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The 30th Legislature
Second Session

Alberta Hansard

Wednesday morning, November 3, 2021

Day 123

The Honourable Nathan M. Cooper, Speaker

Legislative Assembly of Alberta The 30th Legislature

Second Session

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Legislative Assembly of Alberta

9 a.m.

Wednesday, November 3, 2021

[The Speaker in the chair]

Prayers

The Speaker: Lord, the God of righteousness and truth, grant to our Queen, to her government, to Members of the Legislative Assembly, and to all in positions of responsibility the guidance of Your spirit. May they never lead the province wrongly through love of power, desire to please, or unworthy ideas but, laying aside all private interest and prejudice, keep in mind their responsibility to seek to improve the condition of all.

Please be seated.

Ordres du jour.

Orders of the Day

Government Bills and Orders Second Reading

Bill 75

Arts Professions Recognition Act

Ms Gray moved that the motion for second reading of Bill 75, Arts Professions Recognition Act, be amended by deleting all of the words after “that” and substituting the following:

Bill 75, Arts Professions Recognition Act, be not now read a second time but that the subject matter of the bill be referred to the Standing Committee on Alberta’s Economic Future in accordance with Standing Order 74.2.

[Debate adjourned on the amendment November 2: Ms Sweet speaking]

The Speaker: The hon. Member for Calgary-Mountain View.

Ms Ganley: Thank you very much, Mr. Speaker. I’m pleased to rise and speak to Bill 75. I think, in talking about this bill, because it’s a fairly short bill, it’s worth discussing sort of where it came from. In a certain way it is duplicated – well, I guess “duplicated” is incorrect. It’s sort of created off the legislation in Saskatchewan, but it’s worth noting a big difference between this and the legislation in Saskatchewan, and that is that the Saskatchewan legislation applies to all contracts that an artist enters into and this applies only to contracts that an artist enters into with a public entity. That significantly limits the scope relevant to the act in Saskatchewan.

That’s going to make a big difference because the act requires that these entities abide by scale agreements, which sort of tell you how much the artist is going to roughly be paid based on a number of factors. It’s sort of basically minimum standards legislation, to say that artists’ work is valuable, that you can’t have it for free, that you need to pay them something for it, that you need to remunerate people for doing valuable work. I think that that’s important. I think it’s actually important in a lot of places.

If I had to point to one of the problems with the structure of our society currently, it’s that certain work is undervalued, artists’ work certainly, and the work of raising or caring for children, educating children is also work that is often undervalued. Because of that, people think: oh, well, you know, people should just do it for the love of the work. Well, I think many of us in this place like our jobs. It’s a pretty big privilege, a pretty big honour to have that job. I don’t necessarily think that that should suggest that people should

just do it for the love of the work, because then you get a real selection problem. You don’t get diverse representation that represents the province; you get a few people who are sufficiently wealthy to be able to go for four years of their life without working, which is not a lot of people, honestly, Mr. Speaker. So this does the same thing. It just sort of suggests that this is real work. The person may love their work, but it’s still real work, it’s valuable work, and they ought to be compensated for it. I don’t think that that’s unreasonable. In that sense I think it is an appropriate step forward.

I would question why it is that the scope is more narrow than the legislation in Saskatchewan. Were there problems in Saskatchewan? Like, what is the problem that this narrowing of the scope of the act is attempting to fix? I think that that’s sort of a big question. Other than that, it’s sort of largely kind of moved right over. So that’s important.

I think another thing to recognize about this is that this is a step. It’s a good step, but in some ways it’s insufficient. It sort of typifies this government, right? All throughout the pandemic: steps that are too late, too little, that could have been implemented and had a big impact, but we chose to wait and we chose to do less. That’s, I think, extremely problematic, and it’s one of the reasons that people are mistrustful of this bill. I think that certainly it’s not as much as it could be, but I would say that it’s probably a positive step. But there is a lot of mistrust out there because there’s a lot of mistrust in this government, and that’s for good and valid reasons. I mean, I could launch into an extremely long list of ways in which this government has intentionally tried to sort of sell a very hypothetical, loosely related version of what they’re actually doing to the public. So people do feel a sense of mistrust coming forward with this bill.

I think it would be helpful if the government could stand up and explain why it is that this bill is more narrow in scope. Let’s not have any of this: contract law exists in Saskatchewan. Well, of course it does. It exists here. It exists in all places. That’s not the point. If the law of contract as it existed out there in the world was sufficient, there would be no reason for this bill. When the Legislature intervenes, when the Legislature writes a new law, it’s because they want to modify or in some way enhance the law which exists currently. To suggest that because contract law exists in both provinces, it doesn’t matter that this bill is different than that bill is just, I mean, completely wrong. So I would hope to hear that. I would hope to hear an explanation for this narrowing in scope because I think that that’s an answer that people out there in the public are asking for, and I think it’s an answer that they deserve.

You know, I think it’s funny. With this government, the more the public is mistrustful because of their past actions, the more they try to hide what they’re doing and refuse to tell anyone what’s going on and try to keep information from the public. I feel like that is totally the wrong response. If you want to increase public trust, increasing transparency, providing more information, especially if you’re doing – I mean, the government has chosen to come in and introduce this bill. I presume they think it’s a good bill. I presume they think they’re doing a good thing. From my reading of it, while maybe not as much as they could have done, it actually is a positive step. It seems very odd to me that they would be unwilling to provide that reasoning, because it can only possibly help them. It can only possibly increase public trust. I find it strange that we haven’t heard that, but hopefully we will going forward.

I think another thing that’s worth noting about this is that the bill itself sort of deals with ensuring that written contracts are sufficient, ensuring that artists are paid, ensuring that they have their working conditions respected, but it’s actually called the artists recognition act. I think it’s worth recognizing that. That’s probably not the most articulate way to put that. You know, of the things that we have all missed, each and every one of us in our individual lives, the things

that we have missed most during this pandemic are things which are not easily quantified. You hear governments talk a lot about numbers, about numbers of COVID cases and economic activity. All of those things are incredibly important, but I think that sometimes what we don't capture are the things that are not easily quantified that are important to us: our family, our friends, being able to sort of share a meal, being able to attend a theatre show or go to a gallery or to attend a live music venue. Those are things that are not easily quantified, but I think the loss that we collectively feel in losing those things is large. It needs to be recognized.

9:10

The rules under which we abide currently have vaccine passports, which I think is a very good thing, for the majority of things, so many people can go out and do a lot of things. But simple things like gathering with your family in your home, depending on the size of your family, which in some instances is more than two households – for many of us it's more than two households – are not allowed right now, and I think that's challenging. It's challenging for all of us, and I think we should take this moment to realize that our lives, that the value of, you know, each and every day to us is more than the sum of the numbers that describe it, that the things we lose when we lose access to telling our stories through theatre – theatre I reference because it's one of the things I'm most familiar with, but we tell our stories through a lot of different ways. You can tell your story in painting, dance, theatre, song. There are any number of ways to do that, but the loss of that sort of coming together and talking about our shared experience and the things that we all have in common, I think, has been very challenging for all of us.

I am glad, at least in part, for this act. I think I'm glad that we're having this conversation. I'm glad that it's been brought forward. I would still very much like to hear the explanation for why it has been narrowed relative to the law in Saskatchewan, and I'm hoping that in this instance the explanation will be genuine, that it won't be some sort of throw to the existence of the common law. I mean, if we were fine with the common law the way it is, we wouldn't be legislating about it. That's the literal point of this place.

I think a lot of that would be good, but I do want to add that the sort of basic principles in this act are good principles: the basic principle that people should be remunerated for their work in order to recognize its value, whether they like what they do or not; that people, you know, are entitled to have their work respected and not reproduced without their say-so; that they are entitled to certain working conditions. I think working conditions are critical.

Certainly, one of the things that motivated me into politics was the idea of working conditions, because a lot of people in this province don't work in the best conditions: long hours, unsafe work spaces, lack of breaks. You know, it's funny. People who are well respected and who are treated properly and who are given sort of adequate working conditions actually tend to perform significantly better, so this tendency to sort of constantly degrade working conditions and constantly treat people, like, that if they're an employee, they must be trying to cheat you – yeah; I don't really understand it. I'm glad to see that this is recognized in this bill, that those working conditions need to be respected.

To sum up, I guess this is another bill that seems like what's actually in the bill itself is positive, but it could have been more. The question we're left with isn't so much: why is this what it is? The question we're more left with is: why isn't it more? Why doesn't it do more? Why doesn't it go farther? It doesn't have to go that much farther. We actually have a jurisdiction as a model. I mean, I didn't do the back research on this bill. I'm not in government. It's not my bill. Potentially it's the case that the government did go to Saskatchewan and there were problems with

the Saskatchewan legislation and the Saskatchewan government said, "Oh, dear, don't do that," and that was why it was modified. I mean, I'm completely open to that being a possibility, Mr. Speaker. I just would like to hear what they were and would like to understand why that's the case.

I think that, you know, the public would like to hear. We talk in this House a lot as though it's us, but ultimately the purpose of this information, the reason that there's *Hansard*, the reason that everything is written down and broadcast is because this is for the public. We are representatives of people in the public, so even if the government is not interested in giving me the answers, I would hope that they would be willing to give the public the answers.

With that, Mr. Speaker, I will take my place. Thank you very much.

The Speaker: Hon. members, just for the benefit of all – and I'm sure it was just an oversight and quite likely a reflection of my lack of reminder – we are on amendment REF1. This is a referral amendment to Bill 75, the Arts Professions Recognition Act.

Is there anyone else that would like to speak to the referral? The hon. Member for Edmonton-Meadows.

Mr. Deol: Thank you, Mr. Speaker. I'm pleased to rise in the House to speak to the amendment on Bill 75, Arts Professions Recognition Act. Artists are a vital part of our society, and they're contributing to our economy. Some of the figures that came out in 2019 – I just wanted to reiterate the contribution they make to our province and our society. The report that came out in 2019 shows the arts and live performance industries contributed approximately \$1.3 billion to our GDP, and that also helped sustain nearly 20,000 jobs in Alberta.

According to the census in 2016 we had 44,880 Albertans that were employed in arts, entertainment, and recreation. The total median individual income of artists is almost half, nearly 51 per cent, lower than that of average Alberta workers' wages. The average Alberta worker's wage is approximately \$52,000, and when it comes to the arts and entertainment industries, the artists make only half of it; that is, nearly \$28,000. Artists with university credentials at the bachelor level earn an average of just \$30,000, which is 55 per cent less than the average earnings of workers in the overall labour force with the same education; you can easily earn close to \$66,000. That's more than double.

According to the analysis of the 2016 census by Hill Strategies there are 13,300 professional artists living in Alberta, the fourth-highest population after Ontario, Quebec, and British Columbia, accounting for 8 per cent of all artists in the country. Sixty per cent of artists in Alberta are female, higher than the national average and second highest in the country. As a percentage of workers the number of artists in Alberta is roughly 32 per cent below the national average.

9:20

Another important thing: I have had a chance to witness some of those instances of the Indigenous artists' contributions to the art industry. Alberta has more Indigenous artists than the national average. I remember visiting one of the high schools in the Maskwacis nation, where all the decorations in the school and those pictures were created by their local students. None of the pieces of art were brought or bought for the school. That is a contribution that Indigenous communities and artists contributed to a society.

Alberta's arts and entertainment sector has been hit hard by the COVID-19 pandemic, and in that context that we look at the bill, Arts Professions Recognition Act, it's kind of worrying that it doesn't do enough for those artists and the industry as well. The

government's lack of determination is causing instability for the venues that artists need, and the artists are watching the spaces where they earn their paycheques, some of these situations that disappeared.

Support for for-profit spaces has been seriously, like, inadequate, and venues, galleries, spaces needed to be able to stay open to pay their mounting debts. So when we spoke with stakeholders, no one told us that the contractual protection of a public entity was the number one issue or number one priority or demand within the industry. Contractual protections for engaging with the government are at the bottom of what artists are concerned about or need right now from this government. Artists told us that they need the government to enhance their economic and working conditions everywhere. Fair compensation, increased funding, marketing and promotion, and access to benefits: in this bill we don't see that.

Other jurisdictions have developed legislation – and some of them are decades old – that provide legal and employment protections and benefits, labour relations regimes for self-employed artists and producers, including workers' compensation, minimum term agreements with producers, income tax measures like staggered earnings and tax filing over multiple years to account for the creative and production cycles of artists, protections of artists from insolvencies of producers, legal aid for artists' issues, and pension programs and support for senior artists. These are some of the legislations that have been created in other jurisdictions decades ago, and that is what the artists are looking for from this government, but then we see this bill has come out with very little to the artist industry, trying to list the single demand that is actually on the bottom of the list of the artist industry.

Alberta's art and music venues have not been able to open since the pandemic hit our province. They have not had the opportunity to have even restricted openings like other businesses may have. So that also has huge negative impacts on them. Due to this, their financial support is running out. It is important to the culture of our province that these artists make it through to the other side of the pandemic. In our venues . . . [interjection] Sorry. I didn't see you there. Thank you, sir.

Mr. Eggen: Thanks for giving way. I just was interested to know, from the member's experience using and having artists as part of events and cultural events, if there's anything that resembles a scale or a standard for payment of either musicians or artists. I know you've been a very good organizer of events and cultural events. I'm just wondering if you've seen sort of a scale payment for these artists or whether, you know, something like this bill could provide some opportunity to provide a standard for how artists – performing artists, musicians, visual artists, and so forth – could be compensated. Of course, we always think: oh, well, call the musician; he'll play for charity because it's a good cause. But this is a job, too, right?

Mr. Deol: Thank you, hon. member, for giving me the opportunity to address the ongoing challenges and the challenges that are imposed by the pandemic, COVID-19, on artists and the arts and entertainment industry. Life cannot even be imagined without entertainment in our life. Rather, when we sit, drive, we are always depending on something: music. Some of the facts are even new for me. Artists also go through four and five years of postsecondary education. And after getting out of this, there's a very, very low scope not only to make their earning, if they are even able to, that is even less than 50 per cent of the average median income that any other ordinary individual can make.

I've also gone through the information for the other jurisdictions already enacted and provided. I spoke to the industry, and there is a

precedent. We're committing to address the issues related to the industry. For us, we were lucky that we could look around. There was a lot of information to learn from, and we could get the benefit of that information to address the challenges and demands of the artist industry. But in this bill it seems the government did not take that approach. That is what we're expecting. That's why we want to move this amendment, so that we can strengthen this bill so that it at least adds some clauses to the piece of legislation that is demanded by the industry, that will provide at least minimum protection to the industry.

9:30

If our venues are forced to close, artists will have no place to go to develop their careers, and the ecosystem around Alberta artists will totally suffer. Even during COVID the government support was not enough to stabilize the province: the adapt and innovate funding, the stabilize donations, matching streams, the stabilize live music grant program. I've been dealing with a number of organizations . . . [interjection] Thank you. I will give way.

Mr. Carson: Thank you for the opportunity to interject. I appreciate the comments from the member in sharing some of the conversations that he has been having with stakeholders. I think it's quite concerning, and I support the idea that this needs to be referred to committee. The fact is that what we're seeing in Bill 75, the Arts Professions Recognition Act, I would say, as members on the opposite side have referred to legislation in the past, that this is kind of a make-work project.

The problem is that there were so many more opportunities that this government could have taken to support artists within the industry. As we've heard already through consultations that have taken place, the fact is that what we're seeing here is at the bottom of what I would say is the majority of artists' and people working in this community's bucket list or very low on their priority list. Again, this is a government that has cut funding to organizations who often support arts across our province, so it's completely unfortunate that instead of making real change and taking real action to support those artists, we're seeing this.

Thank you.

Mr. Deol: Thank you, hon. member. I've been listening to a number of organizations that are set in my community, and they're almost on the verge of losing their facilities. A number of those grants available to those places were through, like, operational grants, matching grants for the operations, and for over a year and a half now, since the pandemic first hit our province, the operational activities are not ongoing. They are closed, and there is no opportunity to fund raise due to that. And then there is no grant program for the majority of those organizations or programs that existed and were working for the organizations.

This bill does not go far enough to foresee those problems and foresee solutions to those problems in the near future. As I said, the arts and entertainment industry is huge in Alberta and the other provinces, and they need support. But that is not reflected in this bill, that they will have the support they're looking for.

Thank you, Mr. Speaker.

The Speaker: Hon. members, on amendment REF1 are there others? The hon. Member for Edmonton-West Henday.

Mr. Carson: Well, thank you, Mr. Speaker. It's an honour to rise this morning to speak to Bill 75, the Arts Professions Recognition Act. I've appreciated the conversation that we've heard about the importance of arts in our communities and across the province and the struggles that they've been having through the pandemic. Of

course, we've seen many facilities, whether they be for performing arts in theatre or drama or whether we're talking about live music venues – the list is long – and, unfortunately, they have been some of the hardest hit through this pandemic. I was very hopeful through Bill 75 that we would see some concrete action to support those workers, but as I just had the opportunity to say, that, unfortunately, doesn't seem to be the case.

I do, again, support that we see this moved to committee for further discussion. I think at the end of the day, Mr. Speaker, we could have done better. As we've heard, I would start with the fact that Saskatchewan's legislation requires contracts of this nature to be created for anyone that is engaging with artists, providing protections for those who are hired within the province of Saskatchewan, whether they be a government entity, a large-scale music festival, a local bar, or anywhere else.

Again, we saw this legislation come in to Saskatchewan many years ago, upwards of 10 years ago, I believe, and instead of taking that bill, doing further consultations, and strengthening it, we actually see that the UCP has deleted parts of that legislation. I question why that is the case, and I have many further questions, but that is an important one.

The fact is that, I would say, in many instances if an artist is working with a public entity, they are more likely to have a contract in the first place compared to an artist working with a local bar might have. Maybe somebody would like to correct me if they want to share that they have experiences with public entities not creating these contracts, not following through with these contracts and potentially the struggles that the artist has faced after the fact with trying to have that taken to court and somehow this legislation is going to make that easier, but it doesn't seem to be the case, Mr. Speaker. Again, it seems much more likely that it is when artists are dealing with nonpublic entities that they are going to have the concerns that are trying to be addressed through this legislation.

When we look at some of the pieces in here regarding meeting criteria for what would consider you a professional artist, I find that interesting. I would appreciate hearing what consultation took place above and beyond what we see in Saskatchewan to arrive with this criteria. Members on this side have raised those concerns already.

I think of my own time as a graduate of the radio television arts program at NAIT, a two-year diploma program, and I consider that under this criteria I would meet at least 1 of the 3 needed, and that would likely be that "the artist has received training or acquired traditional knowledge in an educational institution or from a practitioner or teacher recognized within the artist's artistic field." Okay. I have a diploma from an educational institution; I meet one of those. I didn't receive, to my dismay, Mr. Speaker, any honours or awards or prizes or scholarships, so I wouldn't meet that criteria, but there are others who attended that program and graduated from that program that would meet that criteria.

Again, we have a discrepancy where under this criteria we have one person that graduated from the institution that would be considered a professional artist and another who wouldn't. Of course, maybe if I knew I had a contract coming up with a public entity, I could go and attend an audition or seek sponsorships or get myself an agent. That wouldn't make a lot of sense because a lot of times these contracts and jobs can be somewhat precarious and not enough to live off of in the first place, so I don't see myself getting an agent.

Again, when we talk about prescribing criteria, I have concerns. On one hand, I appreciate that we are trying to recognize the importance of artists in the province, that we are trying to . . . [interjection] I see an interjection, so I will accept that.

Thank you, Mr. Speaker.

9:40

Mr. Eggen: Well, thanks, hon. member. You know, I was just reflecting on the same thing because, quite frankly, as we heard the minister trying to explain the concept of contract law to us last time we were debating this bill, it occurred to me that you don't need any of these three things to engage in a contract for services rendered, right? To presume that a professional artist has to meet any of these three things does not stand up in basic contract law. You are making an arrangement, a contract with an entity, in this case public entities, to perform services. If that person's professionalism somehow has to be measured against these three criteria, I think that defies gravity and it defies what the minister was trying to explain to us yesterday.

Mr. Carson: Well, absolutely. I appreciate that interjection, and I completely agree with that member. The fact is that, again, we heard from the minister yesterday, with our concerns regarding the fact that these contracts should only be protected if made with a public entity I believe was the point, and the minister said: well, anyone else would be protected by contract law. Again, that kind of makes the point that this legislation wasn't necessarily needed in the first place, or if it is and it is going to protect artists further than regular contract law would, then we definitely need to hear how that might be the case. Again, have there been contracts in the past between a professional, quote, unquote, artist and a public entity that weren't upheld and potentially went to court and, again, weren't upheld there? I would be interested to hear where those concerns are coming from because in our consultations with people, artists, and associations within the industry that didn't seem to be the case, or at least it wasn't a top priority for them.

There, again, are so many issues within the, quote, unquote, industry, I guess, of being a professional artist that need to be dealt with, and I don't necessarily feel that Bill 75 is the top priority or should be the top priority for us as well.

While, again, I can appreciate that we are trying to define as best as the UCP government can what a professional artist is, it truly, as the Member for Edmonton-North West said, defies gravity to see some of this criteria and try to state that while somebody graduating, as an example, from the radio television arts program with a diploma might be considered a professional artist because they meet three of the several criteria within bill 75; I myself wouldn't because I didn't receive scholarships or honourable mentions or didn't receive public or peer recognition. I'm trying to think. I don't think so, Mr. Speaker. Maybe from members in the House here I've received some recognition. [interjection] I see another interjection. I'll take that.

Thank you.

Ms Goehring: Thank you, Member. I know we've had conversations about the interactions that you've had with artists and, you know, the ways that they've identified that they need support. I've heard you talk about the concerns of this piece of legislation and the lack of actual support that it provides, so I'm wondering if you could share some of your stories of the interactions that you've had with those in the arts community and the impact that these government decisions and policies have made since they've been elected in 2019 and some of the struggles that they've had and perhaps what actually would have helped those artists in terms of a piece of legislation as opposed to what we're in the House debating today.

Really, we've heard over and over that this doesn't do enough. It simply isn't what the artists are asking for. They're asking for support, they're asking for an ability to get back to work, and ultimately they're asking for an opportunity to share their concerns

with this government, and it simply hasn't happened. So if you could share some of their stories, that'd be appreciated.

Mr. Carson: Well, thank you for that interjection again. It is an important point. When we talk about what artists are looking for above and beyond, I suppose, fair compensation, which many of them, I would argue, don't receive, I think it's important to consider the precariousness of that work and the fact that in many cases they aren't getting compensation or considerations for things like sick pay. They aren't getting consideration for things like WCB or occupational health and safety or other employment standards even. Again, we see a bill that largely defines what an artist is, but it doesn't necessarily have the protections in place to uphold anything that might become a conflict through a contract, again, specifically only through a public entity, an agreement between a professional artist and a public entity.

Not only do we not have the opportunity for artists to have, I guess, their contracts upheld through this legislation if they are making an agreement with something that's other than a public entity – again, a local bar or venue or whatever it might be – but if you were to have an agreement with a public entity, this doesn't actually enforce any kind of contract in terms of what kind of penalties would be taken against the public entity. It doesn't talk about WCB. It doesn't talk about sick pay or occupational health and safety. Again, this government has proposed some sort of tool box approach instead of actually carrying out protections through the Legislature and through law.

Maybe we will see that through the regulations. I'm not sure, Mr. Speaker. Maybe the minister would like to speak to that. The fact is that if we don't have something to uphold these contracts, then this legislation isn't worth the paper it was written on. Again, if the minister is going to say, "Well, it will be upheld through contractual law or through the courts," then I don't necessarily see why this legislation is needed in the first place. Above and beyond this conversation of upholding contracts I know there are so many opportunities for us to tackle the idea of precarious work.

I consider my own program of study at NAIT and the idea of a four-month internship at the end of that program. I'm not going to state whether I think that's right or wrong here today, Mr. Speaker, but the fact is that there are other segments of the professional arts population and industry that need to be recognized, that need to be accounted for, and there are currently no laws governing these portions of the community and these portions of the industry. These are other important conversations, that as an unpaid intern you aren't falling under Alberta's laws in many cases. The situations are completely different. You aren't, in many cases, getting paid at all. There are so many things that we should be tackling right now, whether it's about actually creating . . .

The Speaker: I'm reluctant to interrupt as I do try to provide a wide latitude with respect to relevance. However, we are on a referral amendment, and it has been quite some time since I have heard any reference to such a referral amendment.

Mr. Carson: Thank you, Mr. Speaker. I appreciate that. Again, I am supporting the idea of referring this to committee, and I will just get back to looking at the legislation itself. We see on page 3 that section 2 here describes:

A public entity shall undertake, as far as it considers reasonable and appropriate, to . . .

Again, these are phrases that I would be interested to find out how we can define or uphold that.

. . . respect, honour and in good faith abide by scale agreements of artists' associations representing the interests of professional artists engaged by the public entity.

Again, it's up to the public entity to decide how far they consider reasonable and appropriate to uphold their contracts.

I mean, maybe this is just general lawyer talk, but when I see something like that, I'm concerned that they have the final say on what is considered reasonable and appropriate. Of course, if it goes before our courts, then they would have the final say. But if an organization, whether public or not, tells me that, "Well, we think this is reasonable and appropriate for you to do within your contract," that doesn't necessarily mean that it is actually the case.

So for that and many other reasons I, again, support the idea of the referral motion that's on the floor, that we move this to committee to further study whether it was the right decision to make to remove the idea of all contracts, not just contracts with public entities, from this legislation.

9:50

Even the idea of what meets the criteria of a professional artist, I think, is another examination that needs to be made, Mr. Speaker. I think that we need to have a real conversation about the challenges that artists across the province are facing because, again, from the conversations that we've had, this doesn't necessarily meet that mark of what's most important and what's a top priority to them. I've stated on the record already that I appreciate that we are seeing in principle formal recognition for artists through this legislation and the value that they hold within our society. There's no doubt about that. But the next piece and the next step needs to be how we are going to support them, and do I think Bill 75 is necessarily doing that in a way that we can best be supporting those artists? I don't.

I'm very interested to hear more about this conversation not only within the House here, but if it were to be accepted and moved to a committee, we would be able to bring in industry stakeholders, whether they're associations, whether they're unions representing these artists that are described in this legislation and potentially associations and organizations that are representing artists that might not fit within the criteria of this legislation as well, if we should be considering expanding the criteria and the definition of what a professional artist is compared to what we're seeing here in the legislation.

There's no doubt that on a film set there are so many different fields of profession and artist, whether you are a cosmetologist or a hair stylist – of course, much more is entailed with that – whether you are a boom mic operator, whether you are a camera person, whether you are postproduction, preproduction, whatever it might be, and there are so many different contracts that apply to all those workers. We see in this that, again, within a public entity's contractual obligation they respect in good faith associations' interests, professional artists' interests and that the contracts that are likely created by those associations would be upheld, but we have just left out such a large segment of this industry that it just begs the question whether this legislation is ready to move forward and to be proclaimed or else whether we could be doing more to support those workers.

There are just so many questions left, and we've heard many of them. I hope that we will hear from the minister again today about why we didn't include entities other than public. If contractual law will uphold those that aren't recognized by this, then why did we need to do this in the first place? If there are through regulations going to be teeth added to this in terms of penalties, fines – and, again, we're reflecting on things that should be considered if this were to be referred to committee, Mr. Speaker. Why the government made the decision to stick to a tool box approach of having an online portion that would give some tools to artists and potentially entities that are considering going into a contract together but instead of enforcing it through legislation or through

regulation, that they are going with a tool box approach, which of course is much less, I guess, official: that's always concerning to me. When we say that we are going to do something after the fact and we have to wait and see how that actually turns out, that's always a concern.

There are a lot of questions left. We have a lot of work to do to support the arts industry in our province, and I think that when we see decisions that have been made by this government that have resulted in funding cuts to some of these public entities and to some of these nonprofit organizations, these are decisions that affect the arts industry.

Thank you.

The Speaker: Hon. members, on amendment REF1, the hon. Member for Chestermere-Strathmore.

Mrs. Aheer: Thank you very much, Mr. Speaker, and thank you for the opportunity to speak. I just wanted to give a little bit of anecdotal information as well. I'll just read to you some of the legislation from Saskatchewan in particular that's been actually enacted there for some time.

"Artists and the business sector have not always approached working together with the same understanding of agreements," Tourism, Parks, Culture and Sport Minister Dustin Duncan said. "This legislation is designed to help increase . . . understanding and to strengthen . . . relationships."

That's exactly what this legislation does, Mr. Speaker. In fact, the biggest problem that we have as musicians sometimes is those relationships and the ability to actually acknowledge the work that's being done. You cannot spread any work on contracts or anything until you have an understanding of the value of the people that you're dealing with.

I wanted to say, too, that my sons and I are both musicians. Now, I consider myself a professional musician, Mr. Speaker. Other people may not. It depends, and I find it interesting, the discussion around professional musicians, because many of the people in the NDP in particular are musicians and have played and have been paid for those or else have performed on stage. In fact, I saw the MLA for Edmonton-City Centre not even two and a half years ago on stage performing a really, really wonderful quartet with a group here from Edmonton. Whether or not he was paid for that, I don't know. It's irrelevant, but he was obviously considered professional enough to get on the stage at the Jubilee here in Edmonton to be able to do a wonderful, wonderful concert and the acknowledgement of that.

[The Deputy Speaker in the chair]

It would be interesting to find out from him whether or not he got paid for that or whether there was a contractual obligation or whether or not that was done volunteer. I know for myself I'm a professional musician. I've been paid to be a musician my entire life, and my children also, through either work in the community through nonprofits or through being paid, have either taught, participated in, or been paid for their work. That's been happening for them since they were, relatively, 13 and 15, so the designation of professional could or could not be indicative of how they were paid at that time, but they were certainly compensated.

The contracts that I have personally been involved in in my lifetime, whether that is through the private sector or whether that was through the public sector: contractually it was up to me to make sure that those contracts were solid, but I cannot recall a time in my life as a musician where those contracts were not honoured either in the public or the private sector, and it's not about that. It's about making sure that the contracts actually are valued and that the

required pay is there so that the tool kit that the minister has brought forward through the arts profession act is there to help people understand contracts.

I come from a business world, so creating a contract, for me, was not an issue, because that's where I come from, but for new musicians or people who are coming into the province – and the minister has said this over and over again. We want to attract people to this province. We want artists to have a home here. The tool kit that he's providing for these artists will give them the starting point to make sure and understand how those contractual obligations should look, whether that's in the private sector or in the public sector.

Quite frankly, to our opposition, it's our responsibility to lead by example. If we have that contractually put into legislation by the minister, it holds us accountable as a government or any other public sector to lead by example, and I really appreciate the fact that the minister has brought forward this legislation. I appreciate the fact that it brings forward those important discussions so that artists can live and have their best lives here and bring their families and have those jobs that they want to have.

If you look back, too, I was looking back into some of the former government's legislation to see if there had actually been legislation around artists, and there wasn't. In fact, there was an opportunity that was lost in 2016 in order to be able to leverage government dollars from the federal. I believe it was billions of dollars that were brought forward in 2016, Madam Speaker, in order to be able to leverage federal dollars here in the province along with provincial dollars in order to elevate artists. The NDP lost that opportunity as well, and it happens. There are things that are happening. There's legislation, other pieces. I don't dispute for one moment that they care about artists. I know they do, and I know that there is a deep, deep love of the arts between the opposition and with the government.

But I will say this, that there was absolutely – if you actually care about contractual obligations, you have to lead by example. You have to have that in legislation so that for those of us – when the minister is bringing in folks for cultural events or singing events or anything like that, we want to be able to lead by example here in the government, Madam Speaker, that our minister is making sure that people are being paid their value and that there's a contract to honour that. We will lead by example for that. Again, my entire life I've been a gig artist. I've sung in operas. I've been in multiple organizations and also in the nonprofit.

10:00

My sons and I did a video just this week for Remembrance Day, where we were getting together to practise and put a song together. We had somebody come by who donated their time to our household just to videotape and help us out with that, because it's hard to get that all organized. She was there for seven and a half hours, just to sit and help us to get organized. Basically, what we're doing is that we've put a song together that we're putting into the schools for Remembrance Day this week, because obviously all of the events are virtual still, to some degree. So we put this video together – and this is just our little family, Madam Speaker – spent seven hours on a Saturday putting this together, practising everything, recording, and all of that, and that's just our household. Because we're musicians, we actually have access to all of that.

We had a volunteer who was willing to come in and do that. Outside, in the real world, it is not always honoured or even understood that it took that amount of time to put one song together. It's interesting. A lot of folks assume that you just show up and sing or that you just show up and play. The minister is very understanding of this. He has a whole family of musicians who

practise around him all the time. I've known him for a long time, and I know the violin. I remember watching the videos that he used to send us all the time of his grandchildren playing when they were teeny, tiny, from then to the really lovely young professionals that are in his family now, and that took time and effort and patience and teaching and the love of music within family.

If you don't honour that within legislation – and it's interesting. I'm not saying that there's not room for improvement, and I'm sure the minister would agree. This is a stepping stone. It's a stepping stone to acknowledgement. I mean, there was a ton of consultation done on this, and if we've missed somebody, I'm very sure the minister would be really happy to hear from anybody that has any other information that they'd like to add into this legislation or to bring forward in terms of tweaking any of the recommendations that come out. But the truth is that if you don't start with something like this, there is absolutely no ability to move forward to honour the artists in this province.

This is everything, and the freedom of expression piece is probably one of the most important things that we'll ever see. [interjection] Go ahead.

Ms Goehring: Thank you. Considering that we're talking about the referral, I would like to know your insight and your thoughts about any harm that perhaps would come from sending this to committee. I hear you saying how the minister would be open to hearing further feedback. In our opinion and why we requested the referral, this would provide a wonderful opportunity for that feedback to occur. So if you could speak to that, I'd love to hear it.

Thank you.

Mrs. Aheer: Thank you so much. The issue that I would have with a referral – and thank you for putting me back on track – is that it's actually stopping this legislation from going forward. To the MLA's point, they were the first to close and last to open. We have to – we absolutely have to – show support to our sectors. We absolutely have to make sure that legislation is there so that as they go forward, especially right now, they're honoured as fast as possible.

In terms of referral, the minister has an open door. I believe with all of my heart that for anybody who has any other interesting or important things that they need to add, I would highly recommend that the members bring that forward to the minister as soon as possible so that if there are any changes that need to happen, the minister understands what is happening and is able to actually describe it. I think that when we take legislation like this and it's twisted into language around whether a person is professional or not – and let me be very, very clear. The definition of professional is subjective in the arts. We all know that. That's why it has to be in the legislation. A person is not professional because they have awards or anything like that.

Let me tell you that I went to school with a lot of amazing musicians who never received a single award or bursary but are the ones that are actually able to monetize right now because they have market savvy, because they have the ability to show their art, because they've worked in the background, because they do multiple jobs. I know, again just from my experience, that I don't just sing professionally, but I've run sound, lights, background, backdrops, props – and you don't want me on props. I'm horrible at building props, but I've helped out in every capacity I can. I've painted every set known to man, and I have a regular gig with youth singers where I bring out the music stand. Because I'm so bad at making props, they give me a volunteer position there, which I'm very grateful for and always try and fulfill to the best of my ability.

When it comes to being able to honour that, those people may not be, quote, unquote, professional in terms of, like, how you would

have a professional designation, say, to be a lawyer or a doctor or anything like that, but they are as professional as people come. It has nothing to do with credentials from university, nothing to do with how you studied or where you studied.

My oldest son is taking his RCM, his Royal Conservatory of Music, grade 10. He's been working on it for two years because of COVID. It is a massive undertaking, Madam Speaker. A massive undertaking. It is seven large art songs in three different languages plus all of the technical work that goes into that plus history and harmony and theory. It's a tremendous amount of work. He has put an amazing amount of time into it. Yes, that may give him a professional designation, but if you think that he's going to get paid more for that designation versus somebody who is an arts singer, who writes music on their guitar and is working from that perspective, that's not going to happen. It depends on the contract, it depends on what is needed, and it depends on how that person is valued, which is what the minister is trying to do.

The minister is adding value to an important sector that brings billions and billions of dollars into our province. We are so underfunded by the federal government comparatively with every other province that if the minister did not bring this forward – he does not have the leverage to be able to leverage those federal dollars to make sure that we have money coming in not only from our province but also from the feds as well. Like I said, the opposition formerly did not leverage those dollars in 2016. It was missing from their budget. Actually, the former minister called them out on that in opposition when those dollars were not leveraged. I think it's really, really important that we do everything we can to support the artists. [interjection] Go right ahead.

Mr. Eggen: Hey, no problem, and thank you for that. I'm just curious to know the specifics of what you're talking about in regard to how this bill can leverage federal money. I wasn't aware of that, and it would be very helpful for us to understand if there's a federal standard that this provincial government must meet somehow that would then allow federal grant money to be forwarded to artists performing here in the province of Alberta for public gigs, for lack of a better word. If you could maybe point specifically to that and how this bill somehow maybe helps to allow that federal money to flow, then that would be great.

Thanks.

Mrs. Aheer: Well, specifically, Madam Speaker, it is the fact that there needs to be a piece of legislation that acknowledges artists in order for the minister to say to the feds when – as you know, with any program that comes from the federal government, they have particular criteria around absolutely everything. With the minister having this particular piece of legislation – and it's not specific; it's actually broad – it broadens the scope for absolutely everything within the arts in order to be able to say that Albertans are savvy artists, that we have the capacity here. Are we oil and gas? Yes. Are we manufacturing? Yes. Are we agriculture? Yes. Are we transportation? Yes. But we are also filled with some of the best and most wonderful artists and performers and media and the film industry.

The film industry is going to have the best year that they've ever had on record in this province this year despite COVID. Why is that? Because we're creators, Madam Speaker. Why is that? Because we have the capacity. It's not just our beautiful vistas – that's part of it – but we have some of the most hard-working, resilient people in this province, and the minister is honouring that.

That alone – that strength, that character, that acknowledgement – is immensely powerful for him as he goes forward to leverage

those dollars, and I fully expect that he will be doing that, especially because the federal government has promised billions of dollars across the country. We've been left out of that over and over again, not just because the dollars weren't leveraged but because the federal government only puts money into specific things. For example, it has to have a federal name to it, like, for example, the museums. I'm sure you probably had the same situation when you were in government, that money only goes to specific museums if they fall under the acts that are Canadian.

Well, if the minister has this act, not only can he fight on behalf of the artists here in the province, showing the level of professionalism that we have here, having that be backed up by the artists here, knowing that they're being honoured for the work that they do, but it's a tremendously huge piece of leverage for him to bump up the dollars that come to our province, which we deserve for our artists, to make sure that those programs are there. He's going to have a fight on his hands because the criteria at the federal government level are also very hard, so having a piece of legislation like this gives him a tremendous amount of leverage to show the savvy of the artists in this province.

10:10

I'll tell you that as a person who's been in the private sector my whole life until I was privileged to be in the public sector in this space, I made my living being a musician. It is sometimes five, six, seven jobs a day, and when you have a baby and a family and all of that, that is – I'm glad that I was really young when I was doing that because I was able to do those jobs. But you're teaching, and you're playing, and you're part of three ensembles, and then you have a gig at 1 o'clock in the morning. It's not an easy way to pay the bills but, I will tell you, probably fundamentally one of the best times of my life, and I truly was honoured by the people that I played with. As a result of that – and that was within a small community.

What the minister is doing is making Alberta the community. It's not just amongst the artists. It's not just amongst the people who know each other. We recognize each other's value. We understand what is necessary. The minister is bringing this out to the people. The minister is recognizing in legislation, formally and publicly, that all of us recognize the arts.

There was actually a study done a few years ago showing how many people believe that the arts are necessary. I know it seems like a silly question. I think we all believe in that here. It was 90 per cent of the people that were surveyed, and I believe that over 1,500 people, if I remember correctly – Minister, you can correct me if I'm wrong – were surveyed as to the importance of the arts. It was in the 90 per cent space on how important that was. That was pre-COVID. Calgary had done a study on music city in trying to understand where the arts were going. Maybe because I work in the sector, it was always obvious to me, but for those who don't maybe know how important it is, it's that important.

I wanted to say also that in their legislation in Saskatchewan the spirit of the legislation isn't around making sure that they are fighting for particular contractual obligations. It's an acknowledgement of how important the arts are. I'll read you another piece from the legislation just so that you understand, like, the spirit of what the legislation was trying to accomplish. It says here:

The Government of Saskatchewan is pleased to announce that The Arts Professions Act is now in effect and with it, a focus on growing and strengthening the arts sector by promoting effective business practices . . .

Promoting, not enforcing. Promoting, Madam Speaker.
. . . between artists and those who contract their services.

Yeah, it's a little bit broader, for sure. But there is in no way in the legislation a push to have any sort of penalties for that. It is extremely aspirational, which is really important, and effectively is promoting good business practices.

Again, the minister is putting a tool kit out in order to be able to promote and help, and the staff will be available to help artists, Madam Speaker.

Thank you.

The Deputy Speaker: Any other members wishing to speak to the referral amendment? The hon. Member for Edmonton-North West.

Mr. Eggen: Thank you, Madam Speaker. I appreciate the opportunity to support the referral motion as brought forward by, I believe, the hon. Member for Edmonton-Mill Woods. I think that as I listen to the debate continue on, the more struck I am by the need to take a step back, to make sure there's clarity around this bill. I see that there is lack of clarity as to purpose, right? If it is an aspirational bill to encourage people to engage in contracts with artists in the broadest possible way, then, I mean, that's one thing. If it's an acknowledgement of the contributions of artists, then that's another thing besides.

One of the two areas that I have the most concern about is the definition of a professional as outlined by this bill in its current form. Again, I think it's clear that a professional is someone who is taking money for services rendered. Anything around education or having an agent or a degree in music or something like that, I mean, is beside the point, quite frankly. As the last speaker very correctly pointed out, some of the people who work most professionally, as in collecting a regular paycheque, in the arts don't necessarily have any of these criteria as outlined in this act.

You know, for us to somehow narrow that scope I just think is beside the point. I take the point that the minister wants to acknowledge and that we all want to acknowledge the contribution of artists in our province. I think that it's one of the best value-added ways by which we can help diversify our economy and to build a better foundation for community and all of those things, but I would suggest that if you ask any artist group or any individual, the best way that we can support them through legislation is by having substantive ways that compel people to have a contract, compel the private sector to engage seriously with artists, and compel investment that is equivalent to also protecting and to reimbursing artists and so forth. [interjection] I would love to take the acknowledgement, but I also want to adjourn debate at this time before moving forward.

Thank you.

[Motion to adjourn debate carried]

Government Motions

Equalization Payments

101. Mr. Kenney moved:

Be it resolved that the Legislative Assembly:

- (a) recognize the results of the referendum held on October 18, 2021, where 61.7 per cent of voters supported removing section 36(2) of the Constitution Act, 1982, Parliament and the government of Canada's commitment to the principle of making equalization payments,
- (b) reaffirm the principle articulated by the Supreme Court of Canada in the 1998 reference re secession of Quebec that it is "the constitutional right of each participant in the federation to initiate Constitutional change" and that "this right implies a reciprocal duty on the other participants to engage in discussions to address any

legitimate initiative to change the constitutional order,”

- (c) authorize an amendment to the Constitution of Canada to be made by proclamation issued by Her Excellency the Governor General under the Great Seal of Canada in accordance with the schedule set forth below, and
- (d) direct the government of Alberta to take all necessary steps to secure a fair deal for Alberta in the Canadian federation, including the reform of federal transfer programs, the defence of provincial powers enumerated in the Constitution, and the right to pursue responsible development of natural resources.

SCHEDULE

AMENDMENT TO THE CONSTITUTION OF CANADA

1. The Constitution Act, 1982 is amended by repealing section 36(2) thereof.
2. This Amendment may be cited as the Constitution Amendment, [year of proclamation].

[VERSION FRANÇAISE]

MODIFICATION DE LA CONSTITUTION DU CANADA

1. Le paragraphe 36(2) de la Loi constitutionnelle de 1982 est abrogé.
2. Titre de la présente modification: Modification constitutionnelle de [l'année de la proclamation]

The Deputy Speaker: The hon. Premier.

Mr. Kenney: Well, thank you very much, Madam Deputy Speaker. This is the motion pursuant to the referendum. [interjection] Okay. Actually, this has already been moved, so I guess I don't need to table it. I'm rising to speak in favour of the motion, I should say.

This is the motion that is pursuant to the referendum held on October 18, Madam Deputy Speaker. In the last general election the United Conservative Party committed in its platform to hold a referendum on the principle of equalization in the Constitution in order to give Albertans an opportunity to express their deep sense of frustration in how the federation operates, decades of unfairness, and to give Albertans an opportunity to say yes to a fair deal in the federation. Albertans came to the polls two weeks ago to do so in enormous numbers, with 62 per cent voting in favour of this proposition.

10:20

I should point out, Madam Deputy Speaker, that in the Fair Deal Panel review, which was mandated with assessing how Alberta could strengthen its place in the federation, they recommended precisely this question.

Madam Deputy Speaker, Albertans, as I've always pointed out, are proud Canadians, and that is reflected by the fact that we're the only Legislature in the country to have every flag of every province and territory in our Assembly. Alberta is home to more migrants from other parts of Canada than any other province. In that sense we are demographically, I believe, the most Canadian province.

Later on this morning we will gather in the rotunda of this place to mark Remembrance Day and to give thanks in silence for the sacrifices of Canadian soldiers who went to foreign battlefields to defend Canada, to defend our democratic values, to defend human dignity, and nothing binds us more deeply to Canada than those sacrifices and those battles that we have fought together. Let there be no doubt, Madam Deputy Speaker, that Albertans are proud

Canadians – I believe we can say the proudest of Canadians – with one of the highest levels of participation in the military historically and with such an enormous contribution to the prosperity of the federation.

Indeed, according to the research initially done by University of Calgary professor emeritus of economics Dr. Robert Mansell, Albertans have contributed net \$630 billion more to the rest of Canada than we have received back from Ottawa in transfers and benefits since 1965, and in the past decade, despite COVID, we have contributed \$200 billion net more to the rest of the federation through our federal taxes. Now, these are not transfers between the government of Alberta and the government of Canada. Rather, these constitute net fiscal transfers between Albertans as federal taxpayers and what comes back to this province in the form of federal benefits and transfers: \$630 billion, \$20 billion a year in recent years.

Madam Deputy Speaker, over those recent years we have seen Alberta in a period of prolonged economic adversity. Beginning in roughly 2015 we saw our GDP collapse, our economy collapse from an output of \$362 billion a year to as low as \$320 billion a year. We saw a 20 per cent decline in our economic output at the height of COVID. There was a 10 per cent decline in our economic output prior to being hit by COVID. In that context in 2015, 2016, 2017, 2018, 2019 we continued to contribute \$20 billion a year more to the rest of the federation than we got back in services and benefits.

Now, at the same time, Madam Deputy Speaker, the province of Quebec saw its equalization transfers from the national government increase year after year after year to over \$13 billion even when it was in a period of sustained economic growth, so effectively we had unemployed Albertans and underemployed Albertans through their federal taxes transferring funds to a province which had lower unemployment, which had a surplus while we had a massive deficit, which had dynamic growth while we had a sustained and deep recession. That one fact alone underscores the sense of unfairness in this province.

Let me be clear. Albertans are generous. They are proud to have been able to share much of our prosperity with the rest of Canada when times have been good here but bad elsewhere. Madam Deputy Speaker, what we cannot abide and what we will no longer abide, through this motion, is a system where we are compelled to subsidize public services in other parts of Canada while our ability to generate the wealth that creates those transfers is constantly impaired and impeded by policies of the national government and indeed of some other provinces. All of this has been happening.

[Mr. Reid in the chair]

Obviously, Mr. Speaker, there are deep historical roots of alienation that go back to the very beginning of the federation, the inclusion of Alberta and Saskatchewan, in particular, in the federation in 1905, when these provinces alone were not initially granted ownership over our natural resources, when these provinces were granted fewer Senate seats than provinces in central and eastern Canada, when these provinces were treated under the national policy effectively as quasi-colonies of the national government. Alberta governments fought decade after decade to strengthen our position and gradually did so, most notably with the success of Premier Brownlee and his government in obtaining the National Resource Transfer Act, which established provincial ownership over natural resources. Thank goodness they did that.

We saw that fundamental unfairness over the decades, most notably in 1981 with the imposition of the national energy program on this province, which had, as we all know, a devastating economic,

social, and human impact. There are hundreds of thousands of Albertans who still have deep and bitter memories about that period, when the national government effectively came into our backyard, took over our property, told us how to run our affairs, and virtually confiscated – well, did effectively confiscate – tens of billions of dollars of value from our largest industry, pushing the real estate market here into a tailspin, throwing tens of thousands of people out of work, destroying thousands and thousands of businesses, leading to great human misery in the province. Albertans remember that.

That's why we fought constructively for this province as Premier Lougheed did in securing section 92A in the newly patriated Constitution Act of 1982, which was effectively a response to the national energy program by affirming exclusive provincial jurisdiction over the regulation, the production of natural resources, including specifically oil and gas, a critical victory to reinforce the National Resource Transfer Act of 1932. Yet despite have secured that clear, exclusive provincial authority over the development of our resources, we have seen under the current federal government policy after policy, law after law, regulation after regulation, an effort to once again interfere in the development of our natural resources and injure our economy.

The decision of Prime Minister Trudeau to veto arbitrarily the Northern Gateway pipeline project of Enbridge even after it had received conditional approval from the National Energy Board, even after it had received the approval of the federal Governor General in Council, even after it had gone through years of exhaustive review – Mr. Speaker, Justin Trudeau, with the support of the leader of Alberta's NDP, stepped in and killed the project that would have represented tens of billions of dollars of value and an incalculable number of future jobs for this province. At the same time, the same Prime Minister surrendered completely to a veto of the Keystone XL pipeline presidential permit application, which was signed by President Obama 48 hours after Justin Trudeau became Prime Minister in what was clearly a set-up that stabbed Alberta in the back. A project that would allow us to ship an additional 840,000 barrels a day of Alberta energy to U.S. markets: killed by a U.S. administration with, I believe, the de facto complicity of the current federal government.

10:30

Then federal regulations imposed on the National Energy Board resulted in that board applying a bizarre new test to Enbridge's Energy East proposed pipeline, which would've forced that company to take responsibility for upstream emissions associated with the production of energy shipped by that pipeline and downstream emissions of the consumers, who are basically people driving trucks and cars in New England. Enbridge had been told that they had to take responsibility in the operation of their pipeline for truck drivers and people heating their homes in New York and Massachusetts as the end-of-line consumers but also they had to take responsibility for emissions associated with the production of that energy, in other words double and triple counting emissions for a pipeline which is virtually emissions neutral.

Quite understandably, after having spent a billion dollars and seven years on the project, Enbridge threw up their hands and said: there is no feasible way that we could meet this ever-changing, bizarre federal regulatory standard. They abandoned their application at the National Energy Board, killing the dream, at least at this time, of Canadian energy independence, forcing Irving on the east coast to continue to unload a supertanker of Saudi crude every week into the North American market, empowering OPEC dictatorships, enriching OPEC dictatorships at the cost of Alberta workers. That was the effective result of the surreptitious decision

of the government of Canada under Prime Minister Trudeau to kill the Energy East project.

Then, of course, Mr. Speaker, we saw from our friends in British Columbia years of lawfare, harassment, political and otherwise, of the proposed pipeline from Edmonton to Burnaby, at that time associated with Kinder Morgan.

Of course, we saw the introduction of Bill C-48, the so-called tanker ban, which is a first in Canadian history. It identified a product that is really only produced in one province, Alberta – that is bitumen – and said that it cannot be exported off the northwest coast of Canada. Let me pause there just to point out the irony, Mr. Speaker. The port of Vancouver exports more coal than any port in North America. In fact, it exports coal produced in the United States. It exports not just metallurgical coal but high-emitting thermal coal to fuel coal-fired power plants that are being built in Asia, and that's being exported from a federally owned port. The federal government, that actually makes money off of that through tolls out of that port, tells us that a private company cannot spend billions of dollars, creating jobs disproportionately for First Nations people, to go to the west coast in partnerships with First Nations to export Alberta energy. That was the effect of C-48, which, following the rejection of Northern Gateway, effectively slammed the door shut on any potential future efforts to create a northwest coast bitumen pipeline.

Then, insult to injury, Bill C-69, what we in Alberta call the no-more-pipelines law, the Canadian Environmental Assessment Act, which turns the Constitution on its head by granting to the federal government effectively unlimited powers over environmental assessment and regulation even in areas that are clearly and exclusively within our jurisdiction such as the development and regulation of our natural resources. Now, Mr. Speaker, it is such a flagrant violation of our constitutional prerogatives that we have kept our commitment to Albertans by challenging its constitutionality through our judicial reference to the Alberta Court of Appeal.

Mr. Speaker, as I said yesterday in debate on the motion to ratify the election of Alberta Senate nominees, the Senate of Canada, the majority of whose members were appointed by Justin Trudeau, a Senate that has only six Alberta representatives, voted to empty Bill C-48, basically to delete the bill because they saw it as being so prejudicial and so damaging to national unity and national prosperity. Remarkable. It went back to the House of Commons, and what did Prime Minister Trudeau do? He repopulated the bill and shoved it down the throat of the Senate and of Albertans and of the First Nations who object to it, who were never consulted on it.

Bill C-69, the no-more-pipelines law. Again, the Senate of Canada accepted and adopted virtually every substantive amendment proposed by the government of Alberta and the Canadian oil and gas industry. To me that's remarkable. We had Senators from every province in the country understanding the damaging effect of that bill to national unity and national prosperity. Yet the man entrusted with being the ultimate custodian of national unity, the Prime Minister, disregarded the advice that he received from his own appointees in the upper Chamber and dismissed completely the profound concerns of the people and the government of Alberta. Well, at that time I can't say that the government of Alberta was profoundly concerned but certainly the people of Alberta. I say that because the NDP, of course, was in cahoots with the federal government on Bill C-69. Mr. Speaker, these are measures that were being taken in the midst of a prolonged recession in this province, the province that has been the money-maker, the bill payer, for the federation.

Now, let me add, Mr. Speaker, that the constructive role we have played in the economic history of modern Canada is not limited to

fiscal transfers through the complex system of fiscal federalism although that \$630 billion is important. It has helped to pave roads in New Brunswick, to build hospitals in Newfoundland, to subsidize daycare rates in Quebec and tuition rates in Quebec and corporate tax rates in Quebec. It has helped to subsidize, by the way, public services through equalization in those provinces that have refused to develop their natural resources, that have put a ban on oil and gas development, and that have frustrated pipeline projects.

In fact, the province of Quebec, pour laquelle j'ai énormément de respect, évidemment, M. le Président, le moment que j'ai été élu comme premier ministre de l'Alberta, j'ai parlé pendant plusieurs minutes aux Québécois et Québécoise de l'importance de l'alliance historique entre l'Alberta et le Québec. J'ai lancé un appel pour être les partenaires dans la prospérité et j'ai établi une relation productive, je dirais, et respectueuse avec le premier ministre du Québec, François Legault.

Nous admirons les Québécois et les manières dans lequel ils ont lutté pour leurs intérêts dans la fédération canadienne, mais cela dit, M. le Président, c'est pas acceptable pour les albertains que le gouvernement du Québec profite des richesses des albertains et le travail des albertains quand il bloque effectivement l'exportation de l'énergie de l'Alberta qui produit ces richesses.

I'll translate, Mr. Speaker. While we love and respect our Quebec friends, in fact, on the night this government was elected, I spoke publicly for several minutes in French to Quebecers, saying how much we respect them and that we want to be partners in prosperity with them and that we admire the way in which Quebecers have fought so diligently for their own interests in this federation and that we want to renew the historic alliance between Quebec and Alberta. While all of those things are true and while I have established a respectful relationship with Premier Legault, it is not acceptable for that government to play a de facto veto over pipelines that would help us produce the wealth that effectively we transfer to Quebec and from which they benefit.

10:40

Mr. Speaker, with all of that as context, with all of that and more as context, Albertans have said very simply that we want to continue through the federation to share our good fortune. We acknowledge that we have a high per capita average income and we acknowledge that's one of the reasons we pay a higher relative level of federal taxation and we are grateful that we have the natural resources and the ingenuity and work ethic to generate that wealth, but, Mr. Speaker, where we draw a line in the sand is when other governments go out of their way to frustrate the development of those resources and the exercise of that ingenuity and work ethic. That is where we say that enough is enough. Albertans cannot be expected to continue to pay the freight if other governments in Canada will not allow us to develop the economy that pays those bills. That is the context which has led to this resolution, to this proposed constitutional amendment, to this referendum that was held on October 18.

I know that many commentators have been typically dismissive of the decision that Albertans made, that they didn't know what they were voting on, like Albertans aren't smart enough to understand these issues. How condescending. How typical of some of the Laurentian elites, but we heard it from the NDP. We heard it from the bien-pensant commentariat here in Alberta. You know, these people don't really understand any of these issues. I'm trying to use parliamentary language here, Mr. Speaker, but that is incredibly insulting. Then they said: oh, well, there wasn't sufficient turn out on this; 62 per cent, Mr. Speaker. On a municipal election 62 per

cent in favour. Now, oddly enough, the media reported the election of the mayor of Calgary as a historic landslide. The yes side on this referendum received more votes than that mayoral candidate did on the same day.

Let's put aside all of these spurious objections, Mr. Speaker. Then they say: well, this is just entirely symbolic and it has no effect and the province can't initiate this amendment. I invite those critics to actually read the Quebec succession reference of the Supreme Court of Canada from 1998, which effectively said that if a province holds a referendum on a proposed constitutional amendment with a clear question and a clear majority votes in favour, the government of Canada has a binding obligation to negotiate that proposed amendment, quote, in good favour, unquote. Now, some have said: well, that's a misreading of the Quebec succession reference because it was in the context of specifically a referendum on succession. Now, I believe that's a disputable point. Even if we accept the merit of that argument, there is zero doubt that this Legislature can initiate a constitutional amendment process through the adoption of a resolution to that effect, and that is exactly what we are debating in this House right now.

Mr. Speaker, for skeptics or people who are confused about this, I would refer them to a thoughtful paper written by Rainer Knopf, professor emeritus, University of Calgary, for the Fraser Institute which walks through all of the relevant jurisprudence in this regard.

This motion is before us, in a sense, for greater certainty. For greater certainty. We believe that the referendum held under the laws of Alberta, a free and fair referendum with a clear question and a clear majority voting in favour, is sufficient to trigger the process of a constitutional amendment, but for greater clarity we have given members of this place the opportunity to adopt this resolution formally and undoubtedly to initiate the process. What is it that we are seeking from this amendment, Mr. Speaker? Well, as I've said, I don't think that Albertans object to sharing wealth across the country within reason. Within reason. But the facts that I have just laid out are unreasonable.

Fundamentally, what we are seeking in initiating this amendment is the opening of a formal dialogue and a formal negotiation with the government of Canada over our role in the federation and our demands for basic fairness, starting with basic fiscal fairness. To give you a very simple example, Mr. Speaker: why did the federal government not provide our full entitlement or allotment under the fiscal stabilization program? To explain, that was a program established in, I believe, the 1970s to provide fiscal stabilization for provinces, typically have provinces, which have faced a sudden collapse in their revenues as we did in 2015 and then again in 2020. But an arbitrary cap has been imposed. A per capita cap has been imposed on that program, meaning that Alberta received, I think, \$230 million in fiscal stabilization payments when, in fact, we have been entitled to \$5.4 billion in FSP payments.

Now, there was some half measure to address this in this year's federal budget but only to do so prospectively. We are still out several billion dollars despite the net \$20 billion that we continue to contribute annually to the rest of the federation. Mr. Speaker, at the same time, just to put this in context about how we are treated in the federation, you know, you would think a federation is like a family where the parents try to treat all of the kids equally. Not to suggest that there should be a paternal relationship, but what I can tell you is that there is not even an effort by the current government of Canada to demonstrate equity amongst the provinces.

Three months ago our friends in Newfoundland and Labrador, for whom we have great affection and respect, received a commitment from the federal government for over \$5 billion in

cash to help them pay down the debt incurred by the Muskrat Falls hydrodam project. Now, Newfoundland and Labrador are in fiscal crisis, and I don't begrudge them support. They overextended themselves, the previous government did, on that project. But, Mr. Speaker, it's a province of 650,000 people. They have been hit hard as well by the energy price collapse in 2015 and 2020, but \$5 billion by fiat by the federal government to address deep and legitimate challenges in our fellow province and effectively zero for Alberta: how is this basic equity? How does it help national unity when provinces are treated with such clear double standards?

Mr. Speaker, that is the kind of fiscal issue that we need to raise. We also need, of course, in the context of these negotiations, to raise the equalization formula itself, which allows for an automatic annual escalator in payments, which means that the payout goes up regardless of what happens in the economy or any given province year after year after year. And where does most of the revenue for those payments come from? From Alberta taxpayers, which is why Quebec has seen in recent years its total equalization transfer move from \$8 billion to \$13 billion even at a time that they are exercising the political veto on pipelines and refusing to develop their natural gas.

That's another area where we need to pursue reform, Mr. Speaker, the exclusion of natural resource royalties and revenues from the calculation of fiscal capacity within the equalization formula. What the formula currently does is to effectively punish provinces like Alberta and Saskatchewan that develop our resources. The revenue we generate from that is included in the estimate of our fiscal capacity, but provinces like Quebec, that have banned analogous resource development, are choosing not to increase their fiscal capacity. This is a perverse incentive for provinces not to develop Canada's natural resources, and it's fundamentally unfair.

10:50

So there are many aspects of the equalization system itself which need to be reformed, but more broadly, Mr. Speaker, what we seek

is a way forward for this province in the federation. What we seek, specifically, are fundamental amendments to the Canadian Environmental Assessment Act, Bill C-69, the repeal of the tanker ban, Bill C-48, and, in the context of the Prime Minister's comments this week in Glasgow, we demand that the federal government cease and desist from making these threats of arbitrary action to limit the development of the resources that belong exclusively to Albertans.

Mr. Speaker, I note that the House must shortly adjourn to attend Remembrance Day ceremonies. Let me close, then, on this note, by saying that in a few minutes we will gather to remember the sacrifices of Albertans and Canadians who fought for this great country. I believe the overwhelming majority of Albertans maintain their fidelity to this country. They demonstrate it every single day. What they are asking for in this proposed amendment, in the referendum of two weeks ago, is very simple. What they're asking for is respect, respect for the role that we have played in building modern Canada, respect for the \$630 billion in net transfers, respect for having been the great engine of job creation, respect for the role that we have played in welcoming unemployed workers from the factories of Ontario, from the fisheries of Newfoundland, from the forests of British Columbia, to move from poverty to prosperity in this province, respect for everything that we have done for Canada. We are simply asking for a sense of equity, respect, and fairness, and with the adoption of this resolution we will be sending a powerful message to Ottawa demanding that respect and fairness, and we will not relent until we win it.

Thank you, Mr. Speaker. I adjourn debate. Thank you very much.

[Motion to adjourn debate carried]

The Acting Speaker: The Deputy Government House Leader.

Mr. Schow: Thank you, Mr. Speaker. I move that we adjourn the Assembly until 1:30 p.m. today.

[Motion carried; the Assembly adjourned at 10:54 a.m.]

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