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The 30th Legislature
Second Session

Alberta Hansard

Wednesday evening, June 9, 2021

Day 112

The Honourable Nathan M. Cooper, Speaker

Legislative Assembly of Alberta The 30th Legislature

Second Session

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Legislative Assembly of Alberta

7:30 p.m.

Wednesday, June 9, 2021

[The Deputy Speaker in the chair]

The Deputy Speaker: Good evening, everyone. Please be seated.

Government Bills and Orders Committee of the Whole

[Mrs. Pitt in the chair]

The Chair: Hon. members, I'd like to call Committee of the Whole to order.

Bill 52 Recall Act

The Chair: It's the first time Bill 52 is being discussed in Committee of the Whole. Are there any members that would be willing and wishing to join the debate? The hon. Member for Central Peace-Notley.

Mr. Loewen: Thank you very much, Madam Chair. I'm happy to rise today and discuss Bill 52, the Recall Act, in the Committee of the Whole. First of all, I'll commend the government for bringing forward Bill 52, the Recall Act, so that we can actually have an opportunity as MLAs to be held accountable by the people that voted us in not just every four years but any time a certain percentage of the electorate feels that there may be a need to recall us or hold us to account. This bill will provide that opportunity. Again, I support the bill, but there are some problems with the bill that I think we can correct with some amendments here.

I'll start with putting forward an amendment here right now, and we'll kick this off.

The Chair: Whoa, hon. member, this is a three-page amendment.

This will be known as amendment A1.

I will ask you to read it into the record.

Mr. Loewen: Okay. I shall read this into the record. It is a very lengthy amendment, but I shall go ahead. I move that Bill 52, Recall Act, be amended as follows: (a) in section 1(1) (i) in clause (c), by striking out "or a recall vote" and (ii) by striking out clause (r); (b) in section 2(3)(b)(ii)(B) by striking out "for the purposes of sections 11(4) and 16(4), as applicable," and substituting "for the purpose of section 11(4)"; (c) in the heading for Division 3 of Part 1, by striking out "Recall Vote Authorized" and substituting "Recall Petition Successful"; (d) in section 8(1) by striking out "A recall vote is authorized" and substituting "A recall petition is successful"; (e) by adding the following immediately after section 8:

Result of a successful petition

8.1(1) If the Chief Electoral Officer determines in accordance with section 8 that a recall petition is successful

- (a) the individual named as the member in the recall petition is considered to have been recalled on the day that the Chief Electoral Officer provides notice of that result under section 9(a), and
- (b) effective on that day
 - (i) the individual is no longer a member of the Legislative Assembly, and
 - (ii) for the purpose of section 32(1) of the Legislative Assembly Act, the seat to which the individual

was elected as a member of the Legislative Assembly is considered to be vacant.

(2) For greater certainty, an individual who is subject to a successful recall under subsection (1) is not considered to be ineligible to be a candidate in the election conducted for the purpose of the vacancy arising due to that successful recall.

(f) by striking out sections 15 to 21; (g) in section 22(1) (i) in clause (c)(ii) by striking out "or a recall vote" and (ii) by striking out clause (g) and substituting the following:

(g) "recall advertising period", in respect of a recall petition, means the canvassing period.

(h) in section 22(3) by striking out "or recall vote"; (i) in section 23(1) by striking out "or recall vote" wherever it occurs; (j) by striking out section 39(1) and substituting the following:

39(1) The chief financial officer of a third party who is registered under section 23 shall, in respect of a recall petition, file a third party recall advertising return with the Chief Electoral Officer within 4 months after the date on which the canvassing period for that recall petition ends.

(k) by striking out section 40(1) and substituting the following:

40(1) The chief financial officer of a third party whose recall advertising expenses exceed the prescribed amount shall, in respect of a recall petition, file an audited financial statement with the Chief Electoral Officer within 6 months after the date on which the canvassing period for that recall petition ends.

(l) in section 41(2), by striking out "after the polling day established for the purposes of a recall vote, or following the earlier withdrawal, conclusion or termination of a recall petition or a recall vote shall" and substituting "after the withdrawal, conclusion or termination of a recall petition shall"; (m) in section 43(2) by striking out "or a recall vote" wherever it occurs; (n) in section 47(3) (i) by striking out "recall petition and any related recall vote or process" and substituting "recall petition and any related process" and (ii) by striking out clause (d) and substituting the following:

(d) between the day that the Chief Electoral Officer issues a recall petition and the day that the Chief Electoral Officer provides notice of the results of the recall petition under section 9(a), a writ of election is issued.

(o) in section 50(2)(b) by striking out "or of a recall vote under section 19"; (p) in section 55(2) (i) in clause (c) by striking out "or 16" and (ii) in clause (d) by striking out "or 15(1) or (3)"; (q) in section 59 by striking out "or 18"; (r) in section 69(2)(d) by striking out "recall vote and."

There you have it, the amendment that I'm proposing to help Bill 52 be a lot more effective and a lot more fair for Albertans to recall their elected officials. Obviously, this is a very involved amendment. It covers many sections of the bill. The purpose of this amendment is to remove what we consider or what actually is a double vote that is required to recall an MLA to be removed.

Under the current draft of the legislation there is something called a recall vote. Now, that's, of course, different than the by-election that would ensue on somebody being recalled. What that means is that after the point of a successful petition, an already extremely difficult feat, there is the vote by the riding in question to accept the petition, and then if that vote is successful, there's another vote in which the by-election will be held in the riding. Again, this creates two complete votes in order to actually have a recall petition successful. You can see with the amendment I tabled that we are removing the references to the recall vote.

I guess what I'm not sure of is where this idea even came from, because a lot of this bill is mannered after the B.C. recall legislation. It's pretty much a carbon copy of the B.C. legislation, but somehow, somewhere along the way the government decided to add a whole extra vote, basically an extra election almost, to the whole process. What it has done is that it's added a layer of difficulty to this

process. Now, when we look through the public submissions from the citizens' panel on recall, we don't see any suggestion of this needing to happen. There wasn't any public that actually asked for this to happen. Again, we're not sure where it came from. For a government that wants to receive credit for reducing red tape, it's unclear how this would be consistent with reducing red tape. Now, we agree with the objective, of course, removing red tape, but this does not do that. It actually increases red tape.

It's interesting because this extra measure provides extra protection, which is probably a more accurate description of what this does. It adds extra protection. It doesn't apply to other levels of government that are governed by this bill, so it's actually interesting that MLAs get this protection but other levels of government that are affected by this legislation don't actually have this double vote process to get to the end result of a recall.

I do, you know, want to commend the government for extending recall to municipal officials, trustees, and so forth, but if we're going to do that, if we're going to extend this bill to other levels of elected officials, we should at least have the same rules for all of us. We as the Legislature have the opportunity to govern these other levels of government. Of course, we bring in this recall bill, and we're here to debate this and discuss this and pass this as MLAs, but for some reason we've taken the opportunity to give ourselves an extra layer of protection over the other people that are affected by this bill.

I'm kind of wondering how the government is going to explain this. It would be interesting to hear the reasoning because I know what will happen when I go back into my community and talk to the local elected officials. They'll be asking this very same question: why do you have special protection in this bill that we don't have? I mean, it just hardly seems fair. If you think your local council won't notice, I want to encourage everybody to remember that we're dealing with competent, highly political people that will notice these things. I would say that many probably have already noticed that this bill does the most to protect MLAs and much less to protect other elected officials in other levels of government. I think the media has already pointed this out many times, too, so it's out there and, I think, rightly so. I think it's something that needs to be considered.

7:40

Now, I would like to remind all members of this House that this bill is very clear that the MLA being recalled can indeed, if they wish, stand for re-election in the by-election. It doesn't actually – once the recall process, this complicated, long-drawn-out process, is finished, if it's successful, the person being recalled, the MLA, can actually still run in the by-election if they so choose. That's something to keep in mind, too.

Why are MLAs the most protected class of elected officials in this document? Well, I think we have to ask ourselves morally how we feel about voting to give ourselves more protection than other public officials. I don't think there's anything less appropriate than being here to take care of myself as an MLA first and foremost and not considering other levels of government that would be affected by the same bill. I think as MLAs we already have significant privilege. We all have offices that help us with our communications and everything. A lot of these other levels of government don't have that opportunity to have that kind of staffing working for them. I don't think we should be using this platform to defend ourselves.

How much thought has gone into the impact of this on the actual citizen? First of all, they have to sign a petition. They have to vote to accept the petition. Then, if successful, they go to the polls and vote in the by-election. This also has a huge impact on the timeline for recall. Currently the government can use this bill to keep MLAs

in the House for 33 months out of the typical 48-month time period. Basically, what we have: we have the time that the people can sign the petition. That's a limited amount of time. Then there's the time to have the recall vote, which is, I believe, a six-month period, and then there's the six-month period for the by-election to be held. When we look at that process, that's over a year right there.

Of course, this bill keeps the process from starting for the first 18 months after being elected, and of course it can't be implemented in the last six months. It has to be finished before that, before the six months before the next election. Obviously, this time frame is expanded out, and it leaves very little window for this to actually happen in between the beginning date and the end date that this bill has. Of course, I think that just adds a – well, it just gives an opportunity for a community or, let's say, a riding or a constituency that wants to have their MLA recalled to be forced to have that MLA even longer because of this long-drawn-out process. From the perspective of a citizen, this, I think, could be considered extra encumbrance and not even really fair, actually. You have an MLA that's not doing their job, not representing your interests, and then they get to keep their job until the election. Again, by extending that period of time – I think that's problematic.

When I look at what the members of the UCP voted on in their AGM in 2020, policy 19, nowhere in here does it say anything about having this extra layer of vote. In fact, it talks about timelines in here, where it talks about how many days they would have to collect signatures, and then it has how many days before a by-election should be called. I believe that's a total of six months. Of course, this process here that's in this bill is actually more like 15 months, 14 or 15 months through that process. So this doesn't follow in line with member-passed policy, it doesn't follow in line with the B.C. recall legislation that it seems to be modelled after in large part, and I don't think it's fair either because of, obviously, how it affects different elected officials differently. So I suggest that we should vote for this amendment, keep this bill – like I say, this is a really good thing to start with, to be able to have this recall initiative before the Legislature, but I think we need to make it simpler, less red tape, less time-consuming, less costly, and more effective for the people that feel that they need to recall their MLA.

Again, I encourage everybody to support this amendment. Thank you.

The Chair: Any other members wishing to join the debate? 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 52 and speak to the amendment brought forward by the Member for Central Peace-Notley. I had the pleasure of sitting as a member of the Select Special Democratic Accountability Committee and hearing a lot of the feedback that was being provided by stakeholders, experts. We had written submissions, you know, over-the-phone submissions as well, and we got a lot of feedback on this. I understand, of course, that the intention of this bill is to fulfill an election commitment made by the UCP to bring in recall legislation, and we've repeatedly heard the members of the UCP stand up, even prior to the debate on this bill, and speak about how important recall is in order to allow citizens and allow Albertans to have a direct voice in holding their elected officials to account.

In fact, even as this bill was introduced in this House, during second reading, the Minister of Justice spoke about how important it is that, you know, Albertans put a lot of faith, I believe he said, in their elected leaders, and elected representatives have a great responsibility to the very Albertans who elect them, and this is why it should be that anyone elected to office is held accountable if they

fail to live up to their duties between elections. It sounds like there is a strong commitment in principle from the UCP to the concept of recall and for Albertans to use their voices to speak to remove an elected official who is not, in the electors' belief, acting in accordance with either what their commitments were or the values that their constituents hold.

Yet, Madam Chair, I will say as a member of that committee that heard the recommendations being brought forward by the government members, we see that this is once again a commitment only in word by this government and not actually in action. By bringing forward a recall process that is far more stringent, that has so many more steps and hoops to jump through, this government has essentially made recall impossible. I was surprised because that is not what this government campaigned on. They campaigned on a commitment to allow Albertans to be able to recall their elected officials. Instead, what they brought in was a nearly impossible process to actually recall an elected official – let's be clear, an MLA, because, as pointed out by the Member for Central Peace-Notley, there are two different processes that exist in this legislation depending on what level of government you are elected to. According to the UCP it should be easier to recall school board officials and municipal officials; however, if you're an MLA, perhaps a UCP MLA, they want to make it nearly impossible to do.

I want to describe why I actually stand in support of this amendment, brought forward by the Member for Central Peace-Notley, to remove what is an additional step. Now, as it's laid out in Bill 52, in order for an MLA to be recalled, there is a process that requires a very high threshold of electors to sign a petition. Forty per cent of eligible electors in that riding must sign a petition within 60 days, a very short period of time. Forty per cent of electors must sign this petition. Then a recall vote must be held, which is where the electors in that riding get to vote on whether or not to recall that individual even though they've already gathered 40 per cent of electors on a petition. Then there will be a by-election.

There are also time limits within Bill 52. A recall petition process cannot begin until at least 18 months after an election and cannot be held in the six months up to the next general election. So if you do the math there, Madam Chair, in a regular four-year term, that really means that there is a two-year window within which 40 per cent of electors need to sign a petition and two elections need to be held. That means that riding could actually, in that four-year period of time, be looking at four elections in four years, two of which would have to be held within a two-year window. The Member for Central Peace-Notley called that red tape. I don't call that red tape. I actually think that's impossible to achieve, and, in fact, we have not seen any jurisdiction in which that level of recall process has been successful.

7:50

I repeatedly have heard members from this government stand up and say that what they support is the B.C. model for recall. Well, first of all, let's be clear, then: the B.C. model for recall has actually not ever once been successful in recalling an elected official. There was one elected official where it looked like there was a likelihood that a petition would be successful; therefore that MLA resigned. That process that they have in place in B.C. has actually never successfully ended up in a recall of an elected official, yet what we're seeing here in Bill 52 is not only – it's actually more stringent than what has taken place in B.C. It's added that additional recall vote process in between. That is absolutely meant, intended to, on paper, look like this government is committed to recall, but, in action, it will be virtually impossible for Albertans to exercise their right. I believe that that's a fundamental break in trust, once again,

from this government by holding out that they are committed to certain things, and then hoping that Albertans won't notice when they're doing something very different.

In that committee, members of the opposition were surprised and expressed their surprise that the government members would want to bring forward a much more challenging process to actually recall elected officials. I believe if the point of this exercise is to have a process similar to what's in B.C., then we should do what's happened in B.C., which was that they don't require a two-step vote within a two-year window. I want to be clear, too, that even within that two-year window, according to Bill 52, once that successful petition has been received, then that by-election must be held within six months. So it could be held any time you're adding another six-month window of time within that limited two-year process.

The UCP has set up a recall process that will never be successful, and I believe that is intentional. I believe that is the purpose by which they've introduced this process. I've yet to hear a logical explanation as to why they would want to make recall more difficult than any other jurisdiction in Canada, when no other jurisdiction in Canada has even been successful in recalling an elected official through the processes they have.

I support this amendment for that very purpose. I think it's an opportunity for the government to live their values, to step forward and actually do what they claim to be doing, which is allowing Albertans to be able to recall an elected official. Let's be clear. Having to already get 40 per cent of eligible electors in a district to sign a petition in 60 days is very difficult. That is not going to be an easy feat. In fact, in many jurisdictions, in many ridings, and compared to many previous elections, 40 per cent is already higher than the average voter turnout. We've seen many . . . [interjection] That's true. We'll see what happens in Calgary-Lougheed.

I mean, that's very much a live issue here. Forty per cent voter turnout, eligible electors, is actually higher than many provincial ridings see in a provincial election, so it is already – we can get to that point later, Madam Chair, which I know we will from the Official Opposition, to talk about that 40 per cent threshold, which, again, in committee we argued was too high because, again, in B.C. when they only had a two-step process, that had, again, never achieved a successful recall. So by having this very high threshold – within 60 days to get eligible electors to sign a petition, then have a petition vote, then have a by-election – it is a virtually impossible process.

The other piece, the other reason why I support this amendment brought forward by the Member for Central Peace-Notley is that I don't agree that there should be a different process for MLAs than there is for school board and municipal officials. Again, we don't see any rationale for that whatsoever. In fact, it appears, from Bill 52, that the government is actually trying to make it much easier to recall school board officials and municipal officials. I don't know why they believe that those positions should be easier to be recalled. Maybe they've – I mean, given by their conduct on various issues and the way they've treated municipalities and school boards over the last two years since they've been elected, it's clear that the government has a high level of disdain for locally elected officials such as municipal councillors and school board officials. But they've made the process easier to recall them as well as providing a longer period of time in which to collect those eligible elector signatures on a petition.

We actually heard in the committee from members from the AUMA and RMA, who spoke about or provided written submissions, and we had, actually, stakeholders as well who spoke to this issue, saying, you know: there are already processes. They didn't necessarily even agree that a recall process should apply to

school board officials and municipal elected officials. They were all clear, and not just the RMA and AUMA, that if there was to be a recall process for those locally elected officials, it should be the same as that which applies to provincial officials. Yet for no reason that is discernible, there are two different processes that apply in Bill 52.

I do believe that, at the very least, we should be having a similar process for all. Elected officials, no matter what their level of government, had to have earned the trust of their electors and earned their votes and earned their positions. I hear no rationale as to why a lower threshold or an easier process should be applied to recall school board and municipal officials.

On that note, I do want to mention, too, that in the committee, again, the very abbreviated process of that committee, we never even got a chance to hear from school board officials. We didn't get any feedback because it was never really clear that this was meant to apply to school board officials, I imagine. But we never even heard from them. I still wonder, to this point, whether or not the government actually consulted with the Alberta School Boards Association, the PSBA, the Public School Boards' Association, and the ACSTA as to what they think should be the right process.

I want to take this opportunity, Madam Chair, to speak to what I see as a problem within Bill 52 as it applies to school board trustees, and that is that I sincerely hope the government took the time to look closely at the provisions of the Education Act, which they passed as soon as they were elected in 2019, which changed some of the voting processes for separate school electors. Prior to the Education Act being passed, under the former School Act, if an individual was a resident of a separate school district, they were only eligible to vote for the separate school board trustee. They were not eligible to vote for whoever was running for the public school board trustee in that same area. They could only vote for whatever district they were a resident of. But under the Education Act those provisions changed. There are lots of complicated reasons behind that, but essentially what changed – and it's under section 74 of the Education Act. It actually sets out now that an individual who is a resident of a separate school district where there is also a public school district in that area may choose in an election whether to vote for the separate school trustee position or the public school trustee position. They actually have a choice. And how they exercise that choice, Madam Chair, is really by making a declaration.

It's not like the eligibility to be a resident or to be an elector in a provincial riding where by virtue of proof of your residence, where you live, you know which riding you're in. When it comes to whether or not you're a resident of the public school district or the separate school district, it really comes down to your declaration in the moment. When you go to vote, you go and say: which one am I voting for? In this case you can even say: I'm a resident of the separate school district, but I would like to choose to vote in the public trustee election.

That's the way it works now under the Education Act, which raises the question: who is an eligible elector for a school board recall election? Again Bill 52 is actually silent on this issue. It simply says under I believe it is sections 96.5 and 96.6 of Bill 52 that only an elector who is eligible to vote in the election of a trustee of a board may sign a recall petition. But whoever is eligible to vote in a school board election, at the election for that trustee might have at that point, if they're a separate school resident, chosen to vote for the public school board trustee. Maybe that's what they chose.

When it comes time for a recall, should they now – let's say there's now going to be a recall petition for a separate school trustee. Should they be allowed to sign that petition? How will we know who they voted for and what they claim to be at the time of

the election? How do we know who is eligible to be an elector for a school board trustee when for separate school district residents it's really on who they declare at the moment they vote? We could very well have a situation where a separate school district resident voted in the public school trustee election but maybe just really doesn't like the individual who is voted to be the separate school trustee, and they decide to sign their name on that recall petition. Is that a valid signature? I know that this is a technical question, but it speaks to the fact that I'm not sure whether or not this government actually consulted with school board trustees on this issue, and this is an important issue.

8:00

Ultimately, though, I believe it's important that if we're going to have a recall process in legislation, it be fair across all levels of government and that it is reflective of the commitment that this government made. If they want a recall process that's actually going to be able to recall individuals, what's currently in Bill 52 is not going to do it. I believe that they know that. For that reason, I do support this amendment from the Member for Central Peace-Notley because I think it is actually aligning with what the government said they were going to do, which is to actually put in a recall process that would still be very difficult to meet with just a petition and a by-election. But by adding that extra step of requiring a recall election and then a by-election, this government has basically guaranteed that no MLA is ever going to be recalled. That might suit their purposes just fine, Madam Chair – I believe, as I said, that is their intention – but I am going to hold this government to account for what they say, particularly when what they do doesn't match up, which often is a very busy task.

It's something that we have to do quite often, but I will call them out on this as well because I think it is very important that they speak to their values and that they be honest with Albertans about this. I don't believe any government member, if they don't agree to this amendment, can stand up and say, "Promise made, promise kept," as we've already heard this government say over and over again, when they have essentially introduced a recall process that is impossible to achieve. It is what we heard from stakeholders. It is the values that this government has espoused over and over again. So I think it is important that we be transparent and accountable. If they really believe in accountability to Albertans, they should be truthful about the process that has been introduced here.

Madam Chair, I urge all the members, particularly those members who might have had the opportunity to also sit on the Select Special Democratic Accountability Committee, to reflect on the discussions that we had there, to reflect on the feedback we heard from stakeholders, from municipalities – we didn't even have the opportunity to hear from school board trustees – to think about whether or not this bill reflects the feedback that we heard in that committee process but also what they heard from their constituents when they made promises about recall legislation and what it would look like.

I can tell you that if most Albertans were to look at it carefully – and we know that many of them are. I believe, because this is an issue that is very central to the values of this government, that many of their constituents, many of their supporters will be looking very closely at this legislation and seeing that it does not meet their words. It does not match what they were promised. I don't know if this government can afford to once again make more promises and break them. They've done it over and over again, and on the central tenets of who they are, they're doing it once again. That's something that I think is going to just add, Madam Chair, to the snowball that has been this government's performance to date,

failing to keep promises, central of which, of course, is their failure to keep their promises around jobs, the economy, and pipelines.

This is, once again, a distraction. Every time we stand in this House and we debate a bill that has absolutely nothing to do with the fundamental issues that are facing everyday Albertans right now, I am frustrated, and I will continue to express that at every stage. I understand that the Premier had some pet projects that he wanted to achieve while he was in power. We'll see how much longer that is for. I'm sure that he had some pet projects, but sometimes there is greater urgency. I can't think of a greater urgency than being in the middle of the greatest economic and health crisis this province has seen in generations, yet here we are dealing with his pet projects.

I understand that he's got to bolster his popularity with his base, but his base is not going to be happy to see that what's been tabled today as it stands, without this amendment, is an incredibly unachievable and impossible recall process. I imagine that – and, you know, I'm not going to comment too much on the Premier's own political backroom conversations, but I can certainly imagine that he needs to be making friends with some of those folks right now. Certainly, being less than forthcoming on what's actually in this recall legislation and making it so that he himself cannot be recalled and none of the members of the UCP caucus can be recalled, because the process is virtually impossible, is not going to help him much with his base. But those are his own political troubles to worry about.

I simply think that we should be fair and make sure that all elected officials are subject to the same standards and requirements and not try to treat ourselves as provincial MLAs as somehow more worthy of protection from recall than any other elected official. For that, Madam Chair, I will be voting in support of this motion.

The Chair: Any other members wishing to speak to the amendment A1? The hon. Member for Cypress-Medicine Hat.

Mr. Barnes: Thank you, Madam Chair. Thanks to my hon. colleague from Central Peace-Notley for bringing forward this important amendment. I, too, am going to support this amendment. Three or four reasons. I'll be fairly brief, and I want to focus on what I think is a breach in trust and what Albertans have been saying.

First of all – let's start – since this rough legislation was introduced to the public by the government's announcement a short time ago and as much as Albertans wanted recall, which was, you know, a very high level of desire for a recall policy that works, it doesn't seem like anyone likes it. The double election, as mentioned and as this amendment will address, the timeline, the fact that it doesn't copy the B.C. legislation, as claimed: there are many, many reasons that go on to say that, but let's start there.

I'm grateful to represent Cypress-Medicine Hat for three elections. I hear about recall at the doors all the time. I know in more rural areas of Alberta and perhaps in southern Alberta the idea is to have an elected official that can make the tough decisions, listen to their constituents, and do what needs to be done is important but also that check and balance. When a government isn't listening, when a government isn't meeting expectations, it's important to have that happen. It's been big.

As my hon. colleague mentioned, policy 19 from the UCP AGM just in the fall of 2020 talks about a recall mechanism law that could actually work, that wouldn't just be there for show or to check a box but that could actually work. It talks about 50 per cent plus one of the total number of voters who voted in the last election, 120 days to collect the signatures, and the Chief Electoral Officer calling the election within 60 days. We won't worry about the first

two contrasts at this point in time, Madam Chair, but when we look at that the CEO would have 60 days to call the by-election, let's look at how this legislation as drafted by the government doesn't meet that.

You can't start the process for 18 months, and you have to get the election signatures for the recall within two months. Then the Chief Electoral Officer can call this next election, I guess the recall vote or the confirmation vote, within another six months, and then the by-election is six months after that. You know, that's 32 months, Madam Chair. It's probably 33 months when you consider the fact that the Electoral Officer will need some time or that there may be a discrepancy. So that's effectively 33 months before Albertans in their constituency can have their voices heard.

That's not what Albertans want, and that's why I so applaud what the Member for Central Peace-Notley has brought forward. It shortens that process by six months, making us all more accountable. When you look at the fact that this current legislation as proposed by the government has that you can't recall your MLA in the last six months, which I agree with, that leaves the total, you know, somewhere only around 10 or 11 months of a window where you can actually recall your MLA. Madam Chair, that's not what Albertans want. Albertans don't want more red tape, more reduction, more laws that don't work. Albertans want fairness. But if we're going to use the resources and we're going to use their time and trouble, as the member said, where they have to vote two times and sign a petition once, let's make it as fair and as effective as possible.

8:10

You know, how important it is also – I was honoured and had the opportunity to run for the Wildrose leadership in 2015, and we had several debates. Madam Chair, I bet you that 80 per cent of the time the very first question was: tell me how much you support recall. Certainly, at every debate it was one of the more important issues. Albertans didn't come with any definite opinion other than they wanted something that would work.

As both the Member for Edmonton-Whitemud and the Member for Central Peace-Notley have indicated, we heard the Premier, I think just today, say that this law replicated the B.C. legislation. But, no, it doesn't. In British Columbia MLAs have not given themselves an extra layer of protection, an extra layer of delay. Why do the 87 of us, who are honoured to be paid by Albertans to be the voice for 4.4 million Albertans, deserve an extra level of protection over school board trustees or councillors?

As the Member for Edmonton-Whitemud just told the House, at times the government committee seemed to be lacking in consultation and listening, and I would say the same. Right back to policy 19 just at the UCP November AGM, nowhere in this policy does it say: let's have a confirmation vote or a recall vote; let's wait six more months before we have our democratic right.

Madam Chair, I'm grateful that we're finally seeing recall for Alberta people and Alberta voters and Alberta constituents. Our obligation is to make this law fair and effective, and that's why I support this amendment from the hon. Member for Central Peace-Notley.

Thank you.

The Chair: The hon. Member for Cardston-Siksika.

Mr. Schow: Thank you, Madam Chair. I will keep my comments brief. I will not be supporting this amendment. I will correct the record. The Member for Cypress-Medicine Hat likes to stand in here and say that it doesn't seem like anybody likes this. While I understand that maybe he's talked to a few of his constituents or

maybe he's talked to a lot of them, I can tell you one stakeholder that does like this, and that's the Canadian Taxpayers Federation.

On their website on March 15 of this year was the headline Recall Legislation a Big Win for Government Accountability in Alberta. It goes on to say, in quotes from the director, Franco Terrazzano:

Recall legislation is a big win for government accountability in Alberta. The people are supposed to be the boss and today's recall bill [affirms] that role by giving us the ability to fire misbehaving politicians outside of elections.

He goes on to say:

Premier Jason Kenney deserves a lot of credit for living up to his campaign promise and making Alberta the second province that gives voters the ability to hold politicians accountable more than once every four years. Taxpayers are the boss and we always deserve the ability to hold our politicians, including councillors and mayors, accountable and Kenney's recall bill gives us that [accountability].

Furthermore, going back to the step of having a recall petition and a recall election, if we go back to the committee itself, of which the Member for Edmonton-Whitemud was a member – and that member stood in this Chamber and suggested that there's a lot of merit in this amendment – it says that the CEO of Elections Alberta commented that the additional step of a separate recall election was recommended by the CEO of Elections British Columbia in their report on improving the British Columbia recall process.

Madam Chair, I understand that this could be an onerous process. The purpose of recall is to hold your elected officials accountable but also to set a threshold and processes whereby frivolous recall elections are not entertained. We do have a job to do in this Chamber, and that job is to represent our constituents. I would hope that members both on the opposition side and the government side take that job very seriously, as I suspect we all do.

I applaud the Member for Cypress-Medicine Hat for his diligent advocacy for recall, and I share that passion with him. But I will say that to suggest that it doesn't seem like anyone likes this when one of the biggest stakeholders that that member has referred to on a number of occasions has applauded the government's move in this bill is slightly unfortunate.

With that, Madam Chair, I'll take my seat. I will not be supporting this amendment, and I encourage members in the Chamber to follow suit.

The Chair: Just a reminder, hon. member, to table the documents you referenced at the earliest convenience.

Are there any other members that are wishing to join debate on amendment A1? The hon. Member for Central Peace-Notley.

Mr. Loewen: Yes. Thank you very much, Madam Chair. Again, I appreciate the comments from the member opposite. Obviously, it is good that we have this bill before the Legislature. It is good to have this opportunity to have recall legislation. This bill is a good idea. Of course, our members support this, but I think in order for this bill to be effective, it needs to be amended.

I don't think there's any need to have a vote to have a vote, which is exactly what this amendment would fix so that we would just have one vote. I think that this takes extra time, an extra six months into the process. It obviously adds extra costs. Constituents would have to make an extra trip to the ballot box to vote, and, again, I don't think it's fair to other elected officials that we have that protection as MLAs but they don't have that in their case.

Again, this is about accountability. This part of the bill that actually has the vote to have a vote reduces accountability, and I don't think that should be the intent of this bill, which should be to increase accountability. That's what this amendment does: it helps increase accountability. Again, this is followed by a member-

passed policy. There's been reference to the Select Special Democratic Accountability Committee on citizens' initiatives and recall, and I appreciate that they have made recommendations to this House, but that's exactly what they were required to do, to, quote, make recommendations. They've made recommendations. Now I think it's our responsibility in this House to look at those recommendations, look at this bill, and see if we can make it better with amendments. That's what Committee of the Whole is for. That's why we're here today, to look at this bill carefully and try to make a bill better and more effective and to accomplish the thing that it was meant to do.

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 again extend my appreciation to the Member for Central Peace-Notley for this proposed amendment to the recall legislation before this Assembly. I do also want to thank all members who have contributed to the debate on Bill 52 as well as on this amendment.

You know, Madam Chair, we made a commitment, a platform commitment, to put forward recall legislation, and we have followed through with that particular commitment. That right there is accountability. That right there is doing exactly what you said you are going to do.

You know, Madam Chair, the members opposite sit here, and they are criticizing some aspects of this recall legislation, but the blunt truth is that when recall was first proposed in this province by a member of this particular Assembly, the members opposite roundly opposed recall legislation. For them, you would not have recall at all. Several members of this opposition are on record during the debate in the previous Legislature when that particular bill was introduced. Their hypocrisy is outstanding. You can't eat your cake and have it, and you can't speak from two sides of your mouth.

Madam Chair, this is what we have come to see from members opposite. They always look for an opportunity to all of a sudden want to speak to the gallery, speak to the camera, and, you know, clip stuff for their Facebook and Twitter pages. That's what they do. Listening to them in the debate tonight, you would think that these members opposite care about recall legislation. Far from it. They have no interest, and that is why, in all of their platform as a political party, in all of the campaigns that they have run, you will not find anything near recall in them.

8:20

So please spare us and the people of Alberta this hypocrisy. You know very well that philosophically you do not support the recall legislation, and that is why throughout your history you have never proposed one in this province. That is why every opportunity you have, you've always spoken against the idea of recall. All of a sudden you want Albertans to believe that you are interested in an amendment. Albertans see the members opposite for what you guys are, and that's why on this particular topic you have zero credibility. On this particular issue you have zero credibility. [interjections] I can see the Member for Edmonton-South and the member from Edmonton – yeah. Whining. The Member for Edmonton-Gold Bar can't help himself.

Madam Chair, it is unfortunate. I want to speak to my colleague from Central Peace-Notley and my colleagues that have spoken in favour of this amendment. We went through a policy process with respect to the bill before this Assembly. The Select Special Democratic Accountability Committee were charged with the

responsibility, and I want to thank the chair of that particular committee for leading this particular effort. We heard from Albertans. Submissions were received. Every single Albertan in this province had the opportunity to provide their input. The amendment put forward by the Member for Central Peace-Notley was not at any point in time recommended to that particular committee or submitted to that particular committee for consideration. Having received the particular report, I as Minister of Justice took it through various member policy committees, took it through cabinet committee to cabinet and caucus. This is, you know, the first time I have encountered this amendment.

We made a commitment to model this after the B.C. recall legislation. Now, it is true that B.C. doesn't have the third-step process, but the Chief Electoral Officer in B.C. responsible for this legislation, having presided over a few recall processes in B.C., made the recommendation to the B.C. government to actually adopt what we have put in this legislation, that three-step process. The Chief Electoral Officer of this particular province also is in support. You have two electoral officers in two jurisdictions, one that has put in place legislation, who has experience with recall legislation and then stepped forward to say that this is an amendment that is required. That is all that that particular path does.

With respect to the argument – you know, I listened to the Member for Edmonton-Whitemud. As always, she stands up before the floor of this particular House and says all kinds of bold accusations that have no substantive bearing on the issue before this particular Assembly, talked about municipalities and school board trustees. The truth is that those two orders of government have got their own legislation that governs their electoral process, that governs their elections. We consulted with Municipal Affairs, who consulted with them, and in the end it was determined that the two-part process is most ideal for municipalities and school board trustees. I had no problem whatsoever including them in extending the three-part process to municipalities or school board trustees if there was a single municipality of this particular province that wrote to me as Minister of Justice after carefully reviewing this legislation.

Yes, you may have heard some municipalities, you know, whine about some of these things in public, but I challenge any of them who wrote to my office to say: we need this change. No municipality, no school board trustee wrote to me as Minister of Justice.

Madam Chair, on that particular note, I would urge all members, you know, to vote against this amendment. It is not in keeping with the commitment that we made to Albertans, it is not in line with keeping with the recommendations of the Select Special Democratic Accountability Committee, and it is not in line with the recommendations put forward by the chief electoral officers in both Alberta and B.C.

Thank you, Madam Chair.

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

Mr. Barnes: Thank you again, Madam Chair. I've actually been able to pull up the Canadian Taxpayers Federation's article on the recall bill here in Alberta, and I'd like to clarify a few things. First of all, like myself and like a lot of the talk here tonight, very, very clearly they support recall. They are grateful that the government put some effort towards recall forward, but I don't see anywhere in here where they favoured an extra layer of protection for MLAs, why the 87 of us should have an extra layer. If you can indulge me, colleagues and Madam Chair, for two or three minutes, I'm going to read the last two paragraphs.

When designing recall legislation, Kenney must make sure the requirements to force a by-election aren't too onerous.

Mr. Schow: Point of order.

The Chair: The hon. Member for Cardston-Siksika.

Point of Order

Referring to a Member by Name

Mr. Schow: This is actually the second time I've called this point of order on that member. We don't use names in this Chamber. He's well aware of that. It's a long-standing precedent.

The Chair: The hon. member.

Mr. Barnes: I'll withdraw, and I'll change that to the Premier.

Debate Continued

Mr. Barnes: The Premier

must make sure the requirements to force a by-election aren't too onerous.

There's an example in B.C. that there hasn't been any – beyond the one example that the hon. Member for Edmonton-Whitemud spoke of,

there hasn't been any successful recall campaigns in British Columbia. This is partly because of B.C.'s onerous requirement to collect signatures for more than 40 per cent of eligible voters in that district in 60 days.

Madam Chair, that suggests to me that the Canadian Taxpayers Federation doesn't favour what this government has come up with.

This threshold puts B.C. at the upper limit when compared to American states, where the most common requirement is to have 25 per cent of votes cast in the last election to sign the petition to trigger a byelection. A 25 per cent threshold would be a good starting point for Alberta's recall rules to balance political stability with accountability, and is what the Canadian Taxpayers Federation recommended in our presentation to the Alberta government's Democratic Accountability Committee.

So they recommended 25 per cent, and our bill says 40. They didn't recommend a recall confirmation vote election to make the process more onerous.

The most important thing to remember when thinking about signature thresholds, however, is that it doesn't have to be perfect. Albertans need recall now, and politicians can always tinker with the requirements down the road to make improvements.

Madam Chair, that suggests to me that they feel this law is flawed and are hoping for the 87 of us to have the courage to make the changes.

The last paragraph, Madam Chair.

Recall rules would be a big step towards reaffirming the role of citizens as boss. It's time for [the Premier] to make good on his promise . . .

It's time for the Premier to make good on his promise.

. . . and pass recall legislation during the upcoming fall legislative session.

8:30

Mr. Schow: What's the date?

Mr. Barnes: Signed by the Canadian Taxpayers Federation.

The date? I'm sorry; I will have to get back to you on that. I believe this is what came out after the government announced their plans for recall and citizen initiative, which was three or four

months ago. I am virtually certain that that's the proximity of when this article was put out.

Madam Chair, the Canadian Taxpayers Federation, like me, like my hon. colleagues that are speaking for this, want recall, but they want recall that works. They don't want just a box checked. They don't want more hardship for our citizens. They want legislation that's fair and effective.

Thank you.

The Chair: Any other members wishing to – the hon. Minister of Justice.

Mr. Madu: Thank you, Madam Chair. I just wanted to quickly respond to the Member for Cypress-Medicine Hat on the insinuation or allegation that the Canadian Taxpayers Federation does not support this legislation as currently drafted. I think it's important that I refer the hon. member to the March 15, 2021, news release by the Canadian Taxpayers Federation. The headline of that news release reads: Recall Legislation a Big Win for Government Accountability in Alberta. March 15, 2021.

It reads:

The Canadian Taxpayers Federation applauded the Alberta government for introducing recall legislation today.

"Recall legislation is a big win for government accountability in Alberta," said . . . the CTF's Alberta Director. "The people are supposed to be the boss and today's recall bill reaffirms that role by giving us the ability to fire misbehaving politicians outside of elections."

He went on to say:

The CTF has long advocated for recall legislation and made recommendations to the Alberta government's democratic accountability committee last fall. Leading up to 2019 provincial election, the CTF called on all parties to commit to recall legislation and extend it to the local level.

It concluded by saying that the hon. Premier of Alberta

"deserves a lot of credit for living up to his campaign promise and making Alberta the second province that gives voters the ability to hold politicians accountable more than once every four years . . . Taxpayers are the boss and we always deserve the ability to hold our politicians, including councillors and mayors, accountable and [the hon. Premier's] recall bill gives us that ability."

That is the Canadian Taxpayers Federation.

I've always urged members of this Assembly to always ensure that we focus on the substance of the debate, and we can see that this legislation has got broad support from not just across, you know, our province but across this country.

Madam Chair, I would urge all members of this particular Assembly to vote down this amendment because, again, it is not in keeping with the commitment that we made to Albertans. It is not in line with the recommendations coming out of B.C. and the legislation that we have modelled this after. It is also not in line with the recommendations coming out of the Select Special Democratic Accountability Committee.

Thank you, Madam Chair.

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

Mr. Barnes: Thank you again, Madam Chair. To my hon. colleague: September 28, 2020, appears to be the date.

What I can see, from what the Canadian Taxpayers Federation submitted to our committee: they wanted a bill that was more effective than the one in British Columbia. They want a bill that gave the citizens more power. First of all, it appears to be totally silent on this double recall vote, the vote to have a recall election or, I guess, the confirmation vote. They did state that the Canadian

Taxpayers Federation felt that the threshold should be lower than that of British Columbia but that it should be achieved in each constituency in order to balance the policy ambitions of rural and urban voters. I know that that's not what this amendment is about, but the threshold should be lower. The Canadian Taxpayers Federation all agreed that the maximum period of collecting signatures on a recall petition should be 90 days from the day the petition was issued, which is longer than the 60-day limit in B.C.'s recall model and longer than the 60-day limit in this current legislation.

Madam Chair, again, it is clear that the Canadian Taxpayers Federation, like this side of the Assembly, supports recall, supports empowering our citizens but wants something that's more effective than what this government has delivered.

Please support this amendment. Thank you.

The Chair: Anyone else? The hon. Member for Central Peace-Notley.

Mr. Loewen: Yes. I just wanted to make just a couple more comments here. There was discussion in the Select Special Democratic Accountability Committee on citizens' initiatives and recall. There was some, I guess, suggestion that maybe some MLAs didn't take an opportunity to make submissions to that committee. I do want to point out that when you look at the list of submitters, there is not one single MLA. None. Zero. Why that is is because MLAs have the privilege of making amendments here and now, in Committee of the Whole. There is a list of names of submitters, and you know what the vast majority have in common? They're private citizens, or they lead advocacy groups, or they're former elected officials or from other levels of government, municipal or federal. None of them are MLAs because that's why we have this opportunity right here, in Committee of the Whole.

As far as this vote to have a vote, not one of the submitters recommended this process to the committee. Not one. Party members did not recommend the vote to have a vote. The CTF didn't recommend a vote to have a vote. In fact, they suggested that it shouldn't be an onerous process. Obviously, this vote to have a vote adds to the onerousness of the process. We know that the B.C. government doesn't have this process, the vote to have a vote, in their process.

I submit to you and to everyone here today that this amendment is a very reasonable amendment. It makes sense. It takes away the opportunity to have more protection for MLAs than others, and I suggest that we all should pass this and make this process less onerous and more accountable for Albertans.

The Chair: Any other members wishing to speak?

Seeing none, I will call the question.

[The voice vote indicated that the motion on amendment A1 lost]

[Several members rose calling for a division. The division bell was rung at 8:39 p.m.]

[Fifteen minutes having elapsed, the committee divided]

[Mrs. Pitt in the chair]

For the motion:

Barnes	Loewen	Phillips
Dang	Nielsen	Schmidt
Irwin	Pancholi	Sigurdson, L.

Against the motion:

Aheer	Horner	Rosin
Allard	Issik	Rutherford

Amery	Jones	Savage
Armstrong-Homeniuk	Long	Schow
Copping	Lovely	Schulz
Dreeshen	Madu	Sigurdson, R.J.
Fir	Nally	Smith
Getson	Neudorf	Toews
Gotfried	Nicolaides	van Dijken
Guthrie	Nixon, Jeremy	Yao
Hanson	Panda	Yaseen
Totals:	For – 9	Against – 33

[Motion on amendment A1 lost]

The Chair: Before members leave, let me get another speaker up on Bill 52 in Committee of the Whole. Any members wishing to join debate? The hon. Member for Edmonton-Riverview.

Ms Sigurdson: Thank you very much, Madam Chair. It's my pleasure to add my voice to the debate on Bill 52, the Recall Act. As has been discussed already in this House, this bill creates a process that could lead to the recall of an elected official, including members of this Legislature, municipal officials, and school trustees also.

I guess, you know, I have the honour that now for two terms I've been the representative of Edmonton-Riverview, and I must say that certainly right now recall legislation is not something that I hear about from my constituents. It's not a concern for them. They haven't brought this up to me. I meet with my constituents on a regular basis. Certainly, they contact me through e-mail or phone calls or Zoom meetings, all those ways, and at this time in Alberta's history, in the time of a COVID pandemic, in the time of an economic downturn, in the time of many concerns this is not one of them, certainly, for my constituents. I'm just wanting that on the record.

I would say that what my constituents are most concerned about is jobs, and that's something that I know that we in the NDP caucus are very concerned about, too. Unfortunately, the UCP government is prioritizing recall legislation instead of having a robust jobs plan and instead of addressing the concerns of very high unemployment, high long-term unemployment, which is when you've been looking for work for over a year and haven't been able to find a job, and how devastating that is for people. This is where the UCP government should be focusing their attention. I think, you know, recall legislation is certainly down the priority list for my constituents in Edmonton-Riverview, and they care more about jobs. This is what we need, and they want our government, the UCP government, to work on that.

They want them to look at legislation that would support women especially because, you know, women have been negatively impacted certainly during COVID with people being laid off. A lot of women work in the service sector, for example. You know, it's referred to as a she-cession – that it is like a recession for women – and we have not recovered. That is going on. These are the priorities. Unfortunately, the UCP government is deeming this more of a priority, the Recall Act, but I just want you to know that's not true for the residents of Edmonton-Riverview.

9:00

I also think that, certainly, residents of Edmonton-Riverview are concerned about many other things that this government is doing, like, you know, the curriculum. I hear about that every day – every day – and oftentimes from multiple constituents because that is a priority, and that is a real concern, what the UCP government is doing regarding the curriculum in Alberta. Recall legislation is not

something that is, you know, at the top of the list for Edmonton-Riverview constituents.

Other significant concerns that I hear about continually are issues in continuing care. I hear about those from the residents in Edmonton-Riverview but also across the province as I am the critic for Seniors and Housing. We know that 1,250 residents – I think it's higher than that now – have died in continuing care. This is an opportunity for the government to really move and support residents to be well cared for, put in some standards like, you know, as certainly experts say, four hours of direct service for residents, which they're not getting now. These are the things I'm hearing in Edmonton-Riverview regarding what my constituents want the focus of this government to be, not on recall legislation. There are much bigger issues at stake right now.

Certainly, we talked today about this in the media, just about the opioid crisis, where four people are dying a day from overdoses in this province. Again, that is another priority, certainly, for our caucus. It's extremely sad that this government is not seeing that as a priority and, instead, we are debating recall legislation.

With that, Madam Chair, I'd like to bring forward an amendment.

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

Hon. member, please proceed and note that you're moving on behalf of another member.

Ms Sigurdson: Yes. I'm bringing this amendment forward on behalf of the Member for Edmonton-Manning. She moves that Bill 52, Recall Act, be amended in section 72 by striking out “on Proclamation” and substituting “on July 31, 2021.”

It's a short amendment but I think a very important amendment to this legislation. According to the legislation as is written now, the current coming into force is on proclamation, and we want to of course change that to a specific date to ensure that there is enough time from the coming into force of the bill to allow the recall process to proceed successfully before the next provincial election. We still have, you know, a little less than two years to the next election, so that's a lot of time. Certainly, the government has seen fit to bring forward this bill as they're very concerned about recall.

As I sort of talked about before, they've made it a big priority over jobs, over the continuing care system, over curriculum, making all those things more important. At least, let's have it enacted, you know, on a specific date so that it can actually be implemented so that this government is actually held accountable and the members of this government and so the members of us, too, in the opposition have to be accountable, for the legislation to have some integrity. Creating legislation that's not going to apply to the government: I think that really is a mistake. That's why this amendment will make it so that the government would be accountable and, in so doing, have some integrity, which it seems to be sadly lacking at the moment.

Specifically, the change that we're asking for in this amendment, which is that the coming-into-force date, instead of being upon proclamation, will be July 31, 2021, decreases the discretion of the Premier and the UCP to proclaim and enact a bill at a time that is electorally expedient for them. We really want to just make sure that, you know, Albertans can be able to recall MLAs within this mandate that we all are in right now. That will allow for more accountability that Albertans would seek in a bill such as this. I guess this is why I'm bringing forward this amendment on behalf of the Member for Edmonton-Manning, so that, yeah, this bill has more integrity and this government can be accountable for what's going on.

Really, you know, I can certainly appreciate why Albertans right now would like to recall the UCP government, certainly UCP

MLAs. We have scandal after scandal that we are hearing about in the media, and certainly multiple political polls are confirming that Albertans are not happy. Are not happy. I think most recently, you know, our Premier is at the very bottom of the approval list for all Premiers across the provinces. I mean, perhaps it is timely that the UCP bring this in because I think that Alberta voters want to hold them to account. This amendment would give Albertans the opportunity to do that and, certainly, other things. We all know about this, but I'll just say them for the record. Certainly, the integrity of this government is in question when we think about Alohagate, a sky palace dinner. Today we're hearing about secret dinners that the Premier, senior cabinet ministers, and staff in the government are attending where the orders of the chief medical officer are disregarded.

As an Albertan, as a voter myself, I mean, this deeply concerns me. I want to be proud of my government. I want to be proud my government has integrity and that they're upholding those orders. Certainly, all of us have, and the vast, vast majority of Albertans have really sacrificed during COVID-19 for the good of all. You know, we have not had those family gatherings, not travelled, not eaten out in restaurants, and really respected the orders of the chief medical officer, yet to have, you know, this government and certainly the senior cabinet just really not include themselves in that: I mean, that's extremely elitist. Certainly, it's not something that I'm proud of as an Albertan. I'm very concerned that this government is acting that way. It is an embarrassment.

This recall legislation would give us the opportunity to actually, you know, help this government be accountable and have some integrity. If we accept this amendment, then we have a specific date so that it can be enacted so that people, Albertans, can vote on that before the next provincial election because, I mean, I think this government needs to be accountable. There are some disturbing things that have happened. It seems like there are rules for some and rules for others. I don't know. I don't want to live in a province like that. I feel that we all need to respect.

I think that, you know, the Premier said it himself earlier himself this week at a press conference, that we should hold ourselves as elected officials at a higher standard. But I don't know; story after story keeps coming out where that is indeed not being done.

9:10

I think that giving it this specific date would give Albertans a chance to use this legislation right now with the MLAs who are currently elected representatives in this Assembly. You know, I don't think I'm asking for anything too extraordinary. Certainly, another piece of legislation that's before the House right now, Bill 70, really gives profitable for-profit continuing care corporations sort of retroactive indemnity back to March 20, 2020, so people who are seeking justice because they feel their family members weren't treated well – many lost lives – can no longer really, at a fair level, bring forward lawsuits that are already in the courts. They have to access it at so much of a higher standard. It's got to be gross negligence now, not just negligence, and that's so unfair. Really, the government is robbing Albertans of justice.

On that bill they changed the date, actually, to be retroactive all the way back to last year, last March, so having a specific date on this one isn't extraordinary. You know, the UCP government has already made things important to them, I guess, and to some of their elite friends: the corporations, these multibillion-dollar corporations that are making profits during a very difficult time. We hear about them getting bonuses and giving their shareholders large dividends while front-line staff don't have the supports they need, don't have the proper PPE. Seniors are being neglected, left alone, sometimes dying alone, so I don't think that I'm asking for anything

too extraordinary. I think that this is a fair ask. This government, to show how integrous they are, should accept this amendment because then they also will be accountable with this legislation. It won't come later when perhaps some of them don't run again, we have a whole new system of government, and maybe they won't be government next time. Yet they've done some things right now that I think a lot of Albertans would like to recall them for. I think having this specific date in this amendment, you know, moving it to July 31, 2021, would really go a long way to making this legislation applicable to the current members sitting in this Legislature, so I really encourage all members of this Assembly to vote in favour of the amendment.

Thank you.

The Chair: The hon. Minister of Justice.

Mr. Madu: Thank you, Madam Chair. Very quickly, I just wanted to put on the record that this is the sort of amendment that sometimes makes you feel: what really is the goal of the members opposite?

To be clear, as I said in my earlier remarks, the members opposite never supported the idea of recall legislation. That is why you will not find it in any of their platforms, that is why they have never campaigned on it, and that is why, when it was first raised in this particular House, they did not support it. In fact, the Leader of the Opposition was quoted as saying, when this bill was introduced: recall sounds good in theory, but it actually can be a very disruptive and often exploitive process. That's all you need to know. They don't believe in recall legislation. They don't believe in the power of the people to be able to democratically exercise their right. They are at the height of their worry. With this piece of legislation is their paranoia about what would happen should the people come out en masse to vote. Whilst this amendment speaks to the gallery, if they really wanted recall legislation now, today, tomorrow, July 31, if they wanted that, ask yourself why it is that throughout their history in this particular province they have never supported the concept of a recall.

I will urge all members of this Assembly to vote down this amendment because it adds nothing. The bill before you indicates that it would pass on proclamation. Section 72 of the act at page 77 says, "This Act comes into force on Proclamation." It will be proclaimed. If you take a look at the legislation that we have laid out, it has time periods for certain things to happen. There is a prohibited period, 18 months after election results. A petition, application: a seven-day processing period. Issuance of recall: a seven-day processing period. Canvassing: 60-day canvassing period. Submission and verification: 30-day processing period. Very similar thresholds and lower thresholds than are in B.C.

Madam Chair and colleagues, I will urge all members of this particular Assembly that this is a waste of time tonight. I will urge all of us to vote down this amendment.

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

Seeing none, I will call the question.

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

[Several members rose calling for a division. The division bell was rung at 9:17 p.m.]

[Fifteen minutes having elapsed, the committee divided]

[Mr. Milliken in the chair]

For the motion:

Barnes

Nielsen

Schmidt

Dang	Pancholi	Sigurdson, L.
Irwin	Phillips	
Against the motion:		
Aheer	Horner	Rosin
Allard	Issik	Rutherford
Amery	Jones	Savage
Armstrong-Homeniuk	Long	Schow
Copping	Lovely	Schulz
Dreeshen	Madu	Sigurdson, R.J.
Fir	Nally	Smith
Getson	Neudorf	Toews
Goodridge	Nicolaides	van Dijken
Gotfried	Nixon, Jeremy	Yao
Guthrie	Panda	Yaseen
Hanson	Rehn	
Totals:	For – 8	Against – 35

[Motion on amendment A2 lost]

The Deputy Chair: We are back on the main bill, Bill 52, Recall Act. Are there any members wishing to join debate? I believe I see the hon. Member for Edmonton-South has risen.

Mr. Dang: Thank you, Mr. Chair. It's a pleasure to rise today and speak to Bill 52, the Recall Act. I want to be very clear. I think that at this time this is a bill that is not a priority for Albertans unless those Albertans are looking to recall this Premier. But I think that it's important that if Albertans want to be able to recall their elected officials and if the politicians want to be able to recall politicians, we make sure it's something that's actually accessible.

I mean, to be frank, it's a little bit disappointing that we are spending such a considerable amount of time tonight when this government could have been focused on getting Albertans back to work. Of course, as we know, 50,000 Albertans lost their jobs because of this government before the pandemic even began, and now I believe there are over 200,000 Albertans that are still looking for work. Mr. Chair, certainly, Albertans today realize that this is the fault of this government, that this is something that the government has failed them on. This is something that is extraordinarily disappointing, and that would be a reason they might want to recall their politicians, right? That would be a reason they might want to recall this Premier, that they would want to recall members in this place.

But, Mr. Chair, I think that we need to make sure that these systems are actually accessible, right? We need make sure that when these tools are used as they are being proposed, Albertans would actually be able to successfully recall the politicians if that was the intent. Now, we've seen in other jurisdictions, particularly in British Columbia, that there have been no successful instances of recall. There was one instance where it appeared as though an MLA may be recalled, and instead that MLA chose to resign. It's very clear that the government has made it nearly impossible to be recalled.

Of course, Mr. Chair, I couldn't blame them for that. If I was in the Premier's seat right now, I'd be a little bit worried about getting recalled as well. I'd be a little bit worried about the very low popularity numbers. I know that there were some polls released just today that show very troubling numbers for the Premier and for the government caucus across the entire province but particularly in Calgary. As the Premier, of course, holds a seat in Calgary, I think that if I was the Premier, I would be concerned about this as well, and if I was a cabinet minister from Calgary or a backbencher from Calgary, I would be concerned about this as well.

Certainly, I think that we need to make it accessible for politicians to be recalled in this province. With that, I do have an amendment I'd like to introduce.

9:40

The Deputy Chair: Thank you, hon. member.

For those members in the House who would like to receive a copy of the amendment, feel free to put up your hand. It will be delivered. There will also be copies on the tables beside the doors. I assume that the hon. member has probably already put in place that there will be an e-mailed copy to the table. I'm seeing a nod. This will, for the benefit of all those listening, be referred to as amendment A3.

If the hon. Member for Edmonton-South could please read it in for the record and then continue with comments should he choose to.

Mr. Dang: Thank you, Mr. Chair. I would move that Bill 52, the Recall Act, be amended in section 8 by striking out "40%" wherever it occurs and substituting "25%."

Mr. Chair, I think that this is a fairly straightforward amendment. The threshold to recall an MLA is a petition representing 40 per cent of eligible voters in that constituency. As we know, that threshold is basically inaccessible. With a threshold that high, recall attempts fail in the majority of times. Instead, we see successful recalls in the 20 to 25 per cent range. We know that during the Select Special Democratic Accountability Committee all members of that committee approved of a threshold of up to 40 per cent, right? So it wasn't a minimum of 40 per cent; it was a maximum of 40 per cent.

I think it is possible that we would be able to agree that a lower threshold would be allowable, and 25 per cent makes sense because, Mr. Chair, if perhaps you lived in the Member for Lesser Slave Lake's riding and you saw the Member for Lesser Slave Lake travelling internationally and then you saw the Premier remove the Member for Lesser Slave Lake from his caucus, you might be thinking as a constituent that you deserve better representation within the government. One way to do that would be to recall your MLA and have a new by-election so that you could elect somebody into the government caucus, right? You could elect somebody who would actually represent you, who would actually do their job and support you.

Mr. Chair, I think that certainly is something that I would encourage members to support because we think that it is important that politicians are effective in this place and that politicians are accountable to their constituents. If the Premier is serious and sincere about bringing in recall, if the Premier is serious about letting Albertans have their voice and is serious about having Albertans have access to direct democracy against their elected officials, then I think this is a no-brainer. We've seen in other jurisdictions, like I said, that it simply does not happen that 40 per cent thresholds get met very often or even at all. While that might be a comfort to UCP MLAs in Calgary right now, I think that in the interest of good policy we should make it accessible for Albertans to perform this if that is the intent of this legislation.

With that, I hope all members of the Assembly will support this. Like I said before, unfortunately, it's nothing that creates new jobs, but certainly it can give something for those 200,000 Albertans to rally around who are unemployed right now as they watch the Premier and this cabinet and this UCP government flounder.

Thank you very much.

The Deputy Chair: Thank you, hon. member.

Are there any members wishing to join debate? I see the hon. Minister of Justice has risen.

Mr. Madu: Thank you, Mr. Chair. Again, this is the hypocrisy that we see from the members opposite, advocating for something in an amendment to a government bill, a bill that they would never ever put forward before the floor of this Assembly. That's really what we're seeing here tonight.

You know, the members opposite were in charge of our government and our province at a time when there were so many contentious issues on broad public policy – contentious – that Albertans were coming to the steps of this Assembly to protest against all kinds of their policies, ranging from Bill 6 to the carbon tax to debt and deficits that were in the billions of dollars to job losses that we have never seen before in the history of our province: 180,000 Albertans were unemployed during the currency of the government that the members opposite presided over.

In two other particular periods they never once, despite calls by citizens to put forward the type of legislation that we on this particular side of the aisle are debating here tonight – they did nothing. It was all crickets. Instead, they derided Albertans and called them all kinds of names. They called us sewer rats and, you know, nutbars and all kinds of derogatory names just simply because Albertans were asking that their own government listen to them.

We have put forward a bill in accordance with a commitment that we made to Albertans, that it would be modelled after the legislation in B.C. Right now you can do an online search: what is the threshold in B.C.? It will tell you: 40 per cent. That's what it will tell you. Forty per cent, by the way, in a province that is also governed by their sister political party in B.C., and that government there has not put forward an amendment to this particular act in B.C. to change that particular threshold. That's what we have come to be accustomed to with the NDP. They only want to play to the gallery. They speak to the camera, hoping to get clips for Facebook and Twitter. You would think that they would want to write in a law this particular amendment knowing full well that they wouldn't; otherwise, they would have done that.

You know, Mr. Chair, I do not want to waste my time on this amendment, and I urge all members to simply vote down this amendment.

The Deputy Chair: Thank you, hon. member.

Are there any members wishing to join debate? I see the hon. Member for Cypress-Medicine Hat has risen.

Mr. Barnes: Thank you, Mr. Chair. I appreciate the amendment brought forward. I, for one, will be supporting it. I, for one, will be acknowledging and recognizing what the UCP members voted for at the fall virtual AGM 2020. Policy 19 – I understand it passed by over a 75 per cent confirmation – asks that to have an effective recall legislation, they “require gathering signatures from 50% plus one of the total number of voters who voted in that constituency in the last provincial election.” Now, we're sort of talking apples and oranges here because the way the UCP government wrote the law, of course, it's 40 per cent of the electoral list, and we know that in provincial elections approximately a 50, 55 per cent turnout is normal. In my three elections I believe that all three times it's been 53 to 56 per cent. So half of those eligible to vote of the 50 is around – I'm sorry. If only half vote and 75 per cent of the UCP members asked for 50 per cent plus one of those that voted, that's pretty consistent with this hon. member's amendment of 25 per cent of the electoral list.

Mr. Chair, again, I'm amazed at the government's desire not to listen to the members that voted 75 per cent overwhelmingly for recall legislation like this. I'm amazed at the ability to forget what servant leadership means. I thank and I acknowledge the opposition colleague that brought this forward, and I, for one, will be supporting it.

The Deputy Chair: Thank you hon. member.

Are there any other members wishing to join debate on A3?

Seeing none, I am prepared to ask the question.

[The voice vote indicated that the motion on amendment A3 lost]

[Several members rose calling for a division. The division bell was rung at 9:50 p.m.]

[Fifteen minutes having elapsed, the committee divided]

[Mr. Milliken in the chair]

For the motion:

Barnes	Loewen	Phillips
Dang	Nielsen	Schmidt
Irwin	Pancholi	Sigurdson, L.

Against the motion:

Aheer	Issik	Rosin
Allard	Jones	Rutherford
Amery	Long	Savage
Armstrong-Homeniuk	Lovely	Schow
Copping	Madu	Schulz
Dreeshen	Nally	Sigurdson, R.J.
Fir	Neudorf	Smith
Getson	Nicolaides	Toews
Guthrie	Nixon, Jeremy	van Dijken
Hanson	Panda	Yao
Horner	Rehn	Yaseen

Totals:	For – 9	Against – 33
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[Motion on amendment A3 lost]

The Deputy Chair: We are now back on the main bill, Bill 52. I see the hon. Member for Calgary-North has risen.

Mr. Yaseen: Thank you, Mr. Chair. I sincerely appreciate the opportunity to rise in this House today among my democratically elected colleagues to speak about Bill 52, the Recall Act, proposed by the hon. Minister of Justice and Solicitor General. I'm proud and grateful that I live in a country that allows us to speak our minds and stand up for what we believe in. This province was built by the people, and it is the residents of Alberta who have the power to elect and, if this House wills it, the power to unelect a representative.

Mr. Chair, our government ran on a promise to strengthen democracy. By allowing Albertans to hold their elected officials accountable, this bill will help us achieve our campaign promise. This representative could be an elected official like an MLA, municipal officials, and school board trustees. Under the proposed act the recall of an elected official becomes an option 18 months after the respective provincial, municipal, or school board election.

10:10

It is important for Albertans to know the process of how the Recall Act should proceed. If Albertans feel the MLA in their constituency is not upholding their responsibilities, they can apply to the Chief Electoral Officer to start a petition. After the signatures have been collected, Albertans would then have 60 days to gather signatures from 40 per cent of eligible voters in the relevant

constituency. The Albertan who filed the petition, known as the applicant, can have volunteers called canvassers, who must also be residents of that constituency, to assist them in gathering signatures. Once the signatures are gathered, they would be submitted to the Chief Electoral Officer, who would ensure signatures are valid and that the petition has reached the minimum threshold of 40 per cent. If the petition is successful, the voters in the constituency would vote to decide if there should be a recall. If this vote is successful, the MLA in question would be removed, and a by-election would be held.

In terms of recalling municipal officials, the process is very similar except the applicant would notify the chief administrative officer in their municipality. For recalling of school board officials, the applicant must apply to the secretary of the school board, and the applicant is given 120 days to gather signatures from eligible voters that represent 40 per cent of the eligible voters in that school district. If this petition is successful, the official is removed, and the school board would decide if a by-election is necessary.

Mr. Chair, our neighbours to the west, British Columbia, are the only Canadian province with legislation allowing citizen recall of their provincial officials. Interestingly, there is also no federal legislation that allows for the recall of a Member of Parliament. Bill 52, if passed, will strengthen Alberta's democratic system and uphold accountability among elected members by providing Albertans the ability to recall municipal, school board, and provincial officials. Providing Albertans the opportunity and the ability to recall their elected officials is an incredibly important piece of legislation and one that should not be taken lightly.

Lastly, I want to thank the Member for Drayton Valley-Devon for pioneering this idea and the Premier and the Minister of Justice for educating and introducing it in the legislation. This act is ambitious, and it will help strengthen our democracy and accountability here in Alberta. I look forward to supporting this bill.

Thank you, Mr. Chair.

The Deputy Chair: Thank you, hon. member.

Are there any other members wishing to join debate? I see the hon. Member for Edmonton-Decore.

Mr. Nielsen: Well, thank you, Mr. Chair. I'm happy to rise this evening to speak for the first time on Bill 52, the Recall Act. You know, it's been an interesting debate so far this evening. I had to put that emphasis on that I was speaking to this bill for the very first time. I haven't had the opportunity thus yet, so I find it, I guess, confusing that the Minister of Justice would seem to surmise that somehow I'm not interested in recall legislation, that I'm not in favour of recall legislation because I haven't said anything to it yet. But I suppose that could probably be just categorized in our discussion earlier in the 30th Legislature around the words "may," "will," and "shall" and whether those are actually the same or not. I suppose, as I've listened to the debate and I've heard it brought up multiple, multiple times by the Minister of Justice that recall wasn't in the NDP platform, so, I guess, making that leap that I don't support it, that I'm not interested in it: I suppose we'll have to go with that.

You know, it's interesting, because when I looked at the UCP platform, you know what wasn't in there with recall legislation was Albertans' utility bills going up. I didn't see that in there with recall legislation. What I also didn't see in there with recall legislation was their insurance premiums going up, Mr. Chair. That seemed to be a little bit absent from the platform. Tuition and student loans going up: I didn't see that located anywhere in there along with recall legislation in the UCP platform. Access to affordable child care and early learning, you know, those expenses going up and the

ability for parents to get access to that definitely were not in the UCP platform along with recall legislation. So when I hear some of these things about, "Well, that wasn't in your platform," you might want to be careful, because there are a lot of things that have been moved forward by this government that weren't in their platform, and Albertans are literally paying for it right now.

When I do look at Bill 52 and what's contained in it, it does seem like a piece of legislation that's lacking a little bit. We've seen some discussion tonight about the steps for different elected officials to be recalled. One with the biggest emphasis I've heard right from even before the election was on red tape: "We're going to remove red tape. We're going to make things better, faster." Well, that extra step to remove an MLA from this House would actually be considered red tape because it's an extra step. It's going to cost Albertans money to be able to do that just to go and then vote again. So, you know, that one is not adding up. I would suggest, maybe, that you'll want to check with the associate minister of red tape and see, you know, if that kind of runs a little bit counterproductive to his mandate of reducing red tape.

You know, we've seen some changes proposed about an in-force date. I was quite amused with the Minister of Justice talking about how the opposition is worried about recall legislation, that it threatens our jobs or something like that as MLAs. Naturally, I was flabbergasted when I stood in favour of an in-force date and the Minister of Justice said no. I would have thought he'd have taken that one right then and there, because, well, if my job is at such risk, having this come into force right away and the people of Edmonton-Decore exercising their ability to recall me I would have thought would have been very much in his best interests. I was surprised by that.

Again, as I look at Bill 52, one of the next things I see is a lack of information around the money. Now, when I served in the 29th Legislature, I sat on the Select Special Ethics and Accountability Committee, and one of the things that the committee was looking after was not only the whistle-blower legislation; we were also looking at the Election Act and the election finances act. To say that that committee was an adventure is probably an understatement. I even remember a time when opposition members walked out of the meeting because they felt that the government and the government members weren't being forthcoming, were too rigid, didn't want to accept any amendments by members opposite, and constantly complaining about how we were arbitrarily picking these numbers out of the air.

When I look at Bill 52, I see that there are no thresholds when it comes to the money and that that, you know, will be put in regulations. Based on my experience through that committee, had roles been reversed, those members probably would have walked out of the meeting, again, because those weren't being put into legislation. All we're saying is: make the whole process about the people, not about a few individuals' pocketbooks. My hope is that we can establish some limits, and I think that we can go by what the limits currently are here in the province of Alberta to ensure that it's, well, quite frankly, about the ideas and not about the money when it comes to recalling an elected official.

With that, Mr. Chair, I do have an amendment to propose. I will pass these forward to you, and I will await your instructions.

10:20

The Deputy Chair: All right. Hon. members, this amendment will be referred to as A4 for the purposes of debate. If you would like a copy of it, please raise your hand, and one will be delivered to you. There will also be copies at the tables at both doors. I assume a copy has been sent to the table as well.

I see the length of it, so I'll give you the option of whether you choose to read it fully in for the record or just give us the intent of amendment A4. Then, of course, as stated, members can get a copy of it as well. If the hon. Member for Edmonton-Decore could please continue with your comments should you choose to.

Mr. Nielsen: Yeah. Thank you, Mr. Chair. I appreciate that.

On behalf of the Member for Edmonton-Manning I move that Bill 52, the Recall Act, be amended as follows: (a) by striking out section 11(3) and substituting the following:

(3) The total amount of all contributions by an individual to an authorized participant in respect of a recall petition shall not exceed \$4,000, as adjusted in accordance with section 12(1.1).

(b) by adding the following after section 12(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 11(3) and 13.

(c) by striking out section 13 and substituting the following:

13 An authorized participant shall not incur recall expenses in respect of a recall petition that exceed in the aggregate \$50,000 as adjusted in accordance with section 12(1.1).

(d) by striking out sections 14(2)(n) and (p);

(e) by striking out section 16(3) and substituting the following:

(3) The total amount of all contributions by an individual to an authorized participant in respect of a recall vote shall not exceed \$4000, as adjusted in accordance with section 17(2).

(f) by renumbering section 17 as section 17(1) and by adding the following immediately after section 17(1):

(2) Section 41.5 of the Election Finances and Contributions Disclosure Act applies, with all necessary modifications, to the amounts referred to in sections 16(3) and 18.

(g) by striking out section 18 and substituting the following:

18 An authorized participant shall not incur recall expenses in respect of a recall petition that exceed in the aggregate \$50,000, as adjusted in accordance with section 17(2).

and finally, (h) by striking out sections 21(2)(i) and (j).

The whole purpose of this amendment, Mr. Chair, is to provide numbers and clarity to Albertans. They will know right from the hop, should this bill succeed in passing this House – of course, I would never presuppose a decision of the House. But should that happen, Albertans will be able to look at this right from the hop and know what the limits are. They're clearly defined.

It's not one of these waiting games of, "Well, we'll put it together in regulations," and it drags on, it drags on, it drags on, and then eventually, all of a sudden, they show up, probably with no fanfare whatsoever, and a lot of money will be able to be pumped into a recall petition. They know right from the beginning where they stand, what they have to do, what they're allowed to do, what they're not allowed to do, and all the rules are right there for the reading.

My hope is that members of this House will accept this amendment. I'm always hopeful, like the Member for Edmonton-Highlands-Norwood, that we get an opportunity to provide actual clarity and transparency to Albertans, something that I've, unfortunately, not seen on a lot of occasions. This would be an opportunity to change the channel on that narrative. There's a lot going on right now, and I think that by accepting this amendment, Albertans might be a little bit more willing and forgiving, quite honestly, of some of the things that have happened here before.

Again, you have a bill that's lacking a little bit. Let's add that little bit. Perhaps, maybe, then I will be even more enthusiastically in favour of recall legislation so that if Albertans find that their elected representative is not doing the job, then they have the ability to recall that individual. But I guess that as the debate proceeds, we'll see what happens.

Thanks, Mr. Chair.

The Deputy Chair: Thank you, hon. member.

I see the hon. Minister of Justice has risen on amendment A4.

Mr. Madu: Thank you, Mr. Chair. I do want to thank the Member for Edmonton-Decore for rising to speak to his proposed amendment. You know, I can assure that this amendment, that has been put forward by the Member for Edmonton-Decore on behalf of the Member for Edmonton-Manning, is really much ado about nothing. The Member for Edmonton-Decore began by alluding to the fact that there were allegations that he doesn't support this particular bill. That is true; the members opposite do not support recall legislation.

In 2016, when the Member for Drayton Valley-Devon put forward Bill 201, when that bill was being debated before the floor of this Assembly, the Member for Edmonton-Decore had the opportunity to speak on that particular bill. Let me be clear. The Member for Edmonton-Decore would want you to believe that the members opposite support recall legislation. But this bill has been before this floor before, this Assembly before. On that occasion, in 2016, it was an opportunity for the Member for Edmonton-Decore to express his support for the whole idea of recall. He did not.

This legislation will pave the way for special-interest groups to hijack the political process and create even more political discourse in this province.

I'm quoting the Member for Edmonton-Decore.

Quite frankly, this bill distracts from that mandate and the work that is already being done.

The Member for Edmonton-Decore further stated before the floor of this Assembly in March 2016:

A minority of people allowed to make decisions for the majority.

The Member for Edmonton-Decore is referring to Albertans who have repeatedly called for recall legislation as the minority that will be called upon to make decisions on behalf of the majority. When I say that the members opposite have paranoia about Albertans coming out to exercise their democratic right, that is true, factually correct. The Member for Edmonton-Decore is confirming this in this quote before this Assembly in March 2016.

A minority of people allowed to make decisions for the majority: again, great news if you're looking to exclude people.

That's the Member for Edmonton-Decore. Everything you've heard from him tonight in tabling this amendment is factually incorrect from what he actually believes. That is, sadly, the tragedy of the NDP as a political party. Sadly, that's why Albertans can't trust them.

10:30

I am confident that by the time we wind down this pandemic, we will have the opportunity to discuss the future of our province with vision, and I'm confident that the vast majority of Albertans will reject the NDP across our province because we have been through their road before, and it did not pay us. They left us multibillions of dollars in debt and deficit.

The Member for Edmonton-Decore talks about health care and child care and utility bills and all kinds of bills. They had four years. They made life much more expensive for every single Albertan. It doesn't matter the region or the part of the province you live in. They racked up debt like crazy, that we have never seen before in the history of our province, and they stand here still afraid of the people coming out to exercise their democratic right. You know, in 2016, 2018 Albertans were calling on them to get them to listen to them. Guess what recall will do? It will force elected officials to listen to Albertans.

On this amendment there is much ado about nothing. This amendment proposes, Mr. Chair, to strike out section 11(3). What

does it say? This is division 4 of the bill before you, contributions and expenses, and 11(3) says:

The total amount of all contributions by an individual to an authorized participant shall not exceed the prescribed amount that applies in respect of that authorized participant or class of authorized participants for the purposes of this Division.

For the purposes of this division: what does that mean? It's right there, that the Election Act and the Election Finances and Contributions Disclosure Act apply. That is the act that governs election finances in our province.

The only thing that the members opposite, quite frankly, are worried about is the regulation-making powers contained in this particular bill, that you will find in virtually every single piece of legislation in our province, that the Lieutenant Governor in Council may make further regulations with respect to certain issues. Standard practice. Standard provisions. That is why I said that the members opposite have no interest in debating the substance. I would very much like them to take this particular bill, section by section, provision by provision, and let's talk about what it actually means and what it would do in reality. Instead, they are only concerned about clips.

Let's make amendments that have nothing to do with the substance: that's really the totality of every single amendment contained in this particular amendment. It says: stipulate an amount of money. But guess what? The Election Finances and Contributions Disclosure Act already deals with that particular issue. The Election Act deals with the issue. And there is a standard regulation-making power that is naturally, normally given to the Lieutenant Governor in Council. So that tells us that this is much ado about nothing.

On that particular business, I urge every member in this Assembly to vote against this much-ado-about-nothing amendment.

Thank you, Mr. Chair.

The Deputy Chair: Thank you, hon. minister.

We are on amendment A4. Any members wishing to join?
Seeing none.

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

[Several members rose calling for a division. The division bell was rung at 10:35 p.m.]

[Fifteen minutes having elapsed, the committee divided]

[Mr. Milliken in the chair]

For the motion:

Dang	Pancholi	Schmidt
Irwin	Phillips	Sigurdson, L.
Nielsen		

Against the motion:

Aheer	Horner	Orr
Allard	Issik	Panda
Amery	Jones	Rutherford
Armstrong-Homeniuk	Loewen	Schow
Barnes	Long	Schulz
Copping	Lovely	Sigurdson, R.J.
Dreeshen	Madu	Smith
Fir	Nally	Toews
Getson	Neudorf	Toor
Glasgo	Nicolaides	van Dijken
Goodridge	Nixon, Jason	Yao
Gotfried	Nixon, Jeremy	Yaseen
Hanson		

Totals: For – 7 Against – 37

[Motion on amendment A4 lost]

The Deputy Chair: We are back on the main bill, Bill 52. Are there any members wishing to speak? I see the hon. Member for Cypress-Medicine Hat has risen.

Mr. Barnes: Thank you, Mr. Chair. I appreciate the opportunity to stand up and present a few more points. I'll be brief. We've talked about how Albertans deserve a recall bill that's more than about virtue signalling, that's more than about checking a box, something that's actually functional. Setting prohibitively high thresholds for recall of an elected official makes recall possible in theory but practically absolutely impossible.

The British Columbia recall mechanism since 1991: it's been mentioned a few times, and this recall bill is mostly a replica of that. But let's be clear. The B.C. law makes it so difficult to actually recall a politician that despite numerous attempts it has never been successful. In 30-some years the recall bill in British Columbia has never been successful. It makes you wonder why we'd spend all night doing exactly the same thing here in Alberta. Of course, I'm concerned that this legislation introduced here in Alberta will have that same result.

My next concern, though, pertains to the collection period. With that, Mr. Chair, I would like to make an amendment relating to the collection period.

The Deputy Chair: Thank you, hon. member.

As is the case, please raise your hand if you would like to receive a copy. There will also be copies of this amendment at the tables by the entrances. I'd just remind the member to make sure that a copy of the amendment is e-mailed to the table as well. This will be amendment A5 for the benefit of all those debating.

If the hon. member could please read it in for the record and continue with any comments should he choose to. Thank you very much.

Mr. Barnes: Thank you, Mr. Chair. I move that Bill 52, the Recall Act, be amended as follows: (a) in section 1(1)(e)(ii) by striking out "60-day period" and substituting "120-day period"; (b) in section 7(1) by striking out "60 days" and substituting "120 days"; and (c) in section 71(4), in the proposed part 7.1, in section 240.1(1)(c) by striking out "60-day period" and substituting "120-day period".

Mr. Chair, the reasons, the rationale. Again, as I mentioned in my brief opening remarks, since 1991 in British Columbia a similar 60-day threshold: zero effectiveness. Let's put in something where Albertans – Albertans deserve the best laws. Let's give them that opportunity. Let's not re-create red tape and ineffective laws.

Secondly, I want to talk about the practicality of 120 days in some of the larger ridings. Cypress-Medicine Hat, 300 miles by 300 miles: let's start collecting those signatures at the Montana-Saskatchewan-Alberta border, where ranches are township size and bigger, where neighbours are two to five miles spread apart. Again, I'll remind my colleagues tonight that the whole process has to be with in-person signatures. There'll be no electronic signatures in this bill. We should keep it as equitable as possible, and to me that means giving all ridings, including our bigger, bigger rural ones, the same opportunity to hold their MLAs accountable. Again, at the end of the day, this is about our ability and our desire to serve Albertans. It takes a while to get the signatures, and of course we have left the threshold at 40 per cent of the electoral. If that's around 40,000 in the average constituency, it's 16,000 signatures that will have to be gained, and I think a 120-day period is reasonable.

When we talked last week about the citizen initiative and the recall bills of the 1990s, Mr. Chair, I want to remind all my colleagues that the bills from the 1990s all were 160 or 180 days, so they had longer periods than the 60 days just to collect the signatures. You know, if those were the things to copy, if those were the bills to shoot for, why is this government falling short? Why is this government falling so short?

Mr. Chair, I'll again remind you that in policy 19 from the November 2020 UCP virtual AGM the United Conservative Party members voted overwhelmingly, almost 75 per cent, for the citizens of a constituency to have 120 days to collect the signatures. I'm pleased that my amendment replicates what the UCP members were asking for. Again, clearly, Albertans are asking for legislation that's more than virtue signalling, for legislation that can be effective and work and give us the opportunity to be the best servant leaders that we can.

11:00

Mr. Chair, with that, I'm going to take my seat and again ask all my colleagues to support my amendment. Let's make the recall bill more than just checking a box. Let's make it so that we can also be held accountable.

Mr. Chair, that does remind me of one thing, actually. I just want to point out that although this bill is for school trustees and councillors as well, this amendment will not change that. It will leave their part to 60 days, and it will make our part, for MLAs and provincial politicians, the 120-day period.

Again, I was grateful that the hon. Member for Edmonton-Whitemud stood up and explained some of the process of being on that committee. I was disappointed to hear that the government again failed in some of their consultation to hear from trustees and municipal councillors, to really hear their input on that, but part of the reason why I left that out is because, really, that's up to them to fine-tune and work with their representation, with their constituents and their voters and the people that have put them there.

To be clear, it just affects the MLA part, the provincial part. It makes us more accountable. It's exactly what UCP members asked for.

Thank you.

The Deputy Chair: Thank you, hon. member.

Are there any members wishing to join? I see the hon. Member for Edmonton-Highlands-Norwood has stood.

Member Irwin: Thank you, Mr. Chair. It is an honour to rise and speak. It's always an honour to rise and speak although, you know, I will certainly speak to the member's amendment, but I must also get on the record just to point out that I am absolutely inundated day in and day out with correspondence, not just from my constituents but from folks across this province. The issues that they're raising for me are health care, the economy, jobs, education, the environment, parks. The list goes on. I have to say that recall is not one that I hear about, so I just need to get that on the record in case I don't get a chance to speak more to this bill. The issues that we could be dealing with in this Chamber could be far more pertinent to many of our constituents' lives.

However, you know, it is just interesting to hear the Member from Cypress-Medicine Hat give us some insight into UCP party policy and pointing out, quite rightly, that there was 75 per cent support for a 120-day period at their – was it at the AGM in 2019 I believe you said? I find it intriguing for a government and a Premier that repeatedly points to policy passed by his party as reason for his decisions and talks about his mandate. I think about issues like curriculum and other ones where he's pointed to decisions passed

at party conventions, yet – I don't know – there have been a few examples already tonight where, clearly, he's picking and choosing. If he is in fact saying that he's appealing to his grassroots and his party members, interesting that he's not being very consistent in that.

Maybe I'll see. I'm always happy to be proven wrong. Perhaps some of the UCP government members will support this member's amendment.

We will not be supporting this amendment, but I did want to get on the record that, you know, I don't see how doubling the time is really going to make a difference. I do acknowledge, of course, as that member pointed out, that some of the rural ridings are a whole heck of a lot bigger. I mean, I would think that argument would help to sway at least some of the members opposite, but for us, we are not in support of this amendment.

With that, I will conclude my remarks.

The Deputy Chair: Thank you, hon. member.

Are there any members wishing to join on A5? I see the hon. Minister of Justice has risen.

Mr. Madu: Thank you, Mr. Chair. Let me thank the Member for Cypress-Medicine Hat for the introduction of this amendment, amendment A5. I think it is the right thing for members to rise to speak to bills before this Assembly, so in that particular context, it is a welcome development.

But, Mr. Chair, the truth is that this is one of those amendments that you simply have to scratch your head. Where is this coming from? I recognize that Committee of the Whole is an opportunity for members to be able to speak to and put forth amendments on bills. But we are talking about the Member for Cypress-Medicine Hat, that has had the opportunity – this is not the first time he's seen it, like the members opposite that, you know, saw this particular bill upon introduction or the recommendations coming from the Select Special Democratic Accountability Committee. The Member for Cypress-Medicine Hat has had the opportunity to review the policy around this bill.

The Member for Cypress-Medicine Hat is also aware that we made a commitment that we would model this particular bill after that of B.C. You know, I've always said that we can't eat our cake and have it. We can't speak from two sides of our mouth. We can't say on one hand that this bill has more restrictions than the bill in B.C. and then in another breath say that the bill in B.C. is more restrictive. It will make it impossible. The truth is that citizens of B.C. have utilized their act to attempt to recall their MLAs. There is an entirely different question as to whether or not that was successful.

I am proud to live in a province that values their citizens. It is the right thing to do to give them the power – the power – to be able to hold their MLAs to account, their elected officials on all levels to account. I am also confident that if the citizens of Edmonton South-West, the residents of Edmonton South-West conclude that I no longer serve their interests and that recall is an option, I am confident that under the bill that we have put forward, they would be able to get that done. I am confident about that, and I am confident that if there are citizens across our province in any constituency that feel that their MLAs or elected leaders are not representing them, under this particular bill they should be able to do that.

But at the same time I must caution that members are elected by the people. We must strike the right balance, giving them the tools but ensuring that we avoid frivolous campaigns against the people's elected representatives. The question, ultimately, is one of: where do you strike the right balance?

I will submit to the Member for Cypress-Medicine Hat that we indeed made a public commitment. Elections have consequences.

We were clear, transparent about what this bill will entail. In B.C. it is 60 days. That is what it is in B.C. There are 60 days. That's what we have put forward.

11:10

Member Irwin: What did your party convention say?

Mr. Madu: I can hear the Member for Edmonton-Highlands-Norwood heckling. Here is a member who just stood up here and said that she doesn't support this particular bill, that their members do not support this particular bill. They don't believe in giving people the constitutional right to exercise their freedom. They don't believe that citizens should hold them to account. They don't believe that. So why should she care about the threshold? It's all fake. She doesn't believe in that. Gotcha politics: that's what the members opposite are looking for. The height of hypocrisy.

Hon. members, on that particular note I would urge all members of this Assembly to vote down this amendment. It is critically important that Albertans look at us and say yes, even when they don't agree, but they wouldn't say that we did not do what we committed that we were going to do. Disagreement is all right in political discourse. It's okay to disagree sometimes, but the one thing I would want to be able to say to the people of Edmonton-South West is that that which my party committed to doing, we did it. That which we publicly committed to was 60 days. It is in Bill 52. Hon. members, let's vote down this amendment.

The Deputy Chair: Thank you, hon. minister.

I see the hon. Member for Central Peace-Notley has risen on amendment A5.

Mr. Loewen: Thank you very much, Mr. Chair. Yeah, I'd like to speak to this amendment on Bill 52, the recall bill, and I want to speak in support of this amendment. The hon. member asked: where did this come from? Of course, this came directly from policy 19 of member-passed policy from the UCP virtual AGM, 2020. Of course, it's member supported, and it's grassroots supported, and I think it received over 70 per cent support.

Right now we have a pretty high percentage of threshold to get a recall petition to meet the standards, which, of course, is higher than what the members in policy 19 requested. Then, of course, we have the vote-to-have-a-vote system, which is another barrier to the system working effectively. If we compare it to B.C., of course, you know, B.C. has the same number of days, but B.C. does not have the vote to have a vote, that protects MLAs in this bill but not other elected officials.

I don't think there's anything wrong with giving 120 days to do this. It, obviously, gives an opportunity for constituencies that are large to be able to do this. When we look at the numbers, the signatures – and these have to be, of course, not digitally collected or anything; they have to be physical signatures – I think that makes things difficult, and maybe rightly so, to have the physical signatures. I don't think there's anything wrong with that, but of course, you know, these thresholds make it hard.

I'm just going to read from the last sentence from policy 19, that passed at the UCP virtual AGM in 2020. "This provides a sense of peace and confidence for citizens and increases MLA motivation to more effectively represent the people who elected him/her and less likely to be 'whipped' by the Party." That's from the rationale right from that policy.

I think we can support this amendment. I think it makes sense. We have enough checks and balances in this bill, enough hurdles to jump through. I don't think we have to worry about having frivolous recall initiatives succeeding. I think we can support this amendment

and thereby, you know, listen to our supporters and make something that is effective.

Thank you.

The Deputy Chair: Thank you, hon. member.

Are there any members wishing to join on A5?

Seeing none.

[The voice vote indicated that the motion on amendment A5 lost]

[Several members rose calling for a division. The division bell was rung at 11:15 p.m.]

[Fifteen minutes having elapsed, the committee divided]

[Mr. Milliken in the chair]

For the motion:

Barnes	Loewen
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Against the motion:

Aheer	Issik	Phillips
Amery	Jones	Rutherford
Armstrong-Homeniuk	Long	Savage
Copping	Lovely	Schmidt
Dang	Madu	Schow
Dreeshen	Nally	Schulz
Fir	Neudorf	Sigurdson, L.
Glasgo	Nicolaides	Sigurdson, R.J.
Goodridge	Nielsen	Smith
Gotfried	Nixon, Jeremy	Toews
Hanson	Orr	Toor
Horner	Pancholi	Yaseen
Irwin	Panda	

Totals:	For – 2	Against – 38
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[Motion on amendment A5 lost]

The Deputy Chair: We are back on the main bill, Bill 52. I am looking for people to speak. I see the hon. Member for Lethbridge-West has risen.

Ms Phillips: Thank you, Mr. Chair. I rise to provide comments to Bill 52, which I believe is my first opportunity to speak to this legislation, so I'll provide a few comments on it. There is no question that in our system we have a system whereby we – you know, some people who are in more republican systems might think: oh, in a parliamentary system you sort of get a majority, and then that's it; you can kind of do whatever you want. In fact, that's not the case at all.

In systems such as we see in the United States, we do actually have to see more of what they call bipartisan co-operation given that party lines are not always as strictly drawn as they are in a Westminster system, and there does need to be an element of negotiation across the floor and so on to be able to get things done. At least historically this has been the case, less so these days. You know, there are different kinds of political skills that are required. Certainly, people who excel in that American style of system are those who are very good at negotiating, are very good at remaining, quite frankly, in a constant state of campaign given the level of money and the frequency of elections and the type of elections that are held; that is to say, at more levels of not necessarily government but governmental positions than here.

But I think what's lost in that understanding that you get elected for four years in our system and then you get to do what you want is that what is required of a government over that four years – and I think this has only become more so – is a level of calibration to

what people want over those four years and a level of listening that I think requires a different kind of very highly skilled political engagement. Certainly, we have seen, I think it's fair to say, in the last few months, particularly in Alberta, that there's a certain sandpaper quality to Alberta politics and that maintaining that confidence of the electorate is not so simple as simply obtaining that mandate on election night and then going about one's merry way and thinking that one can do whatever one wants.

Certainly, in the United Kingdom, elsewhere, and here we do see that, you know, a lot of that negotiation and finely tuned political skill actually have to not only be used vis-à-vis communicating with the public about what a government is doing and maintaining the confidence of the public, but maintaining the confidence of the House becomes increasingly tricky if political leaders overstep what is seen to be by the public the usual norms of good government behaviour. Then they find it difficult to maintain the confidence of their own caucus or cabinet, and we have seen both in the United Kingdom and elsewhere that this, in fact, is the check on power in the Westminster system. It is not so easy as to just compel the followership of one's caucus or cabinet. That, in fact, is a very significant and specific political skill that not everyone has. That is indeed where a lot of the between-election accountability that this bill seeks is found in the Westminster system.

I think we are seeing right now an object lesson in exactly this. In fact, if one does not engage with one's caucus and cabinet and, ultimately, also the public in a way that demonstrates a good-faith desire to be forthright, to do what you say you're going to do, in the way that Ralph Klein in this place was often described – you know, a lot of people would always say: well, yeah; you might disagree with him, but at least he did what he said he was going to do. But, certainly, there is a feeling in Alberta right now that we have strayed significantly from that original path and, quite frankly, originally from a lot of that humility as well.

You know, in that context one can understand that there might be a democratic impetus for such a bill as the Recall Act. Having said that, I myself have spent now – I'll be coming up on 10 years of the New Democrat presence in Lethbridge-West and the efforts to get me elected and stay there. I'm not sure I've ever heard this once, not even through the great turbulence of the PC leadership races that went into the 2012 elections. It was supposed to be Premier Gary Mar – remember that? – for a little while. It ended up being Premier Redford. Then, with all the turbulence with Redford and Hancock and Prentice, even through all of that I was knocking on doors the entire time, Mr. Chair, and I don't ever recall recall coming up. I recall people saying: "I would like an election, thank you very much. I would like one early." In fact, they got their wish, and they made themselves heard in 2015, for example. But even though I have not specifically heard it – I have knocked on thousands and thousands of doors – having said that, there might still be democratic impetus behind this.

Therefore, I think it behooves us to then engage with this legislation on its own merits and try to make it better. That is what this amendment seeks to do. It seeks to meet this piece of legislation where it is at and seeks, in a very small way, to just make it a better piece of legislation. I hope this amendment is accepted in the spirit in which it is intended. I would like to move that amendment now, please, Mr. Chair.

11:40

The Deputy Chair: Thank you, hon. member.

Ms Phillips: Mr. Chair, would you like me to begin reading it, or would you like me to wait until it gets to the table?

The Deputy Chair: I'll just give some instructions because we're past 11. This is the first amendment since we got to 11. All right. As is the normal case, you can put your hands up and receive a copy of the amendment. I will just reiterate, though, the fact that the pages are gone for the night, so keep that in mind. There will be copies available for all members at the tables at the entrances. This will be referred to as amendment A6 for the purposes of debate. I'm assuming that the hon. member has probably had a copy at least started to be directed to the table electronically as well.

If the hon. member could please read it into the record and continue with any comments should you so choose.

Ms Phillips: Thank you, Mr. Chair. I'm moving this on behalf of the hon. Member for Edmonton-Manning. Moved that the Recall Act be amended as follows: (a) in section 1(1)(c) in subclause (i) by adding the word "or" immediately after "the recall petition," in subclause (ii) by striking out the word "or," and by striking out subclause (iii); (b) in section 14(2) by striking out clause (c); and then (c) in section 21(2) by striking out clause (c).

Now, what does that mean? That all sounds very difficult for the tens of people at home who are watching, you know, with bated breath for what this amendment actually means. In the recall process, Mr. Chair, there should be two participants, the individual who has filed for a recall petition and the MLA subject to said petition. But this bill allows for another person or entity to be prescribed in the regulations. This would mean another person or entity to collect contributions, to spend and advertise on the process. Now, that would be in addition, very importantly, to third-party advertisers because third-party advertisers are laid out in this legislation in part 3 of the act.

Leaving this in is potentially a little bit confusing, potentially might cause a little bit of cross-threading with the section laying out third-party advertisers. It may leave too much room to sidestep contribution and expense limits on this bill; so, too, it may leave too many ways in which we have people or entities who are not registered or not covered under the usual expectations of third parties and not already laid out quite extensively within the act and understood by election participants: MLAs, political parties, candidates, certainly election finance officials as well, the Chief Electoral Officer.

It may introduce an element of uncertainty and, I think, in its worst forms may in fact allow too much undue influence by as yet unregulated actors within the election finance system. You know, the fact is that campaigns should be very clear on who is collecting contributions, and those definitions should be clearly understood by everyone involved in any kind of election campaign. There are specific entities or people who are allowed to collect and receipt and otherwise engage in the election financing process. We have to, I think, be very, very attuned to the idea that undue influence by money that is not properly accounted for in the election system is corrosive to democratic norms. It just simply is. What we do not want to do is open up yet another group of people, entities who can participate by financial means in an election.

Now, it is my view – it's been my long-held view – that there's only one entity, really, that can vote, and that is citizens and the people, right? In municipal elections we often find that, I believe, permanent residents can also vote, but in our Alberta elections: citizens. So it has always been my view that only citizens should be paying the freight, and it has always been my view that, therefore, trade unions and registered corporations should not be financing our election process. In my view, you know, every vote matters because every person matters, and it should be up to the people to mark their X and to decide.

This provides us not just the sanction for third-party advertising of some consequence within the system but then some other entities as yet un-prescribed. In my view, if the Legislature is going to open up the ability to collect and spend money beyond what is already commonly understood as the usual election actors, that should be within the legislation itself and not subsumed to regulations.

So just to clean it up, we would like to remove any other prescribed person or entity from the definition of authorized participant. With that, Mr. Chair, I move the amendment.

Thank you.

The Deputy Chair: Thank you, hon. member.

Are there any members? I see the hon. Minister of Justice has risen.

Mr. Madu: Thank you, Mr. Chair. I just wanted to, again, quickly respond to the amendment put forward by the Member for Lethbridge-West. I do, as I have always said with respect to the bills I have brought forward before this Assembly, thank all members who engaged and are participating in this particular debate, including, of course, also putting forward amendments.

Let me also be blunt that this amendment achieves nothing. This is one of those amendments where, again, you ask yourself: what, really, is the intent here? You know, this amendment proposes to, in the definition section, determine who is an authorized participant. To be clear, under the current interpretation, section 1(1)(c):

“authorized participant”, in respect of a recall petition or a recall vote, means

- (i) the applicant for the recall petition,
- (ii) the member whose electoral division is the subject of a recall petition, or
- (iii) any other prescribed person or entity.

Then, according to this particular amendment, the Member for Lethbridge-West would like to strike out clause (c) in section 14(2). Section 14(2)(c), again, deals with the power given to the Lieutenant Governor in Council to prescribe a person or entity to be an authorized participant in respect of a recall petition for the purposes of section 1(1)(c)(iii).

The amendment will also seek to accomplish a similar thing with respect to section 21(2)(c), dealing with recall votes: the recall vote, recall petition, and the interpretation section of this particular bill.

11:50

But the irony is that these are, if you read the totality of – you know, in law that’s what we call the doctrine of interpretation or the canons of interpretation. If you really want to get to the actual meaning of a series of sections that are talking about similar things, you have to read those subsections or sections in a combined manner to get to the actual meaning. What the members are afraid of is that regulation may prescribe other parties.

Here are members opposite that were not concerned about a loophole in the Election Finances and Contributions Disclosure Act that they made that allowed their union boss allies to funnel millions, tens of millions, of dollars to their campaign. They have never been concerned about that. During their term as the party in government they put forward amendments that dealt with democratic reforms, but not once did you see anything from them that would plug that particular loophole that allowed the Alberta Federation of Labour and the other affiliates of AFL – by the way, written right into their constitution, there is no distinction between the Alberta NDP and the AFL and their affiliates. Right in their constitution in section 7. They preserved the power of their allies, their constitutional friends to be able to spend tens of millions of dollars in aid on the individual candidates of the NDP and their political party, but all of a sudden they are so scared of the powers

of the Lieutenant Governor to prescribe another person via regulation. That’s what this amendment is all about.

Mr. Chair, this is not an amendment that this House should waste its time on, and I urge all members to vote against this amendment.

Thank you.

The Deputy Chair: Thank you, hon. minister.

We are on A6.

[The voice vote indicated that the motion on amendment A6 lost]

[Several members rose calling for a division. The division bell was rung at 11:54 p.m.]

[Fifteen minutes having elapsed, the committee divided]

[Mr. Milliken in the chair]

For the motion:

Dang	Pancholi	Schmidt
Irwin	Phillips	Sigurdson, L.
Nielsen		

12:10

Against the motion:

Aheer	Issik	Panda
Amery	Jones	Rutherford
Armstrong-Homeniuk	Loewen	Savage
Barnes	Long	Schow
Copping	Lovely	Schulz
Dreeshen	Madu	Sigurdson, R.J.
Fir	Nally	Smith
Glasgo	Neudorf	Toews
Goodridge	Nicolaides	Toor
Gotfried	Nixon, Jeremy	van Dijken
Hanson	Orr	Yaseen
Horner		

Totals:	For – 7	Against – 34
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[Motion on amendment A6 lost]

The Deputy Chair: We are now back on the main bill, Bill 52. I see the hon. Member for Cypress-Medicine Hat has risen.

Mr. Barnes: Thank you again, Mr. Chair. I appreciate the opportunity once more to rise and talk about Bill 52, the Recall Act. Of course, one of the elements of this bill is that citizens must wait 18 months to start a recall petition. Eighteen months seems to be fairly arbitrary and seems to be long.

With that, Mr. Chair, I too would like to propose an amendment.

The Deputy Chair: Thank you.

Hon. members, if you’d like a copy, please raise your hand. There will also be copies at the tables at both entrances. I expect that the hon. member has probably already gotten en route an e-mailed copy of this amendment for the table.

This will be amendment A7 for the benefit of the debate.

If the hon. member could please read it into the record and then continue with any remarks he should so choose to take.

Mr. Barnes: Thank you, Mr. Chair. My amendment moves that Bill 52, the Recall Act, be amended in section 2(5)(a) by striking out “18-month period” and substituting “12-month period.”

Mr. Chair, I’ve got six reasons why I think 12 months is more appropriate than 18 months. Of course, this is the start period from the day after the election. When can a citizen, when can 40 per cent of the electoral list actually force some democratic accountability?

I believe it should be 12 months instead of 18 for the following reasons.

First of all, a year is enough time for an MLA to prove themselves. It's about 25 per cent of the election period, of course, and the citizens know a year after the election what they've got as a representative. By that point in time we as MLAs know more what our obligations and our duties are. A year is long enough.

Secondly, again for the citizens: a year is long enough for them to wait to exercise their democratic right, to exercise their opportunity to hold us accountable and to make sure that expectations are being met and to make sure that they're in the driver's seat.

A third reason: sometimes issues are kept hidden during the election, and they come out immediately after the election. Is it fair to ask Albertans, is it fair to ask our taxpayers, our citizens to wait a full 18 months before they can begin the recall process? Again, Mr. Chair, I feel strongly that 12 months is ample for that time period.

A fourth reason that 12 months is enough: all the bills from the '90s that the Premier spoke of having his hand in writing and directing had a six-month wait period. All of them, six months. So between six and 18, 12 seems like more than a fair compromise.

The fifth reason: you recall the time frame. We've tried tonight to make this bill more responsive, to make this bill more engaging for citizens to have a say in their representative. I'll just remind everybody of the timeline as it is now. The first thing is 18 months. You've got to wait 18 months before you can start the recall process. If everything goes perfectly with the electoral officer, the petition period is 60 days, or two months, to get, in my case probably 14,000 or 15,000 signatures. Then the electoral officer has six months after that to call the election on that extra check and balance, that second election, that confirmation election, that vote-to-have-a-vote election. There's another six months before an MLA is recalled.

Then, of course, six months after that, if that confirmation of that vote to have a vote is successful, it's another six months before the actual by-election, okay? Mr. Chair, I'll remind you that the MLA who is being recalled has a full and complete opportunity to run in that by-election. It just means that they're more accountable. It doesn't mean that it's the end of their career. It means that it's an opportunity for them and their citizens to engage. That's 18 months, two months, six months, and six months, so 32 months. Then, of course, there'll be some time in there where the electoral officer will need to sign things and some process time, so approximately 33 months, almost three years. If someone has hidden an issue during the campaign or prior to the election, it's almost three years before this person is recalled.

Mr. Chair, I just think that if we're going to put in the time and the effort to claim to Albertans that we're putting in good legislation, let's make it as good as possible. I, too, just want to read the last phrase from policy 19, that between 70 and 75 per cent of UCP members passed at our virtual AGM in the fall of 2020, basically, the idea from the Taber-Warner constituency for proper recall: "This provides a sense of peace and confidence for citizens and increases MLA motivation to more effectively represent the people who elected [them] and less likely to be 'whipped' by the Party." Twelve months instead of 18 months reduces what could be a 33-month period down to a 27-month period, still lots of time. It makes us feel slightly more responsive in something that we've been swimming upstream with all night.

With that, Mr. Chair, I will close, and I will ask all my hon. colleagues to please support this amendment and make this legislation as effective as possible for 4.4 million Albertans.

The Deputy Chair: Thank you, hon. member.

Are there any members wishing to join debate on A7? I see the hon. Member for Edmonton-Whitemud.

Ms Pancholi: Thank you, Mr. Chair. It's a pleasure to rise in committee and speak to the amendment that was just introduced by the Member for Cypress-Medicine Hat. It is an interesting experience to hear sort of the insight behind what, perhaps, has been going on at UCP conventions and the policies and resolutions that have been brought forward.

12:20

Just to get a picture, I think, of how far this government has moved from the positions that it claimed to take and what it represented to its members, there seems to be a significant amount of light between what they claimed they would do on many issues but particularly when it comes to recall, which is a hallmark of their platforms, and what they're actually doing here. We've had an opportunity to discuss a number of different ways in which Bill 52 does not fulfill that promise of recall by simply seeing that every step of the way this government has made it very difficult, actually, to recall an elected official, particularly an MLA.

I will say – I'll echo some of the comments made by my colleagues – that I don't hear a lot of talk about recall generally in terms of a pressing issue from my constituents although I will say that roughly about 18 months after this government was elected there seemed to be a renewed interest in recall that was coming from, yes, even my constituents, who previously had said that they didn't actually agree with recall, but suddenly after watching this government in action for 18 months, they're very interested in recall. That might explain why there's been an about-face from the position that the government has taken at least in the terms of their party platform around recall and what we're actually seeing in terms of Bill 52, in that they are, in name, putting forward recall legislation but are certainly making it nearly impossible once it became clearly evident that the MLAs that are most likely to be recalled are those within the government. Well, they managed to get around that by making the process nearly impossible to achieve.

That being said, you know, we presented a number of amendments on this side of the House to try to actually get the government to stick to their word, but it is usually a futile process to try to get this government to actually follow through on their commitments and to be true to their word.

That being said, while I have been interested in hearing the arguments from the Member for Cypress-Medicine Hat with respect to this proposed amendment, I do have to say that I don't support it. I believe that having sat on the committee, the Select Special Democratic Accountability Committee, that heard representations from a number of stakeholders, who provided their input as to what would be an appropriate waiting period after an election before a recall process or petition could be initiated, there was general consensus, I believe, in that committee and from what we heard that 18 months was a reasonable period of time.

Now, I admit there is some element of randomness in terms of picking a number, but I think, particularly when we're talking about newly elected MLAs, I do believe that those MLAs should have an opportunity to do their jobs and to, you know, take positions and to be present in House and to hear from their constituents and to advocate on those issues, and 18 months does seem to be a reasonable amount of time before a petition for recall should be initiated. That was the recommendation that came forward from Elections Alberta. It is the time period that is in the British Columbia legislation around recall.

More importantly, I think, some of the feedback that we heard at that committee was that recall should not be used as a process to redo an election where somebody was simply unhappy with the outcome of the election; it should be based on the performance of that particular MLA, and therefore having it too close to the general election is really just a matter of trying to, you know, basically relitigate an election.

I think that I would be more persuaded by the idea that we should bring that time period closer to the initial election date if it wasn't for the fact that there are incredible holes in Bill 52 around expenses and contributions and advertising limits. Right now in Bill 52 there is no specificity around what the contribution limits will be, particularly for third-party advertisers, and it could be seen that the recall process could absolutely be abused as a way for third-party advertisers that have lots of dollars at their disposal to try to basically redo an election that they simply did not like the outcome of.

So I think that there have to be some measures in place, considering the gaping hole that is Bill 52, when it comes to those limits on third-party advertisers, something which was very clearly a pressing issue when I sat on that committee, and we heard from stakeholders how important those limits were, yet we have a bill before us that has no prescribed limits. We have to simply wait for regulations, and there will be no opportunity for debate on those regulations in this House. It's really opening the door for potentially incredible amounts of dark money to be behind the scenes on these recall election campaigns. Given that, I'm not comfortable with moving the initiation of a recall petition closer to an election date. I think it will be abused to simply relitigate elections over and over again.

For that reason, I thank the Member for Cypress-Medicine Hat for his principled explanation as to why he brought forward this amendment; however, I'm unable to support it at this time. Thank you, Mr. Chair.

The Deputy Chair: Thank you, hon. member.

Are there any members wishing to join debate on amendment A7?

Seeing none, on amendment A7 as proposed by the hon. Member for – pardon me. I actually do believe that there was a member who wished to speak. The hon. Member for Central Peace-Notley, please. It is your opportunity.

Mr. Loewen: Yeah. Thank you very much, Chair. I appreciate the opportunity to speak. I'll just take a few minutes. Obviously, I'll be supporting this amendment. The 18-month time period, I think, is, you know, maybe an arbitrary number chosen. When I look at the member past policy at the UCP virtual AGM 2020, the only time frames they considered were the 120 days to collect signatures, but of course the government turned that one down as an amendment, and then that the CEO would have 60 days within which to call a by-election. The total time frame that's mentioned and discussed in that policy is actually six months.

When we look at what we have here in this bill, we have the 18-month period before a recall petition can be started, we've got two months to have the petition, we have six months to have the vote, and then the actual vote: there are six months to have that. Obviously, that's a fairly extensive time. I agree with the idea that we don't want recall to be just a redo of the election that just happened, but I think that the 12-month period is enough time to take that into consideration and make sure that the recall isn't used to just redo the election that just happened.

I think this is a reasonable amendment. Again, we have kind of an extended time frame already that's being considered in this bill

in order for a recall to happen. The longer this process takes, obviously, the more expensive, the more costly, the more red tape that has to happen. Again, since this process started going through Committee of the Whole on this bill, we've tried to find ways to make it more effective and more efficient. Again, this is just one more idea that I feel would help make this more effective and more efficient.

With that, I will concede my time and recommend that everybody support this amendment. Thank you.

The Deputy Chair: Thank you, hon. member.

Are there any members wishing to join debate on amendment A7? If so, now is the time to rise. Seeing none.

[Motion on amendment A7 lost]

The Deputy Chair: We are back on the main bill, Bill 52. Are there any members wishing to join debate? I see the hon. Member for Edmonton-Gold Bar.

Mr. Schmidt: Thank you, Mr. Chair. I would like to move an amendment to this piece of legislation, please.

The Deputy Chair: Thank you.

Hon. members, this will be referred to as amendment A8. As always, if you put up your hand, one will be delivered, taking into account the fact that we don't have pages, so there will also be copies at the tables at both entrances. I expect that the hon. member has probably already put in motion an electronic copy sent to the table.

If the hon. member could please read the amendment A8 into the record for our benefit and then continue with any comments should he so choose.

12:30

Mr. Schmidt: Thank you. On behalf of my friend the Member for Edmonton-Manning I move that Bill 52, the Recall Act, be amended as follows: (a) by striking out section 24(1) and substituting the following:

(1) A registered third party shall not incur recall advertising expenses exceeding \$3000, as adjusted in accordance with section 43(1.1), during the recall advertising period.

(b) in section 43 by (i) 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 amounts referred to in section 24(1).

and (ii) in subsection (3) by striking out clause (e).

I believe this is a pretty self-explanatory amendment. I think that anybody who has eyes to read it would vote in favour of it.

Thank you, Mr. Chair.

The Deputy Chair: Thank you, hon. member.

Are there any members wishing to join debate on amendment A8?

[The voice vote indicated that the motion on amendment A8 lost]

[Several members rose calling for a division. The division bell was rung at 12:32 a.m.]

[Fifteen minutes having elapsed, the committee divided]

[Mr. Milliken in the chair]

For the motion:

Dang	Pancholi	Schmidt
Irwin	Phillips	Sigurdson, L.
Nielsen		

Against the motion:

Aheer	Issik	Panda
Amery	Jones	Rutherford
Armstrong-Homeniuk	Long	Savage
Copping	Lovely	Schow
Dreeshen	Madu	Schulz
Fir	Nally	Sigurdson, R.J.
Glasgo	Neudorf	Smith
Goodridge	Nicolaides	Toews
Gotfried	Nixon, Jeremy	van Dijken
Hanson	Orr	Yaseen
Horner		
Totals:	For – 7	Against – 31

[Motion on amendment A8 lost]

12:50

The Deputy Chair: We are now back on the original bill, Bill 52. Are there any members wishing to speak to the bill?

If not, I am prepared to ask the question.

[The remaining clauses of Bill 52 agreed to]

[Title and preamble agreed to]

The Deputy Chair: Shall the bill be reported? Are you agreed? All those in favour, please say aye.

Hon. Members: Aye.

The Deputy Chair: Any opposed, please say no. That is carried and so ordered.

Bill 69

Miscellaneous Statutes Amendment Act, 2021

The Deputy Chair: Are there any comments, questions, or amendments to be offered with respect to this bill?

Seeing none, I am prepared to ask the question.

[The clauses of Bill 69 agreed to]

[Title and preamble agreed to]

The Deputy Chair: Shall the bill be reported? Are you agreed? All those in favour, please say aye.

Hon. Members: Aye.

The Deputy Chair: Any opposed, please say no. Carried.

We shall now rise and report. Oh, I do actually see the Deputy Government House Leader.

Mr. Madu: Thank you, Mr. Chair. I move that the committee rise and report bills 52 and 69.

[Motion carried]

[Mr. Milliken in the chair]

The Acting Speaker: I see the hon. Member for Bonnyville-Cold Lake-St. Paul has risen.

Mr. Hanson: Thank you very much, Mr. Speaker. The Committee of the Whole has had under consideration certain bills. The committee reports the following bills: Bill 52 and Bill 69. 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 Acting Speaker: Thank you, hon. member.

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

Hon. Members: Aye.

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

Government Bills and Orders

Third Reading

Bill 69

Miscellaneous Statutes Amendment Act, 2021

The Acting Speaker: I see the hon. Minister of Justice has risen.

Mr. Madu: Thank you, Mr. Speaker. On behalf of the Minister of Environment and Parks I rise to move third reading of Bill 69, the Miscellaneous Statutes Amendment Act, 2021.

Mr. Speaker, this bill is a bill that is meant to accomplish housekeeping amendments to several pieces of legislation. With that, I move third reading of Bill 69.

The Acting Speaker: That you, hon. member. Are there any members wishing to join debate on Bill 69?

Seeing none, I will give the opportunity to the Deputy Government House Leader to close debate should he wish to.

Mr. Madu: Waive.

The Acting Speaker: Perfect.

[Motion carried; Bill 69 read a third time]

The Acting Speaker: I see the hon. Minister of Justice has risen.

Mr. Madu: Thank you so much, Mr. Speaker. I do want to thank all members of the Assembly for the time that we've spent today dealing with several pieces of legislation. I do want to thank them for their contributions. With that, I move that the Assembly be adjourned until 9 a.m., Thursday, June 10, 2021.

The Acting Speaker: Thank you, hon. minister.

[Motion carried; the Assembly adjourned at 12:54 a.m. on Thursday]

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