



Province of Alberta

The 30th Legislature
Second Session

Alberta Hansard

Wednesday evening, June 2, 2021

Day 108

The Honourable Nathan M. Cooper, Speaker

Legislative Assembly of Alberta The 30th Legislature

Second Session

Cooper, Hon. Nathan M., Olds-Didsbury-Three Hills (UC), Speaker
Pitt, Angela D., Airdrie-East (UC), Deputy Speaker and Chair of Committees
Milliken, Nicholas, Calgary-Currie (UC), Deputy Chair of Committees

Aheer, Hon. Leela Sharon, Chestermere-Strathmore (UC)
Allard, Tracy L., Grande Prairie (UC)
Amery, Mickey K., Calgary-Cross (UC)
Armstrong-Homeniuk, Jackie,
Fort Saskatchewan-Vegreville (UC)
Barnes, Drew, Cypress-Medicine Hat (Ind)
Bilous, Deron, Edmonton-Beverly-Clareview (NDP)
Carson, Jonathon, Edmonton-West Henday (NDP)
Ceci, Joe, Calgary-Buffalo (NDP)
Copping, Hon. Jason C., Calgary-Varsity (UC)
Dach, Lorne, Edmonton-McClung (NDP),
Official Opposition Deputy Whip
Dang, Thomas, Edmonton-South (NDP),
Official Opposition Deputy House Leader
Deol, Jasvir, Edmonton-Meadows (NDP)
Dreeshen, Hon. Devin, Innisfail-Sylvan Lake (UC)
Eggen, David, Edmonton-North West (NDP),
Official Opposition Whip
Ellis, Mike, Calgary-West (UC),
Government Whip
Feehan, Richard, Edmonton-Rutherford (NDP)
Fir, Tanya, Calgary-Peigan (UC)
Ganley, Kathleen T., Calgary-Mountain View (NDP)
Getson, Shane C., Lac Ste. Anne-Parkland (UC)
Glasgo, Michaela L., Brooks-Medicine Hat (UC)
Glubish, Hon. Nate, Strathcona-Sherwood Park (UC)
Goehring, Nicole, Edmonton-Castle Downs (NDP)
Goodridge, Laila, Fort McMurray-Lac La Biche (UC)
Gotfried, Richard, Calgary-Fish Creek (UC)
Gray, Christina, Edmonton-Mill Woods (NDP),
Official Opposition House Leader
Guthrie, Peter F., Airdrie-Cochrane (UC)
Hanson, David B., Bonnyville-Cold Lake-St. Paul (UC)
Hoffman, Sarah, Edmonton-Glenora (NDP)
Horner, Nate S., Drumheller-Stettler (UC)
Hunter, Hon. Grant R., Taber-Warner (UC)
Irwin, Janis, Edmonton-Highlands-Norwood (NDP),
Official Opposition Deputy Whip
Issik, Whitney, Calgary-Glenmore (UC)
Jones, Matt, Calgary-South East (UC)
Kenney, Hon. Jason, PC, Calgary-Lougheed (UC),
Premier
LaGrange, Hon. Adriana, Red Deer-North (UC)
Loewen, Todd, Central Peace-Notley (Ind)
Long, Martin M., West Yellowhead (UC)
Lovely, Jacqueline, Camrose (UC)
Loyola, Rod, Edmonton-Ellerslie (NDP)
Luan, Hon. Jason, Calgary-Foothills (UC)
Madu, Hon. Kaycee, QC, Edmonton-South West (UC),
Deputy Government House Leader
McIver, Hon. Ric, Calgary-Hays (UC),
Deputy Government House Leader
Nally, Hon. Dale, Morinville-St. Albert (UC),
Deputy Government House Leader
Neudorf, Nathan T., Lethbridge-East (UC)
Nicolaidis, Hon. Demetrios, Calgary-Bow (UC)
Nielsen, Christian E., Edmonton-Decore (NDP)
Nixon, Hon. Jason, Rimbey-Rocky Mountain House-Sundre (UC),
Government House Leader
Nixon, Jeremy P., Calgary-Klein (UC)
Notley, Rachel, Edmonton-Strathcona (NDP),
Leader of the Official Opposition
Orr, Ronald, Lacombe-Ponoka (UC)
Pancholi, Rakhi, Edmonton-Whitemud (NDP)
Panda, Hon. Prasad, Calgary-Edgemont (UC)
Phillips, Shannon, Lethbridge-West (NDP)
Pon, Hon. Josephine, Calgary-Beddington (UC)
Rehn, Pat, Lesser Slave Lake (Ind)
Reid, Roger W., Livingstone-Macleod (UC)
Renaud, Marie F., St. Albert (NDP)
Rosin, Miranda D., Banff-Kananaskis (UC)
Rowswell, Garth, Vermilion-Lloydminster-Wainwright (UC)
Rutherford, Brad, Leduc-Beaumont (UC)
Sabir, Irfan, Calgary-McCall (NDP),
Official Opposition Deputy House Leader
Savage, Hon. Sonya, Calgary-North West (UC),
Deputy Government House Leader
Sawhney, Hon. Rajan, Calgary-North East (UC)
Schmidt, Marlin, Edmonton-Gold Bar (NDP)
Schow, Joseph R., Cardston-Siksika (UC),
Deputy Government Whip
Schulz, Hon. Rebecca, Calgary-Shaw (UC)
Schweitzer, Hon. Doug, QC, Calgary-Elbow (UC),
Deputy Government House Leader
Shandro, Hon. Tyler, QC, Calgary-Acadia (UC)
Shepherd, David, Edmonton-City Centre (NDP)
Sigurdson, Lori, Edmonton-Riverview (NDP)
Sigurdson, R.J., Highwood (UC)
Singh, Peter, Calgary-East (UC)
Smith, Mark W., Drayton Valley-Devon (UC)
Stephan, Jason, Red Deer-South (UC)
Sweet, Heather, Edmonton-Manning (NDP)
Toews, Hon. Travis, Grande Prairie-Wapiti (UC)
Toor, Devinder, Calgary-Falconridge (UC)
Turton, Searle, Spruce Grove-Stony Plain (UC)
van Dijken, Glenn, Athabasca-Barrhead-Westlock (UC)
Walker, Jordan, Sherwood Park (UC)
Williams, Dan D.A., Peace River (UC)
Wilson, Hon. Rick D., Maskwacis-Wetaskiwin (UC)
Yao, Tany, Fort McMurray-Wood Buffalo (UC)
Yaseen, Muhammad, Calgary-North (UC)

Party standings:

United Conservative: 60

New Democrat: 24

Independent: 3

Officers and Officials of the Legislative Assembly

Shannon Dean, QC, Clerk	Michael Kulicki, Clerk of Committees and Research Services	Amanda LeBlanc, Deputy Editor of <i>Alberta Hansard</i>
Teri Cherkewich, Law Clerk	Nancy Robert, Clerk of <i>Journals</i> and Research Officer	Chris Caughell, Sergeant-at-Arms
Trafton Koenig, Senior Parliamentary Counsel	Janet Schwegel, Director of Parliamentary Programs	Tom Bell, Deputy Sergeant-at-Arms
Philip Massolin, Clerk Assistant and Director of House Services		Paul Link, Deputy Sergeant-at-Arms

Executive Council

Jason Kenney	Premier, President of Executive Council, Minister of Intergovernmental Relations
Leela Aheer	Minister of Culture, Multiculturalism and Status of Women
Jason Copping	Minister of Labour and Immigration
Devin Dreesen	Minister of Agriculture and Forestry
Nate Glubish	Minister of Service Alberta
Grant Hunter	Associate Minister of Red Tape Reduction
Adriana LaGrange	Minister of Education
Jason Luan	Associate Minister of Mental Health and Addictions
Kaycee Madu	Minister of Justice and Solicitor General
Ric McIver	Minister of Transportation, Minister of Municipal Affairs
Dale Nally	Associate Minister of Natural Gas and Electricity
Demetrios Nicolaides	Minister of Advanced Education
Jason Nixon	Minister of Environment and Parks
Prasad Panda	Minister of Infrastructure
Josephine Pon	Minister of Seniors and Housing
Sonya Savage	Minister of Energy
Rajan Sawhney	Minister of Community and Social Services
Rebecca Schulz	Minister of Children's Services
Doug Schweitzer	Minister of Jobs, Economy and Innovation
Tyler Shandro	Minister of Health
Travis Toews	President of Treasury Board and Minister of Finance
Rick Wilson	Minister of Indigenous Relations

Parliamentary Secretaries

Laila Goodridge	Parliamentary Secretary Responsible for Alberta's Francophonie
Martin Long	Parliamentary Secretary for Small Business and Tourism
Muhammad Yaseen	Parliamentary Secretary of Immigration

STANDING AND SPECIAL COMMITTEES OF THE LEGISLATIVE ASSEMBLY OF ALBERTA

Standing Committee on the Alberta Heritage Savings Trust Fund

Chair: Mr. Orr
Deputy Chair: Mr. Rowswell

Eggen
Gray
Issik
Jones
Phillips
Singh
Yaseen

Standing Committee on Alberta's Economic Future

Chair: Mr. Neudorf
Deputy Chair: Ms Goehring

Armstrong-Homeniuk
Barnes
Bilous
Irwin
Reid
Rosin
Rowswell
Sweet
van Dijken
Walker

Standing Committee on Families and Communities

Chair: Ms Goodridge
Deputy Chair: Ms Sigurdson

Amery
Carson
Glasgo
Gotfried
Lovely
Neudorf
Pancholi
Rutherford
Sabir
Smith

Standing Committee on Legislative Offices

Chair: Mr. Schow
Deputy Chair: Mr. Sigurdson

Ceci
Lovely
Loyola
Rosin
Rutherford
Shepherd
Smith
Sweet
Yaseen

Special Standing Committee on Members' Services

Chair: Mr. Cooper
Deputy Chair: Mr. Ellis

Dang
Deol
Goehring
Goodridge
Long
Neudorf
Sabir
Sigurdson, R.J.
Williams

Standing Committee on Private Bills and Private Members' Public Bills

Chair: Mr. Ellis
Deputy Chair: Mr. Schow

Amery
Dang
Getson
Glasgo
Irwin
Nielsen
Rutherford
Sigurdson, L.
Sigurdson, R.J.

Standing Committee on Privileges and Elections, Standing Orders and Printing

Chair: Mr. Smith
Deputy Chair: Mr. Reid

Armstrong-Homeniuk
Barnes
Deol
Ganley
Gotfried
Jones
Lovely
Loyola
Rehn
Renaud

Standing Committee on Public Accounts

Chair: Ms Phillips
Deputy Chair: Mr. Guthrie

Armstrong-Homeniuk
Lovely
Neudorf
Pancholi
Renaud
Rowswell
Schmidt
Singh
Turton
Walker

Select Special Committee on Real Property Rights

Chair: Mr. Sigurdson
Deputy Chair: Mr. Rutherford

Ganley
Glasgo
Goodridge
Hanson
Milliken
Nielsen
Orr
Rowswell
Schmidt
Sweet

Standing Committee on Resource Stewardship

Chair: Mr. Hanson
Deputy Chair: Member Ceci

Dach
Feehan
Ganley
Getson
Guthrie
Issik
Loewen
Singh
Turton
Yaseen

Legislative Assembly of Alberta

7:30 p.m.

Wednesday, June 2, 2021

Government Bills and Orders Committee of the Whole

[Mrs. Pitt in the chair]

The Chair: Hon. members, Committee of the Whole is back in order.

Bill 68 Election Statutes Amendment Act, 2021

The Chair: We are on the main bill, no amendments. Are there any members wishing to join the debate on Bill 68 in Committee of the Whole? The hon. Minister of Justice.

Mr. Madu: Thank you, Madam Chair. I do want to thank you for the opportunity to speak to Bill 51.

The Chair: Sorry. We're on Bill 68.

I am happy to call the vote if there are no other speakers. Okay. On Bill 68, we will have a separated vote as per the request made prior to the dinner break. There will be block A, which is clause 1, and block B, which is clause 2.

[Clause 1 of Bill 68 agreed to]

[Clause 2 of Bill 68 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Chair: Any opposed? Carried.

Bill 51 Citizen Initiative Act

The Chair: We have no amendments before us. I believe that the hon. Minister of Justice would like to speak.

Mr. Madu: Thank you, Madam Chair. Sorry. I apologize. I got too excited about Bill 51, but I do appreciate the opportunity to speak to Bill 51. I do have an amendment to make to Bill 51.

The Chair: Hon. members, this will be known as amendment A1. Hon. minister, please proceed.

Mr. Madu: Thank you, Madam Chair. This is a very simple amendment to Bill 51 and is in my name. The bill is amended as follows: section 2(4) is amended by striking out "or otherwise limit or adversely impact the rights protected under sections 1 to 35.1 of the Constitution Act, 1982 in a manner that is not demonstrably justified in a free and democratic society."

Madam Chair, the reason for this amendment is very simple. It's redundant in the sense that sections 1 through 35.1 of the Constitution Act are constitutional provisions, and that particular phrase is not required for the purpose of Bill 51, the Citizen Initiative Act. I would urge all members of this Assembly to support said amendment.

Thank you, Madam Chair.

The Chair: Are there any members wishing to speak to amendment A1? The hon. Member for Edmonton-Whitemud.

Ms Pancholi: Thank you, Madam Chair. It's a pleasure to rise in Committee of the Whole on Bill 51, the Citizen Initiative Act. I'm actually pleased to speak to this amendment as proposed by the Minister of Justice. In fact, this section of the proposed Bill 51 was one that was of significant concern to myself. I can say that I actually was a member of the Select Special Democratic Accountability Committee and had the opportunity as a member of that committee to hear from some of the stakeholders. We heard some in-person submissions as well as read written submissions from a number of stakeholders who had interest in this matter.

One of the issues that, you know, stands out to me as an issue of concern was any idea that a citizen-led proposal would seek to amend the Charter of Rights and Freedoms. We had a bit of a fulsome discussion on that when we were sitting in committee and heard about the concerns about how, if we think about the purpose of constitutional documents, particularly the rights as enumerated in the Charter of Rights and Freedoms, these rights are supposed to provide stability and certainty to Canadians about the status of their rights and assure them the protections, the full protections, of the law, particularly when the rights under the Charter of Rights are potentially infringed.

Now, it's important to note, Madam Chair, of course, that the rights set out in sections 1 to 35.1 of the Charter of Rights and Freedoms are significant rights. They are perhaps some of the rights that we as Canadians hold most dear. They include rights to equality, rights to legal protections, freedom of religion and assembly, and freedom of expression. They include minority language rights as well as including rights around protecting aboriginal rights, as it's called in section 35 of the Charter of Rights and Freedoms. These are fundamental. That's why we call it the Charter of Rights and Freedoms; they're fundamental freedoms. They are given a particular status within these constitutional documents because of how dear they are to Canadians.

In particular, they are meant to address – when I think of the equality rights provisions in section 15, they are really meant to protect the rights of minorities against the majority, because there is an understanding in a democratic nation such as Canada, modelled on bills of rights that have existed in other countries. I'm very proud of the fact that we have a uniquely Canadian Charter of Rights and Freedoms designed to protect the values that we hold dear, and equality rights are fundamental to that. They are about protecting minorities from the majority rule, essentially. By nature of them being minorities, they do run the risk of having their rights trampled by those who would have a larger number. In fact, that's why we set out to protect people's equality rights on the basis of religion, on the basis of gender and sex and ethnic basis, sexual orientation. These are all critical rights because we know that it is the very fact that they are minority rights that they cannot be overridden by the fact that there are simply more people in the majority, whatever the other group would be. It's important that we recognize that they deserve that protection, that they require that protection.

When we discussed this in the Select Special Democratic Accountability Committee, the risk of a citizen-led initiative is that it may be brought forward by a group of people, who, of course, have to meet certain thresholds and standards, but they could be used to override minority rights. In fact, that is a very real risk of these kinds of exercises. We don't want to let a group of people, just simply because they have more numbers and they can get signatures on a petition, override the rights of minorities. Not only is it divisive and is it counter to the very principles behind the

Charter of Rights and Freedoms; it's incredibly hurtful and risky and damaging to the protection of minority rights.

Now, the Select Special Democratic Accountability Committee actually put forward a recommendation that citizen-led initiatives should not be allowed to be brought forward that may propose changes to sections 1 to 35.1 of the Charter of Rights. When I first read Bill 51, I was concerned that that recommendation was not reflected in Bill 51. In fact, while it does allow for, in section 2(1)(c), a citizen-led initiative for a petition concerning "constitutional referendum proposal" and while there is the section which is under amendment right now, I believe, from the government to section 2(4) of Bill 51, which says that

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

my concern about that was, first of all, that it continues to leave the door open for a citizen-led initiative that would propose changes to those critical sections of our Charter of Rights and Freedoms.

Now, I appreciate that this amendment is being proposed today by the minister. I have to say that I'm still lacking a little bit of clarity as to why it's not completely prohibited in Bill 51 that any referendum can be brought to potentially change sections 1 to 35.1 of the Constitution. I can only infer. I did not hear a very fulsome explanation as to why this particular amendment was put forward to rule out the piece about, you know, how the proposed contravention is not demonstrably justified in a free and democratic society.

7:40

In my mind, the real issue here is that we simply should not be permitting citizen-led initiatives to be brought forward that may propose changes to these sections of the Charter. I look forward to some clarity from the minister as to the purpose behind this particular amendment, because it doesn't quite achieve, in my mind, the change that I think is required to satisfy particularly those Canadians and Albertans who have minority rights, who hold minority rights – and there are many of us, whether by virtue of our religion, our ethnic background, our gender, our sexual orientation – that the majority or a large group of citizens might not be able to put forward a proposal that would challenge the very nature of those protections for minority individuals.

I must highlight again that sections 1 to 35.1 don't just include equality rights; they include rights to freedom of expression, rights to freedom of religion, and aboriginal rights. These are very core, fundamental rights, and the idea that a group of individuals – yes, albeit a number of them would have to sign a petition to bring such a measure forward, that is a very, in my view, dangerous risk that's been posed to the protection of the rights under the Charter of Rights and Freedoms. Not only is it a danger – and I appreciate that there may be some measures that could be taken to limit such an activity – but let's be clear that there are other concerns about this bill, including, as it's put forward before this Assembly, that there's no limitation set out on third-party advertising. The very nature of a campaign of this sort, that could be backed by quite a bit of money: what message does that send to Albertans?

I'm just going to use an example that, unfortunately, I don't think would be too far fetched. For example, if there was a group of Albertans that might want to challenge the protections on the basis of sexual orientation and want to bring forward a specific petition – perhaps it's around access to GSAs although I have to say that a citizen-led initiative to attack GSAs would not be required because it appears that the government is ready to lead that charge all on

their own. Say that a group of individual Albertans were wanting to seek a petition and gather lots of signatures. We have no idea right at this point what the limits would be on any third-party spending for such a campaign.

What message does that practice of seeking to amend the Charter, to perhaps eliminate protections for people on the basis of sexual orientation send to LGBTQ2S-plus Albertans, that our laws support the ability of such a referendum to come forward? Perhaps it would fail – we don't know – but there could be quite a bit of money put into such a campaign. I just think that minority rights, equality rights, aboriginal rights, minority language rights are actually not up for debate in that way, that they can be challenged by just a group of people backed by we don't know how much money.

There are processes to challenge our Charter of Rights and Freedoms. There are absolutely cases where those challenges are led, and we know that the law evolves in that case. But simply, for example, if a petition says, "We think that sexual orientation should be removed from the Charter of Rights and Freedoms," well, that's already been decided by the drafters and the founders of the Charter of Rights and Freedoms, and it's been upheld a number of times.

The mere exercise of that kind of seeking to overrule the protections of minority rights, I believe, is incredibly damaging, incredibly divisive, and sends an incredibly dangerous message to Albertans who may already be vulnerable, particularly, if I think about it, if they're living in more remote communities and they may feel isolated. I mean, those kinds of things are incredibly damaging. Really, essentially, it's allowing for referendums to be held on whether or not your fundamental existence and your identity is up for debate by the masses. I'm sorry; I think there are certain issues that are fundamentally not up for that kind of debate.

Certainly, we can propose that there can be legislation in this House. Certainly, there can be court challenges. There are many avenues by which to change the law and by which to advocate for that, but I don't believe that it's appropriate to do that. In fact, that is what the Democratic Accountability Committee recommended. The recommendation from the committee, which, of course, as we all know, had a majority of UCP government members on it – actually voted in favour of the fact that there should not be the ability to have a citizen-led initiative, a petition on changing sections 1 to 35.1 of the Charter of Rights and Freedoms.

I stand by that decision of the committee. I didn't agree with all of the decisions in the committee. Certainly, there were some decisions that we had spirited debate on. I do believe that by even just excluding that portion of the Charter, which I think is critical – I mean, we know that denominational rights are protected under a different section of the Constitution outside of the Charter of Rights and Freedoms. I don't think we would appreciate – well, I think there would be a lot of members of this Assembly who would have concerns, for example, about a citizen-led initiative to say: eliminate the separate school system.

There was a decision made by the committee that we would limit a recommendation to prohibiting the issuance of a petition or a referendum on those fundamental rights under sections 1 to 35.1 of the Charter, so I'm not certain that I understand why that decision was overturned or at least was not followed by the government when they proposed Bill 51. And I'm not sure I understand how the proposed amendment that is before us today addresses my concern about the fact that, as it stands, Bill 51 allows a group of citizens backed by at this point an unlimited amount of financing and spending to challenge the fundamental rights of Albertans and Canadians. I hope that we will hear a more clear explanation as to what this proposed amendment is intended to do and why it's not simply clear in this act that there can be no referendums or petitions on rights and freedoms under the Charter.

I also want to note that, you know, there are some other provisions of the bill that don't quite match up with recommendations that came from that committee, which seems somewhat related. You know, for example, we heard in that committee that it is common in other jurisdictions which have these kinds of referendum abilities or citizen-led initiatives to require that those petitioners provide a copy of a draft bill, and certainly that's important so that there isn't – first of all, to require the petitioners to put the time in and the thought in to actually craft out a bill, to articulate what they intend, and if, in my view, they are going to be allowed to lead a petition on changing the fundamental rights and freedoms of Albertans under the Charter of Rights and Freedoms, I certainly think there should be enough thought given to have to propose a draft bill. Does that require some investment not only of time and energy by the petitioners? Yes. But if we're talking about a proposal to amend the Charter of Rights and Freedoms, I don't think that's an unreasonable expectation.

I also think it would be appropriate for them to seek some legal advice on what that would look like, and that is even more the case when we're talking about a petition that may potentially contravene sections 1 to 35.1 of the Charter. I'm also slightly concerned because: whose determination is it that that initiative, petition is contravening sections 1 to 35.1 of the Charter? It's not clear as to who makes that determination. Is it the government when they receive that? I also note that the proposed provisions in Bill 51 require that where 20 per cent of petitioners have signed, there's a requirement by government to take the bill forward. So who's making that determination? And it's somewhat in the abstract, particularly if we don't even have a draft bill before us. I'm not sure about the process of how that goes.

In my view, the better amendment would simply be to say precisely what the committee recommended, which is that there can be no citizen-led initiative to propose amendments to sections 1 to 35.1 of the Charter.

7:50

I believe the way the bill is drafted, even with this proposed amendment, which I would like to support if I could, you know, hear some clarification – but I'm hesitant because at this point I believe that I would have a very difficult time understanding why we don't simply, in this bill, prohibit petitions and initiatives that would amend sections 1 to 35.1 of the Charter. I believe this is absolutely fundamental to protecting minority rights. I believe that it's important to provide certainty.

I have to admit that I also don't really understand the purpose of a citizen-led initiative such as this, which would propose to amend sections 1 to 35.1 of the Charter of Rights. What happens if that's even the case? We know that the Charter can't be amended through that. That goes back to my fundamental concern that this is going to be used as an exercise to divide Albertans, to carve out those who are privileged and have power and have the numbers, may even have the money behind them to do such a thing at the expense of vulnerable – and not only vulnerable, because as I mentioned, Madam Chair, I imagine that every single individual in this room has some claim to some element of a minority right. Maybe it's on the basis of faith. Maybe it's on the basis of sexual orientation. Maybe it's on the basis of race. I don't think that any of those rights should be impaired because 20 per cent of electors are able to get a petition signed. Even the message that it could do that I think is incredibly damaging. If this is truly about democratic reform, which is what we're hearing from this government, I am not confident that what we are seeing today will do anything more than further divide Albertans.

I would like to put my advice or my concern forward for consideration that perhaps a better amendment than the one that we're debating right now would be one that simply prohibits citizen-led initiatives that propose amendments to sections 1 to 35.1 of the Charter of Rights and Freedoms. I think that is a clearer message about the fact that we understand the value of those rights. This is not to say that those rights cannot still be challenged in the courts, cannot be challenged through legislation, but by a petition signed by 20 per cent of electors that does not include a draft bill – I should also mention the recommendation from the committee that there be education as part of this process and that there be some education even provided by the government, which I believe happens in B.C., to explain to people what the content of the proposal is so that people understand what they're supporting or not supporting and whether they're signing or not signing it. That's pretty critical as well. That's not in this bill either. That recommendation was not accepted by the government in this bill.

I believe that this opens the door to some potentially incredibly damaging and risky and divisive citizen-led initiatives that will challenge some of the most fundamental rights that we hold dear. So I do hope, in good faith, that the minister might consider making an amendment that actually strikes out the ability to lead a constitutional proposal that changes sections 1 to 35.1 of the Charter. I think those are rights that we all can agree in this House are pretty critical to what we consider as Canadians.

Thank you, Madam Chair.

The Chair: The hon. Member for Peace River.

Mr. Williams: Thank you, Madam Chair. I want to just start with a few disclaimers. I used to work in gravel before I was a politician. I'm no lawyer. But having read the Charter of Rights and Freedoms, I cannot find, for the life of me, a section 35. I looked it up, I looked it down, and I looked it sideways. In fact, it ends with section 34, that says, "[The above] may be cited as the . . . Charter." So there is no section 35. There is in the Constitution Act, 1982, a section 35.1. I would assume that's what the hon. lady, the member opposite, is referring to, but I'm really not sure of any part of the Charter that refers to a section 35. That being said, I was in gravel before, so maybe the lawyer across the aisle can correct me.

I also, being nothing but a humble MLA, trust the people of Alberta. I do. I have to. That's how I'm here; that's why I'm here. I believe in the people of Alberta. I fundamentally do not believe in an oligarchy of nine men and women in black robes telling Canadians what our rights are. I believe that that document that is the Charter of Rights and Freedoms, the Constitution itself, either in the British North America Act or later on when amended and added to in 1982, is a product of our democracy, a product of our traditions. I believe that there has to be a dialogue, a genuine acceptance to the courts from the people on what we believe and what we would like to see in that document and how we want to interpret it.

I believe fundamentally in parliamentary supremacy, that the sovereignty of the people of Canada is found in this body and the relevant bodies across other provinces and in Parliament, not in the Supreme Court to dictate to Canadians who we are and how we live, exclusively. I believe there is a relationship between this body, which represents the people in which our sovereignty is invested, and the courts, and I think it is absolutely legitimate for any group of people, no matter where in Canada or anywhere else, by natural law to say: we believe this should be the law that governs us, and we will use democratic means to achieve that end.

To insinuate that it's somehow inappropriate for the people to ask the Constitution to change I think is, to borrow a phrase from the

member opposite from Edmonton-Whitemud, risky and dangerous, and it is absolutely contrary to everything I stand for and why I ran to be elected and the values of the Albertans that I know. The principles on which I stand tall – I stand on the principles of those men and women who came before us who set up a democracy, who said that we have the sovereignty to govern ourselves, not be told by any dictatorship, oligarchy, any court that this is the only way that you're allowed to live.

I believe this fundamentally goes to the heart of who we are as a people in Canada, that we have the right to govern ourselves, that we cannot be told that this section of the Constitution, because it was implemented in 1982, is immutable and untouchable. I believe that I should have a debate and defend my faith, defend my rights, as should every other Canadian. I govern in this Legislature believing that everything I do is constitutional and believing that everything I do is right and ordered according to natural law.

I do not think that because – I mean, what if the member opposite were to see a citizen initiative referendum to amend the Constitution and sections 1 through 34 in the Charter of Rights and Freedoms to strengthen minority rights? What if that were coming up? What if that were badly needed? What if the courts had erred, in the member's judgment, and we needed to strengthen those rights? What recourse would we have but to hope that different men and women are appointed a couple of decades from now to protect them?

No. There are legitimate means by which we as the people are allowed to exercise our initiative and, through this body, our sovereignty to govern ourselves. That's how that document was created in the first place, through legitimate exercise of our rights as Canadians, not because the Constitution gave it to us but because, under natural law, we naturally have the right to govern ourselves. There's no document that can take that away from us. There's no court that can strip it from us, and if we see that a court or a document is erring, we will stand. We ought to, anyway. I know I will stand to amend that document or rebuke that court until we have justice being served. That's why we're here.

I do not come here blindly trusting: "We'll try and get something right, but don't worry. Daddy is there. He's going to take care of us in the Supreme Court, and they'll fix our problems." No. I believe we have a right and a responsibility to interact with that court, all courts, and to let them know that we are acting on behalf of the will of the people who elected us.

I think it is incredibly dangerous for the member opposite to imply that it's inappropriate for us as the people of Alberta or this body on their behalf to enable the rights of Albertans to engage democratically.

An Hon. Member: They don't trust democracy.

Mr. Williams: They don't trust democracy, and they also don't trust Albertans, which, fundamentally, I think is categorically inappropriate.

Mr. Dang: Point of order.

The Chair: The hon. Member for Edmonton-South.

Point of Order Insulting Language

Mr. Dang: Thank you, Madam Chair. The hon. member just explicitly stated, "They don't trust democracy." I think that that is language that is most likely to create disorder in this place. It certainly makes allegations against the hon. member he was referring to, the hon. Member for Edmonton-Whitemud, and I

think, under 23(h), (i), and (j), he certainly should not be imputing such motives in a place where we are all elected democratically as parliamentarians to do our jobs. I think he should withdraw and apologize.

The Chair: The hon. minister.

Mr. McIver: Madam Chair, this is clearly a matter of debate. It's the actual, exact subject matter of the speeches, the bill before us, and the contemplated amendment. It's debate, and it's right on point. Some debates, frankly, are emotional. Some are personal. Some strike at the heart of the deepest held beliefs of people in this room. This is one of those debates. If we actually don't allow debate on anything on this subject matter that hurts somebody's feelings, then we might as well go home.

8:00

I don't believe the hon. member expressed what he expressed in any way to be offensive. But when there are beliefs held this deeply by different members of this House – and I'm not accusing anybody of being insincere about their beliefs no matter what side of this issue they're on. If you are talking about people's most deeply, personally held beliefs, the anchors that I hope we all have here, then it's really hard to talk about it without hurting somebody's feelings. I don't think I heard the member expressing even this difficult subject matter in a way that was intended to hurt somebody's feelings but, rather, in a way to express his own heartfelt feelings.

Madam Chair, I believe it's clearly a matter of debate.

Mr. Williams: Madam Chair, if I could add.

The Chair: Do you have additional comments to add?

Mr. Williams: I do.

The Chair: Okay. The hon. member.

Mr. Williams: I intend only to debate the subject matter at hand, and I unreservedly withdraw any comments that could have been interpreted in a way that was beyond the subject matter. That is the purpose of my speech, and I will withdraw.

The Chair: I think this matter is settled.

I'll ask the hon. member to continue.

Debate Continued

Mr. Williams: May I continue?

The Chair: Yes, you may.

Mr. Williams: How much time do I have left?

The Chair: You have almost 15 minutes.

Mr. Williams: Well, I won't take much more time, Madam Chair, but I will say that I think this is fundamental and to the heart of what we're all doing here, why we're elected, not your personal motives but the actual mechanics of how we get elected. It's trusting Albertans.

I can't speak to anyone's motives. I can speak to how this democracy works, and I can speak to how 800 years of our history has led us to the spot where we have the right to act as a parliament in this Legislature on behalf of Albertans.

Madam Chair, I'm just a former gravel worker, not a lawyer. I don't know. Maybe I'm wrong on this, too. I invite the member

opposite to engage in the debate and at the very least show me that 35th section of the Charter of Rights and Freedoms.

Thank you.

The Chair: The hon. Minister of Justice.

Mr. Madu: Thank you, Madam Chair. I won't take too much time on this particular issue. I just wanted to supplement what the Member for Peace River said in response to the comment made by the Member for Edmonton-Whitemud. I think it's important to be clear about the section of Bill 51 that the Member for Edmonton-Whitemud referred to in her submissions, and that is section 2(4). It reads:

(4) An initiative petition proposal must not . . .

Must not.

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

That is the totality of the current subsection (4), that the Member for Edmonton-Whitemud was referring to.

I just tabled an amendment to section 2(4) that would, in the end, leave subsection (4) as follows: "An initiative petition proposal must not contravene sections 1 to 35.1 of the Constitution Act, 1982." That is what we have in Bill 51.

Again, the Member for Edmonton-Whitemud cannot claim ignorance of this because she, too, is a lawyer. She's a lawyer. Oftentimes we sit in this Assembly and we listen to this, you know, argument as to whether or not we are dealing with the substance of the bill before us. The bill is clear that an initiative petition under Bill 51, if this Assembly deems it necessary to pass this particular bill, would not contravene sections 1 to 35.1 of the Constitution Act. It's there.

The Member for Edmonton-Whitemud also asks: in the event that there is a conversation around any of these things, who will decide? Who will determine? Again Bill 51 provides an answer to that particular question, and I would expect the Member for Edmonton-Whitemud to also know that it is in the bill. If she doesn't know, I'm going to read it to her. Section 2(10) reads:

The Chief Electoral Officer may, with respect to a legislative proposal, a policy proposal or a constitutional referendum proposal, state a question in the form of a special case to the Court seeking the opinion of the Court as to whether the proposal conforms to the requirements of subsections (3) and . . .

Guess what?

. . . (4), as applicable.

So all of those, you know, ramblings about section 2(4) and the desire of this Bill 51 to strip the people of their Charter rights from sections 1 through 35.1 are completely not true and misleading. Not true.

That is what we have become accustomed to with these NDP members of opposition. All of the answers she's looking for are contained in this bill in black and white, but she would rather speak to the camera, to the gallery and lead Albertans to believe that the bill we are debating would indeed strip minority folks of their Charter-protected rights in the Constitution. I do want to speak to them directly. That is not true. That is not true. That is not true of everything you have heard tonight from the Member for Edmonton-Whitemud.

Mr. Dang: Point of order.

The Chair: The hon. Member for Edmonton-South.

Point of Order Allegations against a Member

Mr. Dang: Thank you, Madam Chair. The hon. minister has just explicitly said that my colleague from Edmonton-Whitemud was attempting to mislead Albertans and that, instead, he would correct the record by speaking to them directly. I think that certainly making this significant allegation, that a member is trying to mislead Albertans, is unparliamentary, and I would ask that he withdraw and move on from such allegations. Under 23(h) and (i).

Thank you.

The Chair: Thank you.

The hon. minister.

Mr. Madu: Thank you, Madam Chair. I can defend myself. This is simply a matter of debate. It's a matter of debate. I was pointing out that the stuff that she said about section 2(4) is not true. It's that simple. It's a matter of debate. This is a difference in opinion between what section 2(4) is all about, what she is saying and what I am saying, comprising the actual text, what she had said and what I have said. It is a matter of debate.

The Chair: Hon. members, I would tend to agree that this is a matter of debate. However, I think it's a good opportunity to remind all members to express some caution when speaking about other members in this Chamber, even in response to the comments that are made. I'll also remind all members that we are on amendment A1. I'm happy to have this Assembly maybe dispose of this amendment, and we can be back on the main in a more broader type conversation.

With that being said, the hon. minister, I'll ask you to continue.

8:10

Debate Continued

Mr. Madu: Thank you, Madam Chair. Just to conclude, there is nothing in Bill 51 that would strip Albertans, minority communities, minority groups, any institution protected by section 1 all the way to section 35.1 of the Constitution Act, 1982, of their rights.

But if you carefully listen to the underlying reason for the submissions made by the Member for Edmonton-Whitemud, it is that the members of the opposition are so scared of Albertans being able to express themselves. In the end, that is what it boils down to. Otherwise, why should there be confusion about the provisions in section 2(4)? The members of the opposition are always paranoid any time Albertans are empowered to go out there to determine their own future, to direct their government on their priorities, to express to us, their elected representatives, that in the end we draw our authority and power from the people. That's what the members opposite are so scared of. In this portion of this particular bill it is true that Albertans will be empowered to put forward initiatives that speak to their priorities and work to get their government to act upon those priorities that are important to them. What is wrong with that? What is it about that that the members opposite are so scared of?

I know, speaking for myself and for the members on this side of the aisle, that we will always bet with our fellow citizens to provide us with their direction. It was a platform commitment that we made to them, and I am so proud that we are following up with that particular commitment.

With that, Madam Chair, I yield my time.

The Chair: Any other members wishing to join debate? The hon. Member for Calgary-East.

Mr. Singh: Thank you, Madam Chair, and thank you, Minister, for this amendment to Bill 51. I stand to support this amendment as it will strengthen Bill 51. I want to express my appreciation to the minister for introducing this bill, which would allow Albertans to bring forward important matters to the Legislature. Let me as well acknowledge all Albertans and stakeholders who have participated during the public meetings held and those who provided their written submissions on citizen initiative legislation. Lastly, I want to thank the Select Special Democratic Accountability Committee for their hard work in conducting these consultations and coming up with recommendations after considering all concerns which led to the creation of this bill.

Madam Chair, Bill 51 is part of the Alberta government's democratic reform legislative package, and it represents another significant platform commitment delivered to Albertans. This bill, like 52, the Recall Act, strengthens our democracy, which will allow Albertans to initiate an action on issues that affect them. Through this bill Albertans will be more involved in government decision-making, not just during elections. It will empower Albertans to have a greater say in the priorities and initiatives pursued by the government. Should the required support be acquired through a public petition, Albertans will be able to submit proposed legislative or policy changes to the Legislative Assembly as well as provide a proposed constitutional referendum question to the provincial government.

In Canada the only province or territory that has legislation on the matter is British Columbia. Their recall, a legislative act, provides a process to have us citizens involved in the government decision-making in local legislation and policies through initiatives and proposals. While the referendum is not new to Canada and Alberta, this bill will permit a citizen initiative referendum in our province. Alberta has a rich past of referendums. It includes the votes held in 1915, 1920, 1923, and 1957 on the prohibition of alcohol and the regulation of its sale. There was also a vote held in 1948 on the generation and distribution of electricity being conducted by the private power companies or publicly owned and administered by the Alberta government.

A referendum was also made in 1967 and 1971 on the matter of switching to daylight saving time while in 1992 Albertans participated in a vote together with the rest of the country on the constitutional changes proposed in the Charlottetown accord. Alberta also had legislation from 1913 to 1958, the Direct Legislation Act, allowing voters to petition the Legislature to pass a proposal upon the acquiring of 20 per cent support from eligible voters. The Legislature then could either enact the proposed law or submit the question to the voters in a referendum.

Numerous countries and jurisdictions have enacted their citizens' direct participation process, and it has resulted in many initiatives being implemented. We often hear issues of concern from Albertans. However, the government may or may not act on these matters as most of the time it was raised by a few that were unhappy on governmental decisions, or they were part of the propaganda of certain groups clothed with political motives.

As has been practice, the government regularly consults with the public, holding town halls and public consultations on matters of general concern. Committees are formed to conduct these consultations, and they are required to submit a report and recommendations, an important democratic process to give opportunity to people to be heard.

Madam Chair, Bill 51 will enhance our democratic process by allowing any eligible Albertan voter to bring forward an initiative. It may relate to policy, legislation, or a referendum. Although town halls and public consultations will still be pursued in the future, these three different types of initiatives will permit Albertans to

directly participate on matters significant to them consisting of a wider range of topics and issues.

This process starts by the filing of an application for a petition to the Chief Electoral Officer. The application must contain the name and contact information of the applicant together with the statement of the idea of the initiative or proposed legislation or the proposed constitutional question for a referendum. Upon approval by the Chief Electoral Officer, the petitioner will then need to gather signatures of eligible voters. For policy or legislative initiatives, it is required that at least 10 per cent of voters province-wide must signify their support while for a constitutional initiative there must be at least 20 per cent of voters province-wide signifying support for it, and it is required further that 20 per cent of voters in each of at least two-thirds of Alberta's electoral divisions have signified support.

Madam Chair, we need these thresholds so that there would be no abuse made to the system, and it will also avoid trivial matters being put forward. The Chief Electoral Officer will then review and verify the signatures to determine if the petition has been successful. For successful petitions relating to legislative or policy initiatives, it will be referred to a committee of the Legislative Assembly for consultation. Should the committee support the policy or legislative initiative, they would table a report in the Assembly, but should they not support a policy initiative, a referendum would be held. If the committee does not support a legislative initiative, a public vote would be held. If the voters support the initiative through a simple majority, it will then be up to the Legislative Assembly to take action.

8:20

On the other hand, Madam Chair, a successful constitutional initiative – that is, when the required signatures are met – would proceed through the process established under the Referendum Act. The said act includes a resolution made by the Legislative Assembly, followed by an order issued by the Lieutenant Governor for a referendum to be held.

Citizens' initiative is an important process where issues and concerns can be brought up by an ordinary voter and will impact Albertans. That is why the gathering of signatures in support is allowed province-wide. The Chief Electoral Officer will issue the petition along with the signing sheets to be used to collect the signatures within 90 days thereafter. Although we may have experienced lately the surge in the usage of virtual facilities – we hold online meetings, conferences, and presentations – the collection of signatures online is not an option for now.

The petitioner would be responsible for all costs associated with the gathering of the required number of signatures while at the same time the petitioner can accept contributions towards pursuing the initiative. In order that this democratic process will not be abused by self-interested groups and individuals who do not mind spending to promote their goals, there will be limits, to be set by regulation, on how much third parties, like political action committees, can spend in the promotion of or arguing against any initiative. The limit on advertising will be set so that there is a balance between free speech and ensuring that special-interest groups don't have undue influence or advantage. If the expenditure limit would be made part of the bill, Madam Chair, it would take a longer process to make changes if they would be finding that it's too restrictive, which would start to encroach on the right to free speech.

Having a citizens' initiative available in our province would put ordinary Alberta voters on an equal and same footing with special-interest groups. It will empower Albertans to move that policies or legislation enforced by the government be halted or changed because it greatly impacts or affects them. It is important to

empower Albertans to have their concerns and proposals put forward to the government for discussion or referendum.

This bill will also create a situation where Albertans will have an opportunity to unite and communicate with each other on significant issues and raise them to the government. It encourages actual and meaningful debate on genuine issues. I understand that these issues or concerns could invite or be the start of division among Albertans, but, Madam Chair, this bill will put an end to that division as the decision will be made from the process should the petition be successful. More participation by the voters will be seen in referendums, thereby creating a possibility for the unsuccessful side to accept the defeat of their position.

There would be no encroachment on the power of the Legislative Assembly to legislate or enact laws in the province, Madam Chair, as the Assembly will have the final say on whether to take action or not. Ultimately, the voters will then be able to react come next election on the path taken by their legislators to any initiatives brought forward. Also, this process will not replace the Legislative Assembly's responsibility to enact laws. Members of this Chamber will continue to propose and legislate laws.

For that reason, I would like again to thank the minister for introducing this bill as it will strengthen our democracy and it will allow Albertans to initiate action on matters that affect them. Let me also, again, express my appreciation to all Albertans who had participated and provided their views, which were considered in coming up with this bill to enhance our democracy and allowing Albertans directly to participate in governmental decisions on policies, legislations, and referendums.

I encourage every member of this Assembly to support this bill as it will enable voters to have a direct say on matters concerning them and not just during elections. We as elected officials are accountable all throughout our term as we must provide our respect for the voice of the people on issues impacting them, regardless of their positions, when we are in this Chamber.

Thank you, Madam Chair.

The Chair: Thank you, hon. member.

Any other additional members wishing to speak to the amendment, A1?

[Motion on amendment A1 carried]

The Chair: Now we are back on the main in Committee of the Whole. The hon. Member for Edmonton-South.

Mr. Dang: Thank you, Madam Chair. It's a pleasure to rise today and speak to Bill 51, the Citizen Initiative Act. I think, certainly, that there has been quite a bit of rigorous debate on this bill tonight and previously in this place, but we know that this bill is lacking in many key components that the committee, that really guided discussion for this bill, brought forward. It's pretty clear, I think, to Albertans at least, if not to all members of this Chamber, that this government seems to lack the wherewithal to listen to those consultation processes, to listen to the committees that they send out to do the work, to listen to Albertans who write to this government or call this government and tweet at this government or use Facebook or whatever it is. It seems that this government does not want to listen to Albertans, and that's disappointing. It's a little bit upsetting. It's a little bit upsetting, especially when the Select Special Democratic Accountability Committee did some of that work and then the government continues to choose to ignore that work.

I think that we can do better. I think that we have the opportunity here in Committee of the Whole, I think that we have the opportunity here tonight to make some changes and to use our

powers as legislators and our powers as this committee to make the changes that would actually address some of those concerns, that would actually address the recommendations put forward by the committee, and would actually bring in some of the restrictions on this legislation that I think the majority of Albertans and, certainly, the majority of the committee, because they recommended it, agree with. With that in mind, Madam Chair, I'd like to move an amendment on behalf of my colleague for Edmonton-Manning at this time.

The Chair: Hon. members, this will be known as amendment A2.

Hon. member, please proceed and note, again, moving on behalf of another member.

Mr. Dang: Thank you, Madam Chair. I would move on behalf of my colleague for Edmonton-Manning that Bill 51, Citizen Initiative Act, be amended as follows: (a) in section 26 (i) by striking out subsection (1) and substituting the following:

(1) A registered third party shall not incur initiative advertising expenses in respect of an initiative petition period exceeding \$30 000, as adjusted in accordance with subsection (1.1).

(ii) by adding the following after subsection (1):

(1.1) Section 41.5 of the Election Finances and Contributions Disclosure Act applies, with all necessary modifications, to the amount referred to in subsection (1).

and (b) by striking out section 45(3)(f).

Madam Chair, I think that this is a fairly straightforward amendment. I think it's something where in Bill 51 – I think it's an oversight – the third-party expense and advertising limits are not specified. Clearly, these have to be laid out in legislation prior to legislators voting on the bill because without specified limits the risk of third-party influence, the risk of corruption or undue influence on the process is not just possible; I think it's probable. This amendment, simply put, does set out those limits at \$30,000. It's in line with the expense limits that already exist for senatorial elections, and it also reduces the risk of a third party that – this government seems to be very intent on chasing after third-party influence on the democratic process, right? They've struck various commissions that have, I think, received five or six extensions at this point, but they struck various commissions to look into things that have third-party influences in Alberta, third-party influences on our democracy. I think that if we're talking about these processes and talking about these systems, it is essential that we bring in these limits that are in line with other legislation that we already have.

I look forward to hearing from my hon. colleagues about this. Thank you.

8:30

The Chair: The hon. Minister of Justice.

Mr. Madu: Thank you, Madam Chair. I just wanted again to quickly respond to this amendment. Essentially, this amendment seeks to, you know, strike the totality of section 26(1). Just to be clear, section 26(1) reads, "A registered third party shall not incur initiative advertising expenses exceeding the prescribed amount that applies to the initiative petition period." The member is proposing to indicate "advertising expenses in respect of an initiative petition period exceeding \$30 000, as adjusted in accordance with subsection (1.1)." They further propose in this amendment, number two, that "(1.1) Section 41.5 of the Election Finances and Contributions Disclosure Act applies, with all necessary modifications, to the amount referred to in subsection (1)."

I just want to point out to the members of the Assembly that, you know, section 45 of this bill provides third-party regulations, third-

party initiative advertising except as provided in this part or the regulations. The Election Act and Election Finances and Contributions Disclosure Act apply with all necessary modifications in respect of third-party initiative advertising. We have laws that deal with third-party advertising expenses. This is just much ado about nothing. We are the political party and government that made the commitment to close the Alberta Federation of Labour loophole in that financing bill that allows millions of dollars to be funnelled to the NDP's campaigns.

This is again, in classic NDP fashion, without regard to the substance of the bill. Why do we, you know, put forward amendments that the members know are redundant? We have a very robust system of laws that deal with elections. We have further made a commitment, and I think you will see in the fall a bill that will close that particular loophole with Bill 51. There are so many sections here. I just wish that the members opposite will sit down, read this particular bill so that we can focus on the substance of the bill itself. I would love to have a debate on the actual text, the actual provisions of this bill rather than amendments that amend for the gallery and for the camera.

With that, Madam Chair, I will urge all members to vote down this amendment.

The Chair: Any other members wishing to join the debate on amendment A2?

Seeing none, I will call the question on amendment A2 as moved by the hon. Member for Edmonton-South on behalf of the hon. Member for Edmonton-Manning.

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

[Several members rose calling for a division. The division bell was rung at 8:35 p.m.]

[Fifteen minutes having elapsed, the committee divided]

[Mrs. Pitt in the chair]

For the motion:

Dang	Pancholi	Renaud
Irwin	Phillips	Sigurdson, L.
Nielsen		

8:50

Against the motion:

Amery	Loewen	Rutherford
Barnes	Luan	Sawhney
Ellis	Madu	Sigurdson, R.J.
Getson	McIver	Singh
Glasgo	Neudorf	Stephan
Glubish	Nixon, Jeremy	Toor
Goodridge	Orr	Turton
Gotfried	Pon	Walker
Guthrie	Rehn	Williams
Hunter	Rosin	Wilson
LaGrange	Rowswell	Yao
Totals:	For – 7	Against – 33

[Motion on amendment A2 lost]

The Chair: We are back on the main bill, Bill 51. Are there members wishing to join debate? The hon. Member for Lethbridge-West.

Ms Phillips: Well, thank you, Madam Chair. I'm pleased to rise, I believe it is the first time speaking to this bill. However, there are a

lot of issues related to this bill, so I imagine we will be talking about it in this Chamber for some time given that there are, in fact, some really important improvements that could be made to this bill in order to make it consistent with what we want to actually see as good outcomes for our election system, not the least of which is ensuring that we do not just open the floodgates to money where we do not know its origin, where it seeks to influence in an undue way the practice of democracy and, in fact, seeks to undermine the basic principle that it is only people who vote and therefore it should only be people who make decisions, not big money.

Having said that, there's another piece that is of great concern to us, and it is for that reason that I'm going to move an amendment, if I might, on behalf of the Member for Edmonton-Manning. I have the requisite number of copies here, and I will make sure that they are distributed for the members. Sorry. Thank you, Madam Chair, for indulging me in getting my act together here. I have the amendment in front of me here. Moved on behalf of . . .

The Chair: Hon. member, just wait till I have a copy, please.

Ms Phillips: Sure.

The Chair: Perfect. This will be known as amendment A3.

Just note that you're moving on behalf of another member. Go ahead.

Ms Phillips: Sure. Thank you. What we'd like to do with this amendment – it reads, Madam Chair, that Bill 51, Citizen Initiative Act, be amended by adding the following after section 18(2): “(2.1) The conduct of an initiative vote must not coincide with an election held under the Local Authorities Election Act.”

Madam Chair, this amendment speaks to some of the feedback that we heard from municipalities and from others that they were incredibly opposed to citizen initiative votes being held in conjunction with local elections. They did not want to see their local elections complicated or otherwise frustrated by these citizen initiatives. In fact, what they were seeking to avoid were some of these American outcomes whereby, you know, a voter is given a sort of telephone book of ballot initiatives and various other things to vote on.

Certainly, municipalities were of the mind that, okay, if there are citizen initiatives, various questions of that sort, that is fine. That is the provincial government's business, and it should occur at that time. They asked for that basic element of respect of their processes and, certainly, their various electorates, big and small, because we do know that local elections are run at very small levels or they are run in large cities. In particular for smaller communities the feeling was that having a number of citizen initiatives might complicate their processes.

So this amendment simply prohibits holding an initiative vote that coincides with an election held under the Local Authorities Election Act, and I'm hoping that this time, Madam Chair – this recommendation, of course, was made by us in committee, but it was ignored at that time. It was made by us after consultation with affected municipalities and hearing from people, and it is always regrettable when we ignore the voices of legislation that it most directly affects, so this is an amendment that seeks to, in good faith, remedy that problem with this legislation.

Thank you, Madam Chair.

The Chair: Any members wishing to join debate on amendment A3? The hon. Minister of Justice.

Mr. Madu: Thank you, Madam Chair. I just wanted to quickly respond to this amendment A3, put forward by the Member for

Lethbridge-West on behalf of the Member for Edmonton-Manning. Essentially, the amendment would seek to indicate that the conduct of an initiative vote must not coincide with an election held under the Local Authorities Election Act. There is no question that I am going to urge all members of the Assembly to vote down this amendment. The reason is very simple. You know, throughout our history we've had elections, we've had referendums. We've had a mix of all of those with national elections, provincial elections, municipal elections. To indicate that a citizen initiative cannot take place during a municipal election, something that the Chief Electoral Officer would have the opportunity to weigh in on, is really unfortunate.

9:00

Again, any time that we are able to get our people to vote, it's a good thing. It is a good day for democracy. It doesn't matter whether it is during a provincial election or whether it is during a municipal election or whether it is during a national election. I think that it's a good thing, and I think that is what our fellow citizens will expect of us. We are a province that has been holding elections since our founding. We can certainly hold elections and initiatives during those periods, including during municipal elections. But that is not something, you know, that is set in stone in Bill 51. We don't know when those initiatives will come forward. The Chief Electoral Officer would work with the petitioners. Obviously, if that decides to go through, then at that point in time those determinations would be made.

What this amendment is doing is presupposing what would happen in the future; in other words, that we can't have an initiative during municipal elections. That, in my view, would amount to an antidemocratic move. If this is coming from municipal councils and leaders, I hear them, but ultimately all of us can agree that anything we can do to get our people to the ballot box is a good thing.

On that particular basis, Madam Chair, I would urge all members to vote down this amendment.

The Chair: Any other members on amendment A3? The hon. Member for Red Deer-South.

Mr. Stephan: Thank you, Madam Chair. I won't spend a lot of time speaking about this amendment, but I would encourage my colleagues, my friends in this Legislature to vote against this amendment. You know, this amendment just strikes me as so wrong. Common sense would suggest that given the cost of running an election, you would want to kill two birds with one stone and have a referendum vote occur at the same time a vote would occur in any event. That's how things work in the real world. You think about trying to be efficient. It disappoints me that this kind of amendment, which is very inefficient, would be brought forward.

It's important to note the collateral benefits of actually having a referendum vote coincide with a municipal election vote. It would increase turnout. Isn't that what we want? We want to have as many citizens come out and vote in a municipal election as possible. This type of amendment actually acts to suppress the participation of the citizens. I'm just so disappointed in this kind of amendment. You know, when we talk about red tape, this type of amendment increases red tape. It increases costs to government in conducting elections with the public. We don't want to do that. We want to have more efficient elections with more participation.

On that basis, I'd encourage again my colleagues, my friends to resoundingly reject this very poor amendment. Thank you, Madam Chair.

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

Seeing none, I will call the question on amendment A3 as moved by the hon. Member for Lethbridge-West on behalf of the hon. Member for Edmonton-Manning.

[Motion on amendment A3 lost]

The Chair: We are back on the main bill, Bill 51. Any members wishing to join debate? The hon. Member for Central Peace-Notley.

Mr. Loewen: Thank you very much, Madam Chair. My pleasure to stand tonight and speak to Bill 51, Citizen Initiative Act. The Citizen Initiative Act is a fundamental democratic reform that many of us have been fighting for for decades. Unfortunately, the act as proposed won't be as effective as it could be as the rules that it introduces in order to achieve referenda are excessive. Based on that, I would like to put forward an amendment.

The Chair: Hon. members, this will be known as amendment A4. Hon. member, please proceed.

Mr. Loewen: I move that Bill 51, Citizen Initiative Act, be amended in section 6 (a) by striking out "10%" wherever it occurs and substituting "5%" and (b) by striking out "20%" wherever it occurs and substituting "10%."

Now, Madam Chair, legislative or policy referendums will require 10 per cent of Albertans who are eligible to vote to sign a petition to force a referendum while constitutional referendums will require 20 per cent according to this bill. The crucial thing to realize here is that the 10 per cent and 20 per cent thresholds are actually much higher than they initially seem. With a few notable exceptions, typical voter turnout in Alberta is normally slightly higher than 50 per cent of eligible voters. This means that 10 per cent of the eligible voters for legislative or policy issues is actually more like 20 per cent of Albertans who actually vote. Similarly, the 20 per cent threshold for constitutional matters is actually more like 40 per cent of those who voted in the last election.

The section that we're amending is on page 13, and it reads:

- 6(2) The signature sheets for the initiative petition must
- (a) in the case of a legislative proposal, be signed by at least 10% of the total number of electors entitled to sign those signature sheets,
 - (b) in the case of a policy proposal, be signed by at least 10% of the total number of electors entitled to sign those signature sheets, and
 - (c) in the case of a constitutional referendum proposal, be signed by at least 20% of the total number of electors in the Province entitled to sign those signature sheets.

That's where the problem is with this bill, these thresholds. This bill needs to be about more than just checking off a box. We need a piece of legislation that is functional. The introduction of citizen-initiated referendums will have a lasting impact on the political culture of this province, so it needs to be done right the first time.

Now, I want to point everybody to policy 27 from the 2020 UCP policy AGM, and I'll quote that.

The citizens of Alberta would be able to put proposed legislation on an upcoming election ballot, if 4 months prior to the election, they obtained a petition signed by at least 10% of the total number of individuals who voted in the previous election.

Physical signatures, or an acceptable electronic form, of eligible registered voters would be required.

Once the petition has been presented to the Chief Electoral Officer it would then be on the ballot.

A vote of 50% plus one would be required to pass the proposed legislation.

That came from the constituency of Taber-Warner. The citizens would be able to propose legislation on an upcoming election ballot

if four months prior to the election they obtained a petition signed by at least 10 per cent of the number of individuals who voted in the previous election. Of course, that's the key, the number who voted in the previous election. That policy uses voter turnout, but this bill uses electors. It's okay to use electors, but then you need to adjust the thresholds, and that's what this amendment does. Just for everybody's benefit, an elector is a citizen over 18 and an Alberta resident.

Now, when we go to voter turnout, of course it's not 100 per cent; it's more likely 50 per cent. It varies: probably 50, 60 per cent, sometimes even lower than that. Now, we shouldn't ignore based on these thresholds. This was voted on and passed at the AGM, and I believe there was over 66 per cent that voted in favour of this. I'm sure there were lots of people in the room that likely thought these thresholds were too high, and maybe that's why they didn't support it.

9:10

There are lots of places that come to mind that are lower than what we have here in this legislation: in California, for instance, 5 per cent of the number of votes cast in the most recent governor election for legislative initiatives and 8 per cent for constitutional initiatives. Given California's typical election turnout, this translates to much more achievable figures of approximately 3 per cent of eligible voters for legislative initiatives and 5 per cent for constitutional initiatives.

Now, it's always interesting to look at other jurisdictions like California or B.C. or anywhere else when we're looking at these types of amendments and bills that are coming forward, but we owe it to Albertans to have the best legislation, not worse legislation than other areas.

Now, I also want to point everyone's attention to the motion that was passed at the AGM that "a vote of 50% plus one would be required to pass the proposed legislation." Now, that is in the bill, and that is really important, of course. So the government did keep on track on that. Page 24 of the bill says:

Result of initiative vote

19 An initiative vote is successful if more than 50% of the electors who voted vote in favour of the initiative.

So the standard of achieving a successful vote on that is 50 per cent plus one. It's important that we all remember that something making it to the ballot does not make it law. We still have to have the election, so it's not an incumbency to have lower thresholds because it still has to go to the ballot, and it still has to get 50 per cent plus one. It's important to remember that any proposal doesn't automatically become law just because the signatures are collected.

Now, I also want to draw everyone's attention to "physical signatures, or an acceptable electronic form." That's from the UCP policy that was passed at the 2020 AGM. This bill does not allow for electronic signatures. The members of the party were actually accepting of electronic signatures, but of course the government hasn't allowed that here. Again, I understand that that means these thresholds need to be adjusted.

There's also the matter of large rural ridings like mine. For a constitutional referendum the bill is set at 20 per cent of electors. For 2.83 million electors in Alberta – that's approximately the number that was in the last election – that is 566,000 physical signatures, and the threshold of 20 per cent has to be reached in at least two-thirds of all electoral divisions. That's a very, very high standard. Obviously, there are concerns, especially when we look at the vastness of some of our rural constituencies as far as being able to attain those percentages in those areas.

Obviously, when you look at two-thirds of the constituencies having to have the 20 per cent threshold, that's something that

wasn't considered in what was passed by members at the 2020 AGM. Then we also have to worry about how we get to the two-thirds. On certain initiatives it's going to be hard to get because of, you know, the urban-rural divide and different ideas on what they might decide on for, you know, what's acceptable for a referendum.

Now, we think this is a reasonable compromise that would ensure that initiatives would only be achievable on major issues with significant interest while also ensuring that they are actually achievable. I'd encourage everyone to support this amendment.

Thank you very much.

The Chair: Any members wishing to join debate? The hon. Member for Peace River.

Mr. Williams: Thank you, Madam Chair. Given that this is Committee of the Whole, I'll use this opportunity to ask a quick question, and perhaps the member, my hon. friend from Central Peace-Notley, could reply, and then I'd have a chance to reply to that. Is there a reason that you chose . . .

The Chair: Hon. members, a reminder to direct your comments through the chair.

Mr. Williams: Yes, through the chair. Of course. I apologize.

Through the chair, is there a reason why it is striking out "10%" and putting "5%" and "20%" and putting "10%" rather than striking out "10%" and putting "2.5%" and striking out "20%" and putting "5%"? Is there any reason that it shouldn't be lower?

The Chair: The hon. Member for Central Peace-Notley.

Mr. Loewen: Okay. Thank you very much. Well, actually, the most obvious one is to do what the party members had passed in their recent AGM. Of course, I think that when the government decided this, they picked arbitrary numbers, too. I don't believe that there's anything special about those numbers other than the fact that they would have had input on several different ideas – some lower, some higher – and they chose a number. Obviously, I'm suggesting the number should be lower, just like the members did at the recent AGM.

The Chair: The hon. Member for Peace River.

Mr. Williams: Thank you, Madam Chair. It seems obvious to me that there needs to be a threshold. That's the purpose of this whole exercise. This is not the vote on whether or not we are recommending a constitutional change; this is whether to get it on to the ballot. If we have no threshold, then anybody at any point can pack this ballot full, as I think the Member for Lethbridge-West mentioned, like a phone book of options. There needs to be some sensibility to this. There needs to be a threshold. There is a bar that is too low; there is a bar that is too high. I'm suggesting that this is a reasonable debate of degree, not a difference in kind, of what we would say should happen here.

I would suggest that the democratic reform committee review, led by the Member for Cardston-Siksika, found multijurisdictional analyses, with the committee members, and suggested that these be the thresholds. I think lowering them much lower is a matter of concern because I want individuals to be able to vote substantially on what makes it on there.

Let's remember that for something to pass a referendum, it is going to require 50 per cent plus one, right? So we're talking about that 5 per cent is, you know, a sufficient threshold, but 10 per cent is too high? Or for these constitutional amendments that we're talking about, 10 per cent is sufficient, but 20 per cent is too high to

get it on to the ballot? It strikes me as a bit disconnected from the reality that we will have a vote. The vote will require 50 per cent plus one.

This is just a sorting mechanism, Madam Chair, and I think it's an important one for the sake of a manageable democracy. This is an exercise in direct democracy. These are not folks that spend all their time rifling through documents the way we do here. When we're putting a direct question to the people, we should make it clear, of course, and we should, I think, have a reasonable amount of content for them. We need something of a sorting mechanism. I think that these thresholds are reasonable. I think that the work the committee did over many months was important. I think it does compare to other jurisdictions. For that reason, I think that we should have faith in the draft legislation as it's written in front of us and vote this amendment down.

Thank you, Madam Chair.

The Chair: Any other members wishing to join debate on amendment A4? The hon. Member for Cypress-Medicine Hat.

Mr. Barnes: Thank you, Madam Chair. I'm pleased to join debate tonight. I'd, first of all, like to thank my colleague from Central Peace-Notley for bringing this forward and encouraging, engaging Albertans to be more involved in the democratic process. I consider the relevance of where we draw a threshold, but I want to talk for a second about the benefits of a lower threshold. I'm grateful to represent Cypress-Medicine Hat now for nine years and three elections, and it is so pleasing and so amazing how often I've heard at the doors how Albertans want democratic reform, how Albertans want to be more involved in their process. Ideas do range. There are good ideas everywhere, but a lot of times it's about: how can we get something on the ballot? How can we get our MLAs, how can we get our Premier, how can we get our cabinet to listen more?

It's no secret, Madam Chair, that Switzerland is one of the leaders in the world at citizen direct democracy and involvement, so I've taken some time and read a little bit about the Switzerland process. Out of almost 8 and a half million people, 50,000 people can overturn a law if they get the signatures or another election within a hundred days. Just 50,000 out of 8.5 million people can get questions on a referendum on a ballot to get the attention of their lawmakers.

Madam Chair, one of the articles I read talked a great deal about a side benefit of how engagement, consultation with citizens goes way up. Politicians become active in wanting to know what the citizens are thinking and where they want things to happen. Politicians consult, to a great degree, because they don't want their laws overturned within the first hundred days of passing them. I have to say, in my nine years, how often I've seen the opposition, whether it was the UCP opposition or the NDP opposition, complain about the government's lack of consultation.

9:20

I would absolutely have to think that if we're going to err here – and there are unintended consequences with any law – let's err on the side of us consulting more with our voters, 4.4 million Albertans. Let's err on the side of giving the people that work hard and make Alberta strong a bigger say in Alberta's democracy. That's why I'm so grateful for my colleague from Central Peace-Notley putting this forward.

Now, I understand that many of the people that presented to the Select Special Democratic Accountability Committee asked for a 5 or 10 per cent threshold to get a question on the ballot. Again, as my hon. colleague across the floor pointed out, this is still just to get it to where we actually have a ballot question, where there's a

campaign on all sides, where information is exchanged, and it's Albertans that want a chance to have a say. So grateful that my colleague from Central Peace-Notley brought out UCP policy 27, that chose within four months of the next election just 10 per cent – just 10 per cent – of those that had voted in the election prior. Of course, he explained that, with our participation around 55 per cent, that really is a number of around 5 per cent on a ballot.

It's really nice to see that one from Taber-Warner. With the boundary redistributions that happened last election, so much of Taber-Warner – Forty Mile county, Foremost, Bow Island – used to be in Cypress-Medicine Hat, and these are wonderful people that care a great deal about Alberta, care a great deal about their families, and very, very much want to be involved.

Colleagues, this is a chance to hear what Conservative voters are saying, what UCP members put on the floor. That's why I'm so grateful that my colleague from Central Peace-Notley put it on the floor. I will be supporting it, and I would ask everyone that recognizes the importance of policy 27 to do the same thing.

Thank you.

The Chair: I see the hon. Member for Central Peace-Notley.

Mr. Loewen: Thank you very much, Madam Chair. Again, I agree with the Member for Peace River that this is a reasonable debate to have as far as the discussion on these thresholds. Of course, I'm advocating for the thresholds to be lower. I think that this is about giving some of the control of government to the people of Alberta and kind of releasing the monopoly we have on bringing things forward in the Legislature, bringing things forward to be voted on by the people. I think that we do that every four years with the election. We trust that the electors are going to make the right decision on election day, and that's why we're all here in this Legislature today, because we trust the electors and what they decide.

I think that this is, again, about giving the people of Alberta that opportunity to move forward, to give them a chance to have their say and on more than just who represents them, so on some of the actual policies that government implements. I think, again, that no matter what the threshold to get it on the ballot, it still has to go to that ballot and still has to get 50 per cent plus one in order to pass. I think that this is a very reasonable amendment. I think that these thresholds are reasonable when we look at other places in the world, and I think that we owe it to Albertans to give them the best chance to have input directly into government.

Thank you.

The Chair: The hon. Minister of Transportation.

Mr. McIver: Well, thank you, Madam Chair. I appreciate the opportunity to rise and address the amendment before the Legislature this evening. Let me say this. I think, again, as my colleague from Peace River said, it's legitimate to have this debate about where the number is. I think that's fair, to bat that around. But I also know that there were months of work put in to bring us to where we are with the legislation that's on the floor right now, and I don't know that I would throw that away based on a debate of an hour or two or whatever we're going to have tonight. I think that this was carefully considered.

I think that the member that moved the amendment made reference to how many people vote in the average election, but I'm not sure – maybe the hon. member did. I don't want to make assumptions about what they thought, about what they didn't. At least in my mind, I thought: well, at a time when there's a special ballot, the average number of voters goes up substantially. I think history would bear that out. Certainly, from my experience in

Calgary, when there were elections on whether to put fluoride in the water or whether to have VLTs, there was a substantially higher number of people that showed up, which actually gives more credence to the draft legislation that is before us, that the hon. minister brought forward.

You know what? Democracy is good. Some direct democracy is good, but there is actually also room for having a government to operate the province four years at a time and to think a little more long term, to put plans in place, to achieve those plans. Some things in government you can't do overnight, and even sometimes in government, when you make a decision to do something, it takes a while to put the pieces in place. I believe there is a risk, if you have the threshold too low, of having the citizens' initiatives take over from the elected government. I believe that a number more like what the minister put forward in this legislation that's before us today is an opportunity for direct democracy to add to the current system, not to take away from it. I think there is a line where, if you make the threshold too low, you actually take away from having a stable four-year government to make decisions for the long-term benefit of the citizens.

It has to do with everything. If you make a decision to build a hospital somewhere, just the planning of it sometimes takes a couple of years. The construction of it takes a couple of years. Probably some of the same two years is spent determining how you would pay for it within the government's budget program. I think there's room for both. Again, I think the thoughtful, reasonable legislation that the minister put forward does its best to strike that balance, where citizens' initiatives would add to the operation and the decisions made of a stable, four-year government. If you make the number too low, then I'm a little afraid that we'll end up with the government of the day lurching from pillar to post based on the latest initiative.

I like the idea of citizens' initiatives. I support it. I also like the idea of thoughtful, stable, long-term thinking from a government that's going to be there for four years to put a plan in place, think about the financing, think about how to deliver it, deliver it successfully, and maybe be there long enough to be held accountable for their decisions, good or bad. So at the next opportunity for a general election, which is where we all face accountability – all of us need to be held accountable for our decisions and our actions in government or in opposition no matter what political stripe we are of.

Madam Chair, I won't be supporting this legislation.

Mr. Dang: Oh.

Mr. McIver: Not the – I will be supporting the legislation, but I will not be supporting the amendment. Thank you for the reminder, opposition, to correct myself there. You know, I'm so grateful for the help I get here sometimes, I have to tell you. Right there was an example when the help came instantly and in a helpful way. Thank you.

To make it doubly clear, I will not be supporting this amendment, but I will be supporting the legislation. I think the legislation is thoughtful and strikes the right balance, where the citizens will get more engaged. We'll get more people out to vote. People will have a bigger voice on some of the big issues that come forward. Yet underpinning that, you'll have a stable, four-year government that can put plans in place, deliver them, and be held accountable for them in between the four-year elections.

Thank you.

The Chair: The hon. Member for Red Deer-South.

Mr. Stephan: Thank you, Madam Chair. I have 20 minutes. Is that correct?

The Chair: Yeah.

Mr. Stephan: Thank you.

First of all, I'd like to state that I'm very grateful that the government is bringing forward Bill 51, the Citizen Initiative Act. I will speak to the act and, of course, this amendment as well. You know, Canada has an opportunity – it doesn't really have an admirable history of direct democracy. Properly done, Bill 51 allows us in Alberta to actually set a good example for the other provinces to emulate and to be better.

9:30

Now, Albertans haven't had many opportunities to participate in citizen-initiated referendums, but I have. I have had direct personal experience with a referendum. Some of us may recall that a number of years ago, in the late 1990s, there was a petition throughout Alberta on VLTs. Regardless of one's opinions or views on VLTs, I had the opportunity to participate in that petition in Calgary, and I recall going door to door and asking the citizens in my neighbourhood whether or not they were interested in participating in having a referendum on VLTs. You know, not everyone that I met, that signed the petition, was in favour of removing VLTs. Many people just signed the petition because they wanted the opportunity to participate in an important social issue at that time. And, for myself, having that experience and just participating, going door to door – prior to that, I hadn't been involved in any political processes; I was a young, married, university student at the time – was a really positive experience regardless of the outcome, just having that opportunity to go door to door and meet my neighbours. That petition was really well received, and again Albertans were just so excited about the opportunity to have a voice.

You know, this is just a question of degree. I know the members opposite, the NDP, aren't really that engaged in this citizen-initiated referendum question partly because they are more focused on state control as opposed to trusting Albertans and their families to govern themselves. But that is not in accordance with our principles of the United Conservative Party. So this is just a question of degree. What is the right balance that we seek to strike with this legislation?

Well, at the time when I was involved in that VLT petition, it was 10 per cent of the population that had to sign it, and they had to do it in 60 days. I can tell you that that was a very hard threshold to meet. Now, it was met, but it was extremely hard. When you think about provincial-wide referendums and the other requirements that are layered in the percentage thresholds such as having to not only reach a certain percentage but having representation throughout the province, the complexity of having a successful initiative by citizens becomes much more complex and challenging.

You know, when we think about, "What is the appropriate percentage?" you're right that there is a subjective determination on what is too high and what is too low. But what I would say is that it is better to err on the side of it being too low than too high. I truly believe that, and in my heart 20 per cent is too high. It just is. In my experience that I had, that would be too high.

I will be supporting this amendment. I'm grateful that the United Conservative Party does allow its individual members to act in accordance with their conscience. I'm also supporting this amendment because it is consistent with the membership initiative held at our AGM. You know, we are a party of the grassroots. I do believe that the voice of the people more often than not will get it right. As individuals none of us are perfect, and having the

collective wisdom of the population, be it on a vote, be it as a membership, will always lead to better decisions.

I remember that as a young adult in university I kind of thought about this concept a bit, and there was a game show. Maybe some of you will remember it. It was *Who Wants To Be a Millionaire*. I don't know if you remember that. That game show fascinated me as a young adult because I thought: wow, you know, that's a massive amount of money on a game show. But the interesting thing is that those were very hard trivia questions, and there was sort of like sudden-death overtime as the contestants were asked questions. But there was an important lifeline in that game, and that was that if you didn't know the question, you could ask the audience for their view on what the right answer was. These were really hard questions that I didn't know the answer to. I was always surprised and amazed, actually, how often the population would actually get it right. It was really neat.

You know, the collective wisdom of Albertans will always be better than an individual, be it on a vote in the citizen-initiated referendum, which I'm so grateful that our government is supporting, but also on decisions even within our grassroots party. You know, I'm so grateful for this initiative, this act. There are many Albertans who feel very disenfranchised from government, and we don't want that. The great thing about this act – and I give great credit to our government for bringing it forward – is that it will increase engagement of our citizens. It will allow them to become more excited and involved in issues that are important and matter to them.

You know, at this time, when there is so much volatility, when the population in some respects is losing faith in our democratic institutions, this kind of initiative helps to restore faith in that. It allows them to become more involved. This act will increase voter participation. That is in the public interest. It will increase the public's knowledge and engagement in issues that are important to them. What it will ultimately lead to is greater accountability for government. Madam Chair, one of the main reasons that I ran and was excited to run for this party as an MLA for Red Deer-South was because I wanted to see a culture change in government, a culture of excellence, where there is greater accountability. This citizen-initiated referendum, as we listen to the voice of the people and give word and action to their consensus and what they view as important, will serve the public interest.

Madam Chair, first of all, I am so grateful for this act. This is a great initiative. I thank the Minister of Justice for bringing it forward. It's important to note that, yes, I acknowledge that there was a committee that was involved in the process, but we must always be open to continuous improvement. We can always strive to be better. We never get things right. We are all imperfect. I appreciate this amendment on its merits, and I think it is better to err on the side of a threshold that is too low than too high.

Thank you, Madam Chair.

The Chair: Any members wishing to join debate? The hon. Member for Central Peace-Notley.

Mr. Loewen: Thank you, Madam Chair. I do want to also, I guess, echo the previous member's comments on thanking the government for bringing this forward. I think this is great. This is something that many have waited for for a long time, and we do appreciate this initiative, bringing this forward.

9:40

I just wanted to, I guess, maybe try to simplify the math on this as far as how this works in practicality. Presently the government has, let's say, on the 10 per cent portion, 10 per cent of electors.

Let's say that there were 100,000 electors, you know, that we're dealing with, so 10 per cent of 100,000, of course, is 10,000. Now, the member-passed policy just said, "10% of the total number of individuals who voted in the previous election." Let's say that the average is that 50 per cent of people voted in the previous election, so 10 per cent of 50,000 is 5,000. So the member-passed policy is half of what the government is proposing in this bill. I just wanted to kind of make that clear.

I also want to say that on the 20 per cent part that amounts to, across Alberta, 566,000 physical signatures on a piece of paper, all with one goal in mind. I don't know about anybody else, but I've never seen a petition with 566,000 signatures on it, physical signatures on it, and gathered in a short period of time. That's the threshold that would have to be met, so I think reducing that is still a very, very high threshold. Then, of course, added on that is that two-thirds of all electoral divisions have to have 20 per cent or more from each of them, too, and when we look at large rural ridings, that is an issue.

I don't think the government should ever be concerned about having the public derail what the government is doing because the public is who they're doing it for, and I think the public is more than capable of making decisions in their best interests, too.

Again, I want to encourage everybody to support this amendment. I think it's reasonable. Again, no matter what the thresholds are, it still has to go to a vote of the people and get over 50 per cent. So I believe this is a reasonable amendment, and again I ask everybody to support this.

Thank you.

The Chair: Any other members wishing to join the debate? The hon. Minister of Justice.

Mr. Madu: Thank you, Madam Chair. I do want to speak to this amendment. Let me, first and foremost, thank the Member for Central Peace-Notley for putting forward this amendment, and let me thank all of the members of this Assembly who have provided their views on this amendment. I think that, for me, it is important that we follow the commitment that we made to Albertans, and I think that it is important that we follow the recommendations of the Select Special Democratic Accountability Committee, that spent months discussing this matter, listening to experts and members on this particular matter. You know, we were clear as a government that we would follow a similar process laid out in B.C.

Consistency is critical. Clarity is critical in public policy and being able to follow through with a commitment, with what we said we were going to do. It's critically important. Yes, sometimes there are folks who will disagree with what we have committed that we were going to do, and that's okay. That's a good thing. That's why we are a democracy, and that's why as a government and as a party we have allowed that it is the right thing to do for members to be able to express themselves.

Ultimately – ultimately – as a government we agreed that it would be the right thing to set up a Select Special Democratic Accountability Committee of the Legislature to review this matter and then come back to us with recommendations. They did come back with their recommendations, stipulating in their report between 5 to 25 per cent. That is the recommendation of the committee. Now, I want you, all members, to put that on one side, 5 to 25, and then a commitment that this particular bill will follow the process laid out in B.C., the closest. In B.C. it is 10 per cent. That's what it is: 10 per cent.

In the bill that we have put forward, we have three categories that potentially will be the subject of citizen initiatives: policy, legislative, and constitutional. Bill 51 outlines 10 per cent for policy

and legislative and then 20 per cent for constitutional initiatives. That is consistent with the recommendations of the Select Special Democratic Accountability Committee. That is also consistent with the process in B.C., and if I am not mistaken, that is also consistent with the resolution that was passed at the UCP AGM. It was not 5 per cent. I stand to be corrected; I think it was 10 per cent.

I understand that there may be folks out there, interest groups, constituencies, who may want to see 5 per cent, who may have put forward a threshold of 5 per cent, but this government worked with all of us, it went through all of the process that we have put forward, and in the end it was the recommendation that for policy initiatives it be 10 per cent; for legislative, 10 per cent; and for constitutional, 20 per cent.

I think that it is important that the members of the Legislature, the esteemed hon. members of this Assembly, understand that it is reasonable to draw a distinction between constitutional initiatives and policy and legislative initiatives. We want fellow citizens to take us seriously. I understand the desire on the part of some of my colleagues to want the 5 per cent or 10 per cent for constitutional matters. I get that. But, at the end of the day, we have put forward a bill that will provide Albertans a real opportunity – a real opportunity – to be able to put forward policy, legislative, or constitutional initiatives. I beg to respectfully disagree with those who argue that 10 per cent is impossible to accomplish. I understand where they are coming from. I understand their argument. But these are citizens' initiatives. We have to strike the right balance between what the doctrine requires and what is achievable out there.

9:50

To all of my colleagues, we have a bill that meets the recommendation of the Select Special Democratic Accountability Committee, that followed through all of the process that we have put forward. That committee worked for months, heard from everyone that needed to be heard, and, in the end, made their recommendation. As a government caucus and cabinet we had the opportunity to weigh in on that recommendation. As Minister of Justice I shepherded – you know, I saw this through, the processes that we have laid out. In the end, it was agreed that this would be the content of the bill.

I understand that my colleagues and the hon. Member for Central Peace-Notley, who I have enormous respect for, would want a different threshold. Each of my colleagues who wants a different threshold is an honourable member. I admire each and every one of them. But we followed the process. It will give Albertans what we agreed they deserve, the ability, a real ability – and I do not want hon. members of this Assembly to minimize what we are about to accomplish together with Bill 51, and I do not want hon. members of this Assembly to minimize the real opportunity available to our citizens. We must not demoralize them from taking up this tool. We must not do so. Let's speak to the facts and the possibilities that exist with this bill.

It is on that particular note, Madam Chair, that I would urge members of this Assembly to uphold what we have collectively agreed to as a caucus and government. Sometimes the way our process works – as I have alluded to before, we would have dissenting voices. That is okay, to have dissenting voices, just like there was, you know, a minority report authored by the members of the opposition. That's okay. It's okay to have minority views or dissenting views on this particular point.

But I do not want, for those who shared the same aspirations for our people to have the tools that they need to be able to put forward important topics for their government's consideration, to give the impression that that is not the case or that that will not happen or to demoralize those who would take advantage. I truly hope and want

Albertans to make use of this particular bill because I fundamentally agree that government sometimes doesn't know it all and that we must listen to our people. We must listen to the people that elected us to come to this Assembly. On that particular note, Madam Chair, inasmuch as I have enormous respect for my colleagues that have put forward this particular amendment and want to support this amendment, we must vote down this amendment because it is not consistent with the commitment that we made to Albertans on this particular issue.

Number two, all of us who are speaking on this particular bill, collectively we went through the process, and I would hate to see any member give any false impression to our fellow citizens, for whom we have put forward this bill. It is real. It will accomplish the goal. We need to work with them and have them make sure that they take advantage of the bill. In times like this in the history of our province we must work together to ensure that Albertans are able to take real advantage and not to speak to them in a manner that makes them lose hope in their institutions or system.

With that, Madam Chair, I urge all members of this particular Assembly to vote down this amendment. Thank you.

The Chair: Any other members wishing to speak to amendment A4? The hon. Member for Cypress-Medicine Hat.

Mr. Barnes: Thank you, Madam Chair. I appreciate the chance to talk again about the Citizen Initiative Act for a few more minutes. First of all, I too am grateful for the government to recognize that Albertans are asking for more involvement in their government, asking for more involvement in their day-to-day lives, their culture, their livelihood, and their families.

I want to talk, though, about how hard a signature is to get, this almost 600,000, as my colleague from Central Peace-Notley mentioned, for the 20 per cent constitutional initiative or the almost 300,000 for legislative or policy change. Alberta is a great big province. Many of our constituencies are huge. Every Albertan has the opportunity and needs the opportunity to be involved in the process, and to put a tool in the tool kit that really isn't effective, isn't usable, you know, smacks of uncaring or incomplete consultation. Of course, I spoke about the need for more consultation in the first instance.

The hon. minister who just spoke talked about replicating the B.C. bill. To my information, B.C. has had citizen-initiated referendums for over 25 years, and only once in 12 times where it started has it been successful. I understand that that was when the past government of the time, the Liberal government, made a promise not to implement a harmonized sales tax which was broken after the election. Thank goodness the people of British Columbia had the opportunity to hold their government in check and forced a change and forced a government to live up to their promises. Madam Chair, I believe Albertans should have the best laws, the best opportunity to be involved. Just replicating a British Columbia law that's been effective once in 25 years doesn't meet the bar that Albertans deserve.

The Minister of Municipal Affairs and of Transportation spoke about the risk of setting the bar too low. Madam Chair, I don't see any risk in a government getting influenced, directed, and in further consultation from Albertans that work hard, pay their taxes, and deserve – deserve – their opportunity to be heard, deserve value for that. Again, Albertans deserve the best laws, and as the hon. Member for Red Deer-South said, let's err on the side of giving Albertans a better chance, a bigger chance to be more involved.

Back to policy 27, that we've been mentioning – and I'm certainly happy to table it tomorrow – from the UCP virtual AGM

last fall. I was at my kitchen table watching it the whole time. A petition signed by at least 10 per cent of the total number of individuals who voted in the previous election, as my hon. colleague from Central Peace-Notley pointed out: that's very, very similar to 20 per cent of the electoral list – and turnout replicates that – and Albertans that want to be involved.

10:00

Madam Chair, I also remember when the two legacy parties of the UCP, the Wildrose and the PCs, got together. Part of the unity agreement was a grassroots guarantee – a grassroots guarantee – to take direction from our members, to listen to Albertans, to consult with Albertans. That means doing what they ask when it's appropriate and when it will make Alberta stronger and more reflective of their desires. This, accepting the hon. Member for Central Peace-Notley's amendment, will certainly do that, certainly give them the opportunity.

California has a 3 per cent threshold. Switzerland for some of their referendums: 50,000 out of 8 and a half million people, less than 1 per cent. The hon. Minister of Infrastructure and of Municipal Affairs mentioned that it may derail the government. Switzerland is one of the richest landlocked countries in the whole world. The California economy: isn't it the 10th largest in the whole world? Now, I know that economic measures aren't the only measures that are important, but again those are two great instances where low thresholds have had a great impact on the culture and the economy of two jurisdictions.

Madam Chair, again I thank the hon. Member for Central Peace-Notley for wanting to make Alberta democracy more responsive, more involved for all Albertans who work hard and follow the rules and show up every day to make Alberta strong, and I will be supporting the amendment. Thank you.

The Chair: The hon. Premier.

Mr. Kenney: Well, thank you, Madam Chair. I'm happy to rise in debate on this motion. When I saw this was being debated, I rushed over here because this is an issue that's very close to my heart. I did speak to this in second reading, and I probably bored some members about my arcane interest in the history of direct democracy in Canada and in Alberta. I wrote a major research paper on citizens' initiative when I was executive director of the Alberta taxpayers association, nearly 30 years ago, and persuaded a then PC MLA to propose a private member's bill, various iterations of which were subsequently introduced. I promised myself back then that if we ever had the chance, if I ever had the chance, we would move forward with direct democracy.

Let me offer just a little bit more historical context and then comment on the proposed amendment. Madam Chair, as I mentioned before, Alberta had what was known as a direct legislation statute in place. I believe it was adopted circa 1919, the era of the United Farmers of Alberta, and ultimately was repealed in 1958 during the Social Credit government based on a legal misunderstanding about the constitutionality of that statute, a misunderstanding of a critical decision at the Judicial Committee of the Privy Council, which at that time operated as the de facto Supreme Court for Canada. That legislation had a 10 per cent general threshold for initiatives, but it was, as I say, repealed in 1958. It had been used, I believe, on two occasions. One was for temperance. That vote passed. As I said to the House at the time, I would have voted against the temperance motion, but I would have been on the losing side. Another occasion was on daylight saving time. Daylight saving was an important – we've had three

referendums on it, believe it or not, and we might have our fourth later this year.

Fast-forward. At various times in the last 15 years – the then Wildrose Party had proposed it in its platform, I believe, in 2011, maybe 2008 but not in 2015. It was removed as a commitment by the Wildrose Party because the Wildrose Party had been, I think, unfairly criticized for wanting to use this as a backdoor way of opening up debates on lots of divisive social issues. The Wildrose Party backed off from its historic commitment to citizens' initiative in 2015, and the members who are supporting this motion supported that platform. Just to be clear, Madam Chair, they supported a platform that did not include citizens' initiative.

We fast-forward to the creation of the new United Conservative Party. There had not been member policy adopted with respect to citizens' initiative. A decision was made that we already had a very robust democratic reform agenda, including the commitment to recall and multiple referenda initiated by government, so there was not the inclusion of citizens' initiative in the UCP electoral platform in the spring of 2019.

However, we all recall – I think most members of this place recall – with dismay the campaign that was effectively run against Alberta by Prime Minister Trudeau in the autumn federal general election and the indignation of Albertans at having been targeted by him in that campaign. Consequent to that, on behalf of the government I delivered a major address in Red Deer at the Manning centre conference on Alberta's place in the federation, and I laid out a number of, I think, bold ideas for a stronger, more autonomous Alberta, for a fair deal in the Canadian federation. One commitment I made there in response to the call for a greater say in Alberta's role in the federation was a commitment for this government to introduce citizens' initiative referenda.

The one proviso that I made, I think quite rightly, Madam Chair, was to submit the idea to a select special committee of this Assembly to allow members representing the Assembly and representing Albertans to consult widely on the best thresholds and design of an initiative law. That's exactly what we did, what the government did, what the Legislature did with the appointment of the select special committee on democratic reform, that was capably chaired by our colleague the hon. Member for Cardston-Siksika.

I want to thank the members from both parties who collaborated in that important research. I want to thank all of the witnesses who appeared, the expert submissions from scholars but also, perhaps most importantly, the views submitted by regular Albertans. Of course, MLAs from all parties were welcome to make their own submissions, to appear as witnesses, to speak to the committee members, to propose thresholds. The chair tells me that he did not receive submissions, at least not formal submissions to the committee, from the people making these amendments.

I think all of the members trusted the good work, the judicious work being done by the select special committee, which operated independently. The committees of this place, as we know, are masters of their own. They made recommendations which were then – and I don't mind revealing this to the Official Opposition – brought forward through the internal policy development process of the government caucus, going through the member policy committee. So you had a legislative committee, admittedly with a majority of government members, making recommendations that were then adopted by the hon. Minister of Justice, who then brought those recommendations forward to a government caucus member policy committee, which analyzed the committee recommendations, minister's recommendations, saw that they were aligned, and validated it, confirmed that that was the right approach.

It then went through the cabinet process. It went through a cabinet committee on which a government member, the MPC chair, has a seat. It then would have gone to full cabinet for a final discussion, not the primary discussion but the last discussion, which further ratified the recommendations of the good work of the good members of this place. So a very democratic, deliberative process, which brought us to this bill, with these reasonable, balanced thresholds. Members, including independent members opposite, had opportunities all through that, from the committee stage, member policy committee stage, caucus stage, et cetera, to make submissions about thresholds.

This bill reflects that overwhelming consensual view after considerable study. Madam Chair, I think we should respect the work that members of this place do. I think we should not throw out recommendations of members who spent hundreds of hours recommending issues like this, looking at the domestic, the historic precedents in Alberta, the domestic precedents elsewhere in Canada, the international precedents around the world, consulting with ordinary Albertans and with subject matter experts. That's the deliberative legislative process that brought us to this point. Members have a right, of course – and I respect the right of members – to propose amendments. Legislation can always be improved. I'm just pointing out that I find it perhaps a wee bit disingenuous that a substantial rewrite of the bill is being proposed at the eleventh hour when there have been multiple opportunities for substantive input which were not used.

10:10

Let's just be clear about the process, and, Madam Chair, let us be further clear that if it were not, frankly, for my personal commitment to citizens' initiatives, this bill would not be before the House. I am delighted that we are on the cusp of passing this critical democratic reform. I will say, further, that in the years I spent criss-crossing the province proposing something like the United Conservative Party, I spoke to my personal support for direct democratic mechanisms like recall and initiative, and I always said this, that I believe that the thresholds should be low enough to allow these mechanisms to be used when there was a significant public demand on an issue that the political leadership wasn't addressing but that the thresholds should be high enough to prevent frivolous abuse.

Madam Chair, what we're doing here is trying to find a delicate balance between the Westminster parliamentary representative institution of the Assembly and kind of what I would call a pressure-release mechanism for when members of this place are not listening to the public on matters of great public importance. [interjection] The balance is – and I hear the NDP heckling. I will remind them that they have always been opposed to direct democracy. They've always been opposed to citizens' initiatives. That's not just a theory. We can look back. I think that there have been five or six private members' bills on initiative introduced in this place since the late 1980s. The New Democrats voted against them every single time for the same reasons that Brian Mason pointed out to them this past week. The traditional NDP position is opposition to recall.

Madam Chair, they know fully well – like, in B.C. there was a successful initiative using the law to challenge the harmonization of the PST with the GST, which was a very unpopular government decision. It was not part of their platform commitment. Remarkably, they got these thresholds achieved in 60 days across the province. And, by the way, contrary to what the member just suggested, the B.C. thresholds are massively higher – massively higher – than what is proposed in this bill. They require a 10 per cent threshold in all, in every single provincial electoral district. And how many are there?

Ms Goodridge: Fifty-eight.

Mr. Kenney: Fifty-eight constituencies.

They have to reach the threshold in every one of them. That is not a regional – here we're talking about the whole population, Madam Chair, for regular initiatives, so it's a radically lower threshold than the one in B.C., which was successfully used. But here's the point. We know full well that the NDP carbon tax would have been overturned in a New York minute if we had had citizens' initiatives in place at the time, and that's why they're heckling, because they – God forbid they should ever be empowered to raise taxes on Albertans again. They know that Albertans will repeal those tax hikes with the power of citizens' initiative, just like they did in British Columbia with that harmonization decision.

On the amendment itself, I would submit, having studied these issues for, like I say, going back 30 years, Madam Chair, having been an advocate of initiative for my entire adult life, I would say that these are entirely reasonable thresholds. My sense is this. It's just my opinion, but I think most members agree that most Albertans don't actually want, you know – some U.S. states will have 20, 30, 40 initiative votes on the ballot sometimes every year because they have frequent election cycles. I think that Albertans want this as a unique mechanism that's there when there are significant issues that the political leadership is not responding to.

These thresholds are the same as the direct initiative act that was adopted by this Legislature way back in I think 1919. They are lower than the thresholds in place next door in British Columbia. This will be the most accessible direct democracy mechanism in Canada. I do acknowledge that there is a higher proposed threshold on constitutional amendments, and that stands to reason.

I would finally point out, Madam Chair, that I don't – just think about this. Take a step back. Ten per cent is being characterized as a high threshold. Ten per cent. If you're a proponent of a big idea and you can't get 1 in 10 people to sign onto that, that's a very important test. It tells us that you don't have even a fraction of public support for the concept. You know, I heard a member just talk about 3 per cent. Once again, if 1 in 10 voters aren't enthused enough about your proposal to put their John Henry or Jane Henry on the form and to sign – that's all it takes. All it takes is their signature with their address that can be validated. This is not a huge, legal, complex process.

If they can't get that, if they can't get enough volunteers to go door to door to get 1 in 10 households to sign on, is that really a low threshold? I would say that that's a pretty reasonable threshold. In fact, I do recall in internal debates that I've heard many members say that they think the thresholds are too low, Madam Chair. I think, you know, that on something like this we should aspire to find the Goldilocks solution: not too hot, not too cold; just right.

I will just close with this. I respect, at least, the work done, the diligent work, and the hundreds of hours spent by the members of this place on the select special committee for democratic reform. They listened to the evidence, they looked at the history, they gave it their considered judgment, and they made their recommendations, recommendations ratified by the government caucus, all of that done in a thoughtful and deliberate way. I think we should trust the judgment of the members of this place when it comes to the right way to empower Albertans to take control on really important issues facing the future of our province.

The Chair: Are there any other members wishing to join in the debate? The hon. Member for Central Peace-Notley.

Mr. Loewen: Yes. Thank you very much, Madam Chair. I am actually grateful that the Premier brought up the citizens' initiative

laws from the 1990s that he helped write. In fact, that was actually somewhat inspirational in the amendment that I brought forward. I looked up the three laws from 1994, '96, and 1998, and I believe that all three laws proposed 10 per cent of total votes cast in the immediately preceding provincial election. That's why I'm pleased to be proposing an alignment to those by bringing in a threshold of 5 per cent of total eligible voters, which, of course, is very similar to 10 per cent of the total electors, like I explained earlier. I think that's good, that that was brought up.

When it comes to the select special committee, I know that select special committees are tasked to get input from the public. Of course, I don't believe there was any MLA – no MLAs; none – that actually made a special presentation to that committee or a written submission. As MLAs we have opportunities to bring forward amendments and to have input on government bills, and this place we're in, right here, this Legislature, is one of those opportunities. We can bring forward amendments to government bills, and that's what I've done here today.

This also was a platform commitment for the government. Of course, I think this is something that we should allow the members of the party to have their say on. Obviously, policy 27 from the 2020 UCP policy AGM is where they ask for "10% of the total number of individuals who voted in the previous election." Of course, that number is reflected in this amendment by 5 per cent. The government has chosen to go by electors, not by the number of voters, so we're choosing to have the 5 per cent to align with the 10 per cent of the actual voters from the previous election.

Again, I would ask that members of the Legislature support this amendment. I think it's very reasonable. Again, I want to say that I appreciate the government bringing this forward. I think this was great. I appreciate the work that was done by the select special committee. Obviously, the select special committee had a wide variety of input from a wide variety of people, and that input ranged from lower percentages to higher percentages. I respect that they've made recommendations, but equally I think we have an opportunity here to do good work and to give the people of Alberta the benefit of the doubt.

10:20

Again, this is just thresholds to get it on the ballot. We still need 50 per cent or more in order to pass those referendum questions. Again, I encourage everybody to support the amendment.

Thank you.

The Chair: Any other members?

Mr. McIver: I'll be brief, Madam Chair. We've been talking about this for a little while, which is a good thing – having debate in this House is why we're here – long enough that somebody could do some research, and what they sent me was that according to the records of the chair from the democratic reform committee, no official submissions were received from Central Peace-Notley or Cypress-Medicine Hat, just as an interesting fact.

Madam Chair, the other thing – you know what? I'm not arguing with what anybody said here. Everybody has got their right to say what they want, and I'm not questioning anybody's sincerity, but here's an interesting tidbit. When I was on city council, which I was from 2001 till 2010, at the time they had a thing where people could do petitions to get things like upgraded grass cutting, flower planting in your neighbourhood, that kind of thing. Those kinds of things required two-thirds of signatures. The reason I raise it now is because in one community they went out and got two-thirds of the signatures for increased grass cutting and flower planting in their neighbourhood at cost, but they didn't get the increased grass cutting and flower planting

because two-thirds of the people in the neighbourhood also signed a petition to not have the increased flower planting and grass cutting. Mathematically – and I'm not a mathematical genius or anything – I think the bare minimum of one-third signed both petitions.

Again, I give that for context when somebody says that it's really hard to get the signatures. I guess it depends if you've got the right issue. Apparently, if it's about flowers in the park and cutting the grass in the park more often, you can get a lot of signatures both for and against in a fairly short period of time. I offer that as perspective and a bit of a caution, if you don't mind, to consider carefully that if you set the threshold too low, well, brace yourself, I suppose. You'll have quite a bit of traffic here on the petition end of things.

Thank you, Madam Chair.

The Chair: Any other members wishing to join the debate on amendment A4?

Seeing none, I will call the question.

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

[Several members rose calling for a division. The division bell was rung at 10:24 p.m.]

[Fifteen minutes having elapsed, the committee divided]

[Mrs. Pitt in the chair]

For the motion:

Barnes	Loewen	Stephan
--------	--------	---------

10:40

Against the motion:

Dang	Long	Rowswell
Ellis	Lovely	Rutherford
Getson	Luan	Schmidt
Glasgo	Madu	Schow
Glubish	McIver	Sigurdson, L.
Goodridge	Neudorf	Singh
Gotfried	Nielsen	Toor
Guthrie	Nixon, Jeremy	Turton
Horner	Orr	van Dijken
Hunter	Pancholi	Walker
Irwin	Phillips	Williams
Issik	Pon	Wilson
Jones	Rehn	Yao
Kenney	Renaud	Yaseen
LaGrange	Rosin	

Totals:	For – 3	Against – 44
---------	---------	--------------

[Motion on amendment A4 lost]

The Chair: We are back on the main bill, Bill 51. The hon. Member for Edmonton-Riverview.

Ms Sigurdson: Thank you very much. It's my pleasure to join the debate on Bill 51, the Citizen Initiative Act. I, too, have an amendment. Certainly, there are some shortcomings to this bill, and this amendment will go to remedy at least one of them. I have the original. I'll wait for the chair to get that.

The Chair: This will be known as amendment A5.

Please note that you're moving on behalf of another member.

Ms Sigurdson: Right. Would you like me to read it into the record?

The Chair: Please. Yes. Go ahead.

Ms Sigurdson: Yeah. As you stated, it is on behalf of the Member for Edmonton-Manning, and it reads as follows. I move that Bill 51, Citizen Initiative Act, be amended as follows: (a) by striking out section 20(3) and substituting the following:

(3) The total amount of all contributions by an individual to a proponent, or that may otherwise occur as prescribed in respect of an initiative petition, shall not exceed \$3000, as adjusted in accordance with section 21(1.1).

(b) by adding the following after section 21(1):

(1.1) Section 41.5 of the Election Finances and Contributions Disclosure Act applies, with all necessary modifications, to the amounts referred to in sections 20(3) and 22.

(c) by striking out section 22 and substituting the following:

22 A proponent shall not incur initiative petition expenses in respect of a recall petition that exceed in the aggregate \$500 000, as adjusted in accordance with section 21(1.1).

(d) in section 23(2) by (i) by striking out clause (e) and substituting the following:

(e) prescribing the contributions that may otherwise occur in respect of an initiative petition for the purpose of section 20(3).

and by (ii) striking out clause (h).

[Ms Glasgo in the chair]

That is read into the record, Madam Chair. Of course, it's written in legislative legal language, so it probably doesn't make a lot of sense to many people, including me, so I will just talk a little bit about what the amendment actually puts forward.

In Bill 51, we know, contribution limits are currently not specified. Expense contribution limits must be laid out in legislation prior to the Legislature voting on a bill. Without specified limits, these are limited, you know, to the political whims of the government, and Albertans deserve much better than this. These need to be clearly specified, so this amendment sets contribution limits to a proponent to \$3,000 and sets proponent expense limits at the very ceiling at \$500,000, in line with the expenses of a senatorial election as both are province-wide single-issue campaigns.

I urge all my colleagues, on both sides of the House, to vote in favour of this amendment because I think it really is a perhaps – obviously, it needs to be said because the legislation is missing it, but it shouldn't need to be said. We know that having limits on campaigns is just a very important thing. We don't have to have big money sort of dictating what the rules are. We want to make sure that things are fair and just, so having limits on spending is very important.

The UCP are asking the members of this Assembly to approve legislation that's silent on spending limits and contributions. When it comes to democracy, these are the very issues this Assembly should be weighing in on. You know, I know that it has to be said because it's, obviously, not in the legislation, but it does seem strange, very strange, to me and not very fair that there aren't limits set on this, so it could be whoever has the deepest pockets. Certainly, that's not fairness, justice, equality, inclusion, and I know that this Citizen Initiative Act is meant to create that, meant to create democratic involvement, but actually the ones who have the most money are the ones who will be heard, and we know that money makes a huge difference in campaigns.

It feels like this is a fatal flaw of this legislation, that there are no limits, so this amendment does go a long way to correct that mistake, I think, of the legislation. We want to make sure that Albertans do have an opportunity to take initiative, be involved in our democracy, but what if it's like fighting against a giant? We can't have an unfair fight, so having spending limits makes a huge difference. That's why I urge all of the Assembly to please vote in favour of this.

Certainly, you know, this is a very important matter to us in the Official Opposition. When we were government in the 29th Legislature, that was the very first bill that we brought in. It was Bill 1, and it was, you know, not accepting union and business donations, putting limits on those kinds of contributions. Of course, I'm very proud to stand today to again ask this government to also make the game fair so that people who have much deeper pockets than others don't have an unfair advantage. We don't want big money clandestinely making decisions in our province. We want to make sure that all citizens have a relatively equal opportunity to speak up about issues.

So I urge all members of this Assembly to support this amendment on putting limits on these contributions. Thank you very much.

10:50

The Acting Chair: Are there any other members wishing to speak? I see the hon. the Premier.

Mr. Kenney: Well, thank you, Madam Chair, and thank you to the member opposite for her thoughtful engagement in the debate. I will disappoint her, however, in suggesting that I'm opposed to her proposed amendment.

The member said: "Money makes a huge difference in campaigns." Well, obviously, campaigns cost money, and money is therefore an important way of fuelling a campaign and communicating the messages of different parties to the broader public, but if big money was determinative of the outcome of campaigns, Madam Chair, then the NDP would have won the last campaign hands down. Why do I say that? Because they had the big money on their side.

As we all know, the NDP unions spent \$7.4 million. [interjections] They're laughing because they're rolling in dough, Madam Chair. They spent \$7.4 million in recent years through their powerful political action committees from the left, massively more. It's estimated that's about four times more than third-party expenditures supporting pro-enterprise policies. So we know who has the big money, on their side, in Alberta politics. They laugh. They laugh because they get away with this. They get away with getting on their high horse about money in Alberta politics while benefiting from the biggest money in Alberta politics, which is union money, \$2 million by the Alberta Teachers' Association alone. I wish I had the whole list here, but the AUPE, all of these.

Madam Chair, you know, from day one of this government being elected, you could hardly turn a radio on without hearing our health care policies, for example, being grossly misrepresented by who? NDP unions. When I say, "NDP unions," I mean unions that are actually formal, legal, constitutional affiliates of the NDP. The Alberta Federation of Labour, which has raised and spent millions of dollars – millions of dollars – to distort the positions of free-enterprise parties, actually is written into the NDP constitution. The AFL has seats on the ND . . . [interjections]

The Acting Chair: Just a moment, Mr. Premier.

Chair's Ruling Interrupting a Member

The Acting Chair: Members, you will all have a moment to speak should you choose to rise. If we cannot hear the person who is speaking, it is not only unfair to them, but it's unfair to the other members of the Assembly as well as the public. So if we could please keep our comments to ourselves or at least keep our heckling to a minimum, that would be very much appreciated.

The hon. Premier.

Debate Continued

Mr. Kenney: Thank you, Madam Chair. As I was saying, the Alberta Federation of Labour is a formal, legal affiliate of the NDP. They have guaranteed seats on the NDP board, they are embedded in the NDP constitution, and they spend millions of dollars.

By the way, Madam Chair, here's another interesting fact. Not one . . . [interjections] I see they're so interested in the debate that they won't stop heckling. Maybe the facts make the NDP uncomfortable. But not one single dollar raised by the AFL is raised voluntarily. Every single one of those dollars comes from legally forced union dues that NDP union bosses take away from collective bargaining and representing their members' interests to do what? To spend on promoting NDP politics. Now, that can't be said of any of the pro-enterprise third-party expenditures.

So the member is right to be concerned about the presence of big money in Alberta politics, and that is why I fully anticipate that she will rise in her place this autumn when the government tables its promised amendments to the Election Finances and Contributions Disclosure Act. That's a mouthful. When those amendments are tabled pursuant to the United Conservative 2019 electoral platform, I fully anticipate that the NDP will vote in support of doing what, Madam Chair? Of limiting contributions to third-party expenditure campaigns to \$30,000. No more huge six-figure and seven-figure cheques from their union boss affiliates.

Oh, and one other thing, Madam Chair. That bill, which is forthcoming, will also bar these NDP legal affiliates from the AFL loophole that allows them to dump millions into Alberta politics. It's basically the NDP doing through the back door what it is not permitted to do through the front door of party election campaign limits. So if the member is serious and honest about her concern about money in Alberta politics, then there's a very simple solution. Vote for the provisions that will finally get big money out. A third provision that I anticipate their support for will be making it illegal for foreign entities to contribute to third-party expenditures, or so-called political action committees, in Alberta. We know what they do. They all support the NDP's antipipeline, anti oil and gas agenda.

Madam Chair, if the NDP is sincere, they'll support those measures. You know what? I think the member does raise a totally legitimate concern, a completely valid point. We don't want multimillion-dollar campaigns stepping in to have an unweighted influence or a disproportionate – an unbalanced, I should say – influence in the electoral debates around, let's say, citizen-initiated referendums. The way to solve that is a \$30,000 cap on contributions to political action committees – and that would include referendum campaigns – and an elimination of organizations formally affiliated with political parties being able to spend money on politics, including referendum and initiative campaigns, and, of course, getting foreign money out of Alberta politics.

I think that she raises – I'm not being cheeky about this, Madam Chair. I think she makes a totally valid point about a concern about money. The way to address it is to get the big money out of Alberta politics with the amendments that the government will table this fall.

The Acting Chair: Are there any other members wishing to speak to the amendment?

Seeing none, shall I call the question?

Hon. Members: Question.

[Motion on amendment A5 lost]

The Acting Chair: Any other members wishing to speak to the main bill? I see the hon. Member for Edmonton-Decore.

Mr. Nielsen: Thank you, Madam Chair. I'm happy to rise this evening to add some initial comments here on Bill 51, the Citizen Initiative Act. As some of my colleagues have pointed out this evening, we've found that there are some deficiencies in the bill. We've certainly been attempting to, you know, address some of those concerns. I, too, of course, have one that I would like to point out for members of the Assembly.

I must say that I did find it interesting, you know, when Bill 51 was being announced, that the Premier had stated that he would have used this type of legislation in his time in opposition in this Chamber. As a diligent member of the Assembly and of the opposition I'm happy to help. I'm here to help, so I would like to point something out to the Premier that might have been a problem with the legislation as it's written here right now had it been available back when he served in the opposition, and that would be located on page 9, section 2(8)(a). Subsection (8) starts with, "The following are disqualified from submitting an application," and the very first one would be "(a) a sitting member of the Legislature." Had this bill been available back during that time, he would not have been able to make use of it because he would have been a sitting member of the Legislature. I realize that's a little bit of a problem. Perhaps maybe during his review of the bill he just missed reading page 9 or something like that.

11:00

What that also points out to me, though, is that – as I've always said in the past, Madam Chair, I'm always looking at the language. What does the language say? What does the language not say? How are people interpreting it, and how are they, essentially, sharing it with people?

The fact that he was very interested, you know, had he been given the opportunity, to use it in opposition causes me concern because then I start to wonder if you're going to have individuals that really should not be initiating these types of things. As the title states, it's the Citizen Initiative Act, not the Members of the Legislative Assembly Initiative Act or anything like that. I'm concerned that there may be a possibility that this could be interpreted as a way for political parties to start to play a role in this or, potentially, members that have direct relationships with political parties on this. Again, this is supposed to be about the citizens of Alberta and their ability to participate more fulsomely in our democratic process.

With that, Madam Chair, I do have an amendment to offer, and I will await your instructions once you receive that.

The Acting Chair: Hon. members, this amendment will be known as A6. I will wait until I have a copy of the amendment. As we know, in these times, if you are wishing to have a copy of an amendment, please raise your hand, and our lovely pages will deliver you an amendment.

Sorry. The hon. Member for Edmonton-Decore.

Mr. Nielsen: Sorry. I didn't want to get ahead of you there, Madam Chair.

I move on behalf of the Member for Edmonton-Manning that Bill 51, Citizen Initiative Act, be amended in section 2(8) by adding the following after clause (d):

- (e) an employee of a registered political party;
- (f) a leader of a registered political party;
- (g) a registered candidate;
- (h) a registered nomination contestant;
- (i) a registered leadership contestant.

The whole premise around this is to eliminate the possibility of individuals with direct relationships with political parties from unduly influencing or even starting their own initiatives. This is supposed to be, as I've heard from the Minister of Justice, about the people of Alberta, not political parties, not their candidates, not their staff; about the people of Alberta. This would, in my opinion, close that loophole, making this bill, you know, perhaps maybe a little bit stronger, and it won't have quite as many issues as it's currently being proposed.

My suggestion is that I hope that members of the Assembly will give this due consideration. I think, you know, when we're looking at the whole scope of money being spent on these things and all this influence and everything like that, like what the Premier had just earlier talked about, then this would fall right into what he was talking about and would make Bill 51 a little less influenced by people with relationships with political parties.

I hope members will support this amendment. Maybe we can make Bill 51 just a little bit better.

The Acting Chair: Are there any members wishing to speak to amendment A6? I see the hon. the Premier.

Mr. Kenney: Thanks, Mr. Speaker – Madam Chair. Excuse me; it's just a habit. I appreciate the comments of the hon. member opposite. I just wanted to correct the record, though. He ascribed to me a state of view that had I been Leader of the Opposition, I would have initiated a referendum. I think that he was probably referring to my comment that if the initiative law had been in place when the NDP brought in the carbon tax, there is no doubt that Albertans would have overturned that – I said in a New York minute – through an initiative process. I didn't suggest that I would initiate it. I certainly would have supported it, however. I'll just say this. I don't understand why the NDP is opposed to political parties being involved in democratic politics. That's what they exist for.

The Acting Chair: Are there any other members wishing to speak? The hon. Minister of Justice.

Mr. Madu: Thank you, Madam Chair. Let me be clear. You know, it is unfortunate that the Member for Edmonton-Decore would put forward this sort of amendment. Whilst I respect his right to put forward an amendment that would allow for debate on substantive provisions of this, of Bill 51, what he's seeking to do is really to disenfranchise citizens from participating in a citizen initiative. An employee of a registered political party is a citizen of our province. The fact that he's a member of a political party does not disenfranchise him from exercising his right as a citizen. That's all you need to know about the NDP.

A leader of a registered political party. As the Premier rightly noted, why would a leader of a political party who is not in the Legislature be disenfranchised? They are in politics to campaign for the things that are important to them and to Albertans. They seek election. They go to the people to say: this is what we stand for; this is what we would do if given the opportunity, if elected. Why would we disenfranchise that citizen who also happens to be the leader of a political party? Why would we disenfranchise a registered candidate, an Albertan who is seeking office? The NDP would want us to disqualify him or her, that individual, from participating, from being able to move forward an initiative.

The NDP would want us to disqualify a registered nomination contestant, a fellow citizen simply because they are asking to be put on the ballot to be nominated by their political party as a candidate. The NDP would want us to disqualify a registered leadership contestant, a citizen. That's all you need to know about the NDP. They would have no problem for their union leaders, the AFLs of

this world, Alberta Federation of Labour leaders of this world, who are directly written into the NDP constitution, in section 7, if I'm not mistaken, to be able to pursue an initiative, but they would want us to disqualify an ordinary citizen.

Section 2(8) is very clear on those who cannot put forward a citizen initiative and for obvious reasons. Every single Albertan who reads section 2(8) and the individuals disqualified in that particular section would unanimously agree. This is shocking. That is why it is not surprising that the NDP are so scared of citizens being able to come out to express themselves. This is shocking.

To the hon. members of this Assembly, it is not our place to disqualify fellow citizens from exercising their democratic right. We are here, instead, to support fellow citizens to exercise their democratic rights. On that particular business, I will urge all members to vote down this amendment.

11:10

The Acting Chair: Are there any members wishing to speak to amendment A6?

Seeing none, shall I call the question?

Hon. Members: Question.

[Motion on amendment A6 lost]

The Acting Chair: We're back on the main bill. Are there any members wishing to speak? I see the hon. Member for Cypress-Medicine Hat.

Mr. Barnes: Thank you, Madam Chair. I appreciate the opportunity to rise again and speak to my colleagues in the House. Citizens' initiative referendums and the Citizen Initiative Act are important to me because they're important to my constituents, and they're important to Albertans. I'm so grateful and honoured to have been elected three times in Cypress-Medicine Hat. It's amazing how many times I've heard from my constituents about the importance of being more involved in the democratic process, of having a greater opportunity to have their representatives listen. I hear it continually all the time now, especially as social media and those kinds of things really, really take off.

Of course, the unity deal when the two legacy parties, the PC Party and the Wildrose, joined the grassroots guarantee was our people, conservatives, caring Albertans who wanted more say, as all Albertans do, in their families and their communities. So grateful for that. As we pointed out a couple of times, the UCP policy 27, where United Conservative Party members were looking for a greater opportunity to have input on citizen initiative referendums: unfortunately, that didn't happen.

What that means to me, Madam Chair, is that all Albertans, UCP members, conservatives are looking for tools that work. My hope is that we can make the Citizen Initiative Act more effective, more opportunity for Albertans to have their voice heard.

With that in mind, I too have an amendment.

The Acting Chair: We'll wait till I have a copy of the amendment, hon. member.

This amendment shall be known as A7. As is the case, if you are requiring an amendment, please raise your hand, and the page will be happy to deliver it.

The hon. Member for Cypress-Medicine Hat.

Mr. Barnes: Thank you again, Madam Chair. Notice of my amendment to Bill 51, the Citizen Initiative Act. I move that Bill 51, the Citizen Initiative Act, be amended in section 2(5)(a) by striking out "5 years" and substituting "2 years."

Madam Chair, you know, our researchers, our people have looked at this bill, and it seems to be very, very much a carbon copy of the B.C. legislation except for this one item, where if a referendum initiative fails, it cannot be brought back for five years. Five years is a long time to deny not only the democratic opportunity but the democratic ability. Maybe it is another opportunity to get together, to engage in ideas, to engage in fellowship, for 4.4 million Albertans to work together to make Alberta strong. You know, this petition put in: what if a petition comes close but fails on a big issue? Is it fair? As my hon. colleague from Central Peace-Notley pointed out, if it's 20 per cent of the electorate on a constitutional matter, is it fair for close to 556,000 Albertans to have to wait five years? Five years is arbitrary and long. This petition that could get close to succeeding – again, we don't want to deny our people's opportunity to work together, to make Alberta better, make Alberta stronger, and be involved in their democratic process, their process that their taxes pay for, their process that we depend on them to be engaged in and work stronger.

Madam Chair, there's already a requirement, I understand, under the law to destroy the data. If a referendum initiative were to fail, to a certain degree the people that are promoting it, spending their time and money working hard on it do have to start from scratch, so that already makes it harder.

Madam Chair, maybe what I'm most concerned about is once again the unintended consequences of five years, of what's in this government law and the effects it'll have on rural Alberta. Of course, not only for a constitutional referendum initiative do you have to get 20 per cent of the electorate to sign, and then you have to have the vote actually pass by 50 per cent plus one, you know, two huge hurdles. I trust Albertans' ability to get those right.

But this law states that you also have to have 20 per cent in two-thirds of the ridings sign the petition. Edmonton, with its 21 constituencies and the ones that surround it, and Calgary, with its 26 and the ones that surround it: they're vastly different, I may dare say easier, although I haven't, to be honest, spent a lot of time campaigning in the two big metros. But I just think of Cypress-Medicine Hat. For a rural initiative to get the 20 per cent – you know, let's start at the Montana-Saskatchewan-Alberta border, where the average neighbour is four or five miles apart from each other. Of course, they have every bit of right to be involved in the democratic process as people do in the two big metros. Drive the 40 or 50 miles to Medicine Hat; drive the 40 or 50 miles east to the Saskatchewan border. I dare say that one of the unintended consequences may be that this clause to restrict a failed initiative from starting to five years may unfairly hurt rural Alberta's ability to be engaged in provincial politics just because of how dispersed we are and how much it is spread out.

Madam Chair, another point. Again, I'm grateful that I had the chance to talk to a lot of Albertans recently about this. A lot of Albertans were concerned about something frivolously starting, somebody starting a referendum initiative with no real intention of finishing it and making it happen and then preventing, then gatekeeping somebody else from doing it for five years. Now, there is a clause in the bill that gives the Chief Electoral Officer – it's his opinion, to say yes or no if he feels it was frivolous. I'm not worried about the frivolous ones. I'm worried about the well-intentioned Albertans. Their heart is in the right place; their ideas are good. A lot of times things are out of our control. My goodness, look at how the pandemic changed things. Could you imagine if you had started an initiative and no one was comfortable opening their door for you? I think the five years is arbitrary. I'm wondering why we would – the Chief Electoral Officer: as good as he is and as

experienced as he is, I would like to see a rule of two years that's there for every single Albertan initiative.

Of course, we already know how hard it's going to be to get 550,000-ish votes or, if it's a policy or legislative requirement, half that. If hard-working, good, solid Albertans can muster and want to do that every two years, I would say: yeah; we're here to promote the process; we're here to make it happen. Of course, I'm grateful to be in this room with 87 colleagues who share a similar life experience. I don't know how many times I've heard that 48 hours is a long time in politics. My goodness, five years is forever.

11:20

Madam Chair and colleagues, again I ask you to support this amendment. Let's err on the side of making more opportunity for rural constituencies especially but all Albertans – all Albertans – to have more say in their democratic process, to have more involvement. Let's make it so this law reflects what they want, which is grassroots involvement and tools that work.

Thank you, Madam Chair.

The Acting Chair: Hon. members, are there any other members wishing to speak? I see the hon. the Premier.

Mr. Kenney: Thank you, Madam Chair. I'd like to thank the hon. member for his comments and his proposed amendment. Just a couple of quick comments from me. First of all, the member suggested that the member policy adopted by members of the United Conservative Party had been disregarded. Nothing could be further from the truth. In fact, I would point out that citizens' initiative was dropped by the Wildrose Party as an issue in 2015 and was committed to by this government in my speech at the Manning centre conference on the subject of a fair deal in November 2019. The commitment was, as I said earlier, to appoint a select special committee of the Legislature to study democratic reform, including making recommendations on the optimal thresholds for citizens' initiative referenda. That's exactly what's happened in this instance.

The member suggested that the regional double-majority threshold that is proposed in the bill for constitutional initiatives was unfair to rural Alberta. To the contrary, Madam Chair. First of all, it's not actually the subject of his amendment, so it's not immediately germane. But on that point I would remind the hon. member that the classic theory in law and in political science and in common sense is that double majorities are designed to protect minorities from the prospective tyranny of the majority. We know that the majority of Albertans are urban Albertans, and increasingly the majority of Albertans reside in the two metropolitan cities. The double majority that was recommended by the members of this Assembly following exhaustive study was, I believe, recommended in large measure to protect demographic and regional minorities, being very mindful of the demographic and geographic minority of rural Albertans.

With respect, I believe that he has this completely backwards. If the concern is that urban Albertans could outweigh the interests of rural Albertans in what could become, potentially, a very divisive referendum debate, this is saying that at least some rural constituencies – it puts some kind of imperative on the proponents of an initiative to go out and get rural signatures, rural constituencies, from smaller communities. Let us recall that rural constituencies in this place generally have smaller than average populations, and I support that, Madam Chair, to recognize the size of their geography, the complexity of representing such large constituencies. But let's just be mindful that the double majority for the two-thirds constituency threshold for initiatives embedded in

the bill was, I understand, a recommendation of rural MLAs on the select special committee. Had the member – if he was truly interested in the issue, he would have, I believe, made a submission, talked to members of the committee, and learned that. The chair of the committee is from a very large rural constituency, the hon. Member for Cardston-Siksika, and I know that this is one of his concerns.

Madam Chair, could you imagine – not to put you on the spot, but I know that you chaired a special advisory committee on Alberta's firearms policy. I would not want to be in a situation where we have voters in the large cities, many of whom, I think, don't fully understand how integral firearms are to rural life, to rural safety, tools being used in agriculture, et cetera – I think there is, in some quarters, an urban misunderstanding about the legitimacy of law-abiding, legal firearms ownership. I would not want to be in a situation where we had potentially, you know, urban voters proposing a constitutional amendment to strip people of firearms rights. I would submit to the member maybe to reconsider his approach to the double majority.

On the motion that he has tabled, you know, again, on details like this, my own view – and I'll defer to the hon. Minister of Justice and Solicitor General – is to defer to the judgment of our colleagues at the select special committee. Madam Chair, I'll be very blunt with you. I was presented, briefed on the report from the select special committee. I was asked: "Do you recommend any changes? Do you propose any different policy approaches?" I said: "No. Zero. Zilch." I completely respect the decisions made by our colleagues. I wish that were more generally the case in this House.

The Acting Chair: Are there any other members wishing to speak to amendment A7? I see the hon. member – oh. On amendment A7? I see the hon. Member for Central Peace-Notley.

Mr. Loewen: Thank you very much, Madam Chair. I just want to, I guess, get us back to the amendment that was put forward by the Member for Cypress-Medicine Hat. I just want to read out of the bill as it says now.

An application must not relate to a proposal that in the opinion of the Chief Electoral Officer is the same as or substantially similar to

- (a) a proposal that, within the last 5 years, the Chief Electoral Officer has determined to be unsuccessful under section 11.

Despite this legislation being very similar to the B.C. legislation, this is kind of an odd addition.

Now, five years, of course, is a long time, so there's a possibility that a petition on an important issue, you know, maybe just misses out on the mark of getting the 20 per cent, let's say, on a constitutional matter or misses out on having the full 20 per cent and the two-thirds of the ridings requirement. Then, of course, based on this part of the bill, that initiative would have to wait another five years if they didn't get the full numbers that they needed in the short amount of time that they have to get them. That would kind of almost kill a movement that may be very important to Albertans. I look back at other barriers in places of citizens' initiative and wonder: why are we having so many barriers in this legislation? I think we could remove some of these barriers and make things just a little bit easier for Albertans to be able to do what they would like to see done in this bill.

And then, again, subsection (5) calls into question:

[It] does not apply if, in the opinion of the Chief Electoral Officer,

- (a) the proponent of the other initiative petition has delayed unduly in advancing the other initiative petition, or

- (b) the other initiative petition is otherwise an abuse of the process under this Act.

Again, there are sections of this bill that are concerning. I think this is probably about frivolous attempts or abusive attempts, but what about incompetent attempts, where maybe somebody gets an idea and starts taking it forward and just kind of doesn't have the steam to carry it through? That could stop others from trying to do that same initiative for a total of five years. I think that that's one of the concerns that we have with that. Of course, we have to rely on somebody else to manage that and make those decisions because that's the way it's written in the bill. I think that lowering this wait period: I don't think it should harm anything, but it may give an opportunity for an important initiative to be taken forward and not be stopped due to some arbitrary decision by somebody.

With that, I'd encourage all to support this amendment. Thank you.

The Acting Chair: Are there any other members wishing to speak to the debate on A7? I see the hon. Minister of Transportation and of Municipal Affairs and Deputy Government House Leader.

Mr. McIver: Thank you, Chair. I appreciate the opportunity to speak. Let me just say that I think the mover of the motion said something important. He said: what about people's democratic rights? And the speaker that just spoke talked about that somebody might be incompetent, bring forward something, and have it just fail. But what if people bring something forward and it gets thumped and it gets beat real bad and then the public has got to deal with this again two years later? There's an element of respecting people's democratic decisions. If they said no, maybe they meant no. Sometimes you've got to accept that, no different than we do in here.

11:30

Only because of the amount of time I've spent elected – there's probably only one other person here that might have spent about as much time – I've probably lost more votes than anybody else in here has, and that's something you have to live with in the democratic process. If you actually are in the minority when a democratic decision is made, you don't get your way.

In fairness to the person that moved the amendment, there is a certain amount of time that you need to be able to take another run at it. I accept that. No doesn't have to mean no forever, but it doesn't necessarily mean that you get to be like a mosquito, where people have to keep swatting if they don't want what you want. There's a spot in between, I think, where you can come back again in a reasonable amount of time. It's been determined by the drafters of the legislation and the decision of the minister and those that have given him advice that five years is reasonable.

One reason I think that five years is also reasonable is because it virtually guarantees that there will be another provincial election in between when an effort fails. You'll have different people in the Legislature, and maybe because of that, there's a chance that someone could have different levels of support. The public will have had adequate time while they're thinking about which government they want next, whether they want it to be the same as the last one or a different one, to maybe think about other things, including a citizens' initiative, to decide whether they want to say yes after saying no or whether they want to say no again.

At any rate, I will give the mover one thing. It is debatable what the right amount of time is that you don't have the mosquito effect but you don't have the never ever effect either. Five years seems reasonable to me.

The Acting Chair: Are there any other members wishing to speak to amendment A7? I see the hon. Member for Peace River.

Mr. Williams: Thank you, Madam Chair. I'll be brief, and my comments are very much along the same lines that the hon. Minister of Municipal Affairs and of Transportation made. I do think that two years would be problematic, and we can look to contemporary examples in other jurisdictions. Particularly, we look at the U.K. There might be some members of this House that aspire to be a Nicola Sturgeon of Alberta. I, however, am not. Maybe more of a Jakob Griesbach myself. But I think that trying to relitigate over and over again these large constitutional questions in short time frames is very short sighted and unfair to the voters to continue to have to do that. It is absolutely reasonable to wait five years. In the U.K., for example, after the last Scottish referendum they talk about a generation before dealing with it again. That, to me, sounds reasonable. We can look at less contemporary but modern examples in Quebec as well, where we look at the decision being made on these big questions. It is a direct democracy.

A less direct democracy is what we have here now in the Legislature where, by the Constitution, we have to have an election every five years. Now, on these bigger questions, where we need to go, rightfully so, to the people with a direct question, it only makes sense to make that at least as long or longer. It really only makes sense, Madam Chair.

So for these reasons and many others – I understand it's getting late in the House and that other members also want to contribute to debate and move on to more legislation, so I will leave it there. Thank you.

The Acting Chair: Any other members wishing to speak to amendment A7? I see the Minister of Justice and Deputy Government House Leader.

Mr. Madu: Thank you, Madam Chair. You know, I don't intend to repeat what the Premier and my colleagues have said with respect to this particular amendment. I think it is obvious that while I respect the Member for Cypress-Medicine Hat, who moved this amendment, this amendment flies in the face of the work of the Select Special Democratic Accountability Committee. They went through the process, debated all of these issues. This is a subject of that particular committee's work, and they weighed the pros and cons of the frequency. That also then came back, and they went through the member policy committee, as the Premier noted earlier, went through cabinet committee, went through cabinet. All of the content of this particular bill also went through caucus. I had, you know, the honour of briefing caucus on this particular bill.

We must trust our systems to work the way we have designed them. With respect to citizen initiatives, these are meant for big items – big items – of significant proportion, of consequential nature, constitutional legislative policies, something that the citizens are unable to get their government to pursue through the normal government policy. I think that it is safe to say that in this province it would be difficult to see the members from this particular aisle unwilling to pursue policies that the citizens of Alberta would want them to pursue. But in the odd chance that there is something out there that is important – and that can be a matter of something that happens all the time.

I respect the Member for Cypress-Medicine Hat, but this amendment flies in the face of the hard work that all of us have done, including the member that moved this particular amendment before the floor of this Assembly. On that particular note, Madam Chair, I will urge all members to vote down this amendment.

The Acting Chair: Are there any other members wishing to speak to amendment A7 on Bill 51?

Seeing none, are you prepared for the question?

[Motion on amendment A7 lost]

The Acting Chair: We're back on the main bill, Bill 51, the Citizen Initiative Act. I see the hon. Member for St. Albert.

Ms Renaud: Thank you, Madam Chair. It's my pleasure to rise and speak to Bill 51, the Citizen Initiative Act. I just want to say a couple of things. It's been interesting listening to the Minister of Justice and the Premier talk about, really rave about, the Select Special Democratic Accountability Committee as they speak to the amendments. In fact, I heard somebody say that it flies in the face of the committee work, when speaking about one of the amendments. I would like to remind the members, you know, that when you look at the legislation itself, it isn't inclusive of the three recommendations in the final report: the first being to prohibit initiatives that would propose changes to the Charter of Rights and Freedoms; the second, requiring a draft bill with the proposal; and, of course, the third, about enacting reasonable campaign limits on contributions or expenses. Of course, that would be left to regulation.

It's quite something to hear members opposite rave about their work, yet they didn't actually finish their work and use the recommendations. For that reason, I would like to move an amendment.

The Acting Chair: All right. Hon. members, this amendment will be known as A8. I'll just wait until I have a copy of the amendment.

Hon. Member for St. Albert, you can proceed.

11:40

Ms Renaud: Thank you. I'm moving on behalf of the Member for Edmonton-Manning that Bill 51, Citizen Initiative Act, be amended as follows.

- (a) by striking out section 1(1)(p) and substituting the following:
 - (p) "signature sheet" means a signature sheet referred to in section 3 or 9, as applicable, for use in obtaining the signatures of electors for a specific electoral division;
- (b) in section 3
 - (i) by striking out subsection (4) and substituting the following:
 - (4) The Chief Electoral Officer shall issue an initiative petition in a form that the Chief Electoral Officer considers appropriate for the purposes of this Act and shall provide separate signature sheets for use in obtaining signatures of electors in each electoral division.
 - (ii) in subsection (5)
 - (A) in clause (b) by striking out "for an initiative petition to succeed" and substituting "from electors in the Province for an initiative petition to succeed", and
 - (B) in clause (c)
 - (I) by striking out "in the case of a constitutional referendum proposal," and substituting "the following information respecting electoral divisions:";
 - (II) in subclause (iii) by striking out "the initiative petition" and substituting "an initiative petition," and
 - (III) by striking out subclause (iv);
- (c) in section 6
 - (i) in subsection (2) by striking out "10% of the total number of electors" wherever it appears and substituting "10% of the total number of electors in the Province," and

(ii) by striking out subsection (3) and substituting the following:

(3) In each of at least 2/3 of the electoral divisions referred to in section 3(5)(c)(i), the signature sheets for the initiative petition must

- (a) in the case of a legislative proposal or policy proposal, be signed by at least 10% of the total number of electors entitled to sign the signature sheets for that electoral division, and
- (b) in the case of a constitutional referendum proposal, be signed by at least 20% of the total number of electors entitled to sign the signature sheets for that electoral division.
- (d) in section 11(3)(b) by striking out “with respect to a constitutional referendum”;
- (e) in section 12(2)(b) by striking out “with respect to a constitutional referendum”.

That is the amendment.

Currently the threshold for a citizen initiative for a legislative or policy proposal is set at 10 per cent.

The Acting Chair: My apologies, hon. member. Can you please confirm that you’re moving this on behalf of the hon. Member for Edmonton-Manning – sorry – just for the record?

Ms Renaud: Correct. Yes.

The Acting Chair: Thank you very much. Proceed.

Ms Renaud: Yeah. Currently the threshold for a citizen initiative for a legislative or policy proposal is set at 10 per cent of the eligible voters in the province, with no requirements for regional representation. This would allow for a proposal to be successful by only collecting signatures from the large urban centres, leading to regional issues being imposed on the entire province. Conversely, the thresholds for a constitutional referendum proposal are 20 per cent of the eligible voters in two-thirds of the electoral districts in the province.

Therefore, this amendment does five things. One, it amends the definition of a signature sheet to make clear that signature sheets for each electoral division are needed. Two, it clarifies the language around the issuance of an initiative petition for consistency between legislative, policy, and constitutional proposals. Three, it adds in the provision that the requirement for the threshold to be regional in two-thirds of all electoral divisions applies to both constitutional and policy and legislative proposals. Four, it removes clauses that are no longer needed due to the streamlining. Five, it protects rural Alberta from the will of the majority.

As strange as it is, I would agree with my colleague here on some of the things he raised earlier.

It is my hope that indeed the government means what they say when they do actually consider all amendments to make pieces of legislation better. They didn’t listen to their own committee as it issued three significant recommendations. It’s my hope that they will support this particular amendment.

Thank you, Madam Chair.

The Acting Chair: Thank you, hon. member.

Are there any other members wishing to speak to amendment A8? I see the hon. Minister of Justice and Solicitor General and Deputy Government House Leader.

Mr. Madu: Thank you, Madam Chair. Again, I do want to thank, you know, the Member for St. Albert for moving this amendment to Bill 51 on behalf of the Member for Edmonton-Manning. I have looked at the amendment that is being proposed by that member,

and in a nutshell these are amendments that would create enormous confusion to the bill before this Assembly. For example, the first proposed amendment is in the definition section of Bill 51. It proposes to strike out section 1(1)(p). You would ask: what does that say? It says that in this act

“signature sheet” means a signature sheet referred to in section 3 or 9, as applicable, for use

- (i) in the case of a legislative proposal or a policy proposal, for obtaining the signatures of electors, and
- (ii) in the case of a constitutional referendum proposal, for obtaining the signatures of electors for a specific electoral division.

The reason is very simple. In the case of a constitutional initiative, there is a requirement to obtain signatures in constituencies, and the member’s proposal is seeking to substitute: “signature sheet” means a signature sheet referred to in section 3 or 9, as applicable, for use in obtaining the signatures of electors for a specific electoral division.” The one thing that we don’t want to do with this bill is create confusion.

In section 3 the second amendment is proposing to strike out subsection (4), section 3(4), by substituting the following.

- (4) The Chief Electoral Officer shall issue an initiative petition in a form that the Chief Electoral Officer considers appropriate for the purposes of this Act and shall provide separate signature sheets for use in obtaining signatures of electors in each electoral division.

[Mrs. Pitt in the chair]

Let’s not forget that the Chief Electoral Officer has the responsibility to determine, to verify the signatures, and to confirm whether or not the threshold has been met. It’s very clear who is responsible for that responsibility. The proposal by the Member for St. Albert would tend to question whether or not the Chief Electoral Officer, you know, has the capacity or the good intention to be able to carry out their responsibility. That is an officer of the Legislature.

I do not want this piece of legislation to be a subject of an unending litigation. I do not want, you know, petitioners, who ought to be focused on obtaining signatures, having to look for lawyers to pursue litigations in court as a consequence of the confusion that the amendment put forward by the Member for St. Albert on behalf of the Member for Edmonton-Manning would seek to do. If you take a look at the totality of all of the provisions, all of the amendments, that is really what this will do. Then you ask yourself: is that really what the members opposite want to accomplish with Bill 51?

11:50

We would want our citizens and those who have, you know, spent the time to pursue these initiatives to work with the Chief Electoral Officer instead of working with lawyers and the court just to determine whether or not the Chief Electoral Officer has got what it takes to verify the signatures and to ensure that only those in a particular constituency, a particular riding, have provided their signatures. We hold elections in this province, and we have never put that into question or doubt, but the NDP would want us to believe that the Chief Electoral Officer is no longer impartial, and that’s unfortunate.

On that particular basis, Madam Chair, I will urge all members of this Assembly to vote down this amendment.

The Chair: Any other members wishing to join debate on amendment A8?

Seeing none, I will call the question.

[Motion on amendment A8 lost]

The Chair: We are back on the main bill, Bill 51. The hon. Member for Cypress-Medicine Hat.

Mr. Barnes: Thank you again, Madam Chair. I appreciate the chance to rise and speak again on Bill 51, the Citizen Initiative Act. Just two or three concerns that I haven't mentioned or maybe haven't been discussed. I'm still concerned. You know, we've heard about how a committee had a say, and then a subcommittee had a say. I've heard some give and take about how large parts of what was submitted to the committee wasn't listened to, but I'm concerned mostly, of course, about stakeholders, UCP members that have put in their time and their policy 27, and Albertans. How do we ensure that Albertans get the biggest say possible?

You know, again, the people that run businesses, that run our public programs, that pay their taxes, that volunteer, that provide the quality of life – I'll just say one more time that in almost 10 years I have heard a deepening desire for democratic reform, democratic involvement, more opportunity for things like citizen initiative acts and referendums, but, Madam Chair, they want tools that work.

When I look at the amendment that was defeated, brought forward by my colleague from Central Peace-Notley, still requiring, if it's constitutional, 20 per cent of Albertans, almost 600,000 that will have to sign a petition. If it's policy or legislative, it's almost 300,000 Albertans that will have to sign a petition, and they'll have to do it within 90 days.

That is a large number, Madam Chair. Essentially, any individual or group wanting a referendum, I believe, would need to knock on far more doors to stop and collect valid signatures, knock on far more doors than the number of doors that all candidates from all parties combined would visit during an election campaign. Now, of course, I have no way to prove that, but that's my intuition, and it's stopping, explaining, listening. As the hon. Minister of Transportation and of Municipal Affairs said, some they're going to win, and some they're going to lose. It's a very, very time-consuming task, having to get more signatures from a group of people that would be more than all of the doors that we knock on. I know from my time in this room that there are a lot of us that take our jobs very seriously, take the opportunity to listen to our constituents as of great importance, and spend a lot of time knocking on doors. We all know how time consuming that is.

Madam Chair, I have another amendment to, hopefully, make the Citizen Initiative Act more responsive to 4.4 million Albertans.

The Chair: Hon. members, this will be known as amendment A9. Hon. member, please proceed.

Mr. Barnes: Madam Chair, thank you. My notice of amendment to Bill 51, the Citizen Initiative Act. I move that Bill 51, the Citizen Initiative Act, be amended in section 4(4) by striking out "90 days" and substituting "180 days," so instead of just 90 days to campaign, to door-knock, to gather face-to-face signatures, to do what it takes, to spend time with Albertans, to understand their needs and concerns and ideas, and again to get signatures from between 300,000 and 600,000 Albertans, potentially, just to have the privilege of another election vote, an election vote where all Albertans can participate, where the collective wisdom, the collective understanding of Albertans will rule the day.

Madam Chair, these are the same 4.4 million Albertans, these are the same Alberta families and Alberta communities that have made Alberta so strong and the best place to live and the best place to be. Absolutely, without a second thought, I trust them to do the right thing in the election and when it comes to the referendum.

Again, I just think that 90 days to get 600,000 signatures or 300,000 signatures is not the kind of grassroots involvement that Albertans are looking for. Of course, we still have the oversight from the Chief Electoral Officer to make sure things are in order. We still have two-thirds of all electoral divisions that have to meet the threshold of 20 per cent for that check and balance. Again, I will point out that for rural constituencies, some of which are 300 miles by 300 miles, it takes a lot of time to drive from farm to ranch to house. Those Albertans need their opportunity, like every single Albertan, to be dedicated, to be involved in the democratic process.

Colleagues, I ask again. Let's make the Citizen Initiative Act more voter-facing, more Alberta-facing. Let's let Albertans roll up their sleeves. Let's let Albertans direct us. Let's let Albertans have a bigger say in directing their province. They're asking for it. Please support my amendment.

Thank you, Madam Chair.

The Chair: Any other members wishing to join debate on amendment A9? The hon. Minister of Justice.

Mr. Madu: Thank you, Madam Chair. Again I do want to thank the Member for Cypress-Medicine Hat for his engagement with Bill 51, Citizen Initiative Act. I do thank him for putting forward this amendment. My comments will be in line with my earlier comments about the work of the Select Special Democratic Accountability Committee, that sat for months, that looked at all of these issues that are the subject of this amendment. The government received their recommendation and ensured that that recommendation went through the member policy committee, cabinet committee, caucus, and cabinet before the introduction of this particular bill before this Assembly.

12:00

Madam Chair, we also made a commitment, when we looked at the various jurisdictions around the world, that we would align the key provisions of this particular bill to those provisions in B.C. In B.C. it is 90 days; in Alberta it will be 90 days. B.C.'s population as at 2020, 5.1 million people; Alberta's population, 4.4 million people in 2020. There has been effort in B.C. with respect to citizen initiatives.

Ninety days to gather signatures is absolutely achievable, in my judgment, and important. If the sponsors of the petition put forward a matter of policy, legislative or constitutional, that is important to the people of Alberta, I am confident that Albertans would rally around in all regions of our province, in all municipalities to support that initiative. It is not the work of the specific individual sponsoring the petition to knock on doors, as it should be. That is the way it should be, meaning that petitioners must be able to convince a good number of Albertans on something that is going to lead to significant public policy change or legislative change or constitutional change that the government of the day is not prepared to pursue. That's how our system is designed to work. I am confident that 90 days is adequate time for signatures to be gathered across our province in order to meet that particular threshold.

Again, I respect the contributions and the engagement of the Member for Cypress-Medicine Hat on this particular issue, and I look forward, you know, to working with him as we move this bill forward, as we get to inform Albertans, our fellow citizens, that eventually, when this Assembly gives the go-ahead, this is now law in this province and that we welcome topics and issues on significant policy, legislative, or constitutional matters that the people of Alberta would want to put to a vote.

On that particular basis, Madam Chair, I will urge members, you know, to vote down this amendment.

The Chair: Are there any other members wishing to speak to amendment A9? The hon. Member for Central Peace-Notley.

Mr. Loewen: Thank you very much, Madam Chair. I'd like to speak to this amendment on the Citizen Initiative Act. This act, of course, proposes 90 days to collect almost 600,000 signatures on legislative changes, and those are in-person signatures, not electronic. Obviously, that requires a lot of work. We weren't able by amendment to change the number of signatures, so I guess there's a feeling that maybe this would be fair, to maybe extend the time period.

Now, if we look at the 90 days in order to get almost 600,000 signatures, that's actually about 6,000 signatures a day that would have to be collected. We agree that this shouldn't be easy, but it also can't be virtually impossible. When we look at the situation where we need to get two-thirds of the constituencies at 20 per cent, then, of course, that makes things even more difficult again. These kinds of restrictions, these requirements are kind of cumulative. I mean, we add the numbers of signatures, we add the short time frame, and we add the constituencies that the signatures need to come from: these all add up to barriers that could hinder good opportunity for good legislation to come forward from Albertans.

Now, of course, I live in a rural riding, and when I look at this time frame, I think about how to get that many signatures. Hopefully, some of these would come from rural Alberta. Obviously, with the two main cities, they could almost have two-thirds of the constituencies just in the two main cities without going far into rural Alberta. Of course, that is unfortunate. I think that they might concentrate on the cities because it is easier to collect signatures when your houses are all close together rather than going to rural Alberta. You know, for instance, in my constituency the two farthest communities are a five-hour drive apart, and most of the closer communities are probably an hour's drive apart. It makes it harder to collect signatures in particular in rural Alberta.

I think that we need to be able to consider things like this as far as making sure that we don't restrict good referendum material coming forward from the people of Alberta. I think that this is a fair amendment. I think it's something that we need to consider, and I would like to encourage all the members of the House to support this amendment. Again, this is an opportunity to give a little more opportunity for Albertans to have their say in the political process. Again, I appreciate the government bringing this bill forward. I think it's great that we will, hopefully, have this in legislation, but again I think that we have an opportunity to make it just a little bit better. I'd encourage everyone to support this amendment.

Thank you.

The Chair: The hon. Minister of Transportation.

Mr. McIver: Thank you, Chair. I just want to comment briefly. I will say that I'm largely in agreement with the previous speaker's math. He said that you need about 6,000 signatures a day. I think I figured it at about 6,667, so close enough. I guess the concept that I'd like to discuss is that the member that moved the amendment is talking about the grassroots. I guess that if you're a grassroots and you're all by yourself, getting 6,667 signatures in a day is, some might even say, impossible. I think that if it's not impossible, it would be in that neighbourhood.

But if you had grassroots, which is the expression they used – in other words, like, a hundred people, which seems reasonable amongst 4.4 million Albertans. If you want to do something that affects 4.4 million Albertans, it seems reasonable that you might go and find yourself a hundred grassroots, and they would need 66 signatures each a day. Now, that's still some work. I'm not trying

to belittle it, but this thing isn't designed to be easy. It's designed to be not impossible but not easy. I think that that's a reasonable standard that we're at. I guess, to the hon. members, that it's a matter, I suppose, of finding enough grassroots that when you divide up those 6,667 signatures you need a day, you've got fewer signatures per grassroots.

While I don't support the amendment, I do support the idea of finding some fellow grassroots if you want to use this mechanism. I believe that if you do, if you've got an idea that catches on and catches fire with people, those grassroots will probably be findable.

The Chair: The hon. Member for Lac Ste. Anne-Parkland.

Mr. Getson: Thank you, Madam Chair, and thank you to the minister and others that have spoken on this. I've been quiet the whole night, listening to a bunch of these amendments come forward. On this one, I want to speak about the timing of it. So 90 days. You know, there's an old saying in sports that five minutes can be a lifetime. Well, 90 days: that's a quarter of a year. I, too, come from a rural constituency. I haven't been elected as long as some of the members in here, who have been serving members for a couple of terms, but when I approached my nomination, I was new to the game, completely brand new. I'll share with some of the folks here the techniques that I used to be able to come up and drop into a brand new industry, be a candidate for a nomination that was last minute, and then to go against the former Ag and Forestry minister, who was the incumbent, and then end up in this place.

12:10

My background: I was never home lots, so I really wasn't a known face in the constituency. You know, some folks knew me and everything else, but again in my industry, with midstream, I was always gone. So how does an individual who's hardly known in the constituency, never really involved in politics before, end up here? I'll share that secret with any of those folks that want to run in the next election: you trapline. When we build projects, when I build a pipeline project, we plan for two years. You have to execute within a bookend of a season. The construction seasons themselves: Mother Nature is very unforgiving when breakup comes. You either have a success or a failure of hundreds of millions of dollars based on your execution plan. So execution is everything. You give me 90 days, and I'll gather your signatures.

What you have to do, to the minister's point, is employ others to do that. You have to have a plan. You're not going door to door in every single community. If anyone thinks they're going to drive door to door or ride the pony door to door in rural Alberta, good luck. I tried the door-knocking thing in rural Alberta. It doesn't work. Where you go is where the fish are at; you don't go fishing where the fish aren't at. You go to the areas where people are gathered. You start planting the seeds, and if there is enough concern – and the Member for Cypress-Medicine Hat is shaking his head because, obviously, I have no experience. But I somehow got here, so please don't discredit that, sir.

The Chair: Hon. member, I'd just ask you to direct your comments through the chair.

Mr. Getson: Yes, ma'am. Sorry about that.

With that, what you do is that you actually get people who are onside with you. If you have a great enough idea – if we want to talk about a referendum on equalization, I guarantee you there will be people signing up to talk about that. You go to the bull sales, you go to the agriculture events, you go to all those items, and, guaranteed, you're going to have people that network and know their communities. I called them community captains. So when you

plan a project and you're spread across thousands of miles, it's not one individual running down that right-of-way to execute; you have people who are superintendents or spreads, we call them, breaking up within those areas.

You give me 90 days, and I'll get you your signatures. I think it's ample time. I don't think the argument holds water, quite frankly, that you need an extra couple of days on it, 80 days, 120 days extra. If it's that big of a deal and we're going to get those signatures and it's that big of a deal to the province, there are going to be people lining up to sign it.

With that, Madam Chair, I submit to the crowd here. I'm going to vote against this amendment. Let's get back to the bill so we can actually do what the people in Alberta sent us here to do, to get some of these reforms in place. Let's not drag it out any further.

Thank you.

The Chair: The hon. Member for Cypress-Medicine Hat.

Mr. Barnes: Thank you, Madam Chair. Just really quickly; I appreciate everybody's time. First, I apologize to the hon. Member for Lac Ste. Anne-Parkland for my lack of respect. Sorry about that, sir.

I just want one last point. We've copied the British Columbia citizen initiative referendum. We talked earlier about how in 25 years, in 12 attempts, it's only been successful once. It's only been successful once, and it was a negative. As I recall, the Gordon Campbell government had campaigned on not putting in a harmonized sales tax and then broke the promise. The citizens of B.C. found the initiative and the anger for a politician and a political party that broke their promise.

I envision a law, a Citizen Initiative Act, that actually develops positive things for Alberta, that actually develops Alberta, enhancing our opportunity for our communities and our families. That is why I have supported, through my colleague from Central Peace-Notley, a lower threshold. That's why I've looked for more opportunity to have referendums happen every two years if the support is there from Albertans. Thirdly, it's why I'm asking you now to support 180 days, so that Albertans can get those almost impossible 600,000 signatures that may be required and can have that full involvement in their democratic process.

Thank you, Madam Chair. Thank you.

The Chair: Any other members wishing to join the debate on amendment A9?

Seeing none.

[Motion on amendment A9 lost]

The Chair: We are back on the main bill. The hon. Member for Edmonton-South.

Mr. Dang: Thank you, Madam Chair. It's a pleasure to rise on debate to Bill 51 at this early hour here. I think that there's been a considerable amount of work done tonight, and I want to thank all members for the consideration. I think, however, that I do believe that the current legislation as proposed is still inadequate. I think that there is considerable concern that was raised at committee, that was raised through consultation and things that, as has been mentioned, are being implemented in other jurisdictions that aren't being implemented here.

With that, I do have an amendment, that I'll pass over now.

The Chair: We've made it so far, hon. members. This will be known as amendment A10.

Hon. member, please proceed.

Mr. Dang: Thank you, Madam Chair. I would move that Bill 51, the Citizen Initiative Act, be amended as follows: (a) by striking out section 25(3)(c) and substituting the following:

(c) identification of the initiative petition in relation to which the applicant wishes to be registered as a third party and whether the applicant will be promoting or opposing the initiative petition;

(b) by adding the following after section 45(1):

(1.1) For greater certainty, the duties of the Chief Electoral Officer include publishing a statement on the Chief Electoral Officer's website within 30 days after the date on which a third party initiative advertising return is required to be filed under section 41, which statement must include the name of any contributor referred to in the return who has contributed an amount exceeding \$250 in aggregate, and the actual amount contributed.

Madam Chair, very clearly, there is no requirement in the bill for third parties to register for or against any proposal, as is required in other jurisdictions, as I mentioned. Further, there is no requirement that the Chief Electoral Officer publish a report on the spending of third parties on these proposals either for a petition or a vote. That simply means that Albertans may not know or will not know who is influencing the outcomes of these initiatives and by how much. This amendment simply does add in that requirement, add in the requirement that third parties are properly registered, properly disclosed, and it clarifies those reporting requirements. It ensures that Albertans have the transparency of knowing who is influencing the outcomes of the proposals. It's something that we've heard a considerable amount about tonight. We've heard the Premier talk about how it's important that Albertans know who is influencing elections and who is influencing these initiatives. I believe that this is a simple amendment that is common sense, and I hope all members of the Assembly will support it tonight.

Thank you.

The Chair: Any members wishing to join debate on amendment A10? The hon. Minister of Justice.

Mr. Madu: Thank you, Madam Chair. I won't waste so much time on this particular issue. Obviously, I do not support this amendment. You know, section 25(3)(c) is very clear. We are going to have sponsors of initiatives, petitioners, who would identify the petitions that they support. We would have third parties registered under the law as it currently exists who would be able to support or oppose a particular initiative, and the Chief Electoral Officer is empowered under this legislation to be able to put in place processes to ensure that the initiatives, the third parties, the petitioners, and all of those involved follow the rules that have been laid down.

As I said before, I do not want citizens' initiatives to be the subject of unending litigation or confusion. I do not want a process, that is meant to provide citizens a time and opportunity to focus, to be a subject of litigation. That is essentially, again, not surprisingly, what many of the amendments that the members have put forward are. I would have appreciated a debate on the substance of the specific provisions of this particular bill. We haven't seen that. Instead, we have seen amendments that are meant to either muddy the water, create confusion, you know, make great opportunities for lawyers to make big money, or frustrate citizens' efforts at actually proceeding with this initiative. For that and much more that I would have wanted to say, Madam Chair, I do not support this amendment, and I urge all members of this Assembly to vote down this amendment.

12:20

The Chair: Any other members wishing to join the debate on amendment A10?

[The voice vote indicated that the motion on amendment A10 lost]

[Several members rose calling for a division. The division bell was rung at 12:21 a.m.]

[Fifteen minutes having elapsed, the committee divided]

[Mrs. Pitt in the chair]

For the motion:

Dang	Pancholi	Renaud
Irwin	Phillips	Schmidt
Nielsen		

Against the motion:

Ellis	LaGrange	Sawhney
Getson	Long	Schow
Glasgo	Lovely	Singh
Glubish	Luan	Stephan
Gotfried	Madu	Turton
Guthrie	McIver	Walker
Horner	Pon	Williams
Hunter	Rosin	Wilson
Issik	Rowswell	Yao
Jones	Rutherford	Yaseen
Kenney		

Totals:	For – 7	Against – 31
---------	---------	--------------

[Motion on amendment A10 lost]

The Chair: We are back on the main bill, Bill 51. Are there any members wishing to speak?

[The remaining clauses of Bill 51 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Chair: Any opposed? Carried.

The hon. Minister of Transportation.

12:40

Mr. McIver: Thank you, Madam Chair. I now move that the committee rise and report Bill 63, Bill 68, and Bill 51.

[Motion carried]

[The Deputy Speaker in the chair]

Mr. Singh: Madam Speaker, the Committee of the Whole has had under consideration certain bills. The committee reports the following bills: Bill 63, Bill 68, Bill 51. I wish to table copies of all amendments considered by Committee of the Whole on this date for the official records of the Assembly.

The Deputy Speaker: Does the Assembly concur in the report? All those in favour, please say aye.

Hon. Members: Aye.

The Deputy Speaker: Any opposed, please say no. So carried.

Government Bills and Orders

Third Reading

Bill 56

Local Measures Statutes Amendment Act, 2021

The Deputy Speaker: The hon. Minister of Transportation.

Mr. McIver: Thank you, Madam Speaker. It's my pleasure to rise and to move and introduce third reading of Bill 56, the Local Measures Statutes Amendment Act, 2021.

This bill, if passed, will amend the Local Government Fiscal Framework Act and help the government to modernize our 911 call network. Madam Speaker, we've said it before, and I'll say it again: the triple whammy of the COVID-19 pandemic, the collapse of world energy prices, and the worst economic contraction since the 1930s has hit Alberta hard. Simply put, the government's revenues have fallen, and we need to reduce spending to live within our means.

By amending the Local Government Fiscal Framework Act, we will extend the municipal sustainability initiative to the years 2023-24. We will provide municipalities with nearly \$1.2 billion in '21-22 to build job-creating infrastructure like roads, bridges, water and waste-water facilities, and recreation centres. We are front-end loading the MSI funding to support our economic recovery, helping municipalities to complete infrastructure projects they've already begun and adjust to a new level of funding in future years. On average over the next three years we will provide municipalities with \$722 million to build and maintain infrastructure.

We will implement the local government fiscal framework in the year 2024-25 with baseline funding of that same \$722 million. The level of funding will rise in the future years based on the changing revenue of our government. Municipalities will share in the good economic times, and they will help to carry the burden in the tougher economic times as true partners. Legislating this funding will help provide municipalities with the predictable and sustainable funding they desire.

As I said earlier, it's been a tough year for Albertans. When the pandemic hit, our government responded to protect lives and livelihoods. We introduced Alberta's recovery plan, which provided \$10 billion in infrastructure spending. This included the municipal stimulus program, which provided \$500 million to help municipalities build infrastructure, and this was on top of the MSI. It allows municipalities to help the economy recover, participate in future growth, and give Alberta a competitive advantage. But, most importantly, it helps municipalities to create and sustain up to 2,500 good jobs when they're needed, now. It is immediate help for our municipalities to get Albertans back to work. This funding is a reflection of our commitment to provide stable, predictable, and legislated infrastructure funding for municipalities. These changes will also ensure the sustainability of Alberta's finances as we live within our means.

Since our government took office, we have provided municipalities with substantial funding to help them complete local projects. Since 2019 we've provided nearly \$2.9 billion through MSI, including projects such as upgrading public transit infrastructure, including equipment, tunnels, bridges, and bus ways in Edmonton, over \$18 million; constructing the Cornerstone emergency response station in Calgary, \$3.7 million; upgrading hardware and software for public transit fare collection in Calgary, \$6.4 million; upgrading the light rail transit and bus facilities in Edmonton, \$8.3 million; rehabilitating structural components of the Edmonton Convention Centre, \$11 million; constructing and upgrading stormwater and drainage infrastructure in Rocky View county, \$6.7 million; upgrading the pool and community hub

facility in Parkland county, \$5.5 million; upgrading park infrastructure in Edmonton, over \$24 million; rehabilitating roads across the province, in Spruce Grove, for example, a project that cost \$1.6 million; upgrading a portion of 17th Avenue southwest, including sidewalks, street lights, and pedestrian crossings in Calgary, for \$3.2 million; upgrading the light rail vehicle systems and communications infrastructure in Calgary, \$17.8 million; jointly constructing a fire hall in the municipal district of Greenview for \$2.2 million. And that's just to name a small handful of the total projects.

Municipalities have received over \$1.2 billion in the gas tax fund, which includes more projects: 2.8 kilometres of road on township road 510 in Parkland county, \$1.7 million; reconstructing Centre Street in the hamlet of Langdon, \$1.9 million; constructing 32 kilometres of sidewalk and multi-use pathways in Calgary, \$18.4 million; purchasing eight buses and constructing transit system infrastructure in Cochrane, \$1.1 million; constructing a ladder bridge in Edmonton, \$11.2 million; 3.2 kilometres of Inverlake Road in Rocky View, \$1.1 million; upgrading light rail transit cars in Calgary, \$18 million. And there's more.

An Hon. Member: There's more? [interjections]

The Deputy Speaker: Order.

Mr. McIver: We also invested \$500 million in 2020-21 under the municipal stimulus program so municipalities can immediately build roads, bridges, fire stations, water systems, and other critical local infrastructure as part of Alberta's recovery plan. It includes projects such as rehabilitating and upgrading existing affordable housing buildings and constructing modular homes in Edmonton, \$15.8 million; various park system upgrades in over 20 parks in the city of Calgary, \$28.3 million; constructing berms and retaining walls from McLeod Street to Longboat Landing and extending Saline Creek Parkway by one kilometre in the regional municipality of Wood Buffalo, \$9.8 million; designing and rehabilitating three kilometres of 44th Street between 62nd Avenue and 75th Avenue in Lloydminster for \$2.3 million. And there's more.

An Hon. Member: There's more.

Mr. McIver: There's more. In total, our government has provided \$178 million to our disaster recovery plan. Calgary received \$2 million. The regional municipality of Wood Buffalo received \$54.4 million; Mackenzie county, \$18.5 million.

Mr. Speaker, moving on to the next piece, here's the thing, Madam Speaker. I said, "Mr. Speaker." I apologize. I really apologize.

The point is that even with the bottom-line reduction of 25 per cent of MSI funding, if you add the extra money that we furnished municipalities with, they will actually receive more over the three years than they would have had the MSI not gone down and they had not gotten the extra funding. Nonetheless, we're open, transparent. We're saying out loud that municipalities' baseline funding is taking a 25 per cent haircut.

Madam Speaker, moving on to the next piece of this legislation, equally important, the Emergency 911 Act, the Canadian Radio-television and Telecommunications Commission had mandated that the current 911 network will be upgraded to next generation 911 by March 24 – NG911 for those that like the short forms – and the existing 911 system will then be decommissioned. The next generation 911 will introduce significant advancements but also new expenses, with an estimated total cost of over \$40 million annually for Alberta's 911 call centres. Some areas of Alberta could lose 911 service if they cannot afford next generation 911 upgrades.

The legislation is being proposed at this time to ensure that Alberta's 911 system continues to remain robust and that the mandated upgrades are completed on time. The Emergency 911 Act, as originally enacted in 2014, only applied to the 20 primary 911 call centres in Alberta, that take 911 calls directly from the public and are funded largely by municipalities.

12:50

The proposed changes to the act would expand the scope to include the nine secondary 911 centres that dispatch call responders by amending the definition in the legislation of 911 services to include 911 call evaluation activities performed at secondary 911 centres; remove the definition of dispatch centre as it is no longer required with the changes to the definition of 911 services; amend the minister's power to establish provincial 911 standards to include specific activities that both primary and secondary answering centres perform as well, including infrastructure requirements.

These federally mandated upgrades will increase costs for Alberta 911 centres by almost 70 per cent each year over current costs. This requires additional funding. To address this, we will amend the emergency 911 levy regulation to increase the monthly 911 levy on cellphones to 95 cents from the current 44-cents-per-month rate. This increase amounts to 51 cents per month, or \$6.12 per year. Alberta's current 44-cent levy is the second-lowest in Canada and does not reflect current economic realities.

The 911 centres are funded by municipalities and the provincial wireless 911 levy and the 911 land line levy. Land line levy funding has decreased about 4.5 per cent annually since 2014 due to customers unplugging their wired phone and switching to cellular. Municipalities have been making up the shortfall out of their own budgets, so this increase re-establishes a proportionate funding model to fund future 911 costs.

Mr. Speaker – Madam Speaker. You know what? It was written down as "Mr. Speaker." Again, I'll correct myself as often as I have to. Another apology to you, Madam Speaker.

The amendments to the Emergency 911 Act as well as amendments to the associated regulations under the act will come into effect on September 1, 2021. This will give wireless phone providers enough time to implement the changes to their billing and collections systems. This proposal is widely supported by stakeholders across the province, including the Alberta emergency 911 advisory association, Rural Municipalities of Alberta, the Alberta Urban Municipalities Association, the Alberta Association of Chiefs of Police.

Madam Speaker, last month I had the honour of meeting with representatives who support women experiencing domestic violence, and they had some pointed questions, I'll have you know, about the new legislation. I would like to see Bill 56 pass through this House so that one day soon vulnerable Albertans can rely on an improved 911 system. One of the things that everyone is most excited about is the ability to text a 911 call. If you happen to be a victim of domestic violence and you're trapped in your home with someone, now you can find a place and you can text to 911 to say, "Help; I'm in danger," and they won't be able to hear your voice because you won't have to use your voice. It's super important from a public safety standpoint. It's really been popular. While it's going to take some time to put this in place, just about everybody that I've talked to is very happy about this and sees this as a benefit.

Another thing that the upgrades will do is that if you are phoning 911, they have to find you. It's all good if you live at an address like 123 Main Street, but if you're in your vehicle and you have an emergency – a collision or something else happens – it will be GPS tracked. They will know where you are within a metre or two, and that will be a huge benefit to people in rural Alberta, that don't have addresses that sound like 123 Main Street, and will really enhance

safety. That and the addition of the secondary 911 call centre funding will create a seamless system where calls will automatically go to the closest 911 centre, and then the emergency responders will be able to find you instantly with exact locations.

Madam Speaker, this is an important piece of legislation. As you can see from talking about the 911 system, which is important to Alberta municipalities and other Albertans and victims of domestic violence, and when you consider all the funding that has gone and will go to municipalities, we think it's a positive piece of legislation. I sincerely hope everybody in this House chooses to support it.

At this time, Madam Speaker, at about three minutes to 1, I now move to adjourn debate.

[Motion to adjourn debate carried]

Mr. McIver: Madam Speaker, I move that, after this short but productive legislative session, the House adjourn until the usual time, I won't say tomorrow morning; I'll say later this morning.

[Motion carried; the Assembly adjourned at 12:56 a.m. on Thursday]

Table of Contents

Government Bills and Orders

Committee of the Whole

Bill 68	Election Statutes Amendment Act, 2021	5159
Bill 51	Citizen Initiative Act	5159
	Division	5166
	Division	5175
	Division	5186

Third Reading

Bill 56	Local Measures Statutes Amendment Act, 2021	5186
---------	---	------

Alberta Hansard is available online at www.assembly.ab.ca

For inquiries contact:

Editor

Alberta Hansard

3rd Floor, 9820 – 107 St

EDMONTON, AB T5K 1E7

Telephone: 780.427.1875

E-mail: AlbertaHansard@assembly.ab.ca