



Province of Alberta

The 30th Legislature  
Third Session

# Alberta Hansard

Tuesday evening, April 19, 2022

Day 20

The Honourable Nathan M. Cooper, Speaker

**Legislative Assembly of Alberta**  
**The 30th Legislature**  
Third Session

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Yao, Tany, Fort McMurray-Wood Buffalo (UC)  
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**Party standings:**

United Conservative: 61

New Democrat: 23

Independent: 3

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**Standing Committee on Alberta's Economic Future**

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Vacant  
Vacant

**Standing Committee on Families and Communities**

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## Legislative Assembly of Alberta

7:30 p.m.

Tuesday, April 19, 2022

[Mr. Milliken in the chair]

**The Acting Speaker:** Hon. members, please be seated.

### Government Bills and Orders Second Reading

#### Bill 9 Public's Right to Know Act

[Adjourned debate March 28: Mr. Eggen]

**The Acting Speaker:** Thank you. Are there any members looking to join debate? I see the hon. Member for Edmonton-Whitemud has risen.

**Ms Pancholi:** Thank you, Mr. Speaker. It's a pleasure to rise on second reading of Bill 9, the Public's Right to Know Act. I've not yet had the opportunity to speak to this bill, so I look forward to the opportunity to do that tonight. I also welcome back my fellow colleagues in the House today after a short break. I hope everybody had a restful time and spent some good time in their constituencies hearing from Albertans. Interesting to see new faces, or some old faces in new spaces. Let's put it that way. It's amazing how a new member in this House really mixes up the dynamic, right? Welcome to our new Member of the Legislative Assembly. It's a pleasure to rise and speak tonight.

I've had an opportunity to take a look at Bill 9, the Public's Right to Know Act, as tabled by the Minister of Justice. I think it's important for Albertans, as we are considering this bill, to reflect upon the reason why it is before us. As many may know, this was part of the United Conservative Party's campaign platform commitment, a very lengthy document, for those who may have had the opportunity to read it. It included a commitment around the public's right to know. Of course, we also heard this promise repeated in the Speech from the Throne earlier this year.

Now, I think it's important, when we look at what the commitment was in the campaign platform, to compare it against what we see before us in Bill 9. In the platform commitment from the United Conservative Party page 65 referenced enacting

the Public's Right to Know Act which will require annual reporting, by judicial district on a wide number of measurements such as the number of crimes committed by persons on bail, probation, parole, subject to a deportation order for criminality, or previously removed for criminality.

As I mentioned, in the Speech from the Throne we also saw reference to this piece of legislation that is before us now. The Speech from the Throne indicated that "right-to-know legislation will allow more information to be shared with the public about individuals on bail, probation and parole, and criminals pending deportation."

I think that upon hearing and receiving Bill 9 under first reading, many Albertans would expect to see that the legislation would mirror this commitment – right? – that there would be a clear requirement for reporting by judicial district on specific individuals, addressing the number of crimes they've committed by persons on bail, deportation, all the things I just listed. That's the kind of detail that was in the platform promise as well as in the Speech from the Throne, so I think perhaps, like myself, many Albertans may be surprised to actually review the contents of Bill

9 and see that it does not make such a detailed commitment. It doesn't actually commit to providing to Albertans the information that was promised in both the platform and in the Speech from the Throne.

In fact, the key provision, for those who are following in great interest, of the right to know act – it's not a very large piece of legislation. It is pretty easy to read, but unfortunately, Mr. Speaker, there's not a whole lot of content here. The key provision within this bill is section 2, and it describes the purposes of the act, which is to, again, "increase transparency and accountability" and "help Albertans better understand the criminal justice system" and "ensure Albertans have information about the safety of their communities." That's the purpose of the bill.

However, when we get to the only mandatory provision, or compulsory provision, of the bill, which is section 3(1), it says that the Minister shall prepare a report respecting data and information relating to the criminal justice system in Alberta, including data and information in respect of the year immediately preceding the year in which the report is prepared, that the Minister considers necessary or advisable to carry out the purposes of this Act.

If you're following along carefully, Mr. Speaker, the report simply requires the minister on an annual basis to prepare a report respecting, quote, data and information related to the criminal justice system. That's it. That's what it says: data and information about the criminal justice system.

Now, arguably, of course, the Minister of Justice and all ministers with the responsibilities of their ministries have the ability to publish data and information regarding the ministry that they're responsible for. It's a little bit unusual why this section is even required. Certainly, the Minister of Justice has the ability to publish all kinds of reports related to data and information from that ministry. In fact, I believe the Ministry of Justice regularly issues reports, annual reporting, reports on various issues. There are various task forces and committees that come together, and the Ministry of Justice produces reports, so this actually doesn't contain any new requirement for the Minister of Justice.

In fact, I think my colleague the Member for Calgary-Mountain View really said: what is the point of this? This doesn't seem to actually – and I'm paraphrasing for her, Mr. Speaker. I'm sure if she was here, she would say, "That's not actually what I'm saying," and she said it much more eloquently. However, the point was that she was saying: "Well, what's new here? What new data and information is actually being produced by the Minister of Justice as a result of Bill 9?" I think we would find that there is no real commitment here to any specific data. If this is about ensuring that Albertans have the right to know information about specific individuals and any bail conditions or their issues related to their deportation, that's not actually set out in this bill.

Now, it's possible, of course, that that kind of detail could be provided in regulations. The regulation-making authority in this bill is also quite broad. It doesn't actually say much about what will be specified as data and information, only that, you know, they can collect data from municipalities, from police services, and of course the minister can decide what to disclose and what not to disclose. It is clear in the bill in section 5 that the minister would not disclose public information that could readily identify the individual, which I think is important and, quite frankly, required by law, not to identify individuals in that way. However, there's not a whole lot new here.

So I think for those United Conservative Party members – and there are quite a few more this year, Mr. Speaker, I understand, than there were previously. Lots of great interest in becoming a member of the party right now.

**Mr. McIver:** That's because you lost the election. That's why there's more.

**Ms Pancholi:** I'm sorry, Mr. Speaker, that the minister of municipal services likes to heckle.

Certainly, a lot of those members will be looking at this platform and saying: well, where is this commitment to actually providing the information promised in that campaign platform? It's really just a very generalized ability.

Now, with that said, Mr. Speaker, you know, it is quite general. I support the idea that the Minister of Justice should be able to submit reports annually that contain data and information. I would really like it if this ministry and perhaps this entire government would focus a little bit more on data and information rather than conjecture and name-calling and ideology and all the other things they're very skilled at. It would be great if this government focused a little bit more on data, so by all means I encourage and I generally support the notion of this bill and the idea that the Minister of Justice – please, please do issue reports based on data and information.

Then, when we're looking at those reports, I think that there are a number of things that we would like to see, and I sincerely hope that when the current Minister of Justice – it's also a rotating position in this government, so we'll see who's actually going to be the one developing these regulations, but let's say the current Minister of Justice for the sake of argument, something he also likes to do at the end of driveways. He actually will maybe produce reports containing data and information that actually speak to some really key issues related to our criminal justice system.

For example, Mr. Speaker, I'm very proud that my colleague the Member for Edmonton-City Centre has brought forward a private member's bill, Bill 204, that will be before, I believe, the private members' bills committee shortly, to address the issue of the collection of race-based data. That's critically important, particularly as it relates to the criminal justice system. In fact, the Alberta NDP Official Opposition caucus conducted a months-long consultation last year with Albertans, hundreds of Albertans, on antiracism policies and ideas on a number of issues, not just about the criminal justice system although that was a key element of our consultation, but we also talked about antiracism work in education, in health care, in democratic participation, in economic participation, in access to community supports.

As a result of those hours and hours and hours of consultation and feedback and engagement with Albertans, we were very proud to develop an antiracism policy, which includes – part of the provisions included what the Member for Edmonton-City Centre has brought forward, which is a private member's bill to collect race-based data. Now, that would apply to all ministries and all programs that deliver services and require them, put a positive obligation on those ministries, no matter what service they provide, no matter what programs they deliver, to actually collect race-based information.

7:40

That's important, Mr. Speaker, for a couple of reasons. One, of course, is that it's important to really get at the root of systemic inequality and systemic racism because it very much underlies many of our systems and programs in our province. Alberta is not unique. It implies that there's systemic racism that exists in many institutions, but our criminal justice system is a key one. It's important to collect that information to be able to identify, for example, overrepresentation of certain racialized groups, perhaps of Black Albertans, of Indigenous Albertans, persons of colour, to identify where they may be accessing services more, whether they may be subject to things such as the criminal justice system more.

Collecting that data is important to identify systemic racism, but it's also critically important to address it. Once we have that data, we can start to develop policies and practices and legislation and financial supports that really get to the root of that systemic racism.

When I see that Bill 9 allows for the Minister of Justice to collect data and information, I hope that actually reflects a commitment to the principles set out in Bill 204 by my colleague the Member for Edmonton-City Centre. I hope that means that the Minister of Justice and, in fact, any of the government caucus members that intend to support Bill 9 will also support Bill 204, because it is incredibly important information, and I think, most obvious when we think of systemic racism, Mr. Speaker, many Albertans are right to think of the criminal justice system. We know that, for example, Indigenous Albertans represent only 6 per cent of our population yet, I believe, based on the most recent information that I saw, represent about 40 per cent of incarcerated individuals in this province. We know that that means that there is inequity taking place.

Of course, if we're going to look at the overrepresentation of individuals in the criminal justice system, it does mean that we have to look at the failures or the lack of supports or the institutional and structural inequalities that exist in the delivery of so many other services such as education and an issue that I've been speaking about in this House quite a bit, Mr. Speaker, which is the overrepresentation of Indigenous young people in the child intervention system. When we talk about data that's going to be collected by the Ministry of Justice and reported publicly to Albertans, I would love to see a fulsome analysis and collection of data of why young people who were in the child intervention system may have received child intervention services, may be overrepresented in the criminal justice system, and how actually the failure to properly support Indigenous young people in particular in the child intervention system, which, by the way, is also related to failure to support Indigenous families and parents and communities and elders – how that ends up being reflected in our criminal justice system. That, to me, is incredibly important information.

We also know that investments, for example, Mr. Speaker, in early intervention, both for families but also early childhood education for all children, actually correlate with a lower interaction with the criminal justice system. I would love to see data and information reported publicly by this ministry that looks at that, that looks at the relationship between early childhood education and access to quality early childhood education and the impacts on the criminal justice system down the road, because we know those correlations do exist. The data produced annually by this ministry would be incredibly important. You know, there are a number of other issues, when I think about the child intervention system, where I think that the Ministry of Justice and the data and information that they collect and produce would be very important.

Now, Mr. Speaker, in this House the members of the opposition have been repeatedly calling on the government ministries to provide accountability in response to recommendations that have been made repeatedly by the office of the Child and Youth Advocate. In fact, when I say that the members of the opposition have made that call, we're really supporting the call that's been made repeatedly by the advocate himself, the former advocate now, as we do now have a new advocate that's been appointed. The former advocate, Mr. Del Graff, was very clear and very vocal, particularly in the last year, about requiring more accountability from government ministries in how they are improving outcomes for children and young people in care and particularly how they're responding to recommendations that the advocate has made around improving outcomes for children and youth in care.

As you know, Mr. Speaker, the advocate regularly does what we call mandatory death reviews, where they evaluate the circumstances leading to the tragic deaths of children and young people in the child intervention system and then go on to make recommendations.

The advocate has actually made specific recommendations for the Ministry of Justice. For example, just last year, in the most recent annual report, the advocate asked for the Ministry of Justice to report on more information to families when no-contact orders are issued or removed or revised and how they affect families. I'd like to see that information publicly reported because that's critically important for Albertans to see.

**The Acting Speaker:** Thank you, hon. member.

Are there any members looking to join debate? I see the hon. Member for St. Albert has risen.

**Ms Renaud:** Thank you, Mr. Speaker. It's my pleasure to rise and speak to Bill 9, the Public's Right to Know Act. Just quickly, in summary, this is not a very detailed piece of legislation. In any event, this bill will require the minister to publish an annual report with data and information relating to the criminal justice system. Clearly. It gives the minister the power to make regulation with regard to the disclosure of information such as personal information. The bill states that the information should not identify the individual. Great. The bill does not specify which data will be collected or disclosed, nor does it set any criteria the reports have to meet. Now, what's interesting about this is that the minister likely already had the ability to publish these reports. Interesting.

Now, I know that some of my colleagues have already raised these questions that I'm going to repeat, but I think they bear repeating on the record. I'm really hopeful that perhaps the Justice minister or someone that previously was the Justice minister has some answers for this. I think it's really important. The first question is: could the minister today, without this bill, publish a report on individuals on bail or parole as promised in the UCP platform? I understand that this piece of legislation is specifically geared at ticking off a box of some of the to-do list that was on the UCP platform, and that's fine, but it'd be great to know a little bit more about that.

Two, why did the minister choose to not specify which data will be included or disclosed? I think that's important. I know we tend to hear in this place, you know, not to worry, that it'll all come out in the regulation. Well, I think that if Albertans had any level of trust with this government, it wouldn't be such a problem, but it has not been the experience of Albertans to be able to trust the word of this government. They will say one thing and do another. The example that I always go to, because it was just so glaring and happened so quickly after the election, is that I can remember the now Premier actually making fun of somebody on this side for suggesting that the UCP would immediately deindex benefits like AISH, making fun of us, actually. Then that was one of the first things that happened, with an omnibus bill, not to mention some of the really nasty things that were said: "It's not a big deal. Don't worry about it."

Now, I will give them some credit. I'm sure that they didn't know a couple of years ago that inflation would be as bad as it is right now. I understand. I'm pretty sure they didn't know a pandemic would be coming. But they still haven't corrected that. All of this adds to the fact that Albertans just don't trust this government. They don't trust what they say, and they certainly don't trust what they do. Anyway, you get where I'm going with this.

The next question is: what would stop the minister from annually picking and choosing which data suits them best? It would be nice to know right up front: what can we expect?

Will the minister support the collection of race-based data? My colleague mentioned private member's Bill 204, which is currently, you know, under discussion before the House. I would like to add – and my colleague did mention and talk about some of the work that was done in the creation of Bill 204. I wasn't able to attend all of the consultations, but I did attend one that was specifically geared – and I thought it was really quite interesting – at people with disabilities as it relates to this topic. I can remember thinking to myself – you know, I didn't really understand, I couldn't really envision sort of how many people this would attract or why this would be top of mind for them. But it was, and they had so many things to say. What it taught me is that that is the real value of consultation. When you do things, even if you're not sure what people are going to have to add, you do all of the work. My colleague from Edmonton-City Centre has certainly done that and has certainly continued to be an advocate for some of the things he's asking for in this bill.

In any event, one of the things, you know: just the name of this particular piece of legislation. I always find the choice of titles quite interesting: the public's right to know. I think that there are a lot of things that the public have a right to know, and I don't think they're all covered in this particular piece of legislation. This legislation does very little to address the priorities of Albertans.

**7:50**

When I think about some of the issues around justice, I think about some of the things that have very clearly come out, one of those being the changes that are being proposed around policing and law enforcement. I think municipalities have been very, very clear that this is not something they want to change right now. They're happy with the way things are with the RCMP. In fact, I think they've been quite specific about saying: if you're going to invest some time and money, that's not where to invest the time and money. But, of course, Mr. Speaker, as we've seen time and time again, this government always acts as if they know better, that they know better than the municipalities, who are actually far closer to their constituents than this government is.

It also does very little to address key issues. It certainly doesn't restore the victims of crime fund. You know, I can remember – I think it was in 2020 when the changes were made – all of the things that we talked about that could potentially happen, and sadly I think we've seen a lot of those changes happen.

Earlier this morning we had a meeting of Public Accounts. Not that it relates to this piece of legislation, but there is a phrase in one of the reports, the annual report for Municipal Affairs, strangely enough, and it talked about their approach to managing COVID-19. The phrase that they used was: it was a "whole-of-society" approach to address COVID-19. Of course, just that phrase makes you think about what that looks like, a whole-of-society approach. It wasn't sort of targeted here and targeted there, you know, trying to patch little holes; it was an approach that looked at: what is the problem, and what is an approach that will encompass all of the anticipated or expected or real problems that we see? That phrase really stuck with me when I read it. As I look at this piece of legislation, this piece of legislation is not that. It's not that at all. Not at all. If you're going to look at crime and if you're going to look at the reduction of crime and if you're going to look at ultimately making Alberta a safer place for Albertans, this piece of legislation falls far, far short.

We know some of the problems that were created with the changes for victims of crime, whether it was, you know, changes to caps on counselling. I don't know about you, but for any of the people that I've met that have survived some of the crimes – I don't even want to talk about them – some of the very serious crimes, I'm sorry, but five counselling sessions aren't going to cut it, and not everybody has access to resources to augment that. That's just one example.

I think the other thing that this piece of legislation doesn't do – I mean, it's all fine and good if you're only comparing it to your platform document and checking off boxes. What it doesn't address are some of the very root causes of crime and of situations that create really unsafe environments.

I'm going to go back to, you know, one of the things that I mentioned a little bit earlier, one of the broken promises – actually, I don't think it was a promise – that this government made not to deindex benefits. Well, you get it. One of the things that that inadvertently did was create a lot of hardships for a lot of people. By deindexing benefits, it may not have caused a lot of pain the first year. It started to cause a lot more pain the second year. As inflation started to escalate, it caused a lot more pain, not to mention – throw in there a global pandemic, and it's a recipe for disaster.

By deindexing benefits like AISH and income support – and I'm going to explain this again. AISH, which is \$1,685 a month – that's the maximum that people can get – is not the highest in this country, just so we're clear. The government continues to say that it is the most generous in Canada; it is not. You know better. I would expect the government to do better. It is not. The Northwest Territories and the Yukon have higher benefits. It is not the most generous in Canada. But even at that, it is below the poverty line, so why on earth would you go there and say that it's generous? People are still living in poverty. Anyway, that's AISH.

Income support is about half of what AISH is, and I can tell that there are thousands of people that are on income support that have really serious disabilities. Because of the way the AISH legislation is written, they don't qualify for AISH, not to mention some of the processes and appeals. But there are huge problems. I am not saying that poverty is a direct link to increasing crime, but it certainly has an impact. I can only tell you what I know anecdotally. It's that, sadly, I've known far too many people that are living in poverty, where crime becomes – sometimes it's a crime of opportunity, and sometimes it's about desperation or about not having the supports to show you a different way; you know, some of the very basic things like not having stable and secure housing, not having access to regular food and then knowing that you've already used up your trips to the food bank for the month in the first couple of weeks. So what do you do for the rest of the month? This creates opportunity. Sometimes crime is driven by desperation, and things escalate.

We know that there is a massive cost to not addressing poverty. There is a massive cost in health care. We know this. There is a massive cost to the justice system. You know, I can remember reading a report a while ago – and I wish I had some statistics for you tonight, but I don't – about the number of people in the criminal justice system who are undiagnosed, perhaps with fetal alcohol spectrum disorder or other disabilities. Perhaps it's brain injuries. There are so many people walking around, and sadly we've given them sort of this nickname that's awful, and it's called the walking wounded. They don't look disabled, they may not use a wheelchair, but they have incredible disabilities and incredible hurdles.

When you make life more difficult for this group of people – and this is not a small group. Just think about people on AISH – it's, like, over 70,000 people – and the tens of thousands of people on income support and then the many thousands of people that don't even get benefits that are living not even paycheque to paycheque.

They're working multiple jobs many times, and they're not stretching it month to month. They just can't make it. So with opportunity, sometimes crime is a reality.

I think that if, truly, a government wants to create an environment where you're reducing crime, where you're increasing the safety of Albertans, then you have to have a whole-of-society approach. This legislation could have been an opportunity to start to open that door, but instead what it is, I think, is an exercise in just ticking off a box on a platform document. I'm not saying that perhaps that information, the changes that would be made in this legislation, won't make a difference in people's lives. That's great if it does. I certainly hope it does. But it doesn't take a whole-of-society approach, and we have a huge problem in Alberta. It's escalating. We have a huge problem with rural crime. We have a huge problem with crime in cities.

It's unfortunate that we don't get a lot of opportunity to debate legislation. The government doesn't get unlimited opportunity to bring forward legislation. I would hope that every opportunity would be used as best as it can for a whole-of-society approach to address a very real problem. I know this government knows crime is a problem. When they were in opposition, I heard them talking about it endlessly. They don't talk about it with as much vigour; it's a little bit more targeted these days.

Anyway, I'm going to go back and talk a little bit about the Alberta provincial police force. You know, I feel like sometimes some of the legislation that this government brings forward is an attempt to distract from really large, significant issues. I don't think it can be understated just how much Alberta municipalities do not want the changes that this government is trying to push through. They absolutely do not want these changes. It's not for us to tell them that they're incorrect and that this government knows better. I think our job as legislators and as MLAs is to listen to our constituents. I think that just this very simple example demonstrates so clearly that this government is out of touch with the people they are supposed to be governing for and the people they are supposed to be . . .

**Mr. McIver:** Point of order.

**The Acting Speaker:** A point of order has been called. I see the hon. minister.

#### **Point of Order Relevance**

**Mr. McIver:** Mr. Speaker, I hate to do this, but I've got to call a point of order under 23(b), "speaks to matters other than the question under discussion." Now, listen, I'm not suggesting in any way that the hon. member's debate wasn't scintillating and important, because it was both scintillating and important. It just wasn't on the topic of the bill that we're discussing right now. I would just respectfully ask you to coach the hon. member to talk about the bill before us.

**The Acting Speaker:** Thank you.

Hon. member, should you want to, the opportunity is yours, absolutely. Yes. The hon. Member for Edmonton-Mill Woods.

**Ms Gray:** Thank you very much, Mr. Speaker. I would suggest to you that under 23(b) this is not a point of order given that we are at second reading of Bill 9, the Public's Right to Know Act, and that it is this member's first opportunity to speak generally to this piece of legislation, relating it to government business and other matters. I do not think there is a point of order here. I agree that the remarks



were scintillating and relevant and interesting. They were excellent, and I hope that the member will be allowed to continue.

8:00

**The Acting Speaker:** I'm not sure the hon. minister necessarily called them relevant given his point of order. However, what I will say is that this is the hon. Member for St. Albert's first opportunity to speak on this at second reading, and I believe that historically there has been a little bit of a bigger berth with regard to what is spoken in here on second reading. I would invite the hon. Member for St. Albert to please continue with her comments.

Thank you.

### Debate Continued

**Ms Renaud:** Thank you, Mr. Speaker. Well, perhaps if it was a better piece of legislation, there would be more, you know, relevant things to talk about.

Anyway, you know, perhaps I'm going to go back to – my colleague the Justice critic actually released a statement about this piece of legislation that I thought was really terrific. Perhaps the minister of – I don't even recall anymore. There's been a lot of movement. What's his . . .

**Member Irwin:** Which one?

**Ms Renaud:** Transportation.

**Some Hon. Members:** Municipal Affairs.

**Ms Renaud:** Municipal Affairs. Okay. Sorry.

**Mr. McIver:** See, I was nice to her, but she's not nice to me.

**Ms Renaud:** I'm sorry. It's not nice that I can't remember his title. I apologize.

**The Acting Speaker:** Hon. members, the only person with the call right now is the hon. Member for St. Albert. If there are conversations to be had, there are lounges where you can have them.

Please continue.

**Ms Renaud:** Excellent. Thank you for pointing that out.

I'd just like to review some of the press release that actually went out. I thought it was really terrific, and I think my colleague across the way will enjoy it. "This legislation is incredibly vague and doesn't even specify which data will be collected or disclosed. Most importantly, it does nothing to help address crime." I could not agree more with my colleague's statement. It doesn't restore funding to the victims of crime fund that was raided by the UCP or prioritize the new victim of crime model they've been promising for the last two years.

**The Acting Speaker:** I see the hon. Member for Taber-Warner, I believe, has caught my eye.

**Mr. Hunter:** Thank you, Mr. Speaker. I'm pleased to rise today in support of Bill 9, the Public's Right to Know Act. First, I want to thank the minister for all those involved in bringing this important bill forward. I know that many people are concerned about crime in their communities. In Alberta we are lucky to have many dedicated, local neighbourhood watch and patrol groups who do their best to protect our communities from crime, but the challenges with crime in rural Alberta are different than those in urban centres. Protecting our rural communities from crime is more of a difficult task. Local police are often set up in urban areas but are tasked to cover large

swaths of surrounding rural communities, and it can take them a while to get there once dispatched.

Mr. Speaker, in 2019 the former Minister of Justice toured rural Alberta and talked to a number of citizens in our rural communities. During this tour the common feedback from the individuals in rural communities was their concerns with increasing rural crime. These individuals expressed a need for more information on crimes in their communities. This bill is a result of this engagement and fulfills yet another platform commitment from our government.

This legislation would make currently available metrics such as police-based crime data reportable annually. It will require the government to table a report on these metrics in the Legislature and publish them on the government of Alberta website. This legislation will be the first of its kind in Canada and will bring consistency in timing and a more user-friendly approach to crime statistics for all Albertans.

This government believes that people have a right to know what's going on in their communities. Readily available justice statistics can help improve public safety by giving Albertans the ability to make informed decisions about protecting themselves and their communities. This will help Albertans to better understand what is going on in their communities and support effective crime-fighting initiatives with evidence-based decisions for better outcomes and safer communities. Improving access to crime data will help communities and groups like Alberta Citizens on Patrol to understand what is going on in their communities in order for them to make decisions on patrols and volunteer efforts that would best serve them.

Mr. Speaker, there are also provisions in this legislation that enable the government to obtain and publish additional data through information-sharing agreements with the federal government, other provinces and territories, municipalities, and police services, among others. Additional metrics can be reported as they become available in the future.

In terms of costs, while there may be costs for the technology used to report the metrics and/or staff to collect and publish the information, these can be covered by the minister's existing budget. Giving the public access to information on crime statistics that they need without any additional cost makes this bill a no-brainer.

In conclusion, Mr. Speaker, this is a bill that provides Albertans transparency when it comes to crime data. It provides local groups, communities, and police the opportunity to adjust operations to make their communities safer, and it comes with no additional cost to government. For all these reasons, I will be supporting this bill and encourage all members in this House to do the same.

Thank you, Mr. Speaker.

**The Acting Speaker:** Thank you, hon. member.

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

**Mr. Dach:** Thank you, Mr. Speaker. I'm pleased to rise this evening to speak about Bill 9, Public's Right to Know Act. I know that some of my colleagues who've risen before me this evening have covered a lot of ground in a short amount of time and have eloquently spoken to the bill, so I hope to shed some light using some of my own perspectives and experience where I've come upon some past work and volunteer work in the criminal justice system, that I reflect upon now when I look at Bill 9 and what it attempts to accomplish.

What it shows me, Mr. Speaker, is that the government is simply trying to beat their chest and say: look, we're tough on crime. It

speaks to, as others across the floor have talked to us this evening about, rural crime and how fearful people are in rural Alberta about criminal activity where they feel more at risk and vulnerable because of the distances involved and time in response involved, but really this seems to be simply a shout-out, an electoral platform opportunity to say, "Look, we're tough on crime because we are naming those categories of people who are going through the perennial revolving door of the justice system," as they like to say.

Well, Mr. Speaker, that revolving door is something that, unfortunately, has been ongoing for a long, long time, and the reason for that, in my view, in many ways is that the criminal justice system – justice departments, the Solicitor General's department but particularly Justice itself – has been underfunded not only in this province but right across the country, in every provincial and federal jurisdiction. It seems to me that when it comes to budget time, the Justice ministry is a convenient whipping boy and doesn't get the funding that it needs because prisoners don't have a lot of voice.

Indeed, individuals who revolve through the justice system do it for a reason. There's a reason for everything, Mr. Speaker, and this legislation does nothing to address the reasons behind that so-called revolving door that make it impossible for the government to bring forward a piece of legislation like this so they can claim that they're, you know, being tough on crime. But being tough on crime doesn't mean belittling or ostracizing or blaming the individuals who are at the mercy of the courts once they have been charged. It behooves us to go further and look behind the situation and ask: why are these individuals before the courts in the first place? That's the tough-on-crime approach that I'd like to see. Simply naming the groups of individuals, identifying through data and publishing reports on individuals who have committed other crimes while on bail or parole, as the UCP promised in their platform, doesn't accomplish anything towards actually getting us closer to reducing the recidivism rate or answering the question as to why people are involved in criminal activity in the first place.

**8:10**

We've looked at ways where we could identify further support mechanisms that we could use to assist groups of our population who are overrepresented in the criminal justice system. Our Bill 204, which the Member for Edmonton-City Centre has brought forward, which is currently before the House, purports to collect race-based data, which would be used to justify further supports for identifiable groups who are going through that revolving door on a regular basis, to identify the root causes to the criminal activity, looking at, if I might say so, the social determinants of crime, the social determinants of being on the margins of your society, not simply to boast that we're getting tough on crime but actually do something about it that is meaningful and that heals the issues that are at the surface in the courtroom. Really, there's a much larger iceberg below the surface that began much earlier in the lives of folks who are before the courts and the criminal justice system.

I mentioned, when I first began speaking this evening, Mr. Speaker, that I volunteered in the criminal justice system. You may have heard me say before that as a court intake worker with the Solicitor General's department I went for over two years in courtrooms 65 and 68, the court of first appearance, to sit as a court intake worker, and those individuals who were actually sentenced to a period of probation in that court become my responsibility before they left. It was my responsibility to have them sign their probation orders and assign them to a probation office. Sometimes the individual was incarcerated, and there I found them in city cells and was able to do that work before they took off. But it was a game of cat and mouse sometimes to get the notice from the judge, with

the wink and a nod that he was about to pronounce a sentence of probation, so that I would be able to intercede and make sure that the individual didn't leave before he or she indeed got past me and into the public domain again. Otherwise, they would have to be rearrested and come before the courts for breaching probation.

In any case, my observation . . . [interjection] Yes, I see the hon. member. I'd be willing to hear your brief interjection.

**Mr. Smith:** Thank you to the Member for Edmonton-McClung for recognizing me tonight. Just a question. You were saying that you were involved in the bail hearings. I know that in my constituency we've been doing a lot of conversation with various county councillors and constituents about bail. I was wondering if he could have any comments on the bail ladder and the problems that the bail ladder system is creating with the revolving door of justice and whether he had any comments, from his experience, about how we could address that particular problem, because it is a particular problem and is creating a problem for the people of Alberta.

Thank you.

**Mr. Dach:** Thank you, Mr. Speaker. Sorry to disappoint the member. I won't comment on what he terms as "the bail ladder" because he has misheard me. I did not participate in bail hearings as a court intake worker. I simply processed and spoke with and interviewed individuals who had been sentenced to a period of probation. Certainly, at another occasion I might be willing to go into further detail on the particular details of bail, which, once again, I think, emphasizes the approach of this government to this whole piece of legislation, the Public's Right to Know Act, once again trying to highlight the harm that may or may not be done by an individual who breaches bail and perhaps recommits an offence while out on bail rather than looking at the whole and deeper problems and focusing on that as the approach to solving the issues of recidivism and generally crime and the fears that people have about crime in our society.

We can all agree that we all want to live peaceably. No one act of crime is acceptable. People want to feel safe and secure and do not wish to be in any way having their lives affected by somebody who's not willing to obey the law. That goes for demonstrations on our streets and on our highways as well as any other form of criminal activity that we might encounter.

But to get back to what I was saying, Mr. Speaker, about my observations as they evolved here with the court intake unit, it was a pattern of similar backgrounded individuals coming through those doors. They had in many cases been involved in a small crime and then escalated to larger and more serious crime, and then there was an incident perhaps involving a group or a gang as the person aged. Quite often early on it was simply a situation of a homeless youth stealing food.

Rather than being fully represented with their own lawyer, because they didn't have one, duty counsel would have met with them briefly to go over the summary of facts and quite often had to battle with the individual over their plea. Many of them, in the first time they've been in the court system, were simply listening to others they'd been incarcerated with in remand and would say: look, I just want to plead guilty and get it over with. That, of course, starts a criminal record and elevates that individual from a system of juvenile punishment to the criminal justice system and stigmatizes that person for the rest of their life.

This bill does nothing, in my view, to get to those on-the-street, root concerns that judges and duty counsel and lawyers and prosecutors and defence counsel face every day, and I don't know if indeed any of this legislation has been passed by the actual defence counsel and prosecutors who work every day in courtrooms

like courtrooms 65 and 68 in downtown Edmonton, where they see on a daily basis the tragedy and the tragic situations of individuals going through that process. What instead we get here is a government wanting to point to a document they're calling Bill 9 and saying to the public: you've got a right to know about these bad people that are going through our system and how many of them are committing crimes again. It's a totally inappropriate approach, as far as I'm concerned, to solving the actual foundational and underlying problems that cause the criminal activity to be acted out in the first place.

Nuts-and-bolts standpoint: the bill itself gives the minister the power to make regulations with respect to disclosure of information such as personal information. But it also doesn't specify which data will be disclosed or not, and it gives wide discretion to the minister on an annual basis to have that list of data, that may or may not be disclosed, fluctuate annually. We're not going to even have consistency, Mr. Speaker, in the data that this bill hopes to collect. It will be an incomplete and perhaps even unusable database because of that fact, that on an annual basis the minister will be able to pick and choose which categories of data will be important on any given minister's agenda.

It begs the question of what usefulness this database might actually have other than as a political tool where the government can point to Bill 9 and suggest to a certain segment of the voting population that they actually, you know, got tough on crime with Bill 9 and they satisfied a promise in their platform in their Speech from the Throne. I don't think many Albertans are impressed by that. They are looking for much deeper solutions, much deeper thinking on issues such as solving crime in Alberta.

For example, when we're looking at the identification of individuals involved in crime, I think Albertans are looking to know who exactly is involved in some of the major demonstrations that are taking place or have taken place in the province. They're not looking for reactive data collection; they're looking for proactive police work so that individuals who are co-opting a protest group for their own more nefarious purpose are actually identified, so that White supremacists or racist organizations or groups or individuals who try to use the cover of a protest group to foment discontent and perhaps create disorder, those types of data, are collected. That may be an interesting piece of data to know. Perhaps the minister of the day might choose to collect that data. I'd be interested in knowing that.

8:20

That said, it still makes it questionable as to what value the data would have because there's no standard format that the minister needs to follow on an annual basis to collect the data. Ministers, hopefully, will see some value in going a little beyond just the data and just pointing to the identifiable individuals or groups who are going through that revolving door and are part of the recidivism rate. Hopefully, ministers will use that data to actually try to get at the root causes of crime, but I don't have a lot of confidence, Mr. Speaker, in the bill's ability to do that. Unlike Bill 9, Bill 204 would do more.

**The Acting Speaker:** Thank you, hon. member.

Are there any other members looking to join debate? I see the hon. Member for Drayton Valley-Devon.

**Mr. Smith:** Thank you, Mr. Speaker. It's always a privilege to stand and to speak in this House and to bring forward some of the thoughts of my constituents when it comes to the proposed legislation that we have before us. Well, it is an interesting topic that we address tonight, Bill 9, the Public's Right to Know Act. I

kind of like the title because it reminds me of the fact that, you know, as a former teacher, understanding always starts with knowledge. If you want to understand the situation – and I don't care what the situation is – you first have to have the data. You first have to have the knowledge to be able to make a sound decision. It's once you have understanding based on knowledge that you then can make decisions that will allow for a productive action of some sort.

To agree in a small way, I think all of us understand that we've got issues within our justice system that need to be addressed, and it's a very complex puzzle. People are complex. Why we act the way we act and the things that we do in life, the decisions that we make: they're complex things. They're a product of our past, of our family life, of the situations that we find ourselves in, whether we have a job, whether we don't have a job. It's a very complex issue, so our justice system and how we deal with it and the answers are going to be complex as well. Today we're looking at Bill 9, the Public's Right to Know Act, and I think this is a small piece of the puzzle that puts us in a movement in the right direction.

You know, in section 3 it says, "The Minister shall prepare a report respecting data and information relating to the criminal justice system in Alberta." I think that's a wise thing to do. Let's have a report. Let's bring it forward and into the Legislature. As it says in the publication of reports in section 6 of the act, "The Minister shall lay a copy of a report before the Legislative Assembly." We're asking the minister to bring forward a report, and that report is going to be collected from a wide range of sources. It could come from the federal government. It could come from other departments or branches within the government. It could come from the Provincial Court or the Court of Queen's Bench or the Court of Appeal. This data and this information could come from another province or another territory. It could come from a band council. It could come from a police service as defined under the Police Act. We're going to be looking at a wide range of sources, which I think is wise, to build a database that's going to help us to be able to address how we move forward in our justice system in Alberta.

Its purpose:

For the purposes of preparing and publishing a report, the Minister may

- (a) collect and use data and information, including personal information, and
- (b) subject to the regulations, disclose data and information, including personal information.

Once we've collected that data, it now needs to be able to be published, to be able to be used by the justice system, by the Ministry of Justice, by the police departments across this province. So I'm looking at this, and I'm going: this may not be the be-all and end-all for solving the problems of our justice system, but it's at least a step in the right direction.

Yeah. I would agree with the members that have stood up on the opposite side of the House that, you know, there are a lot of things that we could be looking at when it comes to our justice system, but I'm not sure that because we're not looking at the whole wide range of the issues in the justice system but narrowing it down to one specific thing, it means that this bill isn't worthy of support. It's narrow. It brings it down to one particular piece of the puzzle when it comes down to our justice system.

You know, I would agree with the hon. Member for Edmonton-McClung. Maybe I did misunderstand you earlier, when you were talking about being involved in bail. But I know that we've spent a significant amount of time in my constituency talking with staff sergeants from Drayton Valley, from Devon. We've met with rural crime people. We've been talking about: well, what is it that we can do?

You know, the people in my constituency, when they look at the problems that they're facing in a rural context, where they're trying to protect the property, where they're trying to make sure that their children and their families are safe from people coming in in the middle of the night, at 2 o'clock in the morning, breaking down garage doors, stealing gas, stealing vehicles, are looking at trying to find a way to protect their families and their livelihoods and their property. And what they really want is that they want to be able to hold the people that are doing this accountable for the actions by which they are breaking the law. If they're breaking the law, then they want them to be held accountable. That's not wrong. That seems pretty reasonable to me.

We've had the discussions about the Crown bail. For instance, you brought up the issue, on the other side of the House, that perhaps we could be looking at other areas that we need to fund more or less as we go forward. A fine conversation to have. One of the things I would suggest, in my conversations with the staff sergeants in my constituency, is that perhaps we need to look at funding more for the Crown bail office. It's not always open. It's not open 24 hours. Maybe we need to fund that better. But that's not what this bill is talking about. It doesn't denigrate from the bill. It's still a good bill. But the topic is much larger than just this particular issue in this bill.

The bail ladder: cash, no cash. No-cash bails: when the person does not live up to their bail expectations on a no-cash bail, nobody is now necessarily pushing him into the cash bail system or collecting on the cash system. The bail has begun to become almost a – it's not solving the problem, not helping to solve the problem. It's actually adding to the problem by that revolving door. We need to look at the cash/no-cash bail system. Don't you think it would be wise for all of our judges and our Crown prosecutors and the defence attorneys to actually look at the bail package that's come before them and maybe see whether this person is a first-time offender or whether this is the sixth or 26th or 46th time that they've come before the courts? That seems to me to be another piece of the little puzzle.

I don't have a – as a matter of fact, I think this is a good step forward. This bill helps us to start to gather data so that we can help to understand the problem so that we can move forward and have a better system of justice, so Bill 9 will have my support.

Thank you, Mr. Speaker.

**The Acting Speaker:** Thank you, hon. member.

Prior to seeing the next member, I would just remind all members in the Legislature to please turn your electronic devices to silent.

I see the hon. Member for Edmonton-Decore.

**Mr. Nielsen:** Well, thank you, Mr. Speaker. I appreciate the opportunity here this evening to add some of my first thoughts here on Bill 9, the Public's Right to Know Act. You know, I will actually thank the Member for Drayton Valley-Devon and the Member for Taber-Warner for jumping up and participating in discussion on this bill. Actually, some of your comments segue perfectly into what I want to talk about around Bill 9.

**8:30**

We talked about the title, Public's Right to Know Act, and I would agree; the public has a right to know information that concerns them just about on any subject, whether it be property rights or the justice system or labour laws, things like that. But it's funny because – you know, as I've mentioned, Mr. Speaker, there are times when you see language printed and what's being said, what's being done: sometimes they don't mesh up. They tend to butt heads, again. So we talk about the public's right to know, yet

we've seen moves by this government to stifle the public's right to know.

The most recent example of that is the report on insurance, you know, delaying getting that out, the public's right to know. But that's not really what I want to focus on in my comments here today; it's just, again, when we start digging into the language, things aren't quite adding up.

I want to focus my comments here this evening on some of the language that the Member for Drayton Valley-Devon was talking about around – you know, we'll start on page 2, under report, in section 3(1), "The Minister shall prepare a report." I like that word "shall." It's funny because, of course, as everybody knows, I had that bit of an exchange, shall we say, with the former Justice minister about those three words: "may," "will," and "shall." Not all three of them are the same. I'm very, very firm on that position.

Reading through the legislation, as you'd mentioned, it was a little bit short. But that's okay; it's a quicker read that way. I loved seeing that word "shall" right out of the gate because that means it's going to happen. That is the type of language as legislators we should be putting forward so there's never any guesswork. So, you know, we're preparing that report respecting the data and information relating to the criminal justice system. Great. I'm completely onboard with that.

Then we get down to agreements. Of course, the member was mentioning about all the different areas that we can get information on. Here's the hitch. Right in section 4: "For the purposes of preparing a report, the Minister may enter into an agreement." Not shall, not will, which means that the minister could actually make the decision to not enter into any agreements with all those things that were mentioned by the member to get that information. That becomes a problem for me. Why did we insert that word "may"? May means we may do it. You know, if the moon is lined up and I got out on the right side of the bed here this morning, then maybe I'll look at getting that done.

When we transition on to page 3 of the bill, under collection, use, and disclosure of data and information, in section 5: "For the purposes of preparing and publishing a report, the Minister may". There's that word again, "may." It's what I like to call loosey-goosey language. It just allows all kinds of different outs for the minister instead of "will" or "shall." So according to this language – and, again, in all my experience in the labour sector and having to deal with contracts, everything always comes down to language there – the minister only may "collect and use data and information, including personal information." It's not actually saying that the minister has to do that.

When I start thinking back about this report that shall be prepared, I can't help but start to wonder: are we going to start making up information because we didn't actually have to go and get it from all of these different areas? You know, I certainly would never suggest that we would just, willy-nilly, see reports made up to suit a certain narrative. Although we've maybe seen some interesting things being said to suit narratives, I would never ever suggest that that's something that would happen.

Then we get further down, right into the next part, the publication of the report. "The Minister shall lay a copy". There's that "shall"; love it. That means it's going to happen. So we shall lay a report that was supposed to be prepared based on data we may possibly decide to get. You see how the information starts to conflict, Mr. Speaker? You know, this is the type of language where Albertans start to read this, they start to see their actions, and they start to distrust our government. Trust me, guys. You don't need any more help getting Albertans to distrust you.

I start to get a little bit further down here, down into the regulations and section 7 on page 3. “The Lieutenant Governor in Council may make regulations”. There’s that word again, “may.” This is the one that actually concerns me just a little bit, though, Mr. Speaker. You know, I guess I should be straightforward. I’m not really opposed to this bill. I’m just saying that there are things that – maybe we’ll see some corrections here throughout the debate. In Committee of the Whole we might get a chance to see some amendments or something like that taking out those words “may,” put in “will” or “shall,” things like that so that that actually absolutely happens. May make regulations “(a) respecting the preparation and publication of reports, including the frequency and timing of reports.” There’s my problem. Because you use the word “may” make regulations, you could start pushing that report off way, way into the future.

Again, you know, as I started with my opening comments around suppressing some of the information, like we’ve seen with the insurance report, like we’ve seen – my colleague from Edmonton-Whitemud has talked about that report, that it seemed to take a while to get out. There was mention of my colleague from Edmonton-City Centre bringing forward Bill 204 around collecting race-based data. Okay. We’ve been waiting a very long time to see the report and the conclusions around problems such as collecting race-based data. Why did it take so long just to say that that was in the report?

When I look at that, that really does cause me a moment of pause, not enough to not support the bill. As I said, in general I don’t necessarily have a problem with it, but we could be doing better. You know, this leaves a lot up to the regulation end of things.

I remember that members of the government caucus and members of the government bench, when they sat in the 29th Legislature, complained greatly about the number of times they thought things should be put in legislation, not left to regulation. It’s funny how things have turned around. Again, conflicting information. We’ve consistently and persistently seen that throughout the course of the 30th Legislature. There are opportunities here with which to potentially strengthen Bill 9 if the government chose to do that. I mean, you know, I keep hearing this narrative about: well, we’re going to work hard to rebuild the trust of Albertans. Not with, as I said, the loosey-goosey language which is contained in Bill 9, because it allows too much leeway for things to either not happen or perhaps maybe even be manipulated a little bit. If you really do truly believe that Albertans deserve that right to know, just like in the title of Bill 9, it’s not enough to be able to just talk the walk; you need to walk it as well.

Again, going right back to my initial opening comments around suppressing information, suppressing reports, I mean, it was interesting. I think back to the Allan report that was delayed three different times at a cost to Albertans. We just kept allowing this to go on and on. You get the report, you do your review right now, quickly, ASAP, and get it out the door so that people get to see it if you do truly believe in the public’s right to know. My hope is that, you know, throughout the discussion we might get the opportunity to see some of those things.

8:40

I did catch some of my colleagues talking about the government’s, I guess, direction to explore its own provincial police force. There is a lot of data and information out there with which I think the government could make an informed decision, just like what we heard from a couple of members of the government caucus talking about just a short time ago. You’ve got, you know, the Alberta Municipalities, Rural Municipalities of Alberta, Albertans at large, of course, and even the RCMP themselves spent a considerable amount

of time collecting data about the subject. You’re excited about collecting this data and getting this information. Well, when it’s available, you actually need put in that effort to read it, to accept it.

It’s very, very clear, Mr. Speaker. Albertans do not want to see a provincial police service. It’s way too expensive to change over. It was funny. I was actually at one of their public meetings, and I got a chance to talk to – probably wrong on this location, but it was one of the municipalities in B.C. that’s in this process. They thought it was going to take about four years to transfer over, and it was probably going to cost them – I’m trying to remember – I think they said somewhere in the neighbourhood of \$10 million or \$20 million over the course of four years to switch over. They’re only halfway through that mandate, and they’re already at something weird like \$60 million in this changeover. If you can just imagine: if they’d had the data from what we saw there, we might have had the opportunity with which to make different decisions. But that information, that data is out there right now around that.

I think we have an opportunity to collect data and use it, so in the spirit of Bill 9, when we’re talking about the public’s right to know, to collect that information, to share that information, the government should be collecting this information and sharing it with Albertans. I mean, they’re already not onboard with this. Likely, if they get to read all of these figures, they’ll be even less onboard and maybe some of the folks that were before might be switching their minds.

You pair that with the loose language that’s contained in Bill 9, with the use of “may” – let’s get rid of those. Let’s start using “will” and “shall” and actually commit, if you do actually believe that the public has a right to know this information, actually commit to not only collecting it – and I’d like to see that data collected from all of these sources that are mentioned in here, you know, “another department, branch or agency of the Government of Alberta.” Great. “Provincial Court of Queen’s Bench or Court of Appeal.” Absolutely. “The Government of Canada; the government of another province or territory; a municipality . . . a council of a band . . . a police service.” Absolutely. Let’s get all of it, not maybe just necessarily the ones that we like to see or hear because it fits into our narrative. Sometimes the best decisions you can make are when you have information that maybe doesn’t necessarily make you feel comfortable.

We have a real opportunity here. But, again, it doesn’t absolutely allow us to go and get the data from that area. Could it potentially be a bunch of work? Absolutely it is, but that is the best information that you should be getting. Again, I’m not opposed to it. I’m happy to be supporting it, but we can do better.

**The Acting Speaker:** Thank you, hon. member.

Are there any members looking to join debate?

Seeing none, I am prepared to ask the question.

[Motion carried; Bill 9 read a second time]

## Bill 12 Trustee Act

**The Acting Speaker:** I see the hon. Member for Calgary-Cross has risen.

**Mr. Amery:** Thank you very much, Mr. Speaker. It is my pleasure to rise this evening on behalf of the Minister of Justice and Solicitor General to move second reading of Bill 12, the Trustee Act.

This bill is about making it more efficient to manage trusts and lessen the need for Albertans to go to court. It also reflects the

government's work to continue to reform legislation to better meet the needs of Albertans.

The new Trustee Act follows the Uniform Trustee Act proposed by the Uniform Law Conference of Canada. This internationally respected organization, Mr. Speaker, provides an independent analysis and recommendations for harmonization of laws in Canada. The Alberta Law Reform Institute has also recommended that Alberta update its trustee legislation by adopting the Uniform Trustee Act with some variations. The government reviewed the recommendations and adopted them with some variations.

Mr. Speaker, we used the recommendations to inform our work about the changes before the House tonight. We also extensively consulted with stakeholders on the proposed legislation, and there is widespread support for these changes. This is especially true of the Society of Trust and Estate Practitioners, charities, members of the legal profession, and experts in trusts who are supportive of the new act.

The current Trustee Act is significantly outdated and is based on mid-Victorian era legislation. The need for reform is clear. In addition, Mr. Speaker, the current Trustee Act is mainly concerned with trusts under wills. However, as the years have evolved, so have trusts. They have been adapted in modern business and applied to an increasingly broad range of property. Trusts are used in real estate investment funds, land development, and royalty trusts to finance the oil and gas sector.

To be clear, Bill 12 would replace the current but outdated Trustee Act. This new Trustee Act would clarify the trustees' roles and their administrative powers, outline specific processes so that in many instances trustees and beneficiaries do not need to go to court. It would set out provisions to support an improved day-to-day functioning of trusts and provide a basis for trusts that do not have extensive terms or do not cover all of the situations the provisions apply to while making sure that people can still set their own terms if they need to.

Mr. Speaker, as part of settling and clarifying trustee responsibilities, we are proposing to put into legislation that trustees are expected to be careful, to be diligent, and skilful in their decision-making aspects of a trust. Namely, a trustee must exercise the care, diligence, and skill that a person with good judgment would use in dealing with the property of another.

This new legislation would also increase transparency. A new duty for trustees would be to report and respond to beneficiary requests in the administration of a trust. This does seem somewhat self-evident, that trustees need to respond to beneficiaries, but this does not always happen, and it is a protection that needs to be clearly included in this new act.

Administering trusts would also improve as we are proposing to broaden trustees' administrative powers within the act. This would include buying and selling trust property and purchasing, renting, or building a residence for a beneficiary.

Mr. Speaker, at this juncture I would also like to clarify another point in how this new act would provide mechanisms for trusts that do not have extensive terms or that do not cover all of the situations that the provisions would apply to while making sure people can, again, set their own terms if they need to. For example, unlike the current act, the new act would provide a mechanism for choosing a temporary trustee, which would allow someone other than the original trustee to manage a trust for a short period of time. This means that the original trustee doesn't have to resign when they are ill or if they are away from the province for a bit or if they're unable to act for whatever reason temporarily. If the trust itself has no provisions to appoint a temporary trustee, this new act would apply.

8:50

Mr. Speaker, default rules essentially in place to fill the gaps where needed: some in this room will know exactly what I'm talking about. This is not a new concept. The Administration of Estates Act, for example, provides for automatic rules that deal with who has priority over the administration of an estate among applicants. Similarly, the Wills and Succession Act guides how estates are administered when someone dies without a will. These changes are needed now for trusts.

In other words, Mr. Speaker, Albertans setting up a trust can rely on the legislation rather than having to include all of the terms in the document itself. Rather than think of every type of contingency, this new act would provide for default rules that would allow for these things to be addressed if they weren't included in the trust itself. But I want to be clear. Despite all of that, Albertans can still add specific terms to the trust.

Mr. Speaker, the new Trustee Act would also provide processes to allow for the removal of an unfit trustee and allow a trustee to resign. All of these changes would result in more efficient management of trusts and less court involvement as typically one would otherwise have to go to court to make these changes. Ultimately, this would let trustees better serve beneficiaries and better manage trusts. For the legal community this new act would make dealing with trusts simpler and would result in less need to go to court to address minor administrative issues.

For trust and estate organizations such as the Society of Trust and Estate Practitioners the new act would clarify and set out the responsibilities and the duties of trustees, and it would also help families better plan their trusts.

For Albertans setting up a trust, the new act would make that process more efficient and simpler, and it would also be generally less expensive for Albertans to create a trust. This is because the new Trustee Act would reduce the legal and other costs and the complexities by lessening the number of matters that may be included in a document. For beneficiaries, Mr. Speaker, the new legislation would strengthen their protections. It would reduce their costs, and it would minimize the need to go to court for every single minor matter.

Charities would also benefit from the new proposed changes. This means that the new act contains provisions to allow for varying charitable trusts. This saves these charitable trusts from failing by making it easier for the court to apply the trust to a similar purpose when the original purpose fails. The court could also modify the purpose of a charitable trust even if the original purpose has not failed. For example, an Albertan may create a trust to provide for scholarships, which are usually based on academic standing. Under this proposed legislation the courts could vary the trust to provide for bursaries, which are usually based, instead, on financial need.

I want to highlight a point that I mentioned, and I want to hammer it home here today before you, Mr. Speaker. As I've said many times already, less need for involving the courts: that's ultimately what this act achieves. This would be a significant result of this new legislation. Less court time for trust matters means there is more court time and resources for other, more serious and more complex matters. Less court time means that trustees, beneficiaries, lawyers, and Albertans get time back in their day. Less court time means money is staying in the pockets of Albertans rather than having to pay to litigate trivial matters.

Now, while we are proposing an overall new piece of legislation, Mr. Speaker, some provisions of the existing act would remain. For example, this includes the prudent investor rules that require a trustee to make investment decisions based on obtaining reasonable

returns and avoiding undue risk. These rules should remain to guide any investment decision that a trustee should make.

We are also proposing to continue provisions that allow for the variation of trusts. This means that this new act would empower the court to vary the terms of a trust subject to specific terms in the trust document itself. This provides flexibility to address changing or unanticipated circumstances.

Mr. Speaker, Bill 12, the Trustee Act, brings trust legislation into the 21st century. From creating to managing trusts, strengthening protections for beneficiaries, increasing the accountability of trustees, and providing clear processes for trustees to use in managing trusts to reduce court involvement, this bill modernizes and improves all aspects of trust legislation, and by improving trust legislation, we are making life better for Albertans.

I hope Albertans on both sides of this House will support this legislation. Thank you.

**The Acting Speaker:** Thank you to the hon. Member for Calgary-Cross for moving second reading of Bill 12, Trustee Act, on behalf of the Minister of Justice.

I see the hon. Member for Edmonton-Whitemud has risen to respond, with 20 minutes, should she choose to take it.

**Ms Pancholi:** Thank you, Mr. Speaker. I'm not sure that I'll need the full 20 minutes to provide my comments at second reading on Bill 12, the Trustee Act, but I am pleased to rise and speak to this bill. I thank the Member for Calgary-Cross for introducing this bill at second reading on behalf of the Minister of Justice.

I want to begin by saying that I think, you know, I'm pleased to see this new framework for trusts in Alberta and to see that the recommendations coming from the Alberta Law Reform Institute seem to be substantively accepted and incorporated into this bill. As the Member for Calgary-Cross indicated, this does intend to modernize the system of trusts, and I believe the member gave a number of examples of real estate situations where there are trusts and for corporate examples. We also know that trusts are often commonly used for persons with disabilities. Their families might be planning for their future and how their assets and investments can be used to protect that individual's future. We know that there are other situations – as mentioned, charitable trusts – where they also, you know, use this trust model.

And for, you know, Albertans who are a little curious about sort of what a trust is or to get a better understanding of what it is, a trust is essentially a fiduciary duty and responsibility whereby an individual, generally referred to as the settlor, basically appoints an individual, who is the trustee, to manage assets and property, subject to certain conditions and requirements, in the interests of a beneficiary, so basically saying that somebody appoints somebody else to manage their business and assets for somebody else. But, of course, they may set out conditions on that and how those assets will be managed.

I'm sure many of us are familiar with, you know, what you hear the most in media and movies, the trust fund, right? You've got the wealthy parents who are planning for their children's future and saying, you know, this is how their assets can be used, and somebody else is going to manage it until that young person reaches a certain age, and then they get access to those things. That's the most commonly understood sort of idea of what a trust is, but of course, as I indicated, there are many other circumstances in which somebody else may be appointed to manage assets on behalf of somebody else.

It is true, as the Member for Calgary-Cross indicated, that this is – our current structure, our current Trustee Act is based on very old sort of English precedent of what a trust is, and the legislation was

simply updated from, I believe, English legislation from the 1800s, really, and just simply setting out that concept of it, which primarily looked at trusts within the wills and estates context. But as we've described, there are many other circumstances, and I know that this has been a subject of some discussion and research and proposals for some time within the legal community and within many various other charitable institutions of individuals who are trying to modernize, essentially, the trust legislation, and that is what I believe we are seeing before us in Bill 12 with the Trustee Act.

Specifically, as we know, we believe that a number of the provisions of Bill 12 are based on recommendations that came from the Alberta Law Reform Institute report that was issued in January 2017. I want to go back a little bit to those recommendations and just some highlights because, actually, Mr. Speaker, as you may be aware, there are actually 90 detailed recommendations that came out of that Law Reform Institute report. I'm not going to go into detail about all 90 recommendations.

**Member Irwin:** You could.

**Ms Pancholi:** Certainly. I guess I have 20 minutes, and I am a fast talker, but I don't want to do that.

I will go over some of the key recommendations that were made. I believe the Member for Calgary-Cross outlined already a number of the changes, and, as he indicated, not all of the recommendations were either accepted, or maybe they were accepted but varied, and I would appreciate some discussion perhaps from the Minister of Justice to provide clarity as to where recommendations were varied from what was put forward by the Alberta Law Reform Institute and the reason why.

**9:00**

Certainly, we know that the recommendations that originally came in that 2017 report from the Law Reform Institute were based on essentially a uniform Trustee Act that was developed under the Uniform Law Conference of Canada. Basically, that set out what trustee legislation could look like in any jurisdiction, and it was sort of one uniform Trustee Act. The idea was that this is the act that could apply in any jurisdiction, and provinces, for example, could simply adopt that. I appreciate that there will be variations, though, between provinces, and perhaps that's what we're seeing in the proposed Bill 12, why there are variations, maybe Alberta-specific. But I think certainly what would be appreciated is to perhaps go through which recommendations were varied and why.

The member indicated that there was a consultation done with a number of stakeholders, and I think it would be interesting to know what the feedback was from the stakeholders and why specific recommendations were not accepted. I believe, if I recall correctly, that 80 out of the 90 recommendations were implemented. So I would appreciate to know why 10 were not and what the variations were.

I want to go over for this House just a bit of an overview of some of the key recommendations that came out of the Alberta Law Reform Institute. I think we've heard already from the Member for Calgary-Cross that some of those recommendations have been implemented, but I just want to lay out for Albertans sort of what those recommendations are and why it was important to modernize our Trustee Act to adapt and to apply to so many different circumstances. Some of the key recommendations that came out of the 2017 Law Reform Institute report 109 include that the "trustee legislation should establish that the trust instrument prevails, with specific exceptions set out in the legislation," simply saying that the instrument by which the trust has developed should prevail. That should apply to the relationship of the trust. However, there may be

exceptions, and we want to see what those exceptions are within the legislation.

The report also recommended that it should be very clear in the legislation what the settlor's intent was and how to determine what that intent is because, as we indicated, a trust is really about the settlor appointing somebody to act as a trustee for the benefit of their beneficiaries. So what that settlor intended and how to determine that in a set of criteria within the legislation that's clearly applied and transparent but, you know, looks at the trust instrument itself, sets out the process for determining that intention is very important and can use and apply extrinsic evidence as well.

The Law Reform Institute report also recommended that trustee legislation should require court approval for a proposed variation to a trust that is not provided for in the trust instrument. It does still say, as much as we are looking at this Trustee Act as a way to sort of perhaps minimize interactions with the court, that variations to the trust instrument itself must be done with court approval. So there are circumstances in which going to court is still going to be necessary for a trust.

We know that one of the recommendations was that any trustee legislation should provide for temporary trustees to be appointed for a specified period of time to administer the trust, and I believe that that is something that the member indicated and Bill 12 does address. It actually does set out criteria as to how a temporary trustee could be appointed. Now, interestingly, I didn't quite hear this from the Member for Calgary-Cross, and in looking at the bill, it wasn't evident to me – and I say “interestingly” because I really do hope it is interesting to some people, but I will continue talking nevertheless.

One of the recommendations from the Law Reform Institute is that there should actually be a two-tier standard of care that applies. That means that somebody appointed as a trustee who maybe doesn't have specific experience, is not a professional investor, for example, would be held to one standard of care, which is to still exercise ordinary care and due diligence in dealing with the trust properly. There are still, absolutely, obligations on that individual to meet a certain standard of care.

But if there is a trustee who is of a professional designation and has special qualifications, they actually have a standard of care that's higher. They must exercise a greater degree of skill. So this basically says that professionals who perhaps, you know, manage trusts with their expertise and their background may be held to a different standard and a higher standard than just an average person who may be appointed as a trustee. I'm not sure if that is reflected in the bill. I couldn't see that, but I would be happy to take a better look or to hear from the Minister of Justice.

I was happy to hear, of course, that the prudent investor rule, which applied even under the existing trustee legislation – the Law Reform Institute has indicated they believe that should continue to apply. I think that makes logical sense. We all still expect, when somebody is appointed to manage a trust, that they do act in the way of a prudent investor. I understand that Bill 12 preserves that rule, and that's important.

The Law Reform Institute also talked about, you know, where there is more than one trustee – there are certainly circumstances where that would be the case – that those trustees must act as a majority rather than unanimously. It's not that all trustees must agree to the same action, but the majority of trustees must do so.

As well, the Law Reform Institute recommended that trustee legislation should define conflict of interest and provide a process by which to allow a trustee to act in certain ways despite a conflict. I think that's really important because they're being

trusted to do something, but there is certainly the case where a trustee may have a conflict, may have an existing relationship with the beneficiary, perhaps as a family member, and there should be some acknowledgement that conflict of interest may apply but does not always have to rule out that that person is still a qualified trustee.

Another recommendation is that the provisions regarding trust compensation prevail over contrary terms in the trust instrument, so there should be fair compensation set out in the legislation that would prevail in circumstances where the trust instrument perhaps sets out a really low level of compensation in certain circumstances. Managing a trust can be onerous work, and a trustee should not be, I guess, discouraged or disincentivized from acting in a prudent way because of low compensation.

As well, trustee legislation to provide a mechanism to validate and regulate noncharitable purpose trusts: I understand that that is incorporated into Bill 12 and key, I believe, to what the member had spoken to and is perhaps the intent of this, that trustee situations in the case of a will or an estate should not apply to those circumstances. There's already legislation that applies. It's not necessary for trustee legislation to apply to that, and in that respect I believe the objective there is to minimize the amount of court action that occurs around a trust and thereby free up court time. Now, I just wanted to take a moment to comment, Mr. Speaker, that, you know, I would love some analysis or assessment from the Minister of Justice as to how much court time will be freed up by putting in this legislation. We certainly do support it.

I support the idea of modernizing our trust framework, but really that issue of freeing up court time is more important than ever. It was incredibly disheartening to hear that the current Minister of Justice was apparently unaware that more than 3,000 cases in the Provincial Court system are currently at risk of being thrown out for being over the Jordan time limit in terms of being assessed in court. You know, the current Minister of Justice went on record publicly and said that there were no cases at risk of being thrown out as a result of the Jordan decision, and in fact that was quickly just proven to be incorrect. There are actually more than 3,000 cases in the Alberta Provincial Court system right now that are at risk of being thrown out because of the length of time that the matter has taken in the court system.

Of course, actually, of those 3,000 cases, Mr. Speaker, over 1,200 of them are violent offences. You know, for a government that has predicated so much of its platform and its messaging in the area of justice around law and order, it is quite shocking to me that not only is the current Minister of Justice unaware of what's going on in the court system but that there are a significant number of cases that are at risk of being thrown out.

I seem to recall, Mr. Speaker, being in this Legislature, you know, in early 2019 and hearing this strong commitment to hiring all these new prosecutors, which hasn't happened. Very few new prosecutors have been hired. For some reason it appears that the current government of Alberta has difficulties attracting individuals to work for it right now. I wonder why that may be, but certainly we do have a shortage of prosecutors. We continue to have a shortage of prosecutors, and that is leading to a significant risk that many cases, including violent offences, may be thrown out of our court system as a result of this current government's failure to act and their never-ending – I don't know – Whac-A-Mole of Justice ministers.

[The Speaker in the chair]

Certainly, let's hope somebody can get the job done. I don't know that it's going to be anybody in this government, but I'm certainly



confident that come the next provincial election Albertans will have a government that is committed and able to address these issues to make sure that we are dealing effectively with the criminal justice system, and that will be the members on this side of the House, Mr. Speaker.

9:10

When it comes to Bill 12, this is a moment where I think there can be agreement in this House that modernizing the trust system is certainly important. This seems to be, you know, well welcomed in terms of doing this and updating our Trustee Act. I do hope it does free up some court time because certainly we have a lot of cases to get through our courts, Mr. Speaker, but also I would be interested in hearing some feedback from the Minister of Justice or members from the government side as to which recommendations from the Alberta Law Reform Institute were not accepted, the reason that they were not accepted, and perhaps the feedback that came from stakeholders that led to those variations with respect to Bill 12.

I look forward to a spirited debate and discussion of Bill 12, the Trustee Act. Thank you, Mr. Speaker.

**The Speaker:** Hon. members, before the Assembly is second reading of Bill 12. Is there anyone else wishing to join in the debate? I see the hon. Member for Calgary-Buffalo has risen.

**Member Ceci:** Thank you, Mr. Speaker, for that introduction. To continue on, my colleague left off with regard to Bill 12, Trustee Act. I just want to say that, you know, when we were government, we did work in this area, of course. We tried to look at modernizing aspects of this act. We met through Justice and Solicitor General at the time, met with the Alberta Law Reform Institute, and talked about consultations that would improve and modernize this act and talked about 23 new or modified recommendations. I don't know them all at this point in time, but I do know that the work that was done previously by our government had some benefit.

One of those clear benefits, Mr. Speaker, was – I think it's called the Henson trust. It was brought forward, I remember, by a member of our government to address the clear need for people with disabilities who were granted or who were gifted large financial gifts or inheritances. Previously, as I understand it, disabled people in those situations would have been cut off AISH until the proceeds from those gifts or inheritances were drawn down. What our government did in passing legislation in 2018 was to make possible that there could be a trust set up for that individual and they wouldn't have to draw down those funds. They wouldn't have to be cut off AISH until those funds were extinguished.

I was very pleased. I remember sitting in the House at that time, and the people who brought it forward were in the gallery, and they were very thankful that our government listened and made changes to this act at that time. The Member for – I'm just trying to remember where he was from – I think it was Calgary-Currie at the time was the sponsor of that bill, bringing that forward. That was a positive thing.

I, too, like my colleague from Edmonton-Whitemud, wonder what has resulted in 10 of those recommendations that the Alberta Law Reform Institute proposed not coming forward at this time and wonder what difference they could have made in this act had they been subsequently approved and written into this act. I understand that this new framework will be of benefit, and I listened to, of course, the Member for Calgary-Cross talk about this bill in the introduction to second reading. We do need a more efficient court and judiciary, not the judiciary itself, Mr. Speaker, but efficiency around the kinds of things that are brought forward. We do need to lessen the need for conflicts that people feel only can be solved in

court. I think that's a good thing to look at, improvements to this act, modernizing it in that respect, because that will better meet the needs of Albertans with respect to other significant issues that are before the courts.

My colleague from Edmonton-Whitemud talked about some of those; namely, the large number of cases that are potentially going to be thrown out of court. Three thousand cases are beyond the 18-month timeline established by the Jordan principle, the Jordan decision, and the fact that our current Justice minister was unaware of that is very concerning. We need to obviously focus court time and attention where appropriate on those kinds of cases so that we deal with the egregious crimes which people are alleged to have committed and not see those people walk from that situation as a result of the Jordan decision being levied.

I also know that when I was reading through the bill and listening to the Member for Calgary-Cross talk about it, he mentioned that it's adapted to modern business. Of course, my colleague from Edmonton-Whitemud talked about 1893, I think, when the initial principles were laid out, the statute was laid out, that our previous act is based in part on. Just with respect to modernizing this act so that it relates to current business practices, I wonder how the whole area of real estate trusts is covered in this bill, Mr. Speaker. I have been reading through this bill, and on page 27 under items 34(1) and (2) it talks about investment powers of corporate trustee or agents. I think there's an aspect there of real estate investment trusts, and there are other parts of this bill that probably are reflective of real estate investment trusts. It would be helpful to hear from the sponsor, the Member for Calgary-Cross, where other parts in this bill talk about trusts.

I know that, you know, the area that I represent, Calgary-Buffalo – I don't think I'm incorrect in saying that I think the highest density of population in this province is in that community of Calgary-Buffalo, that riding of Calgary-Buffalo, basically the Beltline, the Mission district, the west end of downtown, the east end of downtown in the East Village, and Connaught. In those areas are predominantly apartment buildings, predominantly older apartment buildings, that were built in the '70s, '80s, and '90s in Calgary. There are a number of condominiums now that are coming up throughout the riding of Calgary-Buffalo. It's not the newer ones that are being built and condominiumized; it's the older ones that are four storeys to eight storeys that have caught the attention of real estate investment trusts.

9:20

We know, of course, that investors receive returns on their investments without needing the expertise to buy or manage any properties themselves. They pool capital. I just wonder in this Trustee Act, which, I understand, modernizes the situation for real estate investment trusts, how, in fact, it does that, and potentially the sponsor or the minister can make that more clear as we go forward in debate of this bill.

Real estate investment trusts are relatively new. In the 1990s they started to take off in this country as a result of the federal government and provincial government stepping back from investing in the creation of affordable housing, social housing in this country. So that phenomenon is a new one, and it has resulted in the consolidation of affordable housing in the control of real estate investment trusts. There is not necessarily the greatest track record. Many people, including those who are in long-term rental situations in older apartments, are concerned about their tenure in those apartments because of the desire of the REIT to get the most profit from those investments. The amount of actual affordable housing on the market and in Canada has decreased as a result of REITs being involved and making a greater profit as a result of

increasing rents or shutting down their buildings so that they can be remodelled and rented at a higher level.

This Trustee Act, as the sponsor said, is being adapted so that modern business can work better, I guess, as a result of them being subsumed in this act. I think aspects of this bill certainly make sense to replace the existing Trustee Act with this act, but there are aspects of the impact of this bill on REITs and on those who need affordable housing throughout this province and this country that are unknown as a result of the effect of this bill. I want to raise that as an issue that I'd like to look more into, but anything that can help make trust legislation more effective for a broad number of people, setting aside REITs, of course, is a good thing.

Like this government has done with the insurance industry and essentially allowing lobbyists to dictate what the insurance industry profits should be in this province, I'm concerned that potentially the same was done to allow REITs to dictate how they should be treated under this act. We've seen that in the past with not only health care and insurance and now in the justice area, potentially through this trust act revision, that this government can't be trusted to work in the best interests of the broad number of Albertans. What it does work in the best interests of, unfortunately, are those insiders and people with specific interests who don't have the interests of the majority of Albertans at heart.

I'll sit down now at this point and listen to additional discussion with regard to the changes that are coming forward under this Trustee Act, though I would like to know other parts of this act that – for instance, real estate investment trusts – are potentially impacted, because it's not all that clear. Of course, reading through it, there are a number of content areas where potentially you could read into it that a REIT would be positively impacted. But not being a lawyer, some of this is very much in legalese and not in common language, so I will certainly sit down and benefit from listening to other people talk about this.

Just one more thing. Yeah. I think that I've covered everything I wanted to say with regard to REITs, the area that I represent, and recognizing that anything that increases the power of those companies over people who live in low-income housing is not a positive thing, in my view.

Thank you.

**The Speaker:** Hon. members, on second reading of Bill 12, the Trustee Act, are there others? The hon. Member for St. Albert.

**Ms Renaud:** Thank you, Mr. Speaker. It's my pleasure to rise and speak to Bill 12, the Trustee Act, in second reading. You know, let me just begin with – both of my colleagues have mentioned this, and I'm actually very curious. I understand that the vast majority of recommendations that were made by the Alberta Law Reform Institute – I think there were 90 of them. I'm just looking at them now. I believe this legislation addresses 80 of them, and I'm really curious which 10 were left out. I just had a quick look at all of them. Again, I'll preface this. I am not a lawyer. They all look quite reasonable, so I'm actually quite curious. I hope that somebody from the other side will just explain which 10 were not addressed and perhaps why maybe they weren't necessary. I think that would be quite helpful.

You learn something every day. I didn't realize until I started looking at this legislation that there have been amendments to the Trustee Act, but it's actually never comprehensively been reviewed. It's based on an 1893 English statute that certainly has fallen out of step with modern practices and issues, so it is great that this legislation will address some of those shortfalls.

The bill does develop a framework for all trusts, which is certainly an improvement, and establishes more provisions for the day-to-day management of the trust. It further clarifies the duties of trustees, and there are – well, it certainly does that. The old Trustee Act dealt mainly with trusts established under wills, and certainly as my colleague mentioned, there are far more trusts than those just established under wills. Other examples of trusts are charitable trusts, trusts benefiting people with disabilities or businesses. I think my colleague mentioned the Henson trust. Again, you know, I would also add to what my colleague said. [interjections] If the . . .

**The Speaker:** Order. Order. Order. I just might remind members that if they have private conversations that they'd like to have for whatever reason, if I'm able to hear them, perhaps the member speaking is as well, and it would be reasonable for us to take those into the lobbies.

The hon. Member for St. Albert.

**Ms Renaud:** Thank you. The government has argued – and I hope this is the case, Mr. Speaker – that this new framework will free up court time as it will add more clarity, hence reducing instances where beneficiaries and trustees have to go to court. That would be great. I think my colleague from Edmonton-Whitemud sort of underlined the current problem that we're having right now. You know, this is all happening at the same time that there are over 3,000 cases that are beyond the 18-month timeline as established by the Jordan decision, the 18 months referring to the time since charges were laid.

9:30

When I did first get this piece of legislation, yeah, it was a lot to go through and to digest. Again, I am glad that it is being updated, but there were a few things that drew my attention. Because we're in second reading, I'm actually going to talk about something that I didn't really see covered in this but sort of referred to the Public Trustee. For example, on page 36:

- 50(1) If a minor is entitled to trust money or trust securities, a trustee must pay the money to or transfer securities to
- (a) the trustee appointed by court under the Minors' Property Act, or
  - (b) the Public Trustee.
- (2) If an incapacitated person is entitled to trust money or trust securities, a trustee must pay the money to or transfer the securities to
- (a) the attorney acting under the Powers of Attorney Act, or
  - (b) the trustee appointed by court order under the Adult Guardianship and Trustee Act.
- (3) If an attorney or trustee is not appointed for an incapacitated person, then an attorney or trustee must be appointed for payment of the money or transfer of the securities.

That seemed fine. I understood that part.

But then I looked through the legislation for other references to public trustees. It did talk about incapacitated persons, and we all know that there is a need. There are actually thousands of people that are in need of both a public guardian and a public trustee, so as we know, there is the office of the public guardian and trustee in Alberta. They are essential to people, for example, that – a good example is people that are dependent adults or require assistance with decision-making. For example, a public guardian which is not a trustee, but very often they are both, will be involved in decisions, like, around health care, where the person lives, who to associate with, if they can work, where they can work, legal proceedings, of

course, employment, all of those things. Very often they have a trustee that can be a private trustee or a public trustee.

I think I read in the most recent annual report for the office of the public guardian and trustee that there was a trend going away from public trustees to private trustees. Now, let me say, Mr. Speaker, that that's a great trend if that's happening. This may be due to the pandemic. I'm not sure. We'll have to wait and see. But that is great because that means that there's somebody in that person's circle, whether it's a friend or a family member, that is able to assist them, and that's always better, to have someone that is knowledgeable about the person and can assist in that way, managing the trust.

But, unfortunately, there are too many cases where a public trustee is required, so I was really hoping to see something a little bit more in this act. Now, perhaps the minister at some point could explain to me. Maybe it was covered, and I didn't understand it. Maybe it was in some of the recommendations that weren't addressed. I'm not sure, but it would be helpful to know. Maybe there's something planned. I'm not sure, but there are some issues around public trustees.

Now, maybe members of this House don't know. I think there is a threshold that a person, like a dependent adult, who would require a public trustee – I think they have to have a minimum of assets of \$5,000. Now, as you can imagine, somebody who's on CPPD, which is like a CPP pension with disability or AISH: the chances of them having \$5,000 in assets are not great, you know, unless perhaps they've inherited or they've managed to save from a job if they're able to work. That's not the norm, that people have a lot of assets. But if they do, there is a process for them to have a public guardian if they're unable to find a private guardian.

I was hoping that maybe there would be a review of the fees that are charged. Now, you can imagine someone living on AISH, particularly AISH benefits that have been deindexed. For someone living on AISH benefits, you know, even fees, annual fees, of \$100 make a difference. Fees, monthly fees, of even \$10 are actually going to make a difference, so I was hoping that there would be something there, but there wasn't.

You know, the other thing that I wanted to talk about: there was another piece, and this is also under the office of the public guardian and trustee. I could see that maybe it wouldn't fit into legislation like this, but it would have been nice to see even mention of it, or perhaps there are plans in the future. There is another program. It used to be called – it was, I think, called the AISH or CPPD administration. What that was: it was a trustee that would actually help people – and it was voluntary – manage their money. People that were AISH recipients or CPPD recipients who didn't meet that threshold of \$5,000 in assets could actually use this program. Now, it wouldn't manage, let's say, gifts they received or any kind of employment income. It would simply help manage AISH or CPPD monies.

What that would do: it would ensure that primary bills would be paid – for example, rent, utilities, things like that – and would actually help people. As you can imagine, people that are dependent adults, that require assistance with, you know, significant decisions, life decisions, are very often vulnerable to perhaps lending out money they don't have or making bad decisions about credit cards or getting credit cards they shouldn't have or getting phone plans they maybe didn't look through, things like that. So having assistance through a public trustee's office, in this case an informal trustee – and the program is now called the informal benefits administration program. It was actually a terrific program, and it gave some protection, some of the protection that we see outlined in this piece of legislation for people that don't have large trusts, that don't have a lot of assets. It would have been nice to see that, but I did not see that.

The other thing: you know, this legislation talks about conflict of interest and all of those things, and sadly there are many cases where private trustees – there are issues. For example, let's say that it's an extended family member – I'm going to give you a specific example, Mr. Speaker, and this is sort of where I'm coming from with this anecdotal information that I have. Many years ago we were helping to support a fellow – he's no longer with us – but his only source of income would have been AISH and perhaps if he received any kind of gifts or, like, a GST rebate, something like that. So this was not a wealthy man.

He had a pretty significant complex disability, and he had a nephew that had stepped up to be his private trustee. It wasn't required to get a public trustee to manage his nonexistent trust. We saw a pattern. Again, he would show us his bank statement, and we saw this drawing of, let's say, \$150 every single month. After all the bills were paid, you know, there would be a little bit of money left over for an AISH recipient. It's not much, but it would be maybe \$20 at Subway, \$50 here. Every month it was happening, and it was this nephew at the time that was drawing down this money. He didn't have a lot of recourse because there wasn't a formal trust agreement; it was just a private trustee.

Now, there have been some legislative changes made since then, but it was really, really difficult to get anybody to investigate this because it was such a tiny amount of money. Really, this was a trust account, but it was a tiny, little amount of money.

I'm bringing this up because when I looked at the annual report of the office of the public guardian and trustee, they talked about complaints. This was in their annual report. Again, it's 2020-21. Now, I'm not saying that the pandemic hasn't impacted this – I'm quite sure it has – but they only screened a total of 109 complaints and launched 19 investigations. Now, I know investigations are timely and costly, so you want to be careful that you are investigating, you know, complaints that should be investigated. But at that same time period the report states that the office of the public guardian and trustee revisited the criteria, that prompted an investigation and resulted in a significant reduction in investigations in the year of the report, which was 2020-21. For comparison – and I'm not talking about hundreds here, Mr. Speaker. In 2019-20 there were 38 investigations, and then 2020-21, the most recent report, there were 19, so almost half. That's pretty significant. It would be great to hear perhaps: what is the criteria for investigating?

This piece of legislation is quite clear about what the rules are around conflict, around even the expertise of the trustee, yet there are people with trusts that are very small, and that's all they have. They're not large, they're not big inheritances, but I think I would suggest that they're equally important. So maybe this is an area that we could look at.

I'm glad to see that there is a new framework for trusts. It is good to see that the robust process by the Alberta Law Reform Institute is being implemented. I have no doubt that this will help make trust legislation more effective. You know, this is a good thing and perhaps a stable thing going forward and progress given the fact that we've got a lot of instability right now within the justice system. My colleagues have mentioned, you know, a few of those things, actually. In the previous debate on the previous piece of legislation – I think it was Bill 9 – we even mentioned some of the changes that have been made that have caused some instability, I would suggest.

**9:40**

Anyway, a couple of other questions that I think a couple of my colleagues or one of my colleagues may have mentioned, but I'm going to – in case she did not, I'm going to restate it. How much

court time is the government estimating this act will save or add? I think that if this legislation, if the government is saying that one of the reasons that this work is being done – and I'm sure there are many reasons, but if one of the reasons is about the time savings, where will that be coming from, and what's the estimate? There must be an estimate. It would be great to know. I think Albertans would like to know, actually.

Who else did the government consult with since the final report of the Alberta Law Reform Institute? That would be helpful. It would also be good to hear the minister talk a little bit more about the recommendations, as I said earlier, that were not implemented. I think that we've all learned in this place that sometimes we focus a little bit on what isn't said because sometimes there's a lot of information there. Maybe this is not the case with this. There are a lot of recommendations that were made. I think there are 90, and if there are 80 that were covered in this legislation, it would be terrific to know what that is.

Let me just think. Hang on, Mr. Speaker. Oh, actually, I will take my seat. Thank you.

**The Speaker:** Are there others on second reading of Bill 12? The hon. Member for Edmonton-City Centre has the call.

**Mr. Shepherd:** Thank you, Mr. Speaker. I appreciate the opportunity to rise and speak at second reading of Bill 12, the Trustee Act. Certainly, this is a fairly technical and involved piece of legislation, somewhat specialized. Certainly, I recognize it presents a bit of a challenge. There's quite a bit of material here and on a very specialized subject, but I would reflect that it is something that does impact a lot of everyday Albertans. Indeed, this is something that impacts my own family. I have a niece who is on the FAS spectrum, a beautiful young woman, very intelligent, very talented, very artistic, plays the drums, always had a natural knack for rhythm from the time that she was very young, loves to paint.

She's been through the child care program over at MacEwan University, audited the program, has worked for the YWCA here in Edmonton as a volunteer taking care of children, loves that work. But, indeed, she is in a position where some of the challenges that she has means that she is not able to manage her own money and her own finances. Indeed, there's a guardianship arrangement amongst members of my family to help look after her, look after her finances, take care of those aspects of her life and to provide her, then, with the support to be able to do all of the things that she enjoys and indeed make some real contributions to her community, to her church, indeed, to our family.

I think it is incredibly important that we have quality legislation overseeing that, and my understanding is that this is coming forward to modernize the legislation that we have that governs these sorts of trustee relationships, guardian relationships here in the province of Alberta, and certainly I welcome that.

We recognize that there are a lot of different kinds of trusts, so a lot of different ways that this can be set up. We've heard talk about real estate trusts. Indeed, the Member for Calgary-Buffalo spoke a bit about a new kind of trust that was set up during the time we were in government by one of my former colleagues and a friend of mine, Mr. Brian Malkinson, who was the MLA for Calgary-Currie. I know he was very passionate on this issue, Mr. Speaker, having spoken with a large number of folks across the province of Alberta who had family members who were on AISH and indeed were looking for the opportunity to be able to provide for those family members.

He worked to bring forward legislation to establish what is known as a Henson trust in the province of Alberta. It's used to hold an inheritance for the benefit of a handicapped individual which

wouldn't affect their eligibility for income support programs like AISH. Alberta, at that time, was the only jurisdiction in Canada that did not allow for that kind of discretionary trust. I know that he worked very hard. He had many consultations with folks across the province of Alberta and then indeed brought forward and was a sponsor on Bill 5, allowing trusts for AISH recipients, a bill that passed, I think, with the support of all members of the Legislature at the time. It enabled that possibility for individuals then who are on AISH, an opportunity for their family, indeed, at times their trustee or guardian, to oversee a fund that would be available to them without affecting their ability to access AISH. That's extremely important, Mr. Speaker.

As we are considering Bill 12, the Trustee Act, it has caused me to reflect that, indeed, there are some real challenges for folks who are on AISH. Certainly, we know that under this government we have seen them make the decision to deindex AISH. That was despite a promise during their election campaign that they would maintain the indexing of AISH for individuals who rely on that. I guess you could say "promise made, promise broken," Mr. Speaker. That was indeed unfortunate. It is important, again, that we are observing how we can best set up these situations to be able to look after folks, particularly when, unfortunately, we have a government that in many respects is certainly not.

You know, in speaking about this bill, the Minister of Justice remarked that outdated trust laws are burdensome for Albertans, trustees, and the legal community. By modernizing these laws, trustees have greater accountability, and it will be simpler to create trusts for Albertans. Certainly, you know, Mr. Speaker, accountability is important. It has certainly been at many times, I think, a weak point for this government, but it is important when we are bringing forward this kind of legislation. Indeed, we want to strengthen accountability for those who are responsible in many respects for the well-being, for the assets of others.

The minister went on to say that these changes will also ensure that trust laws are current and reflect the needs of Albertans. Certainly, that's important to recognize, again, when we are talking about individuals who are reliant on AISH, and indeed, Mr. Speaker, may require having a trustee. Indeed, we know that there have been challenges with that system, certainly, with barriers and a system, I think, under the AISH appeal, in particular, as we saw in a news article today, that is somewhat out of date and in many respects is not working well for individuals in those situations.

Indeed, we know that there have been some changes made, and there were recommendations from the Ombudsman that came forward, some of which the government has committed to following through on. But, certainly, at other points we have seen, for example, the Minister of Community and Social Services has made changes in the appeals regulation that have made it more difficult for individuals. In fact, it is taking away their voice in being able to speak up and make themselves heard when they are appealing their AISH application, saying now that they may not consider any information other than that considered by the director in making the decision that is being appealed. He said that's to make it easier for people to get a result earlier, but frankly it makes it much more difficult.

When we are talking about Bill 12, the Trustee Act, and we're talking about making improvements to the system, I certainly appreciate that that is the direction of this bill, and certainly it seems that, in fact, the government is following through on the majority of the recommendations. But, certainly, it would be my hope that perhaps, more broadly, this government could take that to heart in many other aspects such as in the AISH appeals process.

You know, the Minister of Community and Social Services referred to the appeal procedure as being chaotic, a never-ending

loop for finding fairness in judgment. Well, Mr. Speaker, much of that is within his power to correct and fix, and he is choosing not to. Indeed, the government in acting, I guess, in its role somewhat as a trustee over that system – as we are talking about Bill 12, the Trustee Act – is failing in many regards and indeed has made many of these processes far more difficult for people to access, has created far more hardship for the very people that they are responsible for trying to help. I've certainly heard about that clearly at my constituency office, with changes to income supports and accessibility to housing benefits and other portions under that.

9:50

Speaking of Bill 12 and the Trustee Act, it's suggested that one of the intents of the bill is to increase transparency, in fact, to reflect that the needs of Albertans are changing. So the proposed model here, that we have, introduced some new provisions to provide additional transparency, improve the administration of trusts by requiring trustees to exercise the care, diligence, and skill of a prudent person. It includes a duty to report to beneficiaries, to be responsive to beneficiary requests. It carries over some pieces of the previous legislation, is my understanding, such as the prudent investor rules, that require a trustee to make investment decisions based on reasonable returns while avoiding undue risk. Certainly, that seems appropriate, Mr. Speaker. That is in line with the recommendations that were brought forward for changes that should be made.

Now, it does cause me to think a bit about this government's own decisions in some respects, again, where it is responsible, particularly in terms of, you know, having taken the Alberta teachers' retirement fund, the special forces pension plan, the local authorities pension plan, the public-sector pension plan and legally requiring them to be managed by AIMCo, taking away choice and jurisdiction from the individuals who have their pensions within those plans, arguing that consolidation would allow for better economy of scale, lower costs overall.

But, frankly, the folks that were invested in those plans did not buy it. Indeed, you know, when we had a bill that came forward to try to increase transparency and to try to increase protection, a bill that was brought forward by the Member for Lethbridge-West, Bill 208, the Alberta Investment Management Corporation Amendment Act, 2020, this government's members voted it down, did not even allow it to come for debate on the floor of the Legislature. So, again, I appreciate that Bill 12 is indeed making some important changes to increase transparency, to ensure, when we are dealing with funds that belong to other people that are being managed on behalf of other people, that there is transparency and a requirement that there be demonstrated good and due diligence, something which we, unfortunately, often do not see from this government in its care of the public tax dollars of the people of Alberta.

Now, the minister, in speaking about this bill, also emphasized that this act would make the process of setting up a trust more efficient and less costly for Albertans. He noted that, in his view, judges will benefit from a reduced caseload because fewer trust-related applications will be brought to court, and dealing with trust cases will be simpler for lawyers. Certainly, Mr. Speaker, I can appreciate that being a valuable thing to do. We recognize that our court system is indeed under a significant amount of pressure. Certainly, COVID-19 and the pandemic amplified that and made it more challenging for us to be able to have cases and made it more challenging for court proceedings to be able to go forward and certainly created more impacts in the system, so finding a way that we can ease the pressure on our court system and at the same time provide other opportunities for people to resolve potential legal issues or, indeed, not even legal issues but simply to set up a trust,

to go through the legal mechanisms of getting this established and providing this oversight and this support for Albertans who require a trustee, certainly seems like a reasonable step and an important thing.

One certainly hopes it will be more successful than some of the government's other attempts because, again, as we have seen recently, we know that our court system is under incredible strain. Indeed, just on April 6 we saw the Alberta Crown Attorneys' Association raise very serious concerns about the pressures in the justice system, in their view, accusing this government of what they said was chronic underfunding. Indeed, they said that chronic underfunding, in their words, was creating a crisis in the justice system. They highlighted the significant vacancies for Crown prosecutors, which indeed is, I suppose, a reason to enact pieces like we have here in Bill 12, to help ease the pressure on that system. But, probably, it would be better, Mr. Speaker, if we were actually filling those vacancies.

The association reached a point where they've actually even threatened to strike, Mr. Speaker, as we face over 3,000 cases beyond the 18-month time limit established by the Jordan decision. So there are real concerns. I'm sure the Crown prosecutors would welcome this step to ease pressure on the court system, but certainly they would like to see much more significant action from this government as well.

This will hopefully be more successful than one of this government's other attempts to ease pressure on the court system; that being, charging Albertans a nonrefundable fee of up to about \$150 simply to appeal their traffic ticket. We heard a large outcry from many Albertans about this government attempting to make it more difficult for Albertans to simply access justice, have that opportunity to argue their case. It's unfortunate, Mr. Speaker, that in so many situations where this government chooses to – is ostensibly trying to streamline the system, they are creating further burden and obstacles for Albertans, much as I spoke about with the changes that they have made to AISH to improve the administrative process, apparently, or income supports or many of these other things, but indeed they are doing that on the backs of Albertans who are struggling and are in need. When they are streamlining the systems, there is a good reason to ask whether they are doing that for the sake of Albertans or whether they are doing that for the sake of the systems, the processes, and the bureaucracy.

I know that we will have much opportunity for continued debate on Bill 12. I know that all members are of course following it with great interest, as I can see. But I'm sure we'll have many members who have the opportunity to address this and probably in more detail and perhaps with a bit more expertise than, admittedly, I'll personally be able to bring to bear. That said, I appreciate the opportunity to add a few thoughts on the record in this debate.

**The Speaker:** Hon. members, Bill 12 for second reading. The hon. Member for Edmonton-Decore.

**Mr. Nielsen:** Well, thank you, Mr. Speaker. Happy to rise here this evening, add some other thoughts to Bill 12, Trustee Act. Like my friend from St. Albert, I too am not a lawyer, so I think I might be approaching some of my comments here this evening as the critic for Red Tape Reduction. Clearly, I definitely welcome some of the changes that I'm seeing here in Bill 12. I mean, when we're talking about language dating back, you know, a century, it's certainly time to update these things. When I think about, I guess, how long it's taken us to get to this point, I wonder perhaps, maybe why the former Associate Minister of Red Tape Reduction didn't take a look at updating some of this. We certainly saw some moves around, for instance, the coal act, which only went back to the '70s, and the

government trying to move on that, with a little bit of a narrative around red tape reduction for that. Of course, we know that that didn't exactly work out very well. So I guess I'm kind of surprised that perhaps we didn't tackle this a little bit sooner, looking at red tape.

In essence, when I'm looking here at Bill 12 – I mean, we're taking one act and swapping it out for the other – there is one question that kind of arises in my mind when we're doing that. You know, by this modernization: is it creating any kind of, I guess, red tape pressures? We've certainly seen this government on this quest to reduce red tape; sometimes not to the advantage of Albertans. And the reason I say that is because I think about one of the things that the government changed under the auspices of red tape reduction, and that was around changes to diagnostic imaging. They felt that chiropractors, physiotherapists, audiologists were ordering too many diagnostic imaging orders. Of course, there's been a report, that the college of chiropractors and the college of physiotherapists brought out, showing the negative impacts of that decision.

It's kind of interesting that earlier in the evening, Mr. Speaker, we were talking about the public's right to know and collecting information and being able to disclose that to Albertans so they know what's going on, yet here we are, sitting on a report that very clearly shows the negative impacts of the red tape reduction around diagnostic imaging, causing longer waits for patients to get care from their chiropractors or physiotherapists, and it's even costing the system more. I believe it's somewhere around \$4 million more.

10:00

So when I'm looking at Bill 12, one of the questions that pops up because of that would be: how much court time is the government estimating that this act change will save or, what's even more important, will add? Hence why I made that reference to the diagnostic imaging, because it's added more time to Albertans being able to get timely care in terms of having to take extra steps to be able to get diagnostic imaging to diagnose their problems, being able to get that information in a timely manner, and then being able to actually get care, which has resulted in more expenses to the health care system, which could have been redirected elsewhere because of that. So, you know, are we actually going to save court time out of this, or is it going to be added? I'm hoping that throughout the discussion on Bill 12 and perhaps maybe even in Committee of the Whole, when we get a chance to kind of go back and forth a little bit, we'll be able to suss through some of that information and perhaps, maybe, not repeat the mistakes that were made around the changes to diagnostic imaging.

Of course, one of the big things that was even brought up earlier – I know my friend from Edmonton-Whitemud had made mention to this – was around funding of the system. We've seen significant cuts to Justice. You know, I'm certainly not saying that government is purposely trying to add more court time with the changes here in Bill 12, but if that is indeed a possibility, even though the changes are needed – as I mentioned in my comments right from the beginning, I mean, we're dealing with language from – what was the date? – something like 1893. We have to get it updated. But if that does indeed create more court time, is the government prepared to fund that in terms of more court space or more prosecutors, whatever the case may be?

We all know that when it comes to trusteeships, sometimes there are some fantastic stories out there with regard to how somebody's estate or affairs are managed, and we've also heard some very serious horror stories as well. I don't think there's one person in the House that hasn't heard both of those situations happening. So if we are going to add additional pressures to the court because of this, are you prepared to fund them? That's the critical piece here. Again

referencing back to diagnostic imaging, the whole claim was: let's streamline the system. You know: let's cut waste; let's save money. And it did neither of those. None of that actually happened. Wait times increased, more steps to take, more taxpayer dollars being spent.

You know, perhaps if we had a little bit more public knowledge, information, data available to Albertans, we could find out, maybe, sort of what's going on, for instance, with that change. I mean, we know that anywhere between \$10 million and \$15 million is being spent on the red tape reduction ministry, and all we really have to show for it is a letter grade. That's how we're measuring that money well spent. It's great that we're getting this letter grade, but, as I said, there are Albertans that are waiting to get care, and they're paying more for it simply because we made a change under the guise of red tape reduction. So when I'm looking at Bill 12, I do have that concern.

With the changes and potentially any regulations that need to be changed, is that going to be measured on that red tape scale? Are there now going to be pressures to try to reduce something else because, you know, the whole need to reduce it by one-third by the end of the term, one in, one out? Even though we need to update the legislation – that is not in dispute here. But if we need to update that legislation, which creates new regulations because of it, are there now going to be pressures to quickly try to cut something else, possibly with negative consequences, just like the negative consequences I mentioned earlier around diagnostic imaging and the negative impacts that have come with it for Albertans?

I know that there were many recommendations that were made, I believe about 90 of them. This bill does encompass about 80 of those recommendations, so I'm really glad to see the great number that were considered within this bill, but I am curious about the other 10. Is that something that can't be done at this time? Is it on the list to get done going forward; you just need more time? It'd be nice to hear back a little bit around some of those things that weren't made.

I know, for instance, I guess to get specific, Mr. Speaker, around recommendation 11, how the institute recommends defining a represented adult and an incapacitated person in the different acts. You know, I understand that sometimes changes in one act can start to influence others, so hopefully we're taking a close look at those, keeping track of that and not missing anything, creating, you know, sort of little complications later on that we're going to have to try to adjust on the fly.

For the most part, like I said, I'm not necessarily opposed to this piece of legislation. It definitely needs to be done. It's just language that's way too outdated. We need to move forward on – hopefully, we'll get a chance to hear from some of the ministers around some of the questions that I have. I certainly would like to hear back on, you know, for instance, what the Alberta Law Reform Institute said about the final report. It's always great to go out, do those consultations, bring those changes forward, but at the end of the day does the act actually reflect what they were expecting to see being brought forward?

We've seen many examples where there have been claims of consultation with Albertans. Kind of that difference I make sometimes, Mr. Speaker, when I say: the difference between consult and consul-tell. Those are definitely not the same thing, and I think it does a very big disservice to Albertans when you're simply just telling them what the legislation should be. I would be interested to hear back on that, too. Again, I understand that here in second reading is not exactly the opportune time to be able to do that, so I'm more expecting to see some of those answers come across through Committee of the Whole.

Again, more or less, I'm willing to support Bill 12, Trustee Act, needing to update legislation that's definitely too old. We need something more modernized going forward. Hopefully, we'll get a chance to discuss any potential shortcomings or any concerns about some of the language moving forward. I look forward to that part of the debate.

At this time, Mr. Speaker, I would move to adjourn debate.

[Motion to adjourn debate carried]

**Bill 2**  
**Financial Statutes Amendment Act, 2022**

[Adjourned debate April 19: Mr. Sabir]

**The Speaker:** Hon. members, are there others wishing to join in the debate?

Seeing and hearing none, I am prepared to call the question.

[Motion carried; Bill 2 read a second time]

**10:10**

**Bill 10**  
**Health Professions (Protecting Women and Girls)**  
**Amendment Act, 2022**

[Debate adjourned April 19: Mr. Sabir speaking]

**The Speaker:** Hon. members, are there any others wishing to join in the debate?

Seeing and hearing none, I am prepared to call on the associate minister to close debate.

**Ms Issik:** Waive.

[Motion carried; Bill 10 read a second time]

**The Speaker:** The hon. chief government whip.

**Ms Issik:** Mr. Speaker, I move that the Assembly be adjourned until tomorrow at 9 a.m., Wednesday, April 20, 2022.

[Motion carried; the Assembly adjourned at 10:12 p.m.]









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