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The 30th Legislature
Second Session

Alberta Hansard

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Day 130

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.

Tuesday, November 23, 2021

[The Speaker in the chair]

The Speaker: Hon. members, please be seated.

Government Bills and Orders Second Reading

Bill 85 Education Statutes (Students First) Amendment Act, 2021

The Speaker: The hon. the Minister of Education.

Member LaGrange: Thank you, Mr. Speaker. It is my honour to rise and move second reading of Bill 85, Education Statutes (Students First) Act, 2021.

First, I'd like to reiterate my comments from when this bill was first announced. We know that the overwhelming majority of teachers and teacher leaders are dedicated professionals who care deeply for their students and go above and beyond each and every day. These are amazing people who are highly valued and crucial to ensuring the continued success of our students. I want to be clear. This legislation is not about teachers. It is about our students. It is about ensuring our education system puts students first.

Mr. Speaker, this proposed legislation would have minimal impact on the large majority of Alberta's 55,000 certificated teachers and teacher leaders who are currently working in our schools. But these changes are necessary because, like other professions, there are times when a teacher or teacher leader does not conduct themselves in the way Albertans and other members of the profession expect and deserve.

The students first act is the first step to improving the teacher discipline process to make it transparent when disciplinary matters arise and to do so in a timely manner. This legislation would enhance student safety, increase transparency through public reporting, improve oversight and timeliness of disciplinary matters, and uphold the high standards of the teaching profession. Parents rightly have high expectations for the people working in the education system every day with their children. If passed, this legislation would ensure parents, students, and members of the public know about serious disciplinary issues involving teachers and teacher leaders sooner by improving access to information related to members of the teaching profession.

Mr. Speaker, this legislation would support the creation of a public online teacher registry that would share information about the professional status of Alberta certificated teachers and teacher leaders as well as information about the suspension and cancellation of certificates. This database would publicly list the professional standing of Alberta's teachers and teacher leaders dating back to 1954 – this is the oldest information on certificates available in Alberta records – as well as the status of their certificates. This would obviously do both. Alberta parents and any member of the public would be able to view both a summary and a full copy of disciplinary decisions for suspended and cancelled teaching certificates that date back to 1990, which represents roughly a 30-year teaching career. This is similar to B.C.'s online teacher registry, which also dates back to 1990 for disciplinary information.

If Bill 85 is passed, Alberta would join other Canadian jurisdictions in sharing this level of detail such as the online registry in British Columbia and the public listing of disciplinary decisions maintained by the Ontario College of Teachers as well as the public

registry associated with Saskatchewan's professional teachers regulatory body. Alberta is an outlier in this area, and this is not acceptable. Mr. Speaker, this online registry would also align us with other professions such as lawyers and nurses. If it's good enough for them, it's good enough for our teachers. Through this legislation Alberta's government would balance individual teacher's rights to privacy and procedural fairness with the public's right to know when a teacher or teacher leader certificate has been suspended or cancelled for unprofessional conduct or professional incompetence.

Mr. Speaker, I'm confident that every member of the Legislature can agree that teachers and teacher leaders are entrusted with the safety and well-being of children in the kindergarten to grade 12 education system, and there is public interest in knowing the certificate status of these professionals. The registry would include a summary of relevant information about disciplinary matters along with a copy of the full decision, as I said earlier. Publicly available information would protect the identity of students and others involved.

Bill 85 would also enhance public trust in the teaching profession and ensure that school authorities are well-informed of any concerns with their employees and new hires. It would set a requirement in legislation where an employing school authority must obtain a criminal record check with a vulnerable sector check when hiring a teacher or teacher leader and every five years onward while the individual continues to be employed. Contrary to what I've read from the Official Opposition, this is a change from the current process. This would ensure consistency in practice among all employing school authorities across Alberta and would extend to early childhood services established under the Education Act that require certificated teachers.

Let me reiterate so the members opposite are very clear on this. Currently many school divisions may do this for initial hires, but, Mr. Speaker, might is not will, many is not all, and should is not must. As a parent you don't want to leave it to ifs or maybes when it comes to the safety of your children. These types of checks are mandatory for many positions that work with children like coaches or nonprofit service providers. Parents deserve to have the utmost confidence that their children are safe when they go to school. Setting these requirements out in legislation better supports school authorities in their role as employers by ensuring clarity and understanding regarding these requirements and consistency in practice.

Teachers and teacher leaders would have 16 months to provide an up-to-date check once the legislation comes into force to assist employers with the transition. Mr. Speaker, we recognize that this requirement would mean additional support from our police agencies and the employing school authorities themselves, so the 16 months would ensure that they have enough time to address any capacity issues for the criminal record and vulnerable sector checks to be completed without impacting other Albertans who may also need these checks completed.

Mr. Speaker, Bill 85 would also ensure greater efficiency and transparency in the actual process of dealing with the matters of professional discipline. Bill 85 proposes to introduce an expedited process to cancel a certificate of a teacher or teacher leader convicted by an indictment under the Criminal Code of Canada for a serious offence that threatens students' safety and public interest. I'm sure we can all agree that the moment someone is convicted in a court of law of a serious crime, they have no business teaching in a classroom with kids. Currently a hearing is required regardless of the outcome of a criminal case. This process for victims is an unnecessary additional burden and can retraumatize victims after they've already gone through a lengthy criminal trial process. Additionally, this would save time and resources.

This proposed legislation would also require that the Alberta Teachers' Association notify the registrar at Alberta Education of all complaints – all complaints – filed under the Teaching Profession Act. This would align the association's reporting process with the same expectations set out in the College of Alberta School Superintendents Act. Finally, this legislation proposes to realign the Alberta Teachers' Association disciplinary committee's structures established under the Teaching Profession Act to ensure greater efficiency and timelines in conducting hearings.

Mr. Speaker, we have brought forward this bill to fix the process of how teachers and teacher leaders are disciplined in this province to ensure safety for our students, confidence for our parents, and accountability for our teachers. This is a first step and starts an important conversation within our education system and across this province, one that is about putting our students first. I hope everyone in this House can agree that student safety should be paramount, and I look forward to discussing and debating this very, very important bill. I am so honoured to bring this bill forward.

Thank you, Mr. Speaker.

The Speaker: Hon. members, the Minister of Education has moved second reading of Bill 85, Education Statutes (Students First) Amendment Act, 2021. Is there anyone else wishing to join in the debate? The hon. Member for Edmonton-Rutherford has risen.

Mr. Feehan: Thank you, Mr. Speaker. I appreciate the opportunity to speak to this bill. You know, I'm going to spend a little bit of time talking about the things I like about this bill near the beginning, but I want to preface that with some of my concerns, that I have been apparently repeating myself ever since we've got back into the House this fall, and that is about the depth of the bills that are being presented in the House.

When I was at the university, sometimes we would say that promotions committees could add but they couldn't read, meaning that people that put in lots of publications, for example, were admired whereas they're, you know, often without depth, without significance in the field whereas somebody with only one or two publications, that had profound effect, was overlooked. Sometimes this government frustrates me with the same sort of attitude. They bring in lots and lots of bills, but in each case I find myself saying: it's not that I object to the bill; it's just that I object to the fact that this is what the government has come up with after all the work that they are supposed to put into bringing legislation into the House. Having put that out there and expressed my concern, I'll say more a little bit about where I think they could have gone later.

7:40

I actually want to say that there are a number of things in this bill that I actually quite appreciate, and I certainly hope, as we get to the final reading on this bill, that I'm feeling confident and satisfied with any concerns that may have arisen enough to be able to vote in favour of the bill. I, too, came from a profession that worked very closely with children. Many of you know that I was an expert in the area of child sexual abuse for many, many years and saw literally thousands of children who had been victims of sexual assault over that time. Of course, I have very strong feelings about our responsibilities as a society to protect children against horrible things that could happen to them. If we make a step in this bill towards doing that, I say bravo. You know, I'm happy to have that happen.

Certainly, when I was a social worker, I was required to get both criminal record checks and vulnerable sector checks all the time for various places that I worked or my role as even a supervisor in some situations. I was required to do that. I absolutely think it's not a

particularly terrible imposition to ask people to do that. They are working with our children. Certainly, asking to step up and demonstrate their reliability and their, you know, safety in terms of working with our children is an appropriate thing.

There are a number of things on this bill that I want to say I'm happy about. I do appreciate the creation of a requirement for criminal record checks and vulnerable sector checks although my understanding is that in some ways this is redundant, not because school boards have been doing it but that the ATA has been doing it for registration as a teacher. Again, the question, you know, is here still. Was this the most important thing that the government could have brought forward given that in many ways it's already done? I won't say much more about that, but I guess if we're going to shore it up and tighten it up and put some redundancy in the system to ensure that we have safety, I guess I'm going to be in favour of it because it's the right thing to do.

I certainly appreciate the creation of a public searchable database, online registry so that not only teachers but other professionals and parents can monitor progress and status of individuals involved in our schools. You know, that seems to me a pretty natural place to go in this modern world, to provide that online, and as such I support that as well.

Further, I know that they're working to expedite discipline processes and to ensure that notification of all complaints and all discipline processes are appropriately forwarded to the authorities within Alberta Education and shared between the schools boards, the ATA, and Alberta Education. Seems like those are all pretty solid recommendations. Therefore, those things I can support and will hopefully be able to stand up and vote in favour of this bill at the end.

When it comes to people working with our most vulnerable in society, someone I greatly admire used to say that these people should be highly trained, highly paid, and easily fired. It's a glib statement that, you know, says too much too easily, but on the other hand I appreciate the sentiment. Because we value our children so much, we certainly should have high expectations of the people who work with our children, and we certainly should hold them to that. The extent to which this bill does that, I'm happy to support.

I am concerned, though, that the government has chosen to bring in this kind of a bill and not to bring in a variety of other bills that they could have brought in, because I think there is really substantial, meaty work that needs to be done in the educational system, and I'd certainly like to see the government turn its head to that.

The circumstances over the last number of years in our school system have been very traumatic and problematic for not only the staff and faculty but also the students. Unfortunately – no fault of the government – COVID has arrived and has been in our country for the last couple of years, and it absolutely disrupted the lives of children. As such, I think that it should have been their primary focus, and I'm very discouraged that this government has not brought in a very weighty bill regarding public health safety measures to be taken in schools to ensure the well-being of our children, which would have been an appropriate focus given that that is what is the primary issue in society today. A bill focused on that primary issue would have been absolutely welcome.

It's not as if the government hasn't been provided with plenty of suggestions and ideas. As the NDP has created plans in our consultations with members of the public, we have been putting all of our resulting proposals and policy initiatives up online at albertasfuture.ca, and they've been freely available to this government for over a year now. If you take some time to go to albertasfuture.ca, you'll see that there have been proposals with regard to schools for over a year on that site and that the vast

majority of those proposals, in fact, almost 100 per cent of them, have not been instituted in the school system.

Now, I know the government likes to exaggerate and stretch and suggest that things are being suggested in those proposals that are, in fact, not being suggested, because if you create a straw man, it's easy to dispose of it by presenting it as ridiculous when, in fact, it's not and when, in fact, the ideas inherent in the proposal are quite reasonable and have come from a massive amount of conversation with Albertans around this province. In fact, Alberta's Future is very proud of the fact that we've had over 55,000 unique individuals engage with our consultation process on our various policy initiatives, so that information in there – and even if you did disagree with a few of the ideas in our COVID proposals, then you could discard the one or two that you don't like and take up the many dozens of other ones that have been proposed.

I certainly would have liked this bill to take some time to protect our children in that way, too. I did listen very carefully to the minister's introduction of this bill at second reading and appreciated the laudable statements that they made regarding – you know, the focus needs to be on the well-being and safety of our children, and that's what this is about. I have stood here and told you that I appreciate a number of aspects that actually do provide that safety.

But to say that you think that the safety of children is paramount and then to ignore COVID in the schools seems not to be a consistency. It seems that it would instead have been better to take the time to bring us in, you know, something of a tune to show the weightiness of the issue and the significance to our Legislature of the well-being of our children and to include in that a variety of things. I certainly would take the time if the opportunity arises to suggest what they could be, everything from COVID to eliminating isolation rooms to protecting GSAs to bringing staff back into the school system. For example, replacing the 20,000 educational assistants that were summarily dismissed last year.

7:50

Ms Issik: Point of order.

The Speaker: A point of order is called.

Point of Order Relevance

Ms Issik: Standing Order 23(b), speaks to matters other than the question under discussion. So far this member has spoken about COVID, about their own party website, many other issues absolutely not related to this bill under debate.

The Speaker: I'm prepared to rule. The second speaker on a piece of legislation that is before the Assembly – I've heard the member talk about the safety of children on numerous occasions during the debate. We can disagree on the proximity to the legislation, but I believe in the title of the legislation is "students first." The minister spoke about safety. I think it's fair and reasonable to allow the member to continue to speak, particularly given that it's only the second speech.

Debate Continued

Mr. Feehan: Thank you, Mr. Speaker. Obviously, I fully appreciate that statement because I did begin my conversation with saying that I was listening carefully to the minister, who did define this bill by the concern for the well-being and safety of our students, and I am merely suggesting another series of things that could have been in a bill that was actually about student safety. In this case it's really a minor set of improvements, which I support, by the way.

Like so many of the other bills, jeez, I like the intent here. I certainly am encouraged by the beginning of motion. I just would have liked to have seen this be something more of a marathon and less of a 10-second dash.

I guess, you know, going back to what I was saying, there are many ways in which children are threatened in our school system. Now, thankfully, we have incredible staff. We have incredible administration, who really do everything they possibly can for the well-being of students. As a result, the absolute vast majority of students leave our school system having been protected throughout their career. But as I mentioned before, having been an expert in the area of child sexual abuse, I did indeed see a number of children that were sexually abused in the school system. As a result, we know that there are concerns that there are those moments. While they are not definitive of the overall experience of children, their extreme level of trauma really brings them to significance even though their frequency is, thankfully, as small as it is.

I guess, you know, my concern is here that we need to ensure that we have the right people in the right place with the right kind of training, that those people are appropriately supported and compensated for the work that they do so that they bring their best to the work every day and that when they transgress in a way which is vile and destructive to the well-being of a child, they are removed and they are prevented from having that kind of access in any other kind of situation, which means that I think we should have the government come back to the House and bring us a bill that brings back the educational assistants, brings back the speech therapists which we've lost, brings back the social workers which we've lost in the school system over the last couple of years to ensure the well-being of the children, to ensure that when they are in the school, they are receiving an education that not only provides fruit for their mind but also at the same time is uplifting to their hearts. I think that that is possible.

I believe in the people who are involved in the school systems, and I would certainly love to see this government move toward the elimination of isolation rooms in the schools, which I do not believe are healthy for children. I certainly would like to see the government work to protect children who already feel isolated by virtue of being part of the LGBTQ-plus community and make sure that they have safety not only from child sexual abuse or physical abuse but also from harassment and prejudice and so on. A bill that would address these kinds of issues would be most welcome in this House because I actually fully agree with the minister in saying that this needs to be about the children, needs to be about the children's safety and that we should ensure that we have done our part, knowing that we will not always be successful. Therefore, there has to be a disciplinary process.

I did wonder – and perhaps the minister can address it at some point – about the sort of somewhat selective focus on teachers and teacher leaders and wondered whether or not there are other people that should be also included in this bill. I'm certainly open to being educated on the implications of making decisions about people who are not teachers specifically who are involved with children. Do we require these same requirements for everyone else who might enter into the classroom to provide instruction on any particular facet that is not actually the designated teacher? In many schools people are brought in routinely to teach children various things – you know, myself as a social worker was often in a classroom teaching about child sexual abuse, for example – but in other situations it may be administrators being brought in to do things. It may be religious leaders that are being brought in to do things. It may be other professionals such as speech therapists and social workers that are brought in.

I guess my question is that if this bill is, as the minister says, about shoring up, making sure that we've caught everybody involved, increased the transparency, increased the security to not just catch some of the people but catch all of the people in the same investigative process, then I do wonder about whether or not other people should be involved. If those other people are in the school system, should we also have them in this bill? Should we go beyond just teachers and teacher leaders?

Now, it's fair that I may not fully comprehend "teacher leader" – I did look it up at one time – but I'm worried that because it's not my area of expertise in the school system, I don't fully understand who may not be included in that who may be important because they have ready access to children even though they are not in the position to be their teacher or teacher leader. I certainly would like the minister to kind of just assure me on that. I mean, even just to sort of say, "Yes, everybody who walks through the door of that classroom in any kind of professional role is included in this" would be a reasonable assurance, and I would certainly welcome that addition if indeed this bill is about trying to make sure that there are no holes in our safety net around the well-being of our children.

I know that my time is running out, and I certainly would like to see this government focus on things like the well-being of children rather than the kinds of things that they have been focusing on over the years in removing staff and trying to move teachers' pensions away from teachers' control and, of course, introducing a resoundingly inappropriate, inaccurate, and ideologically hideous curriculum.

You know, I certainly would like to be in a position to stand up and unequivocally support some of the work that the government is doing, and the place that we certainly must have to agree is when it comes to the well-being of our children, the information that is provided to them, the security that we afford them, and ultimately the demonstration that they, more than us, are what constitutes our future. As such, we will act in a manner to support their being able to grow up without having to recover from their own childhood.

Thank you. I appreciate the opportunity to speak to this.

The Speaker: Hon. members, on Bill 85 are there others wishing to speak to second reading? The hon. Member for Calgary-East has the call.

8:00

Mr. Singh: Thank you, Mr. Speaker. I stand to take this opportunity to express my support on Bill 85, Education Statutes (Students First) Amendment Act, 2021. Bill 85 will commit to support the Teaching Profession Act, Education Act, and College of Alberta School Superintendents Act. The importance of education in our province is vital, with more than 700,000 children attending K to grade 12 in Alberta. There has been a commitment to strengthen our system and support our working professionals and families. Education is a fundamental right that is required for the practice of all other human rights. Quality education attempts to foster the growth of well-rounded individuals. Quality of opportunity, universal access, and enforceable, monitored quality standards are all required for this human right to labour.

Mr. Speaker, the Education Budget 2020 was capped at \$8.3 billion until the pandemic struck. COVID-19 right now is affecting all segments of our society. The aim is to always raise awareness and slow the spread. The Alberta government is working firmly on providing COVID-19 updates to ensure that our province, families, children, and working Albertans are safe. Education assists people in becoming better citizens, obtaining a higher paying career, and demonstrating the distinction between good and wrong. Education teaches us the value of hard work while also assisting us, our growth

and development. As a result, by understanding and respecting rights, rules, and regulations, we may help to form a better society to live in.

Our school re-entry plan has been effective at keeping students safe, as demonstrated by our low rate of in-school transmission. Students are safe at school now, and they will continue to be safe when they return. For that I express my appreciation to the health care professionals for all their dedication and for taking the initiative and spending countless hours working hard during the time of health crisis. Also, thank you to all Albertans who have been patiently waiting to share and provide insight on Alberta's education system.

Mr. Speaker, Albertans are fortunate to have thousands of dedicated and hard-working teachers committed to keep the province functioning in a safe, secure, and productive way. Today I applaud their dedication. Teachers all around the world have worked with great resiliency and a commitment to ensure that children are receiving the rightful information as we adapt to the unprecedented challenges of the pandemic. I would also like to express my appreciation to the health care professionals, to all the workers in the health care system, for all their dedication and for taking the initiative and spending countless hours working hard during the time of health crisis. Also, thank you to all Albertans who have been patiently waiting to share and provide insight on Alberta's health care system.

Most importantly, I would like to commend the minister and the department for introducing this bill in order to respect pledges made to Albertans and, most importantly, to safeguard our children's education. This is in response to a number of concerns expressed by education system partners on how to improve Alberta's education system for the benefit of all Albertans. The education system in Alberta features exponentially teachers, leaders, superintendents who are highly appreciated and essential to our kids' continued success. These educators and teacher leaders work in a regulated field that demands and supports a high standard of professional practice and conduct.

In 2019 the teaching profession was improved with the introduction of professional practice standards for principals and superintendents as well as new qualification requirements for teacher leaders in Alberta as well as a revised standard for instructors.

[Mr. Amery in the chair]

Teachers are vital when it comes to guiding and giving information that will ensure our children move forward and have a successful future ahead. Parents and families are counting on the support of the Alberta government to ensure that the children are safe in the education system. Families in Alberta have trusted our teaching system to be operated at its utmost honesty and truthfulness. Children may look forward to being in a supportive environment at school, which promotes social and creative development. Children are constantly at risk and may stop showing up if their safety is not ensured. Promoting school safety opens up opportunities for children to learn and try new things.

Mr. Speaker, currently the Education Act does not allow the minister to publicly disclose information if a teaching or teaching leadership certificate has been suspended. As well, the Freedom of Information and Protection of Privacy Act held by public bodies does not allow any disclosure of information unless legislation permits.

To further strengthen legislation and to have a safe environment for our children, it is important to allow for the creation of an online searchable database that will disclose personal information about a

teacher or a teacher leader for unprofessional misconduct and professional incompetency, the construction of a public online registry that provides the professional standing of all teachers and teacher leaders who have held a teaching certificate since 1954, and disciplinary information for certificates that have been suspended or terminated since 1990. An online database would be easily searchable, comprehensive, and accessible. It will provide parents with the information they require to feel more comfortable sending their children to school. It is great to finally have legislation that will allow the Ministry of Education to publicly disclose information about a teacher's certificate and state when suspended or cancelled.

Mr. Speaker, currently the Education Act allows for a six-month judicial review from a decision being enacted. If this legislation is actioned, amendments to the Education Act will decrease the window for filing a review to 60 days from the date the minister renders a decision to suspend or cancel the certificate. After the 60 days from the date the decision was made by the ministry, the public disclosure will be posted. Full disclosure of relevant information by the minister will help the public make informed decisions. It decreases the sentiment of mistrust, speculation, and increases public confidence as they feel fully prepared to make informed decisions with transparency and information at hand.

As well, it is critical to include a mandate from school districts to do criminal record and vulnerable sector checks when hiring a teacher or teacher leader as well as every five years thereafter. We're making sure that both students and employees are safe. It's a crucial tool for ensuring that all those who work with children in the province have been vetted and have no criminal record. Many positions that work with children such as coaches or nonprofits require these types of background checks to ensure safety for these children.

Mr. Speaker, Bill 85 is developing a framework for teachers and teacher leaders guilty of a severe indictable offence under the Criminal Code to have their certificate revoked more quickly. Someone who has been convicted of a severe crime in a court of law has no business teaching in a classroom with our children. Victims won't be traumatized by having to go through a lengthy hearing procedure if the teaching certificate is removed quickly.

8:10

Bill 85 will also mandate that the Alberta Teachers' Association, ATA, contact the registrar of Alberta Education at various phases of the complaint processes, including when a complaint is submitted. By giving the government access to the most up-to-date information on all disciplinary measures, the students first act will improve accountability and oversight. Mr. Speaker, the students first act will make the ATA's teacher processes more effective by streamlining the committee system established under the Teaching Profession Act. The ATA's disciplinary committee structure for the teaching profession would be changed from six to a general panel that would hear cases through three committees, with members assigned to each committee as needed. Members of the general panel who sit on the hearing committee for a disciplinary case are ineligible to sit on an appeal panel for the same matter.

Mr. Speaker, the amendments of this bill will provide employers and the public more freedom to find information without having to fear the consequences to public safety. These amendments are necessary more than ever to strengthen teaching leadership and public assurance in Alberta. The students first act will assure student safety, parental confidence, and teacher accountability. It is the children who are the focus of this legislation, not the teachers. It's about ensuring that students come first in Alberta's education system. I believe that parents who place their trust in the public

education system should be able to rest, certain that their children are safe at school. The students first act will improve student safety, boost openness through public reporting, and improve monitoring.

To sum up, Mr. Speaker, this legislation will not only provide parents with peace of mind about their children's safety, but it will also make it easier for partners to engage in the education system. I only hope that every member of this Chamber respects parents' rights and grants education partners the same privilege to provide safe education within our system. This legislation will help to establish healthy and trustworthy connections with families who have been frustrated for years by the lack of support.

Again I would like to applaud the minister, all the stakeholders, and Albertans that have taken the time to provide feedback.

Thank you, Mr. Speaker.

The Acting Speaker: Are there any other members who wish to speak to Bill 85? I see the hon. Member for Edmonton-McClung.

Mr. Dach: Thank you, Mr. Speaker. It's a pleasure this evening to rise and add my comments to the debate surrounding Bill 85, the Education Statutes (Students First) Amendment Act, 2021. Now, nobody in this House would speak against putting students first and protecting our most valuable resource, that being our children. Most members of this Legislature will have children or grandchildren or loved ones who are close to them who are young, and of course our first priority will always be their safety and their protection. Bill 85, of course, is at its heart designed to do that. I have no qualms with that.

I know that if indeed the government was wanting to look at some more imminent protections for children, they could have been focusing their attention on some things that are already the focus of our neighbouring provinces to the east and west, which are in a very timely way looking at protecting children who are attending school from the antivax protesters that they might encounter on their way to that school. Both British Columbia and Saskatchewan, Mr. Speaker, are in the process of introducing or have introduced legislation which would create a buffer zone around schools to protect children from antivax protesters. That's the last thing indeed that we need to subject our students to. Certainly, putting students first, as this bill purports to do, is paramount, and the protection and safety of those students is critical.

Many elements of this legislation before us, Bill 85, could have been introduced at other times. I know that the government argues that it's bringing us in line with other provinces, and that's fine, but there is the question remaining as to: why now? Was it the timing of this bill that was attractive to the government because it allowed perhaps the attention of the public to be dissuaded from other elements of the policy regarding education that this minister would rather not talk about such as our reaction to the pandemic and our response with respect to protecting children in schools?

This is what this legislation is about, Mr. Speaker: protecting children in schools. It's bringing it forward now at a time where there are perhaps other more imminent dangers that could be addressed given, of course, the fact that we're still in the middle of a pandemic. I think parents, grandparents, anyone who's interested in the protection of our students and children will be asking: why now? Why is the time and the focus of the government right now on this piece of legislation, Bill 85, when, in fact, it's something that didn't have to come forward right now? In some ways could be called a housekeeping type of piece of legislation in that we're bringing ourselves in line with other jurisdictions.

Mr. Speaker, I do question the timing of it. But given that it's before us now, obviously, as is the case with any piece of legislation that comes before this House, we always strive to improve the

legislation and make it as best as possible given the motivation of the government to bring it forward. Now, it begs the question indeed whether or not the bill, in fact, doesn't just simply duplicate other measures that are in place. There are, as I mentioned, lots of big problems that students are facing and that we're facing in our education system, yet the government chooses to bring forward this piece of legislation. I don't know of another jurisdiction or any jurisdiction in Canada that doesn't have in its hiring procedures the requirement for a criminal record check. Correct me if I'm wrong, other members, but I believe every jurisdiction in Canada requires that. So this legislation simply duplicates what's already in place.

Now, notwithstanding that, I wouldn't condemn the legislation just on that basis alone, but indeed one, I think, is right to question whether or not at this time it was such a pressing matter to bring forward this legislation when, in fact, many of the protections are already afforded and are in practice by the various school boards across the country in terms of their hiring practices to make sure the criminal record checks are part of that process.

8:20

Other things have taken place in this Legislature that need more time to address them, and as parents have been raising their concerns, educators have been raising their concerns. More than I've heard anything about bringing legislation in line to ensure that the criminal record checks and the records of teachers are publicized is, of course, the government's approach to keeping children safe from COVID. I know that the Premier today in his comments to the press tried once again to minimize the harm or the threat that COVID has done or presents to children. Indeed, we know that there are things such as long COVID that will affect the health of children, and even if it is a smaller percentage of children, Mr. Speaker, what this bill and other pieces of legislation that are designed to protect children should be doing is making sure that their protection is paramount.

You know, this piece of legislation goes a long way to trying to encompass all of the elements of other similar legislation in other provinces to fully protect children from having to be taught by individuals who have a record that would disqualify them from the teaching profession. In the same way, we should be approaching protecting children against the risk of COVID-19. I don't know if indeed the government has paid the same attention and made the same effort to go at a minuscule level to addressing the risks that children face every day with respect to COVID-19. For the Premier to come out today and once again say, "No, we're not going to insist that the COVID-19 passport is something that we will have apply to children so that parents can be given more time," is once again another piece of evidence of the Premier's willingness to tiptoe and soft-pedal the risk in favour of treating those who are vaccine hesitant to special treatment. [interjection] No, I'm not at this point looking to allow interventions. Thank you for your interest, but I'll continue with my remarks.

A major system such as the hiring practice of school boards and looking at the regulation of who is allowed to teach given their criminal record is something, of course, that's of importance to all parents and grandparents and anybody who's concerned about the protection of children or society. Nobody wants anybody who has a criminal record that reflects a risk toward children to be involved in teaching our children in the schools. Once again, currently the ministry doesn't know of any school authority that does not require a check at the time of hiring, so it could be a solution in search of a problem. I know that we do see in this legislation an expedition of the discipline process for teachers who have been convicted under the Criminal Code for a serious offence. A teacher will have 15 days

to respond to the minister with potential concerns, for example, before the minister invokes the power to use an expedited disciplinary process.

The bill itself, Mr. Speaker, I don't think those parents would have a lot of objection to. I know that it allows the Alberta Teachers' Association to notify the registrar of all the complaints that get filed against teachers who are active members – it would require this – and throughout the disciplinary process the ATA would have to notify and update the registry and the registrar about the proceedings. A similar process was recently passed to apply to the College of Alberta School Superintendents, and there was no objection with that.

This process and the nuts and bolts of this piece of legislation in and of themselves are not necessarily the object of our ire here tonight, Mr. Speaker. By and large I think members of the public would be in support of most of these measures. However, I think most members of the public, looking at what state we're in right now in this province with respect to COVID-19 and other elements that we're looking at in terms of major calamities, especially to the west of us in British Columbia with the horrific downpouring of rain and the floods and then concomitant supply chain deficiencies that we've got as a result after, of course, a tumultuous year with forest fires in B.C. – that, of course, is a major focus of B.C.'s attention right now. Not only that; it should be a major focus of this government's attention.

I know that even in the midst of all that the British Columbia government has seen fit to protect children, to bring in legislation to protect children from antivax protesters who they may have to encounter while walking to school or being dropped off at school by their parents. It is not something that we see this government in Alberta making a priority, which I hope – I really hope that that changes. If the government can bring in legislation here to bring us up to date and in line with other provinces with respect to the education statutes amendment act and making sure that hiring practices prohibit teachers with criminal records from being hired in the first place, to bring us into line with other provinces in that respect, certainly, the same argument can be laid alongside those who want to make sure that children are protected, on their way to school or being dropped off at school, from antivax protesters.

We saw the definite dangers that are presented by individuals who coalesce to protest against vaccines in front of hospitals and how that actually caused a problem for access to some of our hospitals here, only blocks away from this Legislature, Mr. Speaker. That was a very pressing issue of the day. Now, of course, we have the same fears where schools, in some cases although not in Alberta's case, are being used as vaccination sites, and of course the fear is that they'll become a flashpoint for antivaccine protesters. B.C. and Saskatchewan have seen their way fit to bringing in legislation to protect those children, to protect those students, and we should be looking at that as a priority alongside pieces of legislation like this such as Bill 85, which has at its fundamental root the protection and safety of students.

If nothing else, hopefully, our focus in Bill 85, to protect students, will be something that we carry forward to follow the examples of B.C. and Saskatchewan and do the same thing, follow their lead and bring forward legislation which will create a bubble zone or a buffer zone around our schools so that our children, our grandchildren don't have to walk through a phalanx of people carrying signs and screaming about vaccines when their parents have taken so much time and effort to let them know that what they're going through is a process to protect them and keep them safe from harm, safe from disease, and safe from long-term effects of COVID. Let's see if this government sees fit to follow that

example, Mr. Speaker, and protect our children at a fundamentally critical time from COVID.

Thank you.

The Acting Speaker: Are there any other members who wish to speak to this bill? I see the hon. Member for Edmonton-Glenora.

Ms Hoffman: Thank you very much, Mr. Speaker and to my colleagues for the opportunity to engage in debate tonight on Bill 85, titled the Education Statutes Amendment Act, coined, as the minister has titled it, Students First. I want to say: let's take a moment to revisit what's happened to students since this government was formed, since this Education minister became the Education minister for the province of Alberta.

The very first piece of education legislation brought into this House was a bill to undo protections for vulnerable youth, specifically protections around gay-straight alliances. It was Bill Hate, it was coined, the eighth bill that this government brought into existence. Arguably, the only jurisdiction in North America, for sure, and probably most of the western world to actually roll back human rights protections, and it was done here in terms of student protections. That's what happened to students first in this province under the current government's leadership.

8:30

Then, of course, we had a budget, and in the lead-up to that budget a number of parents of children who were disabled started to raise alarm bells because they heard that PUF funding was under threat and that there was a significant risk to the supports for disabled students in our schools. So that's what happened to students second.

The now minister said, "Oh, fear and smear; that's not true," but the truth was that PUF supports were rolled back. The number of years students were eligible and the ages they were eligible for were cut. Some would say, "Well, that money was moved from pot A to pot B," but the truth is there was less money and more kids. Programs throughout the province for disabled students, particularly in the early years, were cut. There were other cuts to the budget as well, and the government decided, even though there were thousands more students coming to school every year, to not fund a single new student. That's what happened to students third.

Fourth of what happened to students is that on the eve of the pandemic, when it was crashing into our communities, the very first wave, the minister brought forward a budget that, again, at best, some would argue, would be flat funding. But when you actually pulled back the layers, there were significant numbers of areas, that were established to support small class sizes and, again, to support disabled students, where the funding was cut. That was students' fourth.

Students' fifth, of course, was the layoff of more than 20,000 education support workers, support workers who families needed arguably more than ever. I'm sure that members of this House have heard about that in their communities.

Education, sixth. Let's talk about the curriculum, the curriculum that is so important, the foundational learning blocks for every student in the province of Alberta. The K to 6 curriculum was launched, and it was overwhelmingly rejected by Indigenous leaders first, including Elder Betty, who this government worked to discredit even though her acumen and her expertise reaches far and wide. She certainly handled the attacks on her with grace and determination. It's not just Elder Betty. There were many other Indigenous leaders, Japanese-Canadian leaders, Black-Canadian leaders, francophone leaders. The curriculum has been discredited by pretty much every stakeholder group as well as parents, as well

as academics, as well as teachers, who were cut out of the development of the curriculum. I think we're up to students' sixth at this point.

Let's say that if we wanted to put students first, I think we could start by reversing any of those six horrific attacks on children and on public education. That's what I would like to see when it comes to this place, when it comes to education bills. Let's actually find ways to make sure that we reverse some of the harm that this government has already caused when it comes to the supports that we should all aspire for students to have. Disabled students, racialized students, students of the LGBTQ2S-plus community: every single student should be able to go to school, hang their coat up, sit down in their class, and know that they're learning quality content. Unfortunately, students have been put last by this government time and time again, and this is where we've landed.

I have to say that the idea of putting students first is something that I would love to see actually executed in legislation and in this House. I think that what we have lived through and what students have had to endure and the chaos that's been inflicted on them – oh, not even to mention the RCSD cuts and the number of mental health therapists who have been removed from schools as well. The list goes on, Mr. Speaker. We really, I think, should be finding ways to put students first, and I would say that reversing some of those horrific decisions that have already taken place would be a good way to start.

I'm just looking for some guidance about adjourning.

Ms Gray: Oh, no.

Ms Hoffman: No, I will not do that. I will conclude my remarks there. Thank you very much, Mr. Speaker. I hope that we can actually put students first in this legislation and in this House.

Thank you.

The Acting Speaker: Hon. members, is there anyone else wishing to speak to Bill 85, Education Statutes (Students First) Amendment Act, 2021?

Seeing none, I'm prepared to give the hon. Minister of Education an opportunity to close debate.

I'm prepared to call the question.

[Motion carried; Bill 85 read a second time]

Bill 81

Election Statutes Amendment Act, 2021 (No. 2)

Mr. Nielsen moved that the motion for second reading of Bill 81, Election Statutes Amendment Act, 2021 (No. 2), be amended by deleting all of the words after "that" and substituting the following:

Bill 81, Election Statutes Amendment Act, 2021 (No. 2), be not now read a second time but that the subject matter of the bill be referred to the Standing Committee on Families and Communities in accordance with Standing Order 74.2.

[Adjourned debate on the amendment November 16: Member Ceci]

The Acting Speaker: The hon. Member for Edmonton-Mill Woods.

Ms Gray: Thank you very much, Mr. Speaker. I appreciate it very much. This is my first opportunity to join in the debate on Bill 81, election statutes. We are on a referral that would send this bill to the Families and Communities Committee to review the provisions of this bill, and I must begin my remarks by saying that I support this amendment. I think that there are a number of changes in this legislation that are extremely harmful. I think that the substance of

this bill was originally supposed to be informed by the Democratic Accountability Committee, but there's so much in here that you cannot trace back to that, and there are some serious, serious concerns. I think 15 minutes is going to go really quickly on me.

I want to outline as clearly as I can why I'm concerned about this bill, because I honestly believe every member in this Assembly should be concerned and should support this amendment, starting with some of the issues we now have with nominations and the donations from nomination contests. Every single member in this Legislature should ask themselves why the government has lifted the cap on the amount of money a nomination contestant can receive, has changed slightly the amount they can spend so that now every nomination contestant can receive unlimited amounts of money but can only spend a little bit more, and all of that money can be redirected to the party.

Now, if you are an MLA in this Chamber and you are not able to bring in \$200,000 to your nomination contest – perhaps you are not the candidate that your leader and party would like to see in the next election – they have just put in this legislation that someone can raise \$200,000 in their nomination contest and move that money to your political party. That is what the change in Bill 81 does. And that is very personal to each one of you because that impacts your career, your job here as an MLA representing your constituents. You may be running in your nomination contest against someone who can now raise unlimited amounts of money and bring that to your political party.

This is a very real concern because not only does it have a personal impact – I very much wanted to make that clear to those in the Chamber. But, also, when we talk about encouraging people who are underrepresented in politics – people who are racialized, people who are women, any group that you do not see readily represented here in the Legislature – one of the largest barriers to having diverse representation here in the elected representative body is financial barriers, and this bill does the opposite because it allows unlimited donations to a nomination contestant. Why would the government want unlimited donations to a nomination contestant? Likely because they want large amounts of money from deep-pocketed donors. Again I suggest that if you are not the nomination contestant who can bring in the large amount of money, perhaps this piece of legislation was not intended to be to your benefit.

Rewriting these election laws to allow big donors to dump large amounts of cash into the party is really against the principles of protecting our democracy. Having a \$4,000 approximate – \$4,243, I believe, is the current donation limit. Right now every single Albertan can donate that much money to the political arena in a year, whether that's to a nomination contest, to a political party, constituency association, or other venue. Now the nomination contests will be outside of that limit. This does not make sense, and it does not help democracy. That limit is already quite high when you compare it to other jurisdictions across Canada, and now by removing that, it allows unlimited funding to every single nomination candidate, and then the money rolls into either the constituency association or the political party. This is bringing big money back into politics. It's hugely concerning.

8:40

I heard the Member for Peace River talking about how this legislation is based on the idea that the government should not dictate how private political party groups should govern themselves. Well, it still puts in a spending cap, so I guess the government thinks it should dictate some parts but not others. I have to emphasize: the no limits on nomination donations is a glaring problem here in the province. It is a slide backwards that we cannot ignore.

There's also reduced transparency in this bill. I'm particularly concerned that constituency associations will no longer have to report quarterly. If we exclude nomination contests, the \$4,243 donation limit is across donations to political parties and constituency associations, but if the constituency associations are not reporting the donations they receive, Elections Alberta has no way to know if somebody has already donated at or past the cap if they are donating in multiple places. If someone donates to my constituency association, to your constituency association, to yours, they could easily go past that donation limit. Elections Alberta has no way to know that information because there will not be quarterly reporting from constituency associations.

I can tell you, from a political party perspective, that those quarterly reports are important for the true-up and for the work of making sure that people are not going past those caps, because not all Albertans fully understand the rules. Not all people who are seeking donations fully explain the rules when they seek those donations. Having all of that work to be caught up at the year-end reporting, I think, is incredibly problematic. Eliminating the transparency and reporting on party funds and donations is problematic. I also think you lose the transparency of those quarterly reports, which are publicly available and allow people to see who's donating where, what's happening. There's important information to civil society when it comes to political donations. It tells a story. It deserves to be public. Removing the quarterly reporting really damages that.

I also disagree with allowing an individual to purchase party memberships on behalf of another. I don't understand where this recommendation or this change in Bill 81 has come from because I do not recall it being part of the recommendations from the Democratic Accountability Committee. We just heard a number of concerns from civil society around the UCP AGM: who was paying for what, how this works. I would submit to you, Mr. Speaker, that the Alberta public is not interested in having people who are rich influence the political process by spending their money so that they can pay for someone else's membership so that that person can go and support a leader.

I don't think there is a political appetite for that here in our province. I don't think the public is interested in that. I think they see that as shady dealings. And here we have Bill 81 trying to enshrine in law that somebody can buy someone else's party membership. For what purpose? To what benefit for our democracy? I would suggest it is not a benefit to our democracy.

This bill also places serious restrictions on third-party advertising that are extremely concerning and, based on legal analysis I've had the chance to review, are extremely concerning when it comes to the rights of freedom of expression, are likely to be under a Charter challenge, and that Charter challenge is likely to be upheld.

Now, I have previously, as a minister in this place, been responsible for election legislation. I will tell you that it was very important to me that the legislation we pass on very complex and important issues relating to our democracy would withstand Charter challenges. To do that, you need to make sure you know what has been ruled on in the Supreme Court, where those boundaries are, and that impeding freedom of expression and freedom of association are extremely serious challenges and extremely serious contraventions that hurt our democracy.

Now, just yesterday I saw that the International Institute for Democracy and Electoral Assistance has added the United States for the first time to its annual list of backsliding democracies. That caught my eye, Mr. Speaker, because it's an important reminder that although we live in a democracy, that doesn't mean that our democracy will always be solid and will always be with us. Democracy is something that needs to be protected. Democracy is

something that you need to fight for, and you do that by passing good legislation, by being accountable, by being transparent, and continuing to always look critically at what you are doing as a government, because as soon as there is distance between transparency and accountability in your state of democracy, you are in serious trouble.

In this bill I see alarming and undemocratic provisions that seriously impact the ability for civil society groups to be able to engage in conversations. Civil society and how they influence what's going on in our world are incredibly important. When I think about the child care announcement that has just recently been made, it is certainly not because some politicians got together; it is because workers and citizens and parents have been fighting for child care through campaigns and through important public interest conversations for decades. The victory for now having \$10-per-day child care should go to the advocates who have been fighting for these issues. Unfortunately, Bill 81 could literally impede civil society groups from being able to engage in these debates. Whether it's child care, whether it's health and safety, whether it's CPP, environmental changes, fighting for climate change, civil society has a lot to say, and they deserve the right to say it.

Bill 81 brings in vague and broad criteria as to who is allowed to say what. At times it says that you're not allowed to say anything. You're prevented from all communication during an election window, something that I will submit to you, Mr. Speaker, is unlikely to stand up to a Charter challenge. Groups that have previously criticized the government will not be allowed to register as a third-party advertiser. If somebody has said something critical of the government, then they're not allowed to say anything at all. That is not democracy. That is not healthy. People should be able to criticize within a political arena and criticize within civil society.

Groups will be prohibited from establishing third-party advertising campaigns if they've made statements in support of or in opposition to a registered party or if the group's political programs, advertising materials, and policy statements are critical of a registered party. Literally, Bill 81 says that if you are critical of the government's political party, you cannot have a voice during elections. You cannot run a campaign fighting for child care because you've criticized the government.

When I think about the International Institute for Democracy and Electoral Assistance and where democracy is backsliding, legislation like this is not moving us forward. It is concerning. Large, big buckets of money being dumped in through nomination contests, limiting transparency, allowing people to buy memberships for one another, telling civil society groups what they can and cannot say with vague and overly broad criteria: this legislation is going to muzzle critics of the government. That is what it is designed to do, muzzle those voices who disagree with this government, voices that are incredibly important in our democratic debate.

Already there are lawyers who are excited to take this law and challenge it because they know that it will not stand up because similar laws to block people from having a voice have already been struck down. There is already the jurisprudence, which I believe is the lawyerly term. I myself am not a lawyer but, rather, a programmer back in the day, but I still know that if you go and read the various rulings, the Supreme Court has said that limiting freedom of speech is a serious deal. Yet this government has callously brought forward Bill 81 to do just that against civil society groups and specifically by flagging them as: people who are critical of the government should not be able to advertise, should not be able to put their views out. Again, I remind you that child care is an example of a topic that is likely to be limited under this legislation.

8:50

When I think about the referral to committee, that Bill 81 is currently being debated under, I strongly believe that all members should support that referral to committee because, again, big money through nomination contests, buying other people's memberships, and shutting down people's freedom of speech, all of these things, are incredibly concerning.

Thank you very much Mr. Speaker.

The Acting Speaker: Thank you very much, hon. member.

Is there anyone else wishing to speak to this amendment? I see the hon. Member for Edmonton-Ellerslie.

Member Loyola: Thank you very much, Mr. Speaker. It's a pleasure to get up and speak to this particular bill, Bill 81, Election Statutes Amendment Act, 2021 (No. 2), and specifically the referral to have it sent to the Standing Committee on Families and Communities. I think that, I mean, all of the issues brought up by the Member for Edmonton-Mill Woods are incredibly important when it comes to this piece of legislation, but perhaps, for me, what is even more important than all of them was this fact that they want to be able to restrict what people say.

Now, the Member for Edmonton-Mill Woods clearly stated that, yeah, this would probably get challenged, and I sincerely hope it will be. I'm counting on the fact that it will because right in the Charter of Rights and Freedoms we have the fundamental freedoms of every Canadian, and for those of you who haven't cited the Charter of Rights and Freedoms in a while, well, it's section 2, where it says:

Everyone has the following fundamental freedoms:

(a) freedom of conscience and religion.

I'm just going to pause right there. It's extremely troubling that within a Legislature you have members, private members of the government caucus, that get up and basically use arguments to personally attack other members of the Legislature based on their ideas. This continues to happen in the House, Mr. Speaker, even though, you know, the chair, the Speaker have provided due warning to stay away from personal attacks. We're here to talk about legislation. I would hope that every member of this House honours that, honours the fact that there are people that think differently than you. I respect that fact. I know that there are people out there that think differently than me. I don't criticize them for it.

You're free to believe whatever it is that you want to believe, absolutely free. This is what the Charter is stating. You're absolutely free to believe whatever it is that you want to believe. Members on the other side of this House will get up and ridicule someone, attack them personally for their beliefs. [interjection] I hear them heckling on the other side, denying it, but it's on the record. It's on the record. Obviously, if members aren't going to respect the fact that you're able to believe whatever it is that you want to believe, then it's not a far stretch to see a bill from the government restricting that same fundamental freedom.

Now, this is characteristic of authoritarian governments the world over, Mr. Speaker. It's authoritarian governments . . . [interjections] Now, the members on the other side are laughing it up. Well, have a good day. Laugh it up because – you know what? – this is no laughing matter.

Mr. Getson: We're looking at it. I'm not disagreeing with you, so stop throwing stones here.

Member Loyola: I'm not throwing stones.

I'm speaking to the piece of legislation and the fact that we have a Charter that actually respects that every individual is free to believe whatever it is that they want to believe:

- (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication.

With this particular bill, Mr. Speaker, they actually want to shut people up. They actually want to shut people up, and every Albertan should be concerned about this. They should see this piece of legislation as a threat. Obviously, they want to be able to – if you critique this government, if you criticize them in any way, they want to be able to shut you up, again, a characteristic of authoritarian governments the world over.

We're in this House to protect democracy because that's what Albertans want us to be doing here inside of this House. I'm very proud to be a part of this democracy because of the fact that my parents and I actually had to flee a country that was in a state of violence because a military regime decided that they didn't agree with the party in power at the time and decided to start just shooting people in the streets, bombing the presidential palace. Again, this is the way that authoritarian governments work the world over, and it seems to me that there are many on the Conservative side that even applaud that military regime in Chile. [interjections] Yes, it's true, Mr. Speaker. It's absolutely true. They hold up Pinochet, a name that I don't often say. This was a brutal military dictator that even changed the Constitution of the country because it didn't fit with his idea of how to run a society, changed the democratic institution, and conservatives all over the world applaud this.

Mrs. Frey: Point of order, Mr. Speaker.

The Acting Speaker: A point of order has been called.

Point of Order

Relevance

Language Creating Disorder

Mrs. Frey: You know, Mr. Speaker, we're in this Chamber to debate Bill 81. We have been debating Bill 81. I think the Member for Edmonton-Mill Woods gave – I mean, I didn't totally agree with her – an excellent explanation of Bill 81 from her perspective, but the Member for Edmonton-Ellerslie is going beyond the pale with that, imputing false motives as well as using language likely to cause disorder. He is, under 23(h), (i), and (j), just for reference, conflating conservatism with supporting dictators, authoritarianism. It's ridiculous, and I think he needs to get back to the point of the bill.

The Acting Speaker: The hon. member.

Mr. Dach: Thank you, Mr. Speaker. The Member for Edmonton-Ellerslie was clearly engaged in a matter of debate, talking about the legislation before us and referring to it as authoritarian and giving examples to provide substance to that argument, so indeed it was within the realm of the legislation and speaking exactly on topic. The example that the member used to demonstrate the authoritarian nature of the Legislature before us, in his view, is certainly a matter of debate and one that was legitimately brought forward to this House, and I think there's no point that should be found.

9:00

The Acting Speaker: Hon. member, do you have anything else to add that hasn't been said already?

Mr. Getson: Yeah, I absolutely do, Mr. Speaker, and I appreciate the chance to rise on this point of order. Again, the member opposite

is obviously talking about events that took place that are very near and dear to his heart, explaining leaving a totalitarian regime. Saying that members on this side – I would assume he's talking about me because he is talking about members on this side – holding up some dictator that shoots women and children in the streets: that's not offensive? That is definitely out of line for the context of this House. I don't even know the individual he's referencing, yet he states that Conservatives hold that type of behaviour in high regard because of legislation that's brought forward by the government and quickly ascertaining that we are the ones holding that up? I find that deeply offensive, and I really hope that you can understand my tone. It's being restrained because of the offence that that member has just put over on this side.

The Acting Speaker: Hon. members, the Member for Edmonton-Ellerslie was speaking about some issues that I also had some issues trying to tie in to the referral amendment, so I do find that this is a point of order as it has linked a referral amendment to a third-world dictatorship, and I do not believe that that is appropriate for this Assembly.

I would ask the hon. member to tie his comments back to the referral amendment and proceed. Thank you.

Debate Continued

Member Loyola: When you decide that you're going to bring a piece of legislation, a proposed piece of legislation, into the House that is basically going to shut people up, this to me is incredibly offensive, Mr. Speaker, because our democracy within our own Charter of Rights and Freedoms specifically focuses on the fact that people have the freedom to speak according to their beliefs. They have the freedom. You may not agree with it – you may not agree with it – but it's a fundamental part of the rights of every Canadian, that they can speak their mind.

Now, here we have a piece of legislation where they're basically saying that if you criticize the government, you could potentially – because, of course, it's a set of very loose criteria. It's a set of loose criteria, and this is what is the most worrying. Essentially, the government will be able to decide who they can shut up and who they don't want to shut up. It's like: what is this? I just can't understand why they would – and you know the other thing, too, is that I wonder if this was actually spoken to in committee, the committee that had the actual responsibility of strengthening our democracy. From what I can tell, this wasn't discussed at committee and the government decided just to throw this into this piece of legislation. You know, it's pretty common. They like to throw certain aspects into pieces of legislation, hoping that nobody will be the wiser. Not a very transparent way of acting, Mr. Speaker.

This is perhaps the most important aspect of this bill that I think we need to make sure does not continue to go on in this bill. You know, I'm sure that other members on the other side of the House are going to be like: oh, well, you're trying to protect this group and that group. No. It's not about protecting any group. It's about our fundamental right that every Canadian has freedom of thought, belief, opinion, and expression, including freedom of the press and other media of communication. Not only that, Mr. Speaker; they also have freedom of association. [interjection] I'm not going to take the interjection.

Mr. Speaker, I think that the members on the other side of the House are really going to have to take a deep look into what it is that they're proposing here, because when you decide that you're going to have the lay of the land, you're going to be rule of law, and you're going to be the one who's going to decide who gets to speak

and who doesn't get to speak within society, again – and I'm pointing to the actual piece of legislation, referring to it – that is of an authoritarian nature, and Albertans should be really concerned about that.

Mrs. Frey: When are you going to talk about the referral?

Member Loyola: This is why it needs to be referred to committee. [interjections] Yeah. Really funny. Really, really funny. Seriously, like, nice. Here I am talking about a real concern, Mr. Speaker, and all they can do is laugh it up. Good on you.

The Acting Speaker: Hon. members, we are still on the amendment to Bill 81. Are there any other members who wish to speak? I see the hon. Deputy Government House Leader.

Mr. Schow: Well thank you, Mr. Speaker. It's an honour to rise this evening and speak on Bill 81, the Election Statutes Amendment Act, 2021 (No. 2). We are currently on the referral amendment, which was moved by the opposition, without any real surprise.

Mr. Speaker, I will start by saying that I am confused because I was listening to the member opposite from Edmonton-Ellerslie for quite some time during his speech, and he used a lot of generalities, and I didn't know at any point what part of the bill he was referring to. He spoke in great depth about limiting freedom of speech, in great depth about skirting democracy, but I didn't hear at any point what part of the bill that member was referring to. And I am open to an intervention at any point in time from that member during this speech to tell me what part of the bill he was talking about. Dare I go so far as to suggest that the member opposite did not read the bill?

You know, while on this side of the House we're doing everything we can within the power of the government to make Alberta one of the most attractive jurisdictions in the entire country to live and work in, also trying to get through one of the worst health crises we have seen in a generation or two generations, for that matter, and members on that side of the House are over there supporting Extinction Rebellion and supporting people who suggest that we should just take all of our important infrastructure like pipelines and blow it up – blow it up, Mr. Speaker.

Now, I'll tell you that for a lot of things in my day – and, you know, my day wasn't that long ago. I'm only 37; I turn 38 pretty soon. I'm pretty excited about that. I am coming along in age. Lots to learn yet, but I'll tell you that I have learned this, Mr. Speaker. I have learned a lot, especially from the amendments from Edmonton-Glenora. [interjection] From that member I have learned how to heckle. I don't heckle, because I don't need to, but that member certainly has taught all of us in this Chamber the importance of repetition.

Now, the point of saying all this, Mr. Speaker, is that the referral amendment for this bill is unnecessary because while we on this side of the House are doing our best to move along and make Alberta the most competitive jurisdiction in the country in which to live and work, those members are trying to stall progress. Shocker. They did it for four years. I sat and watched on May 5, 2015. The members opposite were elected to office, and I was very concerned, but on that same day I thought: "You know what? This is the government of Alberta, and Albertans will hold that government to account."

Member Ceci: The voters are always right.

9:10

Mr. Schow: Without question the voter is right, Member for Calgary-Buffalo. On that, we do agree. Now, there's a little nuance on that day.

The point of what I'm saying, Mr. Speaker, is that I was hopeful. I was hopeful that members opposite, when they were in government, would listen to Albertans, that they would take what Albertans had to say to heart and recognize that their election had a lot to do with things like vote splitting, but the voters spoke and they elected that government. I respect that; I always will. The point I'm saying is that they did not. They rammed through legislation that they didn't even campaign on, stuff like the job-killing carbon tax, things like Bill 6 – okay? – and in the process while in opposition the Wildrose and the PC parties, before they merged, worked tirelessly to hold that government to account, asking them to do the same things that they're asking today. And what was the answer on all those referral amendments? A resounding no. No.

So I ask, as this government is working towards a better province, better opportunity – the fruits of our labour in this province are already being seen with record investment. The list is so long, I won't go into it. But, Mr. Speaker, there is hope on the horizon. We are doing what Albertans have asked us to do, so why in good faith would members opposite choose to stand in the way of progress? All I say is that again I'm open to intervention from the hon. Member for Edmonton-Ellerslie. What was he talking about? [interjection] Yes. Yes. Yes. I will give way.

Mrs. Frey: I'm humbled by the willingness to give way from the Member for Cardston-Siksika. I know that the Member for Cardston-Siksika – many might not know this, but some consider him to be kind of a guru when it comes to nominations and campaigning. I know I learned a lot from him myself, having been sent to his nomination boot camp. So I'm curious if the Member for Cardston-Siksika could maybe tell the Chamber why these changes are important or, in his opinion, perhaps why they might have brought them forward and what they will do to enhance democracy.

Mr. Schow: Well, something that I'm really excited about is that if this passes, it would ban foreign money in provincial politics, prohibiting other jurisdictions from unduly influencing Alberta elections. This is Alberta's election. Albertans should be making these decisions, not foreign-funded interest groups, and certainly we should not be seeing foreign money coming in to influence our elections.

Again, I welcome an intervention from the Member for Edmonton-Ellerslie. If that member wants to come into this Chamber and make reference to authoritarian regimes and comparing them to the government of Alberta, Mr. Speaker, that is absolutely downright shameful.

With that, Mr. Speaker, I don't see any need to continue on with my remarks. Suffice it to say that I do not support . . . [interjection] Oh, intervention? Certainly.

Ms Gray: Thank you to the hon. member for giving way. I had not known that he was known as the nomination guru, and I'm curious about his thoughts on Bill 81. I think it absolutely backslides our democracy to allow unlimited amounts of money into our political process given that a nomination contest can now receive \$200,000, \$400,000, and that money flows through to your political party. How does that benefit our democracy? I think that leads to a backsliding, something we need to protect against. How do unlimited amounts of money into a nomination contest, that flow through to your political party, help our democracy, help elect people from underrepresented communities? I would be interested in what the nomination guru has to say about that and if he was consulted in this change it advocated. Perhaps he plans to raise large amounts of money through his nomination contest, and is that the purpose?

Mr. Schow: Well, Mr. Speaker, I'll start by thanking the member for the intervention. As you can see, I am a magnanimous individual and welcome interventions from both sides of this Chamber. As far as nomination contests are concerned, I did not make up that title of nomination guru; I would certainly defer to the hon. Member for Brooks-Medicine Hat. To the point from the hon. Opposition House Leader: if you need \$200,000 to run your nomination, you're probably trying to do the wrong thing. You're probably not set out for that. I would suggest that nominations are about relevancy and putting forth a vision as a representative for your constituency. Certainly, you need to pay for expenses with those nominations, but I would also suggest that, you know, there should be a limit in terms of how much you're willing to spend.

What I like most about this is that we're not going to see foreign-funded interest groups looking to fund those and, you know, I'm actually not . . . [interjection] Eh, you know what . . .

An Hon. Member: Come on. You're magnanimous.

Mr. Schow: I'm magnanimous. Yeah, absolutely. I'll take the intervention.

Ms Hoffman: Thanks very much to the speaker for the opportunity to say – I think the speaker just said that there should be a limit to nomination spending and nomination fundraising, and I would one hundred per cent agree. This bill, though, takes away limits for donations to nominations. Right now if you seek a nomination, the money that people donate to you counts towards their annual limit of \$4,243, but in this bill it takes all of those limits away. I'm wondering if we can expect the Government House Leader to bring forward an amendment to reflect his remarks. I certainly think that that would be fair and just. I think that there should be spending cap limits when it comes to fundraising and nomination meetings. Absolutely, Mr. Speaker. That would be my request to the member. Maybe as the Government House Leader he could bring forward that amendment.

Mr. Schow: Well, you know what, Mr. Speaker? Thank you for the intervention from the hon. Member for Edmonton-Glenora. I would be interested in taking advice from someone who sits in a party that actually has nominations, but sadly I don't think that happens very often for the members opposite. [interjections] What I would say . . .

The Acting Speaker: Order. Order. The only person with the floor is the hon. Deputy Government House Leader.

Thank you.

Mr. Schow: Sorry, Mr. Speaker. I should clarify: I meant contested nominations. On the opposite side they just hand-pick candidates and throw them in there. In my opinion, that doesn't open things up. I ran in a hotly contested nomination and had an absolute blast, and you know what? The candidate I ran against is an incredible individual, someone I speak to regularly and have a lot of respect for. That's what you call, you know, a healthy democracy. Anyways, I think I've said enough on this topic.

The bottom line is that I'm very disappointed that I did not have an intervention from the Member for Edmonton-Ellerslie, which is the primary reason I stood up. If you're going to come in this Chamber and you're going to have a conversation comparing the Alberta government to a third-world dictatorship, you'd better be able to reference a part of the bill. That was just one hundred per cent hyperbole, and I think it's outrageous that that member thought that was appropriate for this Chamber, but what's even more disappointing is that the member wasn't willing to defend those

remarks when challenged on them. That, frankly, Mr. Speaker, is my job. The opposition's job is to hold the government to account, but it's also my job to stand here and make rebuttals when the opposition says things that are categorically untrue. That's it.

Mr. Speaker, I won't take any more of this time. I thank you for the opportunity, and I'll conclude my remarks.

The Acting Speaker: Are there any other members who wish to speak to the referral motion? I see the hon. Member for Edmonton-McClung.

Mr. Feehan: Rutherford.

The Acting Speaker: Rutherford. My apologies. The mask.

Mr. Feehan: Thank you very much, Mr. Speaker. I, of course, am standing to seek the support of the House in referring this bill. I will try to take an appropriate amount of time to speak why, but I'd like to thank the Member for Cardston-Siksika for making our point for us just moments ago when he suggested that no one needed \$200,000 to win a nomination. He thought it was even ridiculous that anybody would need that kind of money, and of course we all agree with that.

9:20

We know that nobody needs \$200,000 in order to win a nomination, so the reason why the government is allowing that to happen must not be about the nomination at all but about using a surreptitious mechanism for shovelling money not to nomination processes but to the party itself. I think that's the essence of our concerns with this bill, and I'd like to thank the Member for Cardston-Siksika for so clearly pointing out that they know on the government side that opening the door to these ridiculous amounts of money is, in fact, an attempt to do indirectly what you cannot do directly, which is a statement that we hear fairly commonly in this House about the things that we are not allowed to do in this House. The Speaker frequently says to us that you cannot do indirectly what you cannot do directly, and I think that's exactly what's happening here.

This bill has of course been examined by people outside of this House. We certainly have seen some of the reviews of Bill 81, and we can see that the concern that has been so greatly expressed in this House already, as it turns out on both sides of the House, has also been reflected by professionals in the community such as University of Calgary political science professor Lisa Young, who indicates that the bill clearly lacks the ability to limit the flow of money that has come in from the nomination process and does not in any way control how that money in excess of the money spent on the nomination will be used. The point has been made by the government side of the House, the point has been made by the opposition side of the House, and the point has been made by appropriate people in the community who have examined the bill, so we know quite clearly that everyone agrees the bill is deeply flawed.

Of course, the normal process when we have a bill that deals with democratic reform would be of course to go to the democratic reform committee, yet this government has failed to do that, has failed to take this bill to the appropriate committee and asked them to do the responsible thing. As such, now we are standing in the House at this late day asking for a referral. Let's go through exactly what's going to be happening here. What's going to be happening is that instead of having the playing field levelled for everybody so that everybody's contribution can be included in the ultimate decision of who gets elected to represent the citizens of this province, we are going to have some people whose wherewithal

allows them to have an exorbitant effect on the outcome of any kind of a nomination process and ultimately of the election.

Let's just walk through for people who are watching. I know you love the numbers, so we'll go through all of this very clearly. Now, under the bill introduced by the NDP in the last government, there was a limit put on how much money could be donated in any year to any political party, whether it's for use in the election, and that number rises a little bit every year because it does follow with inflationary pressures and right now is at \$4,243, I believe. In an election year you're actually allowed to donate that twice, once outside of the election period and once during the election period, but still there is a limit to how much money can be put in.

It's all clearly reported in the processes that we have established, and it ensures that someone who comes along with, let's say, \$250,000 cannot unduly influence the outcome of the election, as we happen to know was done by the prior Conservative government in this province when they thought in 2015 that they were going to lose the election. They did go to private interests and had a single person bring forward an exorbitant amount of money and then ostensibly divide that amongst some of his family and employees but was essentially caught. Now, what has happened in this bill is that the government has set it up that you can go to those private interests, those people that have the privilege of being excessively rich in this society, and ask them to put any amount of money into a nomination.

[The Speaker in the chair]

Now, of course, as the member opposite has said, no one is going to spend all that money in a nomination. We seriously all know that there's a natural limit to the amount of money that's spent. I know that in my election process, you know, I did all the things one would do. I had signs and I had brochures and I had posters and I even had an electric billboard back in 2015 because I had the money to do that all within the limit that we now live under. So any money that was beyond that, all the things that one would naturally do, that's going to be excessive to the needs of the process. As such, what happens to that money is that it gets diverted to the central party.

In this case what we have is someone doing indirectly what they cannot do directly, and that is that they are funnelling huge sums of money into the actual political party by first donating that money to a nomination process when it clearly will not be spent. This bill does not regulate what happens to any surpluses or excesses, and it gets sent to – sorry. I thought you were signalling me.

The Speaker: My apologies.

Mr. Feehan: It gets sent to the party at large. So there is some clear intent here. There is intent to subvert the democratic process that we have established, and I think that's very discouraging because, you know, we really have worked very hard in western democracies to try to establish a fair process. This process is clearly not fair. It's not fair because it is allowing some people who have already got so many privileges by virtue of the access to capital that they have to have increased influence over an electoral process, and it's very discouraging that that happens.

I just noticed. I was looking just yesterday, in fact, online and happened to run across the release of the Freedom House rankings of all countries in . . .

Mr. Schow: Point of order.

The Speaker: A point of order is called. The hon. Deputy Government House Leader.

Point of Order Relevance

Mr. Schow: I have listened intently, Mr. Speaker, for the entirety of the speech – I had even tried to intervene several times to no success – but I have heard scarce reference to the referral amendment; rather, to the main bill. We are on the referral amendment. I would rise under 23(b)(i), speaks to a matter other than the matter under question. Let's get back to the referral amendment.

Ms Gray: Mr. Speaker, the government has been very sensitive about this and, I would suggest, inappropriately so. Speaking about the flaws of the bill is speaking in favour of the referral amendment. The member was speaking directly about the concerns of nomination contestants, of funnelling large sums of money into political parties, of the backsliding of democracy that is happening within Bill 81 and, I would suggest, was adding quality content to the debate this evening, and the government should allow that debate to continue.

The Speaker: I think the only person who allows debate to continue is the Speaker. It's not the government's responsibility, but I appreciate you efforting to – I can agree. It's not a point of order. A matter of debate.

Debate Continued

Mr. Feehan: Thank you, Mr. Speaker. I will hold my comments about the thin skin.

You know, I think that the point of everything that I have been making here has been very clear. I've been speaking very clearly to the points of the bill and why it needs to go to committee, and the purpose of it going to committee is that we actually have designated people whose responsibility it is to discuss democratic processes in this House. Somewhere along the way this government actually decided that that was an appropriate committee for us to have, democratic accountability. If they decided it's an appropriate committee, perhaps they should actually use their own committee. The point of everything I have said is that this is a deeply flawed piece of legislation; therefore, it needs to go through an appropriate review.

9:30

I've talked about the shuffling of the money in inappropriate ways. I also want to talk about the absolute reduction of transparency in this process, because it seems to me that if you know you are trying to engage in a sneaky process of doing indirectly what you cannot do directly, you probably also want to hide it. That seems to be the thing that most, you know, people on the wrong side of the rules want to do. In this case it's clear that this government has, on some level, an understanding that if they expose this behaviour to the citizens of Alberta in an obvious and transparent way, there would be a lot of objection.

The points of the bill that could be reviewed by this committee, should we agree to the referral – are there points that reduce the transparency? I think this bill absolutely breaches any expectation that we have that money should not be disproportional in its influence and that we should know who is supporting what point of view and what angle they're coming from. What's in it for them that they would support this kind of view? If you don't even know the people that are supporting this particular point of view, how can you begin to do the natural process of questioning what's in it for them and why they want it to happen?

This bill, the one that we want to refer to the appropriately government-established committee, is one in which they are delaying the reporting of donations in such a way that in the year just before an election – funny, we’re just almost at that period right now – you could donate untold amounts of money and not have any of that reported to the people who will cast their vote until after they have cast their vote. I mean, if anything reveals a sense that the government knows what they’re doing is sneaky and it needs to be hidden, it’s these sections of the bill.

You know, the proof is in the pudding here. This government understands that by moving from a quarterly reporting to a yearly reporting, they will be able to leap over the actual time period of the election itself in terms of its reporting, the same kind of shenanigans that they engaged in when they moved AISH payments from the end of March to the beginning of April just so it would be off the books, harming people on AISH throughout this province. It’s really unacceptable and sneaky, at the very least.

The Speaker: Are there others wishing to join into the debate on the amendment? I see the hon. Member for Edmonton-McClung.

Mr. Dach: Thank you, Mr. Speaker. I’m pleased to rise this evening to speak on the amendment for Bill 81, Election Statutes Amendment Act, 2021 (No. 2), to committee. I think it’s a very necessary move, in the light of debate this evening, that this bill receive further, in-depth review as the more that Albertans realize exactly what is contained in this legislation, the less palatable it will become. Even at first glance the bill leaves a dirty taste in the mouth of anyone who purports to support democracy.

Interestingly enough, Mr. Speaker, I was listening to late-night CBC Radio, as I sometimes do if I wake up in the middle of the night, and it just so happened that there was an author, a British author who was initially a journalist but then progressed into becoming a heralded author, named Robert Harris. He speaks and writes numerous books basically about democracy and the history of democracy and our democratic process. One of the things he keeps talking about in his novels – there’s a trilogy about Cicero that he particularly referred to last night – is the need to protect our democracy. Democracy isn’t something that will actually exist on its own in perpetuity without protection, without our continuous observation and our continuous desire to make sure that any particular government or legislator or, in the case of Robert Harris’s trilogy about Cicero, a Roman Emperor would do to subvert democracy.

The number one thing that I think we need to make sure happens in our democracy is that the curtains are kept open, Mr. Speaker. It’s absolutely necessary for the public to know what’s going. Not only that; at the most basic level of our parliamentary democracy, the level at which people become first involved, where they will choose to run for a particular party – they’ve made a few decisions already to get to that point. There’s an interest level that’s high enough, and they’ve made the decision to seek the nomination of their particular party and offer themselves for office. It’s critical that individuals in a democratic society in significant numbers feel that motivation and feel that it is a legitimate pursuit, feel that their voice will be heard, feel that they have an opportunity as a member of the public, as a citizen, to actually go ahead and join the democratic process by seeking a nomination in a fair process.

Now, I grew up in this province. I’ve lived throughout the hegemony of, basically, Conservative regimes since before I was, when I was born. Of course, we had the Socreds, from 1935 to 1971, an agrarian based Conservative Party, give way to the Progressive Conservatives in 1971, followed by, of course, one term of our government, but throughout that hegemony of 70-some years we

have seen the table being tilted in numerous ways to ensure that the status quo or that, as Conservatives like to say, power was conserved, of course, in their hands. The democratic process, in my view, Mr. Speaker, had been subverted for many, many decades.

When we became government in 2015, one of the first steps we made, Mr. Speaker, was to open up that process, to draw back the curtain, to ensure that individuals felt it was a legitimate process to take part and to seek nominations in their political party and make sure that particular process wasn’t, in the words of some of the former members of the Progressive Conservative Party, one of whom I happened to go to high school with, when I was talking with him or we were debating in open committee, a private club.

And that was very disheartening, Mr. Speaker, for me to hear the former Member for Vermilion-Lloydminster talking about, in very passionate terms, how he felt that the Progressive Conservative Party was a private club that should not have the light of day shed upon its processes where it came to nominating people to seek the nomination for their party to run for office. Therefore, the details around how much money should be raised and who could give and disclosure of that was something that the public had no business viewing. I was really upset that that individual, who I knew and liked and respected – and I still do in many respects, but on this point we severely disagree. I hope that that individual, who described himself as “the last of PC privateers” strongly and starkly – some might say “Starke-ly” – held out to make sure that his PC roots were strong and firm.

9:40

He still at that stage of his political career, Mr. Speaker, held firm to an underlying belief that indeed we should oppose at every moment when we’re protecting our democratic institutions, and that is that political parties are somehow a closed and private club which make rules unto themselves and that the public has no interest or no right to shed light on it. I vehemently disagreed with that, and I’ll do so every moment that I can. That’s one of the reasons I wanted so eagerly to speak to this piece of legislation and the referral to committee of Bill 81 so that certain elements of this bill – particularly, the unlimited amounts of money that can be funnelled through the vehicle of a nomination meeting to go directly to the coffers of a political party is a total perversion of what democracy actually should be.

It’s a return to the types of practices that I grew up watching and witnessing as I struggled with becoming a part of a process that I had revered from a very early age. I remember watching John Diefenbaker in black-and-white television, making impassioned speeches, and I thought: well, there’s an individual who’s really compelled to do what he is doing. Not that we agreed with each other politically as I matured in my political thinking, but indeed I respected the passion that he brought to the table and was drawn to the process. Yet the types of things that I learned later on, Mr. Speaker, as I grew and matured and went to high school and university about how dark a backwater Alberta has been for decades in terms of the political process, in terms of access to that political process: that indeed is something that I’m going to take this opportunity to rail against every opportunity I have.

I think of not only myself, Mr. Speaker. The government will find themselves on the very opposite side of the spectrum compared to the public. The public in this province have suffered decades, the same as I have. Anybody who’s my age, who’s lived through Social Credit rule, who’s lived through PC rule has suffered through the degradation of our democratic process by measures that are found in this bill that need to be looked at in greater detail so that they can be, hopefully, prevented from actually becoming law after seeing the light of day through the committee process by referral of this

piece of legislation to greater scrutiny and greater time being put out to the public.

Just on that piece of it alone we should see the depth of cynicism of this government through and through. Any government that would come forward with a piece of legislation changing our election statutes to enable individuals to put unlimited amounts of money into a nomination process which could then be funnelled through to their party afterwards is an absolute disgrace. To think that they believe they're going to be able to get away with it without paying a severe price is an admission that they totally disregard or have total disdain for the public in this province. They think that indeed the public will accept this as something that they can't do anything about and go along their merry way. Well, Mr. Speaker, this is one of a litany of major, major faux pas that this government has made, and the proof will be in the pudding, I believe – I fervently hope – and I'll do everything I can to make that happen come the next election.

This type of legislation is something that a democratic society should usher out the door unceremoniously. It's an embarrassment, and it's something that I thought we may have seen go the way of the dodo bird when we were elected. We, of course, made very good steps in bringing forward democratic processes to the election financing act in terms of making a limit of \$4,243 per individual across the board, making it a very fair process so that you would not have money dictating who actually gets elected at every stage of the way, including at the nomination stage, which is the entry level for individuals who wish to seek to be a part of the electoral process.

We have damaged ourselves once again by even merely introducing this legislation, Mr. Speaker, by the government coming forward and so brazenly putting forward a piece of legislation which suggests that if you want, you can back a truck up to a nomination meeting and just dump a dump truck full of money into it. That's the law in this province of Alberta. That's the vision that people will have of this province, as a political backwater that once again is simply going to let sort of the people with the cash dictate how policy is made in this country and in this province in particular by ensuring that people who have the biggest and deepest pockets are those that actually get elected, are those that represent those people with the deep pockets, are the ones that are even allowed to enter into the electoral process. Even allowed to enter.

When I hearken back to my friend the former Member for Vermilion-Lloydminster and how aghast he was in committee, when he was a member, that we would even think that it was an appropriate thing to do to limit the amount of money that a political party could raise during a nomination meeting, that there would be limits as to how much a political party could spend, but also that that money couldn't be then transferred to the party if there was anything left over, he was absolutely flummoxed, Mr. Speaker, that we would deign to shed light on the nomination process that he considered to be a private club. There is a continuation of that whole attitude towards cloaking the nomination process in secrecy as if it was some type of a club of Rome, and I rail against that.

I'm encouraging members to vote to support the amendment to refer this to the committee, where, hopefully, we will be able to have an even larger media presence and a greater understanding amongst the public of the depth of cynicism that this government has sunk into in thinking that indeed they are so willing to cheapen our democracy by opening up the floodgates in a nomination meeting to allow unlimited amounts of money to be funnelled through that channel to their political parties, possibly as a result of the fact that they have been unable to raise the amount of money they had hoped to raise in the last number of quarters to get them to

the point where they might be able to afford to mount a full election campaign.

That being said, Mr. Speaker, there's no shortage of other things a person could talk about with respect to this legislation, and I will get on to other elements of it in due course, as some people have said in this House. We will certainly be inviting members of the public to open themselves up and let their opinions be known, and we will invite them to talk at great length to let this government know that they have no right to do what they're doing.

The Speaker: Hon. members, are there others? I see the hon. Member for Edmonton-Glenora has risen.

I just might provide a friendly reminder to members of the Assembly that there are certain masking and social distancing protocols that are in place. I encourage all members to use them.

The hon. Member for Edmonton-Glenora.

Ms Hoffman: Thank you very much, Mr. Speaker. I truly appreciate that reminder.

Earlier in the remarks from the Member for Cardston-Siksika there was reference to, you know: don't be ridiculous; nobody would need to raise \$200,000 for a nomination. Certainly, just saying it doesn't make it so, Mr. Speaker. We know that there have been many questions raised by past and current members around that concern. I'm happy to speak to the referral because clearly this bill could be improved if it was referred to committee.

9:50

The Member for Cardston-Siksika also spoke about: well, the last government didn't refer bills to committee, so this one shouldn't either. I would say that perhaps the next one will. It might be nice to set the bar for future behaviour tonight.

I also have to say that the remarks around, you know, "That's ridiculous" don't make it, actually, legislation. Just saying something doesn't make it a fact. The fact is that this bill has created a massive loophole specifically as it relates to nomination meetings, and as it does relate to nomination meetings . . . [interjection] I'd be very happy to welcome an intervention. I'll even do it at this point.

Mr. Schow: Thank you. I'll jump in there. Go ahead?

Ms Hoffman: I don't mind. Yeah.

Mr. Schow: All right. Well, there are a couple of things I'd like to address. First off, I have been misquoted suggesting that – what I was saying about limits is that there should be limits on what you should be willing to spend on a nomination. In terms of what it should be is certainly up to the candidate.

In terms of "Saying something doesn't just make it true," those are lessons that I would hope the members opposite would take for themselves. Lots of things are said from members across the aisle. My question to the member opposite and I do believe that . . .

Mr. Dach: Best summer ever.

Mr. Schow: What? Like, is that even coherent?

Mr. Speaker, what I'm trying to get to here is that we've heard a lot this evening about ways the bill could be improved. I think the Member for Edmonton-Rutherford had some interesting ideas. The Member for Edmonton-Ellerslie had nothing of real interest.

The Member for Edmonton-Glenora always comes to this Chamber prepared, and I respect that member's remarks. I would love to know if she could give us some specific ideas of what she thinks might be reasonable limits, then, and why this should be referred to committee, because I don't think that anyone has laid out that point.

Ms Hoffman: Thank you very much, Mr. Speaker. The most reasonable limit, I think, would be to include fundraising for nominations towards the annual cap of \$4,243. I think that's fair, and I think that's reasonable. I agree that people shouldn't... [interjection] Four thousand, two hundred, and forty-three dollars is the annual donation limit currently, prior to this bill being passed. I know this well because I ask many people I love dearly to consider donating that much every year, including myself. So \$4,243 is the current annual donation limit, and I think it would be fair and reasonable for that to stay in place, including the donation for nominations. Having recently been nominated and having raised what I thought was a good amount of money at my nomination meeting – that isn't going towards the nomination; it's going towards the campaign – I think that that's fair and reasonable.

When there's reference to spending limits, again, just saying it doesn't make it part of the bill. Spending limits and donation limits, in my mind, should go hand in hand. Money that is raised for nominations should be spent on nominations and not transferred after the fact to a central party or election funds for the candidate. I do think that having donation limits and spending limits is fair and reasonable. What this has done, this bill, has created a massive loophole that means that there is no donation limit as long as you're donating to a candidate's nomination, and then once the nomination has happened, that money can be transferred elsewhere. I think that that would be a great thing for this committee to delve deeper into.

For some reason, when I'm here in the evenings, I often think about wise quotes from Michael Scott. Michael Scott, you might remember, one day stood up in *The Office* and yelled, "I declare bankruptcy," and Oscar said, "Hey, I just wanted you to know that you can't just say the word 'bankruptcy' and expect anything to happen." Of course, Michael responded by saying: "I didn't say it. I declared it." Well, that still doesn't make it the law. It still doesn't make it true. It doesn't make it factual. If we're here a lot of nights, nobody will need to watch *The Office* because I'll tell you about most episodes at some point in our debate.

I think that it does speak to how this bill could benefit from the wisdom of members on both sides of this Chamber if we actually referred it to committee, took some time to go through what I think is reasonable from the Government House Leader, a reference to that there should be spending limits on nomination meetings because it shouldn't be about how thick your bank account is that determines whether or not one gets nominated.

There was also reference to: well, some parties have more contested nominations than others. I will say that I've been contested for a nomination, and I've been acclaimed for a nomination, and both felt good. I have to say that the lovefest at an acclamation is really fun. I hope that most people have the opportunity to experience that at least once in their career because to have your members talk about your track record and what they hope you do moving forward is very rewarding. I don't think that anyone should diminish the process, whether it ends up being a contest, which I've been through, or an acclamation. I think both are democratic and both result in parties putting forward choices for the voters. I think that that is fair and reasonable, and I think that to keep those choices fair and reasonable, we would be wise to have more checks and balances when it comes to election financing, not fewer.

I think that members have raised very valid points, both past and current members. For example, the Member for Airdrie-Cochrane has raised some excellent concerns in recent weeks around financing as it relates to party conventions, people paying for people's attendance at those conventions, people paying for their registration. This bill creates even more opportunities for third parties to pay for people to engage in politics.

Ms Gray: On page 123.

Ms Hoffman: Yeah. On page 123 it is very clearly articulated that individuals can purchase a party membership on behalf of another individual, and that, of course, is illegal today. Other people shouldn't be able to pay for you to therefore be a part of the party. What kinds of favours does one see and feel are owed to them when somebody else has paid their admission, right?

We also saw very clear, documented correspondence from a corporation saying that they were encouraging their members to participate and pay with – yeah. I see some members doing, you know, the spending-the-cash symbol across the way, and that is definitely what was signalled in this employer's correspondence to their employees around a desire to have favours in the Premier's office, favours among ministers. The business owner went on to say: you know, like, we're not saying that the Premier is our favourite person, but it would be really nice to have them owe us, right? This is generally what was paraphrased in multiple reported pieces in primarily Calgary newspapers.

This brings in a serious question around the integrity of this piece of legislation and the integrity with which the Premier's office and others are engaging in democracy already under the current rules and restrictions that are in place. This takes many of those away and actually creates massive loopholes.

I have to agree with the Member for Cardston-Siksika. Nobody should need to fund raise \$200,000 for their nomination or spend \$200,000 for their nomination. Wouldn't it behoove us to refer this to a committee – you can't just declare it and make it so – do the proper engagement with current and former Election Commissioners perhaps, do proper engagement with political entities, do proper engagement with folks who are underrepresented in terms of political engagement in our parties, and find ways to actually make the electoral process more accountable to the citizens of this province and get rid of what is arguably the largest loophole, which is the piece around nomination meetings not counting towards annual contribution limits?

I just don't think there is any reason why we need anyone to donate more than \$4,243 in any fiscal year. I think it can count towards the nomination in addition to the annual contribution. It is a large amount of money already. Some might say that that's already too much influence and power for one individual donor to have. Prior to the 2015 election there were certainly some big investments made by the government of Alberta into specific projects that benefited specific business owners, and we saw that many people gave max donations which were even larger than the \$4,243. At that time I think it was about \$10,000. Individuals making those donations, their spouses making those donations, their children making those donations, their goldfish – who knows? – you know, the list goes on. There was certainly a feeling that pay-to-play politics was at play under the PCs at that time. We know how the voters responded to that government when it sought re-election, and I suspect that additional types of manipulation through bills like this could be met with a similar fate.

With that, Mr. Speaker, I will move that we adjourn debate.

[Motion to adjourn debate carried]

10:00

Government Bills and Orders Committee of the Whole

[Mr. Milliken in the chair]

The Deputy Chair: All right. Hon. members, I would like to call the committee to order.

Bill 76
Captive Insurance Companies Act

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

Member Ceci: Not with respect to the amendment at this time but comments and questions in Committee of the Whole. I was here when the Finance minister spoke to second reading, and, you know, I listened and took notes, and I appreciated that from the Finance minister in terms of his willingness to both talk about this bill as well as why the need for this bill and to address some of the questions that were raised by this side. Regrettably, the time didn't allow for all the questions to be answered, so I'd like to pose those rhetorically, I guess, without the benefit of having the minister here to potentially jump up and answer.

The Deputy Chair: Hon. member, I wouldn't comment on whether or not . . .

Member Ceci: Yeah. Yeah. I apologize.

I'll pose them rhetorically. The captive market, of course, is not here at this point in time, and it was spoken about because of the need to address hard insurance situations, situations where companies are having difficulty finding insurance in the regular market or that insurance is exorbitant in terms of costs for premiums, and those are a couple of the things that were talked about. The sectors that were seen as potentially utilizing Bill 76, Captive Insurance Companies Act, were those in the energy sector as well as those in the forestry sector. It was mentioned that in B.C. the veterinarian sector – is that the right way of saying that? The veterinary association of B.C., I think, or something like that, has self-insured, using the captive market, and also auto dealers.

Certainly, one can understand auto dealers in this province. We have seen hail and other storms wreak havoc on auto dealerships around the province to the extent where many, certainly in Calgary and maybe other places, are totally covering their stock, their cars parked on their lots, with, you know, open-air roofs. I guess the roof is there, and then it's open on the sides. You can see one of those coming up highway 2 in Airdrie, and that's a relatively new addition. It's a way to reduce their premiums and insurance costs. Of course, they probably use the regular market insurance for other things, with regard to their buildings and their contents and other aspects, but the cars in particular might be something that they use this bill for and set up their own captive insurance company.

That was part of the explanation. Oh, actually, the minister went on to say that school boards potentially – he could see them bundling together and trying to reduce their costs of premiums, getting a better cost profile for the insurance needs. So those are the sectors.

We heard from the minister at the time that there were, I believe, approximately 170 captives in this country, and B.C. I believe he said had 25 of those. One thing he didn't kind of speak to is the potential size of the captive market here in this province, but we do know that we have many companies in those sectors that I was speaking to – energy, forestry, auto dealers, veterinary companies – so the 170 that exist in this country might grow precipitously in this province with the addition of this market and captives in this province. Those are some of the things I learned listening, as well as other things.

I wondered about the possible drawbacks of captives. You know, they're formed by parent companies or they're a subsidiary to parent companies, and that's all laid out in the act. What's not laid out, of course, is a lot of the regulations. We don't see those here.

That would be something that would come after. Like so many of the bills that come before us, we're basically asked to trust government that the regulations will be in line with the act presented here. The minister doesn't have those or didn't share those or talk to those or – he basically said that this is it at this point in time. This is all we have to make decisions on at this point in time.

With regard to drawbacks or possible drawbacks that I saw in forming a captive – and I, regrettably, didn't get the opportunity to spend much time asking the minister about these – they will of course need – a captive has to be set up. It has to properly be staffed, and there has to be administration, and some of those administrators may come from the actual company that is setting up the captive, so there will be an additional burden on those people who will be taking time away from their primary reason for existing in whatever business they're in, whether that's an energy company, et cetera, the ones that I've mentioned. They'll be taking time away from that and putting it into a captive and running a captive.

The acquisition of expertise, of course, is going to be necessary, and there's not an unsubstantial amount of expertise needed if you're setting up an insurance company to self-insure. So will there be the relevant expertise available, and then will those people be sufficient to do the work that is necessary to ensure that the company has good insurance coverage? It may complicate the merger and acquisition ability of the parent if you have a captive in place with that parent. In this one sector, for sure, energy companies, we've seen a great number of mergers through the difficult times that we've had in this province with regard to energy pricing. There have been many companies who have either gone out of business or merged or been swallowed up by other companies. Will that activity be somehow made more challenging if there's a captive insurance company in place with the company that's being acquired?

Of course, the captives all go to the reinsurance market to off-load the risk and the volatility of that market. As I understand it, the reinsurance market is very high at this point in time, so it gets back to the whole idea of acquisition of expertise. Do the people who are working for your captive really understand the situation?

10:10

Of course, there's going to be a capital component that's needed to be there. It's further back in, I think, part 2. The minister is the one who decides if the capital component that the parent company has put in the captive is adequate to cover off the risk of that company. That's another thing that is a possible drawback because the parent needs to have the money in place for that captive to be able to address the risk of their parent company.

Those are some of the questions. It would have been good to hear the response from the minister at the time. You know, it would be a new market for Alberta. We're not sure how many captives would set up shop with parent companies here, so that's a question that it would be great to have an answer to.

You know, I can see some benefits, of course, for this as well for companies, as I started out saying, who have difficulty getting insurance because the market – the term is "hard," I guess. I could see the benefit of that, being able to control your own destiny, as it were, and be able to lower your premiums because you're self-insuring, recognizing that you're going to the reinsurance market to back you up and all of that. I can see the benefit of doing that, particularly for energy companies that are finding it difficult to get insurance because of the risk profile they have with regard to the kind of business that they're involved in.

The downside of this bill being before us is that it leaves a lot of important decisions into the regulations, and again we're being

asked to trust that those regulations will be written in a way that are to the benefit of the captive insurance market companies that get set up.

I'm personally reluctant to see things go behind closed doors when there are these kinds of risks that companies need to be dealing with, behind closed doors in terms of, you know, allowing government and administration bureaucracy to write the regulations that come subsequent to the passage of this bill. There have been some bad decisions made by this government behind closed doors, as we're all familiar with, and I don't need to go into them. They're there. They've become almost failure touchpoints, things like – the KXL deal was a bad decision; that was behind closed doors. The best summer ever strategy was behind closed doors, and it led to the fourth wave of COVID in this province, which was entirely preventable.

A more transparent approach to setting up the Captive Insurance Companies Act and the regulations would have benefited all of us in this province. I wonder, too, about the adequacy of the regulator in this regard. We have an insurance market that's regulated by an agency, board, and commission to the Finance minister, but this Captive Insurance Companies Act regulation would sit under Treasury Board, of course, and I'm wondering if they have adequate plans in place to properly regulate the captives. And there could be a lot of captives, knowing that the sectors involved here in this province – particularly, the energy sector is far and away the largest in Canada, and the sector may gravitate to using this bill a lot. Do we have the horses in the ministry to be able to properly do the job that's going to be required?

Only B.C. allows for the local registration of captive insurance companies and has done so since the 1980s. I wonder about that as well. Like, we're here in 2021 and haven't moved in that direction in all these years. Is there more involved that prohibited this province from moving in that direction than I would know or this side would know at this point in time?

We have had a lot of catastrophic losses in this province. I can think of the losses in Calgary, Fort McMurray, Slave Lake, and on and on and on. Of course, thinking about our neighbour to the west, the losses that are experienced will now be the biggest natural disaster in Canada, far and away more expensive than anything else in this country. Thinking about the catastrophic losses and what a captive insurance company act would mean for that province – you know, I don't know how they're going to get through it, but they're going to get through it and they're going to come back better in that province. If the captives are helping that for companies in B.C., then perhaps there's some benefit for this province as well to go in that direction although, as I say, the regulations are really where the rubber hits the road, and of course we don't know.

There are four parts to this bill, and I don't have any issue with a couple of these parts, but the first part and the second part are ones that I think we need to take more opportunity to dig into, or at least I need to continue reading those parts of the Captive Insurance Companies Act. I think I'll just take another look at my notes, Mr. Speaker. Part 2, the second part of this bill, lays out the licensing and reporting requirements. You can see that starting on page 14. I understand that it's similar in parts to the Insurance Act, that regulates insurance companies in this province, and I really don't have any big issues with any of that. It's pretty boilerplate. But part 2 says that the kinds of insurance products that the captive could offer will be determined in regulations. On one hand that allows for flexibility – of course, I don't know what those regulations are going to say – but on the other hand it means that through this bill the Legislature is giving the government the authority to broadly set up a new market without identifying the types of products that will go into that market.

I wonder how that'll affect the current insurance companies out there. Obviously, they'll have less business as a result of this, but if our Alberta companies can benefit and keep more of their capital in this province and invest more of their capital here in particular though they're not required to, that would be a good thing for, you know, our economic growth.

10:20

As I said, I don't have any issues with the third part or the fourth part. I do have some concerns that so much of this talks about regulations, regulations on page 17, and that the minister is the one who will be able to talk about in regulations the amount, for instance: "to provide additional liquidity in the forms and amounts that the Minister requires." How do we know that the minister and his staff have the necessary experience to be able to judge that adequately? That could leave some companies out there without adequate capital to pay off insurance when they make claims.

The Deputy Chair: Thank you, hon. member.

I see the hon. Member for Edmonton-Rutherford has risen to debate.

Mr. Feehan: Thank you, Mr. Chair. I very much appreciate the opportunity to address this bill again, as I have previously. I am a bit neutral on this bill, with some concerns but not against its intent, and I wanted to just spend a couple of minutes actually reiterating a little bit of what I had previously said, you know, because I don't feel like some of the concerns have been addressed. Then subsequently I will be introducing an amendment, but at this point, before I do that, I want to just kind of go back to some of the thoughts or concerns that I've had in terms of reviewing this legislation.

I certainly appreciate that captive insurance is a vehicle which exists widely in the world. We know that there are 150 of them in Canada, approximately, and many international ones as well that already have some role to play in the province of Alberta. You know, in reviewing them, we see that there's a place for them, that the intention of working on risk management is understandable, but I guess I have two fundamental concerns that I am hoping we can still address, the first being the question that if companies have gone to the free market and have been told by the market that they are not eligible or that the insurance they want is at a very high cost because of something that they're doing or something they wanted to engage in, I think it makes me nervous already that we're then saying: oh, well, let's help people subvert the open market in terms of insurance.

You know, I guess companies have already been given the message that perhaps what they're doing is not okay, and I think that the big issue, from my point of view – and I've mentioned this previously, of course – is that the ESG considerations that are being applied to companies nowadays are often part of the reason why insurance goes up, which means that in creating this bill, we're essentially subverting the effect of pressure from ESG considerations on our companies. That's something that worries me. We're essentially saying, then, that we don't really want ESG to have an influence on the decisions that are made in companies, and that is extremely problematic. I have spoken to that in the past, so I won't spend a whole lot of time on it.

The other part that I want to mention is the concern about the actual investment of the monies. A parent company creates a captive company. It pays premiums into that company, and then there are regulations about where that company can invest the money that comes into it. Can they invest back in the original company? Can we have a situation where we have circular money flowing, no real product being delivered, no real service being

delivered, yet there are tax deductions by two different companies owned by the same people for costs? I'm just worried about that process. Have we got regulations?

I guess that because I'm not against the bill but, rather, want to understand the particulars of it, I really would like us to be able to take some more time on the bill. You know, we are in this funny position where essentially the parts that are really going to matter in this particular bill are the parts that are going to be actually written into the regulations, and we need an opportunity to examine that and to make sure that it isn't just to close our eyes and trust the government. If the recent polls on trusting Premiers are any example, not a very significant percentage of Albertans are in the position of trusting this Premier, so why should we with this legislation? So at this time I would like to introduce an amendment.

The Deputy Chair: Thank you, hon. member.

As is normally the case, there will be copies at the tables at the entrances should people want to grab one there. If you would like a copy of this amendment, please put up your hand as well and one will be delivered to you.

If the hon. Member for Edmonton-Rutherford could please continue with his comments, and, if you are so kind, please read it in for the record as well. That would be appreciated.

For the benefit of everybody here, the amendment shall be referred to for the purposes of debate as A1.

Mr. Feehan: Thank you, Mr. Chair. I read the amendment, notice of amendment for Bill 76, Captive Insurance Companies Act, on behalf of the Member for Lethbridge-West, to move that Bill 76, Captive Insurance Companies Act, be amended by striking out section 84 and substituting the following:

- 84(1) Except as provided in subsection 2, the provisions of this Act come into force on proclamation.
- (2) Sections 82 and 83 may be proclaimed into force only after the Standing Committee on Resource Stewardship
 - (a) during the period commencing on September 1, 2022, and ending on December 15, 2022, conducts a review of those provisions for the purpose of recommending the substantive content of any regulations that may have been under these provisions; and
 - (b) within 60 days of completion of its review lays before the Assembly a report setting out its recommendations.

Thank you, Mr. Chair. I just wanted to take some time to talk about the intention of this amendment. It's clear that what we are simply asking for is an opportunity for the Standing Committee on Resource Stewardship to do an appropriate and fulsome review at a time that we would have a greater understanding of the regulations that are affecting the relevance of this particular act to the practices regarding captive insurance companies in the province of Alberta. It's not a particularly strange request. It's similar to the type of actions that we've taken in other situations, and as such I think that it's one that could be readily accepted by this House.

We certainly know that captive insurance companies are neither good nor bad on the face of things – they, you know, in and of themselves have no moral position – but that the use of them can be for good or for bad with regard to the outcomes in the province for the rest of the citizens of this province. Therefore, it would seem somewhat important that we take some time to examine exactly how they have been used and whether or not they have achieved benefits that we wish them to achieve, whether or not creative individuals are using these captive companies in ways that we find are contrary to

the intentions of the drafters of this legislation or contrary to the needs and desires of the rest of the province of Alberta.

10:30

In this particular case, then, we're setting a time between September 1, 2022, and December 15, 2022, for the Standing Committee on Resource Stewardship to take an opportunity to do a full review of the provisions for the purpose of recommending the substantive content of any regulations that may be made under those provisions. So we will just have an opportunity for members of this House in the appropriate setting to take the time to do some analysis, to bring in some more information from experts, to look at the experiences that we have with the actual implementation of this act and then bring it back to the House with recommendations that will be openly shared in a transparent way and debated in this House. Essentially, just simply a democratic fail-safe that gives us another little hedge on where this is going, and it gives us a chance to rein in, if necessary, or to substantiate the value of this legislation.

I think it would be, you know, good for us to be in a regular habit of making sure that legislation that is passed in this House is actually examined after it's passed and analyzed for the implications of having passed the legislation and brought back in some way into the House. In this case we're suggesting through a committee to make sure that the work that was put into the drafting of the legislation and the work that we do in terms of trying to achieve a better Alberta is indeed accomplishing the intent.

I know we don't always agree in this House, but I think, to underline almost every argument that I have heard in this House, a pro or a con of any legislation, that there is a belief of every member here that ultimately what we're trying to achieve is something positive and beneficial for the citizens of this great province; therefore, having a reiterative process that allows us not only to introduce pieces of legislation which we believe will lead in the right direction but also to allow us to retrieve pieces of legislation for a secondary examination based on lived experience subsequent to the implementation of that legislation. This is a chance to do exactly that. This is a chance to have a look at the regulations, to have a look at the detail, and have a look at the aspects of this bill that will actually make a difference in terms of our experience in the province of Alberta.

I happen to be a member of the Standing Committee on Resource Stewardship, and I look forward to the opportunity to increase my own knowledge about this piece of legislation and have that further bolstered by the evaluation of experts on what has occurred in this province subsequent to the implementation of the act.

So I will bring my comments to a conclusion at this time, and I recommend to the House the adoption of this amendment.

Thank you.

The Deputy Chair: Thank you, hon. member.

We are on A1. I see the hon. Member for Edmonton-Glenora has risen to speak.

Ms Hoffman: Thank you very much, Mr. Chair, and thank you to my colleague the Member for Edmonton-Rutherford for bringing forward this proposed amendment. I'm just thinking that a few years back the Member for Edmonton-Rutherford often was in your chair, Mr. Chair, and I know that there often can be long evenings in committee. I appreciate that this probably is not the most stimulating part of the day for anyone who has to chair, so I'll do my best to try to make things engaging but not too spicy for this late hour.

I want to say that I appreciate that the amendment gives very specific timelines around the period for the committee to review this, and I think the Resource Stewardship Committee seems like a fair and fine committee for this review. I have to say that earlier in the debate, in second, I asked a number of questions around the staffing and the enforcement around the superintendent's office because, of course, this will increase the workload for the superintendent if we're going to have thoughtful oversight and proper risk assessments done. At that time, the Minister of Finance said that there would be additional staff hired into the superintendent's office, but of course there is no additional staffing in this current fiscal year's budget that was passed by the Assembly.

In fact, what we've seen is a cut of 24 full-time equivalent positions, so probably even more than 24 people, in the core department. Ensuring that we have appropriate staffing in the superintendent's office would need to happen probably in a new fiscal year, one that is not the one we are in currently. I'm not sure what the intended timeline is for proclamation by the government of the bill right now, Bill 76, Captive Insurance Companies Act, but I know that if we were to pass this amendment, it would say that proclamation wouldn't be able to happen – not proclamation but that the act wouldn't come into force, so essentially be proclaimed, until after this report was received, approximately a year from now.

I want to say again, you know, that I think that captive insurance has potential benefits. I know that there have been many individuals and sectors especially hard hit during the last few years under this government's leadership, and I appreciate that we want to find solutions to try to limit some of the pressures they're experiencing. I'm not sure if captive insurance will do that or not, and that's one of the reasons why I think it would be beneficial for this committee to engage more deeply in discussion around sections 82 and 83 of this bill as they relate to proclamation.

Again, I don't want this to drag on for long. I appreciate that the member has proposed a date range of September 1 to December 15 of this upcoming year. I know that if the minister or members of the government don't feel that that date range is appropriate, I would certainly welcome considerations for other dates to be considered. But I think the main point is that none of us know exactly how captive insurance is going to play out in this market because it's something that isn't in play in many jurisdictions, period, but especially not in Canada – I think B.C. is one of the only ones that has a captive market at this point – so having the opportunity to engage in further study to make sure that we are appropriately understanding the benefits that might be a result of this but also some of the unanticipated potential negative consequences.

I know that unanticipated consequences are something that I heard from many Wildrose members previously. I think it's an opportunity to respond to the same thought that was raised by them a number of years ago. Many of those members are still here in this House, of course, Mr. Chair, as well. So having a little bit of a pause to be able to do this research and to bring forward a report to the committee that would be driving this through implementation and having an opportunity for the office to be staffed properly so that we do have appropriate risk mitigation in place for the superintendent's office, I think, would be wise and, I think, give us a little bit of pause to be able to staff up that office appropriately and to be able to do a more in-depth analysis in education for all Albertans around the impacts of this.

10:40

Again, I'm reminded of speeches from prior members of this Assembly that highlighted that people just buy insurance because

they want to have a safeguard, a safety net, and they don't always understand what's in their policy, what's not in their policy, because many of them are written very differently. Under the current system we have, with lots of different providers and lots of different types of policies and rates, it is absolutely a buyer-beware situation for citizens and for businesses alike when it comes to insuring their entities. Insurance is there for things you can't afford to replace otherwise, right?

Like, I remember in the '90s going to buy a stereo and my dad saying: you don't want to buy the insurance. You know, like, the insurance on things like a stereo is not a good investment. They do that to get you to pay a little bit more. You buy insurance for things you can't afford to replace, so you buy insurance for your home, you buy insurance for your vehicle, you buy insurance on your life, especially when you're in the younger earning years, because your family can't afford to replace that income if something tragic happens. I've carried that with me, and I think most Albertans rely on that if they've bought insurance, it's that safety net. It's that safeguard.

I know that we're considering, through captive insurance, reducing that safety net for those who are able to or choose to self-insure and to be part of a captive market, and, you know, that is fair and reasonable, but I do think that there's an opportunity for us to have some increased research and evidence to back up the benefits that we anticipate here. At this point I think most Albertans wouldn't be able to really say what the benefits are of captive insurance, so having an opportunity to refer this to this standing committee to come up with recommendations during a very finite period of time, basically in the fall, next fall, to be able to bring those recommendations back around substantive content or any regulations that might be made under those provisions, specifically as it relates to sections 82 and 83 within the bill, just puts a little bit of a net around some areas that I think people are still not completely confident or certain will be beneficial to the functioning of this legislation.

Again, the piece around the superintendent's office. I appreciate that the minister said that the intention would be to staff up, because this would be increased responsibility, significantly increased responsibility for the superintendent's office, but, again, in the bill briefing we had with officials there was no reference when we asked the question to there being any intent to staff up under the current fiscal year, and understandably so, Mr. Chair. They were put in a position to actually reduce staff, not hire additional staff, based on the budget that was passed in this place. So I think it would be wise for us to bring in a budget that allowed for us to do what the minister said the intent is around increased staffing in the superintendent's office.

Having the time to be able to gather that work and to be able to do that through committee and take it as it relates to these two sections as we move forward, I think, would be a good safety net, and I think it would be us demonstrating that, you know, insurance is for things you can't afford to replace yourself. If this is an area within this bill, sections 82 and 83, that we could focus in on a bit more through this review by the Standing Committee on Resource Stewardship, I think it would be a good move, and I think it would demonstrate to all members of this place and to Albertans that we're not making haphazard decisions, we're not moving quickly. We know that this is an area that has potential benefits, and we're excited about those, but we want to make sure we get it right. We want to do the proper analysis and research to make sure that we are supporting Albertans through the best legislation possible.

With that, Mr. Chair, I will cede the remainder of my time at this point. Thank you.

The Deputy Chair: Thank you very much, hon. member.

Are there any other members wishing to join on A1? I see the hon. Member for Edmonton-McClung has risen.

Mr. Dach: Thank you very much, Mr. Chair, for getting that right. I know somebody was named as the Member for Edmonton-McClung earlier this evening, and it wasn't me, but I know that all of our chairs and acting chairs and Speakers are under great stress and will certainly endeavour to name us all correctly in the future. I've been in that position myself, and I've also made the same error.

Thank you very much, Mr. Chair, for inviting me to speak this evening to the amendment to Bill 76, the Captive Insurance Companies Act. Of course, the amendment is all about referring the legislation to committee to have an opportunity to review the regulations that the government comes up with should this bill pass. I know that the regulations have been basically called the substance of this piece of legislation. It's all in the regulations when one really looks and determines what will comprise the nuts and bolts of the legislation. Indeed, that's the reason why it's so important to make sure that the regulations receive the scrutiny and the light of day that a committee can afford to spend on it. Without that scrutiny and that light of day, we may end up having a piece of legislation that for all intents and purposes never really received the attention of this Legislature. That, of course, is a way of usurping the rights of members to fully engage in a process to debate and determine exactly what the Captive Insurance Companies Act will accomplish.

Now, Mr. Chair, I understand and fully agree that regulations are commonly left to be drawn up by government and bureaucracy after legislation has been passed. Certainly, it's a common practice, but this is a little bit of a different situation because the legislation, Bill 76, of course, enables captive insurance companies to be set up here in the province. The member who has introduced and brought in this legislation, the Minister of Finance, admits in his remarks, of course, when he's talked about the legislation in debate here in the House, that it's a new concept for this jurisdiction. It's not something that is unheard of throughout the world, but there are limited numbers of jurisdictions where captive insurance has been allowed to proceed, and there are some questions around some of the administration of captive insurance companies. Particularly, where they are, I'll say in quotation marks, flagged, where they are domiciled is something that I think most Albertans, when they first learn about it, will have some serious questions on.

Much like the shipping industry, Mr. Chair, where you'll find flags of convenience, for example, in Liberia or Panama or other places in the world, where a shipping company will domicile their headquarters to take advantage of a lower or nonexistent set of regulations governing the registration of their ship and, of course, much lower fees, much as that type of a scenario exists in the shipping industry, domiciling a captive insurance company is also something that seems to have followed the same pathway. That is something that is of concern because we hear of jurisdictions such as Delaware in the United States, for example, offshore jurisdictions where you'll find that captive insurance companies tend to congregate in domiciles in jurisdictions that are very low regulations and very low fees.

It begs the question, Mr. Chair, as to the legitimacy of the whole enterprise of captive insurance companies. Not to say that they are not legitimate, but one wonders why you would end up having so many of them congregating in domiciles that are reminiscent of what we find in the shipping industry, where we find so many ships throughout the world domiciled or flagged in some questionable jurisdictions, one might say, in an effort to avoid regulation and to

avoid the cost of registration. In fact, to be competitive even some of the Canadian steamship lines are flagged with the foreign national domicile flags and registrations to avoid the costs in order to be competitive. That's the question I have about the Captive Insurance Companies Act and one of the major reasons I'd like to see a committee delve into this very deeply to see if indeed domiciling captive insurance companies in low-regulation, low-cost jurisdictions will call into question the ultimate legitimacy of captive insurance companies.

10:50

The enabling legislation of the bill itself is quite important. We are at a period of time right now where globally insurance companies are struggling. Underwriters are struggling. We have a climate change risk that is certainly now being looked at by major corporations and their insurance companies, being something that has to be taken into account not only when insuring companies but in their very practices. They have to take a look at the climate risk, and whatever they happen to be doing, whether it's manufacturing, whether it's research, the global implications of climate change are upon us right now, Mr. Chair. Insurance companies will be the first ones to admit that they are failing to properly assess and cover the risks.

The reaction has been for insurance companies merely to raise premiums or to exclude individuals from coverage or some variation of both of those themes, with the result, Mr. Chair, being that individuals and corporations and governments and institutions are left not knowing whether or not their insurance is going to be legitimate or valid. The government in Alberta is looking towards captive insurance companies to solve some of these global insurance problems, yet in fact we don't know if indeed we should be looking at a much wider problem.

My position, Mr. Chair, is that there is a much wider problem. We have an absolute failure globally of the current business model of insurance to cover risks which are becoming more and more and more apparent. Of course, I'm speaking about those risks that are upon us right now due to climate change, whether it be flooding, fires, severe weather events, land erosion, melting of our permafrost in the north, all kinds of global risks that are massive in proportion. We just heard the Member for Calgary-Buffalo talk about the British Columbia climate incident which has been now declared to be the worst ever in terms of cost in the country's history. We're seeing these types of events repeated almost on a weekly basis now across the globe.

The Captive Insurance Companies Act and the referral that we've brought to bear to send it to committee is a very, very timely piece of legislation possibly aimed at solving something way bigger than bringing in captive insurance companies could ever hope to attempt to get to the bottom of. Given what it is, it may be a tool that is useful to have in this province, but there are certainly some very serious questions that we should be asking about captive insurance in and of itself and its operations to make sure that we're regulating it in a way that doesn't lead us down the garden path of having captive insurance getting the same reputation as flags of convenience in the shipping world. That indeed would be, I think, a true disservice to the whole concept of captive insurance at a time when new, innovative, adaptive insurance products are going to be necessary, and this may be one tool that we can potentially use.

Mr. Chair, I certainly would like to end my comments there, knowing that we have much more to say on the topic. I'll, for the moment, take my seat.

The Deputy Chair: Thank you, hon. member.

Are there any members wishing to join debate on amendment A1?

[Motion on amendment A1 lost]

The Deputy Chair: Moving on to the bill proper, Bill 76, Captive Insurance Companies Act. Are there any members wishing to join debate?

Seeing none, are you ready for the question? I am prepared.

[The remaining clauses of Bill 76 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Deputy Chair: Any opposed? Carried.

I see the hon. Deputy Government House Leader has risen.

Mr. Schow: Thank you, Mr. Chair. I move that the committee rise and report Bill 76.

[Motion carried]

[Mr. Milliken in the chair]

The Acting Speaker: I see the hon. Member for Calgary-East.

Mr. Singh: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration certain bills. The committee reports the following bill: Bill 76. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

Thank you, Mr. Speaker.

The Acting Speaker: Thank you very much. We can grab it in a sec.

Does the Assembly concur in 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.

Mr. Schow: Mr. Speaker, with great pleasure I rise and move to adjourn the Assembly until 9 a.m., Wednesday, November 24, 2021.

[Motion carried; the Assembly adjourned at 10:58 p.m.]

Table of Contents

Government Bills and Orders

Second Reading

Bill 85	Education Statutes (Students First) Amendment Act, 2021	6399
Bill 81	Election Statutes Amendment Act, 2021 (No. 2)	6405

Committee of the Whole

Bill 76	Captive Insurance Companies Act.....	6415
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