constitutional obligation to represent those constituents.

We can go back and forth, as the Member for Edmonton-Manning said, over and over again. We likely will. On this side of the House, Mr. Speaker, we will continue to represent our constituents, continue to respect democracy, continue to respect the eight centuries of tradition that we have inherited here as members elected to do our jobs and advocate on behalf of the people in our hometowns and our communities and the parts of the province where we come from.

11:10

It is absolutely tragic that members opposite think that somehow because this act is, quote, open to interpretation from the courts, it's inappropriate. That is all legislation we pass, Mr. Speaker. All of it. It will be open to interpretation. To prohibit that would be to stop legislating, to stop using the English language or any language. It is open to interpretation, yes.

What we see from the members opposite is a comical attempt at filibustering. Who knows what legislation they don't want to talk about? They don't want to get there. The truth is that this is good legislation. It is thoughtful. Not only is it thoughtful; it's constitutional. With the members opposite, I dare say that I don't think what they're suggesting is constitutional. They're suggesting members of the Legislature shouldn't be able to speak their mind on issues in front of the electorate just because it's a referendum or just because they happen to be appointed to the Executive Council. I think it would be a tragedy if members who were elected and appointed afterwards lost the ability to represent their constituents. That's not my understanding of how our electoral system works. My understanding is that I have an obligation to speak on their behalf.

There are reasons that we have, in this Chamber above all other places, a free voice to express the interests of our constituents. There's a reason we have budgets in our members' constituency associations: to be able to speak and communicate clearly with our constituents and with Albertans. I think that it is absolutely paramount that we preserve the rights of Albertans, and that means the rights and privileges of members in this House in doing our duties as elected representatives.

That, Mr. Speaker, I think, is a bit more clarity around this question of whether or not we should have members of the Legislature speaking to important public matters during a referendum.

Thank you, Mr. Speaker.

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

Seeing none, is there anyone else wishing to join the debate? I am prepared to call on the minister to close debate if there are no others.

The hon. Minister of Justice and Solicitor General to close debate.

Mr. Madu: Thank you, Mr. Speaker. I do want to thank all members of the Assembly for a spirited debate on Bill 68. With that, you know, without further ado, I close debate.

[Motion carried; Bill 68 read a second time]

Bill 72
Preserving Canada's Economic Prosperity Act

[Adjourned debate May 26: Mr. Schow]

The Speaker: The hon. Member for Cardston-Siksika has 11 minutes remaining should he choose to use it.

Are there others wishing to join in the debate? The hon. Member for Edmonton-West Henday.

Mr. Carson: Well, thank you, Mr. Speaker. It's an honour to rise this evening to speak to Bill 72, Preserving Canada's Economic Prosperity Act. I imagine we'll hear this evening how disappointed we are in, overall, the strategy of this government and the complete lack of opportunity, I suppose, to get our economy back on track. You know, definitely, we'll take a moment to talk about what we're seeing in Bill 72.

Of course, in our time in government we had proposed something that was quite similar minus some of the changes that this government has made, and we passed that legislation while we were in government to protect our resources. Of course, at that time we had moved forward with that legislation, but we did not proclaim it, recognizing that at the end of the day the bill that we passed was one of our greatest opportunities to hold the B.C. government accountable and to hold the groups that were trying to keep us from moving forward on important energy projects accountable.

Unfortunately, when this government, the UCP, came into power, they made the decision against the, well, best advice, I imagine, of the experts in their departments and, of course, the advice that we had put forward to them saying that if they were to proclaim this legislation, it was not going to end well for their government or for the people of Alberta. Unfortunately, they did not take our advice, and the results are, again, consequential to all Albertans.

Of course, when we look at what we're seeing in this bill, again, very similar to what we had proposed, with some changes – not minor changes, by any means, Mr. Speaker – this bill is taking out the section that was previously in place around refined fuels. Now this, I would argue, was actually the strongest tool we had to protect our industry and put pressure on other jurisdictions from blocking our resources from getting to market. It's a shame and it's unfortunate that now this government not only has proclaimed that legislation and, further, let it expire and found themselves in a situation, first of all, where they're on the wrong side of the law in that instance but now are bringing this piece of legislation back, with no teeth essentially, or at least with less teeth than had originally been in place.

[Mr. Walker in the chair]

It's not surprising to me, Mr. Speaker. The fact is that if we look across the board, this UCP government and this Premier have failed in many, many corners and across many ministries. But I would argue that when it comes to our economy and ensuring that we are getting our resources to market, it is indeed one of the greatest failings of this government.

We can look at the opportunities that this Premier and this government had to be diplomatic with the governor of Michigan as they were trying to shut down line 5, but we saw no diplomacy coming from this government. Instead, the Premier decided to call that governor brain-dead. Now, as we continue through the consultation process or, you know, the fact of essentially being stonewalled on this issue, it's not hard to understand that the governor is probably not taking the Premier's phone calls at this time because of some of the decisions that this Premier has made to personally attack that governor.

Now, we can look at the decisions that this Premier and this government have made on the KXL pipeline, the fact that they made a risky investment, at the end of the day against, again, the advice of the opposition, the advice of, I imagine, many, many experts, and lost that gamble, an estimated \$1.3 billion of Albertans' money. I can only imagine what we could have invested that in, whether we were supporting Albertans through the pandemic and investing in health care and potentially contact tracers and educators or the many other things that are top of mind for Albertans right now. That money could have definitely been reinvested in economic diversification or ensuring that we are finding other ways to get our product to market.

[The Speaker in the chair]

Another incredible failing of this government, when they came into power, was their decision to cancel the crude-by-rail projects that we had put forward in our time in government. Again, what we saw from that hastily made decision was hundreds of millions of dollars lost and the inability to recover some of that cost differential that we were seeing at the time.

Of course, we can look further to some of the decisions that this government has made, specifically around creating their own corporation. We know that two ministers are on the title of that corporation. What have we gotten from that, Mr. Speaker? For \$30 million a year we've gotten attacks on a Netflix children's cartoon. The lead person on that file has come out – behind closed doors. But we've seen media accounts of the conversations that have happened, where that person was actually at the end of the day concerned with the ability for that process to move forward or concerned about their willingness to take part in that process from the beginning, really, when Albertans are asking themselves: what has \$30 million a year gotten us from this war room? I would imagine most of them are scratching their heads right now because, well, in my opinion, they have not gotten their money's worth from that war room.

Now, we know that this government is quick to defend the decision to spend that money without any transparency, without, up to this point, any ability, as far as we can tell, to FOIP that process or get records about exactly what this inquiry is investigating or who they've had conversations with or what they've uncovered. With that and with continuation of extensions on this inquiry over and over again, it's hard to understand why we are continuing down this path. It's hard to understand why the government, at some point, has not just called on this inquiry to be stopped.

11:20

There are many decisions, Mr. Speaker, that this government has moved forward with, including what we're seeing here in Bill 72, that are, I guess, for lack of a better term, interesting. I understand the need to move forward with ensuring, well, I suppose, as this bill is titled, preserving Canada's economic prosperity, but at the end of the day what we see here is much weaker than what our government had proposed in our time in office. It's unfortunate that we find ourselves here because of a complete lack of understanding of what was going to happen, how the dominoes were going to fall if the government did indeed decide to proclaim that legislation. We've seen the fallout from that.

Now, Mr. Speaker, again, we have accounts from one of the members of the UCP transition team and also, I believe, a member of the Fair Deal Panel come out and call on Steve Allan to stop this inquiry and also state that it's almost like it's become a negotiation between Steve and the team that supports him and the Minister of Energy. Really, it doesn't seem like anyone, even the people that are involved with the transitioning of the UCP into government,

with the inquiry itself truly understands what was supposed to happen with that process or how it is supposed to continue, and that's very concerning when we look at the amount of money that Albertans are spending on that inquiry and the complete lack of competence from this UCP government and the Premier.

The fact is that the legislation we had brought forward was best left on the books, and we should have continued to consider how we can best manoeuvre that moving forward. Unfortunately, against the best and expert advice of many Albertans, including the opposition, the government went forward with that, and now we see this piece of legislation with reduced opportunities to actually hold other jurisdictions accountable for keeping us from getting our products to market.

With that, Mr. Speaker, I'm interested to hear more of this conversation as it continues. I appreciate the need to move forward with something of this nature, but I'm disappointed with the path of how we got here.

Thank you.

The Speaker: Standing Order 29(2)(a)? The hon. the Minister of Justice and Solicitor General.

Mr. Madu: Thank you, Mr. Speaker. I just want to quickly respond to the Member for Edmonton-West Henday, you know, who has just spent all of his time railing against a bill, Bill 72, Preserving Canada's Economic Prosperity Act, that is meant to help protect our vital economic interest. It's what the Member for Edmonton-West Henday spent all of his time railing against. He doesn't like that particular bill because that particular bill seeks to give the Minister of Energy the power to restrict exports of crude oil and natural gas from this particular province against those who would seek to undermine our vital economic interest.

You know, Mr. Speaker, we are – this country; not just Alberta – struggling economically. Our energy and gas sector is under attack. Enbridge line 5 is being threatened to be shut down – guess what – by organizations and entities and individuals that the members opposite have collaborated with for years. These are the members opposite who stood before the ground of this Assembly and protested every single pipeline. They went to rallies with those who sought to shut down our oil and gas sector and pipelines.

This bill came about because their sister political party and NDP government in British Columbia was trying to prevent Alberta and Alberta corporations from building vital infrastructure that would carry our crude oil from this province to market, and the members opposite did nothing. They sided with them. They campaigned against pipelines, you know.

The Member for Edmonton-West Henday had the guts to bring up the ongoing litigation by folks who want to prevent this government's effort to find out where the sources of the money that were used to campaign against our pipelines are coming from, and he would prefer, the Member for Edmonton-West Henday would prefer, that we do nothing about that. The Member for Edmonton-West Henday would prefer that we allow those foreign entities to continue to pour millions of dollars into our province with one goal and one goal only, to keep under the ground the abundant wealth in this particular country and to shut down our pipelines.

Mr. Speaker, the federal government is in court right now to prevent, you know, the governor of Michigan from shutting down line 5. All of a sudden the federal government has realized the importance of pipelines, something that the members opposite have still not realized. [interjection] You know, the Member for Edmonton-Beverly-Clareview is heckling. The Member for Edmonton-North West, I saw him at rallies with folks protesting

pipelines: no more pipelines. They were carrying placards – no more pipelines – the members opposite. And they come here and they talk about wealth, they talk about how we grow our economy, how we protect our vital economic interest. It's all talk. It's all talk. They don't believe in any of this. There's no action from them. Nothing.

But the people of Alberta are smart. They are seeing through every single word or statement that we make in this Assembly. They are seeing through all of those deceptions. They know that the members opposite cannot be trusted with Alberta's vital economic interest, so it's shameful that the Member for Edmonton-West Henday would stand before this Assembly to speak against this particular bill.

The Speaker: That concludes the time allotted for Standing Order 29(2)(a).

The hon. Member for Edmonton-Beverly-Clareview.

Mr. Bilous: Thank you very much, Mr. Speaker. I fear that my 15 minutes will fly by as I try to correct the minister's very incorrect statements. I'll start off by saying, first of all, that when we were government, myself, the former Premier, the Leader of the Official Opposition, our former Energy minister, and our former Environment and Parks minister criss-crossed the country advocating for pipelines. Our success was that Canadians – 4 in 10, 40 per cent, of Canadians were in favour of the Trans Mountain pipeline at the start of our campaign; at the end of our campaign 70 per cent of Canadians were in favour of the Trans Mountain pipeline. I would argue that our track record on pipelines compared to yours is night and day. We forced the federal government to buy the TMX. How is the UCP doing on pipelines? They're zero for three. Don't lecture us on pipelines and supporting oil and gas. We committed 50,000 barrels per day to the Keystone XL pipeline; 50,000 barrels per day. What have you done? You campaigned on pipelines. You're batting zero. You campaigned on jobs. You lost 50,000 jobs.

11:30

The Speaker: I just remind the member: through the chair.

Mr. Bilous: Apologies, Mr. Speaker.

The government campaigned on 50,000 jobs. The government lost 50,000 jobs in 2019 before the pandemic. What's their excuse? In that same year the UCP – I can't wait for the accountants to jump on this one, and I'm looking at a few of them – racked up a \$12 billion deficit, higher than any NDP budget while we were in government. Twelve billion dollars. How many jobs did the government get from that?

Well, if we're keeping count of jobs in other provinces, they did really well. You helped the country. Thank you. Albertans supported job creation in every other province but Alberta. The UCP's failed corporate handout, \$4.7 billion: how many jobs were created in Alberta from that policy? Still waiting to hear from business. Husky and other companies said: "Thank you. Thank you, Alberta, for subsidizing us to create jobs in other jurisdictions." And Husky did; they created jobs in Saskatchewan, in Newfoundland, and in the U.S. How many in Alberta? None. Zero. I have nothing against Husky. They're going to make a decision that is in the best interests of their shareholders. That's what businesses do. Where I lay the blame is squarely on the shoulders of this Premier, who promised Albertans it would create jobs in this province, and he failed, and he's continuing to fail.

This piece of legislation demonstrates that this UCP government, first of all, can't read a calendar because the expiry date on this piece of legislation passed three months ago, but somehow that was

missed. Then the government brings in a bill that is watered down, watered down to the point that this doesn't even impact refined oil going to B.C. This is about crude. This will affect the province of British Columbia by a fraction of the bill that we introduced. This is a token bill that will do nothing, but the government is so desperate to change the channel on their failed response to COVID-19, on scandal after scandal, and the fact that their leader, the Premier of this province, oh, he's making firsts in the province and in the country, with the lowest approval rating among any leader, to the point that there are former members of the government caucus who couldn't bite their tongue any longer and are now out of government caucus.

This piece of legislation is a really nice title on a piece of paper that does very little. This will not protect Alberta's oil and gas sector. This will not protect our economy nor the future of our province, the same way, Mr. Speaker, that this government is spending \$30 million a year on what is the most embarrassing excuse for an advocacy agency led by a failed UCP candidate who plagiarized not one but two logos and continues to run the war room. If the government actually went out and consulted with the oil and gas sector, they would say: "Please, God, shut down the war room. Stop embarrassing us." You have major international funds that are threatening to pull out of our natural resource sector. That is a crisis.

Now, we all know that our energy sector has environmental standards second to none. We are all proud of our energy sector, but this government's decisions are giving the province and our energy sector a black eye. The government will spin and spin and blame the NDP. Again, let's look at track records, shall we? Fifty thousand barrels per day for Keystone XL. We forced the federal government to buy the TMX for \$7 billion. You didn't; we did. Canadians now own this pipeline, and if it wasn't for the efforts of the Member for Edmonton-Strathcona and her front bench and backbench, we wouldn't even have that pipeline. So I'm not going to stand here and get lectured by a government who claims that we're against oil and gas when we fought for oil and gas day and night.

Mr. Madu: No one believes you.

Mr. Bilous: You don't have to believe me. Look at my travel logs. You can see how I criss-crossed the U.S. fighting for our pipeline. But the difference is that our government was successful. This UCP government: you're batting zero. You're taking credit for companies like Infosys that you had nothing to do with. Yeah, Alberta has had the largest tech investments last year. Do you know why that is? Your minister even admitted it. It's because deals finally all came through in 2020. This government stands up and pats themselves on the back like you're heroes. Albertans want to see results, not rhetoric. This current government has very little to stand on. This bill, if it actually had teeth, if it actually could, if needed, support Alberta's exports, then I'd be applauding it. You know that I would because I've said it three times tonight, that I'll give credit where credit's due.

The reality is that this bill only impacts crude, not refined. The purpose of the turn-off-the-taps legislation was to ensure that Alberta's interests were protected. This? This tries to change the channel from a pathetic track record that this government is in the midst of. Don't take my word for it; take Albertans'. You want to know how Albertans feel about the job that the government is doing? Call an election tomorrow. If this legislation could actually protect Alberta's oil and gas sector, I'd be standing here applauding the government.

The two problems with this: one is that the original legislation had much more teeth, but it expired three months ago. And the only

thing we hear from the government are excuses of: well, you put in a sunset clause. The legislation did what it was supposed to do, ensure that B.C. couldn't shut down the TMX, and they couldn't. Today you have a bill that's three months overdue, that actually – I encourage the government to call their counterpart, the government of British Columbia, because they'll laugh at this legislation. You're going to shut down a fraction, if you had to, of the unrefined crude bitumen that goes to the B.C. coast. That would not impact people the way this government claims it would. If we're going to stand up for Alberta's energy sector, then let's actually take meaningful action.

11:40

I'll tell you this much. The first place to start is with the embarrassing war room. I still talk to international investors that are like: what is going on in the province of Alberta? When everyone else is talking about corporate social responsibility, this current government is taking actions that maybe would be justifiable in the 1950s. But in the 2020s what are they doing to promote our oil and gas sector? What are they doing to demonstrate or showcase all of the progress our oil and gas companies are making on pulling carbon out of a barrel, on being more environmentally sustainable? We know they're doing that. We all know that in Alberta. The government can talk about how we're running down Alberta's oil and gas sector. No, we're not. And it's not about what we're saying in Alberta; it's about what the world is saying about Alberta.

Until we start taking meaningful action, which is what I know the oil and gas sector is saying – look at Suncor's announcement: carbon neutral by 2050. Who's celebrating that? We are. Good for them. What is this government doing? This government is, unfortunately, working against the very sector they claim to support. I stand with the oil and gas sector, as I always have. I stand with the workers of this province. I stand with our energy sector. I'm proud of the fact that Canadians own a pipeline because of the work our government did. I'm proud of our commitment to Keystone XL. I'm proud of the fact that our government worked to diversify this economy and not just pay lip service in hopes that they can change the channel from their pathetic record.

Thank you, Mr. Speaker.

The Speaker: Standing Order 29(2)(a) is available. The hon. the Minister of Service Alberta.

Mr. Glubish: Thank you, Mr. Speaker. I wanted to just touch on a couple of things that the Member for Edmonton-Beverly-Clareview discussed during his remarks. Specifically, you know, I listened to him go on at length and on multiple occasions refer to this bill as being – I believe he used the words "watered down," referring to the fact that compared to the original legislation that his government had brought forward and passed but never proclaimed, the reference to refined products has been removed. He goes on at length saying that our proposed bill here is weaker because we're not including refined products, yet his colleague the Member for Edmonton-West Henday was complaining that we had proclaimed their bill despite the fact that they knew it was not going to stand up to legal challenges and would be indefensible.

I feel like the members on the other side haven't really got their stories straight. Which is it? Was their legislation better because it was going to prevent refined products, and if so, why didn't they proclaim it? Or is it true that their bill, as it originally was drafted, was not going to be defensible and was going to be at risk of legal challenges? As a result, does it not follow that our bill is actually stronger in practice because it is more defensible, it is more likely to withstand legal challenges and, as such, is more

likely to serve as a deterrent to other jurisdictions who might choose to stand in the way of pipeline access for Alberta-developed natural resources?

I would argue that our bill, Bill 72, is stronger than what the NDP worked on and that it is more likely to have the desired outcome, the desired effect of ensuring that our neighbours – for example, the province of British Columbia – and as well the federal government understand that we do mean business, that we want all Canadians to come together and support pipeline access. We want to ensure that Canada can be stronger together by taking action to expand our pipeline access from Alberta to other markets and to focus on energy security in this province, and I believe that the majority of Canadians do want that. But not all of the elected officials in other jurisdictions agree with that, and we need to remind them that we mean business and we're going to fight for our constitutional rights and authorities over the primary production of our natural resources as well as the interprovincial export of those natural resources.

The fact is that those protections are not necessarily going to extend to refined products, and that's why we made those changes from the original bill. This was by design. It was on purpose. It's for good reason. It's to ensure that we end up with a tool that we know we can use instead of a tool that's going to stay on the shelf because it's not permitted by the laws of the land. I just wanted to maybe impress upon the Member for Edmonton-Beverly-Clareview that they can't have it both ways by saying that we're watering down legislation yet, you know, his colleagues are also saying that the previous legislation was not defensible and would not stand up to legal challenges. I think that that's a critically important distinction for us to make.

Again, I don't want to get into a debate on who loves the oil industry more. Look, at the end of the day all Albertans benefit from a strong oil industry, from a strong economy coming from our natural resources. I know that the member talked a lot about how we do have a world-class energy industry, and we should all celebrate that, and we do celebrate that. I know that he mentioned the story of Suncor and their commitment and that members on the other side celebrate that. Well, let me just also go on the record to say that we also celebrate the commitment from Suncor to be environmentally responsible and to be a leader. It's important that Alberta's oil and gas industry is a global leader, and we will celebrate that message. We will share that message around the world to remind investors from all around the world that Alberta is the single best place where they can put their capital to work when it comes to energy infrastructure and that they should invest here. That is what this government is all about.

Mr. Speaker, I just thought it would be important to provide some of that clarity just to ensure that some of those disingenuous comments were addressed.

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

Are there others wishing to speak? The hon. Member for Calgary-East has the call.

Mr. Singh: Thank you, Mr. Speaker. It is a pleasure to speak in support of this essential government legislation, Bill 72, Preserving Canada's Economic Prosperity Act. I appreciate the minister for putting forward this bill as it will reassert our constitutional right to manage our natural resources and the authority over the interprovincial export of primary production natural resources.

Though it is not an entirely new bill, it is a renewed and improved version of a bill that was passed in 2018 by the previous government in response to the crisis surrounding the Trans Mountain pipeline expansion. That bill empowered the government of Alberta to

restrict the flow of oil and gas into neighbouring jurisdictions. This measure was brought forward as a defence for Albertans against jurisdictions threatening to block shipments of Alberta's critical and world-leading energy resources. Unfortunately, the previous NDP government chose not to proclaim the legislation. That is why this government moved to proclaim the legislation as soon as we were elected, in keeping with our promise to pursue every possible pipeline project to get our oil and gas to market.

11:50

Mr. Speaker, Canada has the third-largest proven oil reserves in the world, with about 170 billion barrels, of which about 166 billion barrels are found in Alberta's oil sands. Oil and natural resources contributed \$105 billion to Canada's GDP in 2020 while the provincial GDP contribution of Alberta's largest industry was \$79.9 billion. The industry supported about 500,000 jobs across Canada in 2019 and has produced a \$10 billion average in oil revenue to governments from 2017 and 2019. It supported various governmental projects, including infrastructure and social programs. That just proves how significant oil and gas is in Alberta's and Canada's economy.

Our responsible and ethical development of oil sands is a key driver that had been established, which outpaced other oil and gas producing jurisdictions in the world. In 2007 Alberta became the first jurisdiction in North America to legislate greenhouse gas, or GHG, emission reductions from large industrial facilities. Oil sands projects in Alberta recycle 80 per cent to 95 per cent of the water they use. They also use saline water where possible. While land management or reclamation issues have been continuously addressed by the government – also, mine operators are required to supply reclamation security bonds to ensure they meet requirements. Reclamation certificates are only issued if monitoring through time demonstrates that these particular lands meet the criteria to return to self-sustaining ecosystems.

Mr. Speaker, despite having the third-largest oil reserves in the world, having the capacity to produce more than it can consume, Canada imports huge amounts of oil from foreign countries, including from the U.S., Saudi Arabia, Algeria, and Nigeria. In 2019 Canada's oil imports amounted to about \$18.9 billion, where \$16.8 billion was spent by Ontario, Quebec, and the Atlantic provinces. Moreover, the no-more-pipelines bill, Bill C-69, was enacted in mid-2019, when it introduced more red tape in the process of bringing Canadian oil to market and in turn drives away energy investors from Alberta and Canada. I understand that economic and environmental interests go hand in hand, but to pay patronized, less responsible and less ethically produced oil costs from outside sources could be illogical.

Mr. Speaker, what this bill demonstrates is that the government remains absolutely committed to protecting the value of our resources and will ensure that we have every option available to us to defend Alberta, our economy, our resources, and our people. For the same reasons, we continue to advocate the importance of new and future pipelines, that are needed to diversify the markets of our oil and gas as we expand production. Oil production in Alberta was 17.86 million cubic metres in March 2021, up 1.1 per cent compared to March 2020. Currently most of our production flows into the North American markets at low prices due to limited capacity in existing transport infrastructures. Opening up to more markets would capitalize on the full potential of our oil and gas industry, which, in turn, will create more jobs, generate more government revenue, and increase contributions to the GDP.

Let me again state, Mr. Speaker, that part of the government's platform commitment is to pursue every possible pipeline project to get our oil and gas to market. Also, it came with an

accompanying obligation to take the necessary steps in case other jurisdictions obstruct this commitment to preserve our economic prosperity. Bill 72 improves the previous legislation by protecting it from further court challenges and making the legislation permanent so that Alberta maintains control over the province's shipments of oil and gas.

As I previously mentioned, the development of these resources employs hundreds of thousands of people and generates billions of dollars in royalties for Albertans every year. The benefits of these resources are not exclusive to Alberta. The fact is that every province and territory reaps the benefits of a prosperous Alberta. The oil and gas sector is the largest private-sector investor in the Canadian economy and the country's largest exporter. The Canadian Energy Research Institute says that every job in upstream oil and gas creates two indirect and three induced jobs in other sectors across the country. Almost half of Canada's manufacturing is generated by resource development. The most recent stats show that in 2019 oil sands companies alone spent \$4 billion on supplies and services from 2,711 companies in Canadian provinces and territories, excluding Alberta.

Alberta does it best. Countless studies have proven that when resources are developed here, it is done with the highest environmental and social standards in the entire world. We ranked number one on the world environmental protection index, the social progress index, and the world-wide governance indicators for regulatory quality and rule of law. Here the oil and gas sector is also the largest private-sector investor in clean tech.

Yet some activists, foreign and domestic, continue to oppose Alberta's resource development. As a result, it would favour improper foreign sources of oil from countries with lesser respect for human rights and environmental standards. That is what led to the conflict over the Trans Mountain expansion in 2018, a pipeline expansion that was supposed to be completed and operational in 2019, two years ago. Unfortunately, it remains to this day incomplete and continues to be at risk.

It is important to protect and support the continuance of the pursuits of this industry moving forward. The International Energy Agency, the IEA, report concludes that global energy demand will grow significantly in the period prior to 2050, driven by population growth and the need for energy to improve standards of living in much of the developing world. The report also explains that while renewables will become an increasingly important part of the future energy supply mix in Canada and globally, hydrocarbons will provide the majority of the world's energy supply for many years to come. With the decline in conventional hydrocarbon supplies, unconventional sources of oil and gas, including oil sands, will become more important. That is why a huge capital investment is necessary, to aid the needed growth in energy supply.

12:00

Let me just make it clear, Mr. Speaker, that I'm not against the development of renewable energy, but I'm certain that there is still a long way to go before renewables take over the energy demand. To be blunt, it will not happen overnight. Alberta first introduced this legislation in response to those trying to block the

Trans Mountain expansion. Unfortunately, the version of this legislation by the previous government was on its face defective, so Alberta had to fight a long and hard legal battle over its constitutionality.

Finally, just this year Alberta prevailed in defending this law. Now that the legal challenges have concluded, the legal proceedings have provided this government with the information and opportunity necessary to identify where the legislation can be strengthened, and I'm delighted to see it in Bill 72.

Under section 92A of the Constitution provinces "may make laws in relation to the export from the province to another part of Canada of the primary production from non-renewable natural resources." This bill is in keeping with that provision. However, by including refined products in the previous version of this legislation, it was left vulnerable to a court challenge. That is why Bill 72 removes those refined products from the act, to eliminate this vulnerability to a legal challenge. Should new legal challenges arise, the renewed legislation will strengthen our defence against it.

Mr. Speaker, the previous legislation also included a sunset clause so that the act would expire after two years. Bill 72 removes it so that the act will remain in place.

The Alberta government has also taken steps so that upon the passing of this bill, it will be considered in force retroactively to May 1 of this year so that there are no gaps in the protection of Albertans and their natural resources. Albertans fought hard to win this constitutional right to manage their resources. The improvement this government is making with Bill 72 demonstrates how serious we are about defending this right and Albertans' interest in the resources they own.

It also establishes the government's unwavering commitment to protecting the value of Alberta's resources and will ensure that Alberta has every option available to defend this province. Should any other jurisdiction unconstitutionally block Alberta's energy resources from reaching markets, this legislation will give Alberta's democratically elected government the ability to stand up and defend our right by restricting their oil and gas shipments. For Confederation to benefit all Canadians, it has to be an economic union that allows exports to happen without obstruction.

Please, I will adjourn the debate. Thank you.

[Motion to adjourn debate carried]

The Speaker: The hon. Minister of Justice and Solicitor General.

Mr. Madu: Thank you so much, Mr. Speaker. Thank you, Member for Calgary-East, and thank you to my colleagues, you know, for the hard work of making sure that we moved the people's business forward today. I do want to thank my colleague the Deputy Government House Leader for his co-operation this evening. With that, I think this has been a good day. I look forward to more spirited debate before the floor of this Assembly.

With that, Mr. Speaker, I move that the Assembly be adjourned until 10 a.m. on Tuesday, June 1, 2021.

[Motion carried; the Assembly adjourned at 12:05 a.m. on Tuesday]

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