



Province of Alberta

The 30th Legislature
Third Session

Alberta Hansard

Tuesday evening, May 3, 2022

Day 28

The Honourable Nathan M. Cooper, Speaker

Legislative Assembly of Alberta
The 30th Legislature
Third Session

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New Democrat: 23

Independent: 3

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Legislative Assembly of Alberta

7:30 p.m.

Tuesday, May 3, 2022

[The Deputy Speaker in the chair]

The Deputy Speaker: Good evening, hon. members. Please be seated.

Government Bills and Orders Second Reading

Bill 19

Condominium Property Amendment Act, 2022

Ms Ganley moved that the motion for second reading of Bill 19, Condominium Property Amendment Act, 2022, be amended by deleting all of the words after “that” and substituting the following:

Bill 19, Condominium Property Amendment Act, 2022, be not now read a second time but that the subject matter of the bill be referred to the Standing Committee on Families and Communities in accordance with Standing Order 74.2.

[Adjourned debate on the amendment May 2: Member Ceci]

The Deputy Speaker: Hon. members, we are on amendment REF1 on Bill 19 in second reading. Are there members wishing to speak to the bill? The hon. Minister of Service Alberta.

Mr. Glubish: Thank you, Madam Speaker. I rise tonight to speak to the referral amendment proposed by the Member for Calgary-Mountain View to Bill 19, the Condominium Property Amendment Act, 2022. Let me just start by saying that I encourage my colleagues to vote against the amendment as I am confident in the provisions contained within this amendment act and the hundreds of hours of stakeholder consultation that have gone into crafting this bill. I would like to take some time here to talk about what exactly it is that is inside this bill, what it is that we’re trying to do, why it is that that’s important, and why it is that I believe these are very common-sense, nonideological amendments that members of this House can and should support.

In fact, the condo sector has been talking about the two main pieces of this amendment act since the 2014 Condominium Property Amendment Act was passed in this House, and those pieces are adding a simpler method for voting on routine business and recovering the costs of damage caused by an individual owner or a tenant. Madam Speaker, 2014 was a long time ago, and the condominium industry has been waiting for these items since then.

I’m proud of all the work that my team at Service Alberta has done in my short time as minister, that we have done together, to get to this point of being able to deliver on these important topics. Since 2019 my department has worked with Alberta’s key condo stakeholders, representing all corners of the condo industry and all corners of the province. These groups include the north and south chapters of the Canadian Condominium Institute, the Condo Owners Forum Society of Alberta, and the Association of Condominium Managers of Alberta, and I’m happy to share with the House that their representatives are supportive of this bill. I want to thank them in this House for the work that they put into improving condominium governance in Alberta as I know it will help to create an even healthier condominium sector in Alberta. We want condo living to remain a strong option for Albertans, which is something that is very important for this government, and these amendments will help to solve some of the more contentious challenges currently faced by the sector.

I’d like to reinforce again why we’re doing this and who has been asking for these changes, because some members opposite have questioned that, including the Member for St. Albert, who asked: which condominium lobbyists asked for it? Well, Madam Speaker, I’ve just said that it was, in fact, Alberta’s largest condo owner association, the Condo Owners Forum Society of Alberta, and the Canadian Condominium Institute and the Association of Condominium Managers of Alberta, none of which I would consider to be lobbyists, not in the way that the Member for St. Albert was implying. I hope that we can put to rest any assertion behind the motivations of this bill. The fact is that the motivation of this bill is to benefit Albertans and, most specifically, to benefit those Albertans who choose to live in condos.

In fact, as the Member for Edmonton-Beverly-Clareview suggested, we’re all wanting to get to the same outcome, which is improving the current condominium legislation. That member should know, as a former minister, that stakeholders are looking for these amendments to the act, that make their lives easier, save time in meetings by enabling simple voting on routine affairs, and save the vast majority of responsible condominium owners money by appropriately assigning the cost of damages to common property to those who caused it. These are common-sense amendments that will save condo owners time and money. It is important to pass these amendments, so I cannot support the referral amendment made by the opposition, which would simply delay the delivery of these important amendments to condo owners and residents.

But let me go into some more detail. On the voting rights, these amendments on voting rights will add flexibility in the voting processes used at condominium meetings while respecting the self-governance model of condo corporations to adapt the voting processes to meet their needs. Currently the act has a narrow process for voting, where condo owners are only entitled to vote by unit factor. A unit factor vote makes sense for conducting votes in situations where those results could be contentious, like in matters where you need to approve a large expense or decisions that may have legal implications. However, for routine business, including approving an agenda or approving the minutes from a previous meeting or simply adjourning the meeting, it is an overly complex calculation that needs to be done on the unit factors, and that can unnecessarily delay the time required for concluding an important meeting.

That is why we’re establishing a new voting option, an owner vote, which is one vote per owner or co-owner, which reduces administrative burdens associated with preparing and verifying voter eligibility for boards and condo corporations. A condo corporation will adopt an alternative voting format in their bylaws and can set out a different, simpler voting format – for example, one vote per unit – if that works better for that corporation.

Madam Speaker, we are amending the condo property act to make voting rules more flexible for condo corporations who may want to use simpler voting methods on routine business. We have heard that this is something that is already widely happening in practice in condominiums across Alberta, so we want to ensure that our condo legislation reflects this practice while establishing specific parameters to protect owners’ rights. As such, owners will be allowed to request a unit factor vote on any vote, which would overrule an owner vote, so long as the request is made before the result of an owner vote is announced. I’m happy to hear that this proposal has been very well received by members in this House so far.

Circling back to the damage chargebacks topic, Madam Speaker, similarly, we are providing condo corporations with tools to protect the financial security of all owners and their corporations by charting how they can recover the costs for damage to common

property. Now, normally it makes sense that an owner of any asset would be responsible to pay for the repair of any damage that they cause to it. However, in condo corporations, where people own common property in addition to their own personal assets like their unit, it is unfortunate that owners might have to pay to repair damage caused to common property when they had nothing to do with that damage in the first place.

Currently condo corporations must seek a court order to recover the costs of repair for damages to common property attributable to owners, including damage done to hallways, elevators, and parkade infrastructure, just to name a few examples. Going to court costs a lot of money for the condo boards and, ultimately, to the condo owners that they represent as they generally have to hire lawyers, and then those fees get passed on to the owners through higher condo fees or special assessments. At the end of the day, Madam Speaker, it's always the condo owner that ends up paying for this, so we want to make sure that responsible condo owners who have never caused damage to the common property in their building or on their property no longer have to pay for the costs associated with an irresponsible owner who caused damage to common property. This is common sense.

We know that the vast majority of condo owners and residents are responsible stewards of their property, and we don't want them to have to deal with unsustainable increases to their condo fees because of the negligence of a small minority of condo owners and residents. We know that that's not what condo owners want. We don't want that either, and I would hope that all members of this House would recognize the financial burden that is being placed on all condo owners by not allowing for the proper allocation of damage costs to those who are responsible for causing it.

What we are doing with this legislation, ultimately, is allowing for condo corporations and condo boards to charge back damages directly to that owner or occupant who is responsible for causing that damage in the first place. The context on exactly how that would happen, Madam Speaker, will be spelled out in regulation.

Let's make sure that people who cause damage are held accountable for their actions. Let's make sure there's a fair process to make sure that that is handled in a way that is acceptable to all of the owners and that it is handled consistently and fairly, with due process. I'm pleased to say that that's exactly what this legislation will deliver.

To put this into a real-life example for everyone – and I believe my colleague the Member for Grande Prairie may have shared some of this story in some earlier remarks – this is a personal example for me as someone who lived in a condo building for six years and served on a condo board for two of those years. In our building we had about 158 units. We had a very large underground parking lot, and without fail every couple of months somebody who lived in our building would hit that door with their car. We had a video camera. We knew exactly who it was. We could prove exactly who it was, but the fact was that they chose not to pay for that damage, and ultimately we had no legal means to recover the costs for that damage. Guess who paid for it. Every single condo owner in that building, not the one owner who caused the damage. That is unacceptable, so that is what this legislation is designed to address.

Another important part of this legislation is that it will allow these chargebacks to be treated as a contribution, which means that if the owner chooses not to pay for it, the condo corporation has the ability to place a caveat on the title of the condo unit and also to charge for reasonable administrative and legal costs associated with filing that caveat. This is critical to ensure that there is fairness for

all residents in a condo property and to ensure that the folks who are responsible owners do not have to bear the costs of irresponsible owners.

7:40

Madam Speaker, I have heard members opposite bring up concerns about whether the introduction of this tool would mean that due process would be eliminated for an owner who wanted to dispute being charged with a chargeback. That is simply not the case. As I've said, the process for a chargeback being issued will be set out in regulation. Those regulations will be developed in consultation and collaboration with the industry, including those condo owner groups that represent the interests of the 500,000 Albertans who live in condos all across this province.

We will take the time to get this right, and we will do that in collaboration with the industry. But, at the end of the day, there will be due process. There will be a format to deal with an appeal. I can assure all members of this Chamber and all Albertans who may be watching that that will be the case. But that is way more appropriate to be spelled out in regulations instead of in the legislation.

If passed, these amendments will come into effect on proclamation, Madam Speaker, which is targeted for the fall of this year. That will give time for the condo corporations to consider the process we put forward through legislation and the accompanying regulations and to decide whether or not they would like to make use of it.

We have also addressed a number of standing issues in the act that frequently cause confusion for those who interpret the act on a regular basis. The section that deals with whether or not windows and doors are part of a unit of common property will be moved into the act. And just to confirm for this House, given that the Member for Edmonton-McClung had raised some concerns, we are not changing who owns windows and doors with these amendments. This does not change the definition of personal property or common property. This change simply means that all of the rules that determine what is personal property and what is common property will now be in the same section of the legislation, which will make it easier for readers of the legislation to interpret, and that may include people who are purchasing a first home in a condo. This is an important step to clarify our legislation and make life better for condo owners.

Finally, to wrap up here, I've heard a lot of talk from members opposite about a dispute resolution tribunal and how they wish to refer this bill to committee in order to further study that issue. Madam Speaker, we see the value in a dispute resolution tribunal. However, it would not make sense to force a dispute resolution tribunal on short notice into a bill that was not designed to handle that, and it certainly would not make sense for us to hold up the implementation of these much-needed reforms that have been asked for by the condo owners all across this province. While we work towards getting the tribunal right, we are moving forward with these important amendments now because they are ready now and because condo owners want them now.

Let me remind the House of the work that we have done since I became minister to address these issues in the condo space. First of all, let me just say that if we were to listen to what condo owners said about the NDP's track record when they were in government, they told us that every single thing that the NDP did on condo regulation was awful, and they begged us to stop it and change it. Guess what. That's what we did in June 2019, Madam Speaker. We paused the regulations that they had screwed up, and we took six months to work with the industry to make it better, and we did. That's exactly what we did. We got those up and running in January 2020.

Since then we have been working with the industry on a series of reforms to other important condo-related matters. The fact is that the NDP did nothing of value on condos for four years, and that meant that we inherited a long to-do list, Madam Speaker. We've been hard at work tackling that, one item at a time. These are two more items that are extremely important to condo owners that we have ready to implement now, and I urge all members to vote against the referral amendment and instead to vote in favour of this bill so that we can deliver on what condo owners need and want and have been asking for.

Madam Speaker, I can assure you that work continues on developing a framework for what a condo tribunal could look like in Alberta. We know it's important, we know that condo owners want it, and we are working towards that. But we will not hold hostage these important reforms that are ready under Bill 19 now simply because they want to make up for the four years that they squandered when they were in government, when they did nothing of value for condo owners.

When the time is right, we are committed to moving forward with a tribunal that would be created through extensive engagement with stakeholders, taking all of their concerns into account. In the meantime we are making these common-sense reforms that will bring immediate benefits to the over 500,000 Albertans who live in condos across this province.

With that being said, Madam Speaker, I would like to encourage all members of this House to vote against the referral amendment and to support Bill 19, the Condominium Property Amendment Act, 2022, as proposed. Thank you.

The Deputy Speaker: Are there others to join the debate on the referral amendment? The hon. Member for Edmonton-Whitemud.

Ms Pancholi: Well, thank you, Madam Speaker. It's a pleasure to rise and speak to Bill 19, the Condominium Property Amendment Act, 2022, and to speak to the referral that's before us today. I actually want to give credit to the Minister of Service Alberta for going through some of the questions that the members of the opposition had laid out and for answering them in detail. You know, honestly, there have been many pieces of legislation that the minister has brought forward in our time in the House, and I do give him credit for consistently doing that. He regularly does try to engage in a thoughtful debate for the most part. Something went a little awry at the end of that, but really there is a genuine willingness to engage on the questions that are put forward, which is appreciated. I do appreciate that he's addressed some of those concerns.

I do note that the Minister of Service Alberta, you know, seemed to be frustrated that members of the opposition were perhaps questioning the process – or the motives, I suppose, is the way he framed it – of some of the proposed changes, and I can appreciate why he would be frustrated with that. I think part of that, of course, is because Albertans have come to question the motives and intentions of this government due to the broken trust on so many issues. Even on an issue where maybe there are no ulterior motives or friends that are being supported or lobbyists that have a disproportionately loud voice in certain ministers' ears – unfortunately, some of the minister's colleagues in cabinet have shown that they are beholden to certain interests, and that's why we have to be very careful in this Chamber to make sure that there is full transparency around the motivations behind legislation that comes forward to this House. The frustration that I heard in the Minister of Service Alberta's voice in addressing those – he may want to share that frustration with his colleagues who are making it more difficult for him to do his job.

I do want to speak to some of the proposed changes that are within this bill and why I do support the amendment to have this matter referred back to committee for consultation. The Minister of Service Alberta outlined a number of the changes that actually are noncontroversial, from our perspective or at least from my perspective – I can't speak for everybody else – in terms of some of the changes that are coming through that will be beneficial. For example, the Minister of Service Alberta talked about moving to an owner vote on sort of less substantial issues to get through meetings, to allow for where there are multiple owners of one condo unit to be able to each have a vote. It does make it easier, and I think that makes sense, for certain. I think that's something that the condo associations and those representing the owners have indicated they support.

While I've never owned a condo, I have rented a condo from an owner and have been privy to some of those condo board meetings, and I know sometimes they can be very challenging to have the proper representation to get certain matters heard. If there are processes that this bill is putting forward to make that easier, that's certainly something that I think is a good idea. I don't think that we have too much issue with those changes as well as the chargeback issue, which is the ability to sort of have individual condo owners held accountable for costs that they may have incurred as a result of damage to common condo property.

You know, that's very, again, noncontroversial in the sense of we need to be careful, of course, that that's not used to sort of single out – with condo associations and living in condo situations, I know you become very entrenched with your neighbours because your neighbours' conduct does have an impact not only on your living space, which is true of any multi-unit or communal kind of living environment, but also in a condo the conduct of another condo owner could actually have a direct financial impact on you. Certainly, the ability to hold those owners who are causing damage and are incurring costs for all members of the condo association – a chargeback process sounds like it could be reasonable as long as it's not used in any kind of punitive way.

We know that sometimes in those situations tempers flare and there's a lot of emotion involved, and we want to make sure that things are handled fairly. I think, you know, again, that's a process that exists in other jurisdictions and Ontario, and that seems to be something that the condo owners and stakeholders are supportive of.

7:50

When I say condo owners, I should mention, you know, that I think the census data talks about that as of at least 2020 there are roughly half a million Albertans who own condos and live in condos. That's a significant portion of our population, so those kinds of changes that make the process better for those owners are important, and that's a good thing.

The Minister of Service Alberta also spoke to a couple of other small pieces, you know, provisions about who holds responsibility for doors and windows on the exteriors of units, from regulation to the legislation. Again, I don't necessarily think that that's controversial.

The reason why I support the referral amendment to send this back to committee is something that the Minister of Service Alberta seemed to kind of gloss over in his comments there at the end, which was about the dispute resolution process. You know, I'm happy he went into significant detail about the other changes, but I would argue that this issue of a dispute resolution process is a very significant one. In fact, Madam Speaker – don't take my word for it – it's actually something that we know that condo owner groups have spoken out about.

This idea of having a dispute resolution process to hear disputes between owners and between neighbours, essentially, because that's what we're talking about when we're talking about condo owners, having that ability to resolve those disputes through a resolution process, has been something that has been on the table and in active discussion since 2014, when this amendment act was first considered. That goes back now eight years. That is when that concept of setting up some kind of a dispute resolution process was first conceived.

I know that under the current provincial government they have been doing ongoing consultations on this issue. At least that's what the Minister of Service Alberta has said. I can provide some commentary that I know when the NDP was formerly in government, consultation was done on that piece. It's an incredibly important piece because we know that the failure to have a dispute resolution process leads to unnecessary and incredibly costly and then increasingly adversarial court processes. Having neighbours go to court against each other: those costs that are incurred in those situations can be significant.

First of all, to get to the point where somebody is even in a position to go to court means that, you know, there has been some significant conflict between condo owners in the same property. That's, of course, never a great thing, to be living in a situation where you're in deep conflict with your neighbour and sharing common space with them, potentially sharing walls with them. So getting to a point where the matter has to go to court – first of all, that's going to be prohibitive for many people, right? We simply know that the court process in general, especially civil litigation, is incredibly difficult for people to access, and it can be very costly.

Even when it's gone through that process, the resolution is often not very satisfactory. Apart from the fact that both condo owners might have incurred significant costs or groups of condo owners within one property are, you know, suing each other – not only is there that conflict, but the cost is significant, and then the outcome is rarely one that everybody is happy with. Unlike many other litigation disputes, when a condo litigation dispute goes poorly and the outcome is not satisfactory, those individuals often still have to continue living with each other and near each other, and that is not a great outcome for anybody. So this dispute resolution process is incredibly important.

I was quite surprised to hear the Minister of Service Alberta say that, you know, they didn't want to rush something through. Madam Speaker, I don't know how many times it's necessary for the Official Opposition and for Albertans to remind the government members that they are the government and have been for three years.

Member Irwin: You had the same minister for three years.

Ms Pancholi: Yeah. Granted, the same minister, which we can't say the same for some other ministries, but certainly with Service Alberta it's been one minister in place for three years.

It's interesting. I know perhaps, Madam Speaker, that the government members may forget sometimes that they're in government because there are too many other things going on, internal drama and soap operas. They forget that they're actually governing, but they are. The time is well past for this government to be blaming a previous government when they have been in this position for three years.

It's certainly not rushing it through. Again, as I mentioned, the idea of a dispute resolution process: well, consultation was going on under the former government, and the concept of it has been at

least discussed since 2014, so that certainly is not a short period of time. Nobody is rushing anything through. Frankly, the Minister of Service Alberta said that, you know, certainly – I think the phrase he used was that this legislation was not designed for that. Well, he's the minister who designs the legislation. It certainly was within his power to draft legislation, to put forward to this House for consideration legislation that would have been designed to implement a dispute resolution process.

Again, Madam Speaker, as I said, this is not something that you need to take my word for. It is actually condominium owners' groups who are deeply disappointed. In fact, I'll point to Terry Gibson, the president of the Condo Owners Forum Society of Alberta, who indicated that the lack of a dispute resolution process in Bill 19 came as a, quote, big disappointment. He also said, by the way, quote, we've lost years by failing to do this now.

That's really an important point. If it's not being done now, Madam Speaker, when is this going to be done? Now, I know the Minister of Service Alberta tends to like to bring the same piece of legislation forward to this Assembly numerous times for amendment over and over and over again, but we don't know if there's any intention to once again bring condo legislation before this Assembly or when this Assembly may sit again or whether this government will be in power. In any event, we will have lost significant time that has already been lost by this government's failure to act. Again, that's, a quote from Mr. Gibson, a very poor decision. This is only going to make it harder for condo owners to resolve their disputes.

Again, I point to another organization. The Canadian Condominium Institute's north Alberta chapter president, Mr. Anand Sharma, commented that it's been urgent for a long time and that this is, quote, disappointing that they pulled the plug on it because that's not the solution; the solution is to work through these issues. I think that's an excellent point, Madam Speaker, that just because it's hard doesn't mean this government should shy away from doing it. It actually doesn't need to necessarily be that hard. There are other jurisdictions that have a dispute resolution process in place. Certainly, we have the opportunity to maybe learn from the models they have built, maybe make adjustments, of course, to reflect Alberta's circumstances, and do ongoing consultation, which apparently has been done. We've heard the Minister of Service Alberta talk about the lengthy consultation he has done. We know consultation began under the former government. How could those conversations have not resulted in a feasible dispute resolution process for condo owners?

I think what we're really seeing: this is not necessarily about the complexity of the issue, it's not about, as the minister would say, it being rushed through in a piece of legislation that's not designed for it, but this is really about cost. I think that's really why this government is not committed to doing this. It does require the government to put some money up front to help design the process.

Of course, certainly, there are mechanisms by which it would be a shared cost in terms of administering it and processing it. Condo owners could certainly have some kind of – associations could determine on some kind of a levy that goes into that. Certainly, if somebody is participating in that process, a condo owner, they could – as is typical in other resolution processes, there are filing fees. There are certain things that can be done so it doesn't have to be solely a cost that's borne by the government. Will it require some upfront cost? Probably. But as the minister has said, he's here to make, you know, life better for condo owners, and this is a significant issue that they have been asking this government to address for a very long time, for the entire three years to date of this government's term.

While I know that a number of condo association groups are supportive of the other changes in Bill 19, as I think many members of the opposition have expressed, certainly we believe that this is a significant enough issue around the dispute resolution process – and more importantly, condo owners are saying that it’s a significant enough issue – that this should go back to a committee for consultation to see whether or not we can come up with legislation that addresses the needs of condo owners by developing a condo owners’ dispute resolution process. That would truly make a difference, I believe, Madam Speaker, for condo owners, the 500,000 of them in this province who would very much appreciate a process that would keep them out of courts and help them resolve their disputes with their neighbours in a less costly way so that they can continue to live peacefully with their neighbours.

I think that’s worthy, Madam Speaker, of referring this matter to a committee, and I certainly hope that all of my colleagues and all of the members of this Assembly would support our amendment.

With that, I would like to move to adjourn debate.

[Motion to adjourn debate carried]

8:00

Bill 20 Justice Statutes Amendment Act, 2022

The Deputy Speaker: The hon. Member for Grande Prairie on behalf of the minister.

Mrs. Allard: Thank you, Madam Speaker. It’s my pleasure to rise this evening to move second reading of Bill 20, the Justice Statutes Amendment Act, 2022, on behalf of the Minister of Justice and Solicitor General.

This act proposes a handful of housekeeping amendments intended to keep our province’s justice legislation up to date for Albertans. If passed, the amendments will make updates to the following: the Corrections Act, the Justice of the Peace Act, the Missing Persons Act, the Victims of Crime and Public Safety Act, and the Youth Justice Act.

Starting with the Corrections Act, Madam Speaker, we are looking at clarifying processes for the Alberta Parole Board. Right now Parole Board members’ remuneration is set in regulation. We are proposing to change it so that this is set by an order in council. This would make the process consistent with what is done for other Alberta government agencies, boards, and commissions. To be clear, we are not changing compensation rates for board members, just the tool the government uses to say what that remuneration is set at at any given time.

With respect to the Justice of the Peace Act for this legislation all we are proposing is to streamline the process to make justices of the peace – that’s a handful to say – part-time or full-time. Madam Speaker, instead of having to go through a time-consuming bureaucratic process of needing to take this request to cabinet and go through that process, we are recommending to simply let the Chief Judge, on their own accord, designate a JP as part-time or full-time. Not only would this simplify judicial administration processes, but it would make this process the same as what’s already being done for judges and masters in chambers. More importantly, it would allow the court to respond more quickly to caseload challenges as they arise.

Moving on to the Missing Persons Act, Madam Speaker, proposed administrative changes to the Missing Persons Act are meant to help the police complete tasks with minimal delay. Obviously, when a person is missing, time can be of the essence. To that end, proposed changes such as clarifying what information police can request and ensuring records can be requested before destruction would help them find missing persons more efficiently

and complement the changes recently made to the regulation such as allowing remote applications for orders.

Next we’ll speak about the Victims of Crime and Public Safety Act. The plan for this piece of legislation is to simply clean up some outdated wording and make the language more sensitive to grieving families. For example, the amendment would rename “death benefit” to “funeral expense reimbursement.” This is in response to stakeholder advice about using the term “benefit” when talking about criminal death of a loved one. It just seems insensitive, Madam Speaker. We’re also proposing changes to remove items that are no longer required, specifically references to the old Criminal Injuries Review Board and provisions that were only needed while a specific class-action settlement was completed. The settlement is now complete, so the board is longer needed.

With respect to the Youth Justice Act, the last legislation we are proposing changes to in this omnibus bill, Madam Speaker, for this act all we are suggesting is an update in wording to keep it in line with the changes the federal government made to Canada’s Criminal Code related to detaining and releasing young persons.

Taken together, the proposed changes demonstrate that as times progress and change, it’s important to do the work to keep Alberta’s legislation current and effective and relevant to the times. They show our government’s commitment to making sure Albertans can access justice across our province and that it remains strong, including taking the time to look after the smaller details. I hope all members will support these changes.

With that, I am pleased to move second reading on behalf of the minister, and I thank you, Madam Speaker.

The Deputy Speaker: Any members to join the debate? The hon. Member for Calgary-Mountain View.

Ms Ganley: Thank you very much, Madam Speaker. I’m pleased to rise and speak to Bill 20, the Justice Statutes Amendment Act, 2022. As was just noted, this bill does a number of things, but I think what I would like to focus on is related to the victims of crime fund. Obviously, one of the reasons for that is that this is an issue that is near and dear to my heart.

I think, Madam Speaker, that the first thing I want to say is that what this bill is doing with the victims of crime fund in some way just sort of ensconces into legislation some parts of changes that were made previously. I don’t agree with the changes that were made previously. I think I’m on the record fairly extensively not agreeing with the changes that were made previously. Primary among them is the change that limits the ability to apply to 45 days. The reason I think that this is a problem is because many victims and, in particular, victims of sexual assault are never going to apply within 45 days. They’re not there yet. I think that’s sad, and I think it’s incredibly problematic.

I appreciate that the government has taken the money they appropriated from the victims’ fund and used it to fund what are otherwise good programs. Certainly, drug treatment court is a program that has proven extremely effective. I think it has a long track record of being effective. What I do not think, however, is that it ought to be funded at the expense of survivors of sexual assault. I think that these are individuals who have been through enough. I just fundamentally believe that it is wrong for the government to take funds that were earmarked for victims or survivors of various types of violence and funnel it to any other purpose.

I think that that is very problematic, especially in light of the fact – what Albertans may not know is some background on the victims of crime fund. It usually comes in by way of a surcharge on various offences. The vast majority of money flowing into the fund actually comes from traffic tickets. People pay their ticket, and on the ticket

is a victim fine surcharge. I think it's reasonable, if the government is not going to fund in any other way programs to support victims, that this should go forward.

The government made changes previously. Those changes altered the victims' fund and allowed the funds to be used for other reasons. Again, the things that the government is funding out of this are good things. I just think the government should be funding them out of revenue and leaving the victims' fund for victims. My understanding is that some of it goes to ALERT, also an excellent program that does very, very good work.

In fact, I think that probably my first extensive lobbying experience was with respect to ALERT when we were first elected. The PCs had – I don't know if they had cut its funding or were set to cut it. I can't remember exactly what it was they had done, but when I arrived in the minister's office, a number of folks had been, I think, prepared for my arrival, and the lobbying started pretty much immediately on this. And they were right. It is an organization that does very good work. It's a good model. It's actually a model that should be replicated in many different ways.

No one is denying what they're doing with the funds. That is my point. The challenge is that the result of that is that it was only possible to use that money in other ways because they knew that survivors wouldn't be accessing it. This doesn't just go for survivors of sexual assault. It goes for victims of any sort of crime. If they don't apply within 45 days, they don't get it.

There's also been a significant diminishment in the amount of benefits that can be achieved. For instance, the fund will now pay funeral expenses, but it won't necessarily pay to, say, certain family members, like children of a murder victim, which is not a choice I agree with. I think that those children deserve that money. I think that survivors of sexual assault deserve that money. It wasn't a great deal of money.

8:10

What this legislation does is that it finishes the disestablishment of what is called the Criminal Injuries Review Board. Now, the Criminal Injuries Review Board did an interesting thing. Their work was very – essentially, they assessed, based on various factors, what had happened to the victim in the particular instance, how much financial reimbursement they were entitled to. It wasn't lofty compensation. You know, often people who were very badly injured in an assault would get, like, \$10,000, something like that, for a sexual assault. It wasn't a huge amount of money. You rarely saw awards over \$20,000. Basically, what it did was that it allowed people to take a few days off work to recover, to pay for some counselling to deal with the trauma.

I mean, a lot of people don't interact with crime in their daily lives. A lot of people have the good fortune, I guess, to walk around and not worry about getting hurt, about someone beating you up or stealing your purse or sexually assaulting you. After that happens, your ability to interact with society changes. A lot of people are sort of permanently fearful in certain situations. It impacts the way they carry on their lives, what they're able to do, what they're able to enjoy socially, what they're able to do for work. It impacts future relationships. It impacts every aspect of their life. I feel like cutting them off from this very small amount of money, to which they would otherwise have been entitled, is just incredibly wrong.

The Criminal Injuries Review Board is de-established here now. The disestablishment started in the previous legislation. The reason that the Criminal Injuries Review Board had to be continued is that there was an outstanding court case. The government – not this one, not ours, a previous government, and not the government itself but people on behalf of the government – had essentially failed to apply

for benefits through the victims of crime fund for children that were in care, benefits to which those children would otherwise have been entitled. There was a class-action lawsuit arising, and it was found in favour of the plaintiffs.

The order was that the plaintiffs had to apply first to the victims of crime fund, and then there would be a secondary fund that was set up by the government if they were declined. So the Criminal Injuries Review Board essentially had to be continued for the length of time that that case was ongoing, so until such time as those probably now adults but at the time dependent children – the government hadn't applied on their behalf – had an opportunity to apply to the fund, that the fund could make a decision, and then, you know, they could either go to the other compensation or not.

This just finishes that process, but I think it's a sad day to see that process finished, because it means that that is the end. That is the end of the fund. That is the end of people's ability to apply to that fund. I'm actually somewhat surprised to see that, because some of the other changes are just sort of terminology changes, but they kind of put permanently in place the changes the government made, which is confusing to me, Madam Speaker. I know the government did consultations, extensive consultations, consultations which were, in my opinion, quite well done on this matter. I was in some of those consultations – I was fortunate enough to be invited – and I heard what people said. I heard what police said. I heard what agencies who normally support victims had to say. They were not happy with the changes. They thought that there were a number of changes that could be made to reverse the changes that the UCP made when they first came in.

I'm deeply curious about what happened. Those consultations were done. They were well done. I presume – I don't know if a report was prepared. I don't know if a report was laid before the minister. I don't know if it ever came out. I think, probably, a lot of people wonder what ever happened to that piece of work.

I'm just a little surprised to see the government coming back here and sort of finalizing those changes because I was hopeful of a different outcome. I think a lot of people were hopeful of a different outcome, an outcome where victims could apply to the fund, where they would have additional financial benefits, an outcome where that 45-day time limit was removed. I myself had the opportunity to do extensive consultations on this issue in particular because when we were in government, we brought forward a bill to remove the limitation period for survivors of sexual assaults and other forms of sexual abuse, which at the time was two years, so the limitation period was two years from when the person knew or ought to know, with an ultimate limitation period of 10 years.

I consulted specifically on what the journey of many survivors was, and one of the things that I think came up over and over again is that everybody has their own journey. Everybody has their own way that they process an experience like that. It isn't really subject to an arbitrary time frame in that way, so the advice was that we remove the time frame, and that's what we did. And that is the advice I would give to the government in this instance, to remove the time frame, because 45 days – like, two years wasn't enough. Forty-five days is definitely not enough.

I think one of the other things I heard loud and clear from survivors was that in a lot of cases they had choice taken away from them in a very fundamental way, in one of the most fundamental ways that a choice can be taken from you, and we should give them all of the choices about how they deal with that that we possibly can.

I think it's incredibly problematic to see that this bill is coming forward, which is an otherwise procedural bill, that essentially puts permanence, I guess, to the changes that were made. I had hoped

that what we would see was a bill that fixed some of the problems that arose. Yeah. You know, according to the government page up there on this issue, it is still the case that that 45 days is in place. I think that's troubling because even – like, it's clearly and obviously problematic for survivors of sexual assault. I think it's probably problematic for a lot of other victims, too.

I think survivors of a domestic assault are probably – you know, when a woman or a man or any person makes the decision to leave an abusive partnership, there is a lot to deal with. Potentially there are children. Potentially there are pets. There are leases. There are joint bank accounts. There's a lot. I think people, rightly, focus on what is in front of them, on putting one foot in front of the other, on doing the best that they can, so they don't necessarily apply immediately, and 45 days is a pretty short time frame. I think people are still potentially processing what has happened to them.

I mean, it's often the case that survivors of sexual and domestic violence don't report at all. When they do report, which is the minority, it's definitely – I mean, the one thing we know for certain from the statistics is that it is the minority of cases that are reported at all. It's not necessarily immediate, so – I don't know. I feel like at this point I'm shouting into the wind a little. I feel like the government did consultations. They went out and talked to the victim support workers, who are on the ground, who are dealing with this. They went out and talked to front-line police and police governance, who deal with this every single day, and they heard the message loud and clear.

8:20

So I don't suppose that me saying it is going to change that, but I think it's worth putting it on the record, because I think that if even one survivor hears that at least one person in this place thinks that their inability to access this fund after 45 days is extremely problematic, that's at least something.

Let's see. Yeah. That's my primary concern with this bill. I would say that other than that, the changes appear to me to be administrative changes, changes to align the legislation with other federal legislation. That's very common. Governments do that all the time. There is actually a lot of work of government that doesn't really come to the attention of the public. It's important work, but there it is. Those things all seem fine, in my estimation: changes to the Corrections Act, the Justice of the Peace Act, Missing Persons Act.

It is really just this one set of changes, I think, that troubles me, because it sort of does indicate, or at least it indicates to me, that the government doesn't seem to be looking to implement the changes that arose out of those consultations. I mean, it's important to do consultation. I'm glad that consultation occurred. It feels a little like those consultations were essentially political cover because nothing happened.

I believe that there are at least some members in the government caucus who don't agree with the fact that nothing happened as a result of that. I think that there are at least some members in the government caucus who would like to have seen those changes, because I know that some members of the government caucus care deeply about this issue. I hope – it is my sincere hope that somewhere something is occurring that will alter that and that we will see changes and that we will see greater support for victims and that we will see the victims of crime fund going to victims of crime.

Yes. Was there anything else I wanted to add on this bill? Yeah. I guess that pretty much sums it up. Most of this is administrative. Most of it seems fine. I wish deeply and sincerely that the

government would reconsider their course of action with respect to the victims of crime fund. That is what I have to say about that.

Thank you, Madam Speaker.

The Deputy Speaker: Any members wishing to join the debate on Bill 20? The hon. Member for Calgary-*Buffalo*.

Member Ceci: Thank you, Madam Speaker. Bill 20, Justice Statutes Amendment Act, 2022. I'll try and follow the former Justice minister. I'll try and be clear and succinct about what I think about this act as well. As the previous speaker was just saying, different aspects of this statutes amendment act before us, like the Corrections Act, the Justice of the Peace Act, the Missing Persons Act, and the Youth Justice Act. I'm going back many years. I think the Young Offenders Act has been changed. The title has been changed.

Those changes – as I was listening to the mover on behalf of the Justice minister talk about housekeeping amendments, I wouldn't disagree with those four in particular, but the one in particular that I would disagree with is the Victims of Crime and Public Safety Act, I think.

Going back to my years as a social worker, many, many years ago I was involved with the Youth Justice Act, called the Young Offenders Act at that point in time, and involved with counselling many individuals, families, and community and speaking to the victims part of this. I know that it took a long time, and I don't think it was because of my particular, you know, skill level as a social worker. I think many people just took a long time to address their needs because of the weight of the conditions they were living in. Many of those individuals had left violent situations and were setting themselves up in new circumstances with their children, single parents often. They were moving on to an extent, but they weren't totally feeling like they had everything together. They were just, really, surviving at that point in time. I and my colleagues would do what we could to assist, make their lives better, support children in those situations, get them into schools, ensure they had the necessities of life: food, shelter. In time often those living situations would get better, but that was in time.

Just as my colleague before me was talking about, the 45-day cut-off for taking action under the Victims of Crime and Public Safety Act, it seems totally unreasonable to continue to perpetrate that kind of situation on Albertans. I know, from this side, that when the Minister of Justice is questioned in question period about this sort of thing, our critic brings up the inadequacy of the current program and the fact that it was changed by the current government and the fact that it doesn't meet the needs of Albertans.

The monies that are there for victims of crime now are diverted to other, as my colleague was saying, good programs. But those good programs should be experiencing the funding not through the money out of the ticket revenue for victims or other places, but they should be funded from the government. The fact that they're not and that victims are given short shrift in this regard is a reason why I will oppose this legislation.

I think, also, the points that were made in opposition here need to be briefly underlined again. I know that when changes were made to the victims of crime fund initially, many, many stakeholders – probably a better word is Albertans who were victims of assault – came forward to say how disappointed they were that the changes were being made by the government. Person after person after person, victim after victim after victim came forward, at probably great distress to themselves, to be reliving some of their darkest hours in front of the public, to say how wrong this approach was, and they were not given any satisfaction by the government. The

monies that obviously, we have been saying, should support victims are now being directed in other places, and victims and their children are lesser for it. We put forward amendments at the time to change that, and they were voted down by the government. I want to say as clearly as I can that this is a continuation of the wrong-headed approach of the government, and I won't be supporting it in any fashion.

I would like to adjourn debate on this now. Thank you.

[Motion to adjourn debate carried]

8:30 Government Bills and Orders Committee of the Whole

[Mrs. Pitt in the chair]

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

Bill 15 Education (Reforming Teacher Profession Discipline) Amendment Act, 2022

The Chair: Are there members wishing to join the debate? The hon. Member for Edmonton-Glenora.

Ms Hoffman: Thank you very much, Madam Chair. Sorry. I'm just trying to remember. Is it 15 or 20?

The Chair: We're on Bill 15.

Ms Hoffman: Sorry. Debate time.

The Chair: Oh. You have 20 minutes.

Ms Hoffman: Twenty. Perfect.

I think I'll actually start by introducing an amendment and keeping the remainder of my time to explain the amendment. I will pass those through to you, Madam Chair, through the page. When you're ready, I'm happy to read it into the record.

The Chair: Just one minute.

Hon. members, this will be known as amendment A1.

Hon. member, please proceed to read it into the record.

Ms Hoffman: Thank you very much, Madam Chair. Through you I move that the Education (Reforming Teacher Profession Discipline) Amendment Act, 2022, be amended as follows: (a) in the proposed section 225.8 (i) in subsection (2) by striking out "The Minister may appoint" and substituting "Subject to subsection (2.1), the Minister may appoint" and (ii) by adding the following immediately after subsection (2):

(2.1) At least half of the panel members appointed under subsection (2) must be recommended by The Alberta Teacher's Association.

(b) in the proposed section 225.9 (i) in subsection (1)(b) by striking out "in accordance with the regulations" and substituting "in accordance with subsection (2.1) and the regulations"; (ii) in subsection (2)(a) by striking out "in accordance with the regulations" and substituting "in accordance with subsection (2.1) and the regulations"; and (iii) by adding the following immediately after subsection (2):

(2.1) At least half of the committee members appointed under subsections (1)(b) or (2)(a) must be panel members appointed in accordance with section 225.8(2.1).

A little bit of rationale here, through you, Madam Chair. This really does come back to the rationale that the Premier and the

Education minister have been using for quite some time in arguing their significant changes to the way teachers are led and disciplinary issues are handled. There have been a few different social media campaigns, and one did a comparator between other provinces and explained that Alberta was an outlier, and another did a comparator between other professions. You might remember that there was a list of scrolling professions going by on the screen that were governed differently than how teachers were governed within the province of Alberta.

Understandably, many people were looking into those types of professions. Many of them I am very familiar with, having been part of the appointment process for the College of Physicians & Surgeons or College of Registered Nurses of Alberta, for example, and every other health profession that is so governed in the province of Alberta. Knowing that for these types of colleges that govern the profession – and I'm not saying that the minister is creating a college. But colleges were what was used as the justification through all of the public campaigns as to why the model needed to change.

The thing that is very different, though, about what is being proposed by the minister and by the current government is that the model that's being proposed is unlike any other profession in the province of Alberta in that the minister, through the current bill, will appoint through cabinet one individual to be the person that brings these recommendations forward to the minister for final decision. Final decision is currently already with the minister, but it's currently a disciplinary issue led by the ATA that does that. So instead of the ATA doing it, the minister is now selecting one employee, essentially through the department, to bring forward these recommendations.

To go back to the original arguments as presented by the Premier, the minister, and many members of the UCP, they said that teachers should be governed in accordance with the fact that they are a profession and with other professions in mind. I have to say that we did absolutely check on a number of other professions. I'm just going to highlight a couple because I think we're probably erring on the side of the minister having still more influence on who is part of the recommendation process than other comparable professions within the province of Alberta.

If I'm to look at the College of Physicians & Surgeons, for example, there are eight elected doctors who are part of that and seven public representatives as appointed by the Minister of Health through OIC, and then there are four university reps or observers. In this situation the majority still are physicians who are governing disciplinary recommendations as it relates to physicians and surgeons, eight versus seven.

In terms of the Law Society of Alberta there are 24 individuals: 20 are elected lawyers, and four are public representatives, again, appointed by government through order in council, very different than having one person appointed to oversee the process as is outlined currently in the bill.

In terms of APEGA there are a few different disciplinary committees, but the biggest one: the disciplinary committee has 10 members selected by APEGA, selected by engineers, and one public member appointed by the government of Alberta.

Then for social workers: for example, for the hearing tribunals there are two members from the college – social workers – and one public member from the government of Alberta.

So for all of these professions the majority of those who are making the recommendations around disciplinary decisions are actually members of that profession, not government appointees. One sole government appointee is definitely an extreme example and for good reason, through you, Madam Chair. Of course, if the Law Society, which determines which

lawyers are in and which lawyers are out and have the right to continue practising in the profession, was governed by one lawyer, the current Minister of Justice, I think that there would be huge red flags of concern raised by members of the public as there are regularly complaints brought forward to the Law Society about the minister themselves. So having the minister in charge of the determination of who's in and who's out through a one-person appointment certainly would be a breach of most people's sense of common sense and understanding.

I also have to say that regularly we see feedback from the public through public opinion polls and such about who you trust with making decisions around different professions. In health I will say that, you know, of course, the number one and number two trusted professionals are my doctor – my personal doctor is usually number one, and nurses are number two. Doctors in general are a little bit lower down the list, but generally it's the people that they have the relationship with or who they trust the most about the functioning of the health care system and then, of course, nurses.

I'm confident that it is the same when it comes to the education system. We've seen significant concern raised by, generally, members of the public about the lack of partnership and respect when it comes to the role that teachers play in the education system. I think the government could demonstrate that they are actually trying to do what they laid out as their original opening arguments when they launched this significant change to the way the teaching profession is governed by actually accepting this amendment even though there were many – it wasn't a short amendment. There's really one thing it does, and that one thing it does is say that the folks who are making the decisions about who is allowed to teach and who is not allowed to teach: half of those should actually be teachers, folks recommended by teachers to be on that decision body.

8:40

Again, that doesn't mean that the government can't have a significant role. The government absolutely should, much like the case with College of Physicians & Surgeons, where there are eight elected doctors and seven appointed public representatives. A similar model would meet the terms outlined through this amendment, creating that opportunity. You might notice that I haven't proposed any changes to the fact that the minister is the ultimate decision-maker. At the end of the day, it would still be a recommendation, but instead of it being a recommendation by one person – an employee, an appointee, a direct appointee by the Minister of Education – it would be a panel that included majority teachers. That would be far more consistent with other professions within the province of Alberta.

I also want to say that the other piece that I highlighted earlier, that there were comparators done to other provinces – this probably is closely aligned with one other province, but there are many more than one other province in this country, of course. I'll just maybe touch on two others: Saskatchewan, which has an independent regulatory board, which, of course, is self-governed, and then, of course, in Ontario they continue to have a college that both invites and appoints. I believe that is a mix, again, of the profession and government appointees.

Back to the crux of the original argument that the government used for why they were bringing forward such significant changes to the way the profession is governed, it is that they wanted teachers to be governed in a similar fashion to other professionals here in the province of Alberta, and that is definitely not what's being proposed through the bill in its current form. That's why we've addressed this one change that I think could give a greater sense of confidence to

the people of Alberta when it comes to trusting the process around recommendations.

There are many people who feel that the government is showing a lack of concern and respect for teachers and the teaching profession. The number of teachers who approached me to talk about concerns around their safety and well-being, the curriculum, their teaching conditions, the fact that they for the last two years have been teaching in incredibly difficult times, trying to find ways to manage increased educational and mental health needs for students in their schools – I don't think that there is anyone who feels that their school is in a healthier place now than it was, you know, three years ago or four years ago, Madam Chair.

I think that this would at least show a little bit of respect to the profession in saying: "We are going to welcome you to appoint people to help make these decisions about the profession, just like we do for nurses and doctors and social workers and lawyers. We will not assume that the minister knows best on the minister's own." I think that that is something that would be well received by teachers and also, I would say, by most people in general, especially those who are currently governed by some kind of joint governance model around discipline, as we've highlighted through some of the comparators that I just laid out.

So I am hoping that that was enough time for colleagues across the way to consider what is being brought forward here with good intent to try to meet the government at a halfway point, to propose something that I think would bring greater trust and greater confidence to the process that the minister is proposing here. Knowing that we're in committee and that I can possibly respond at a later point, maybe I'll cede the remainder of my time so that the minister and other colleagues can respond to the recommendation and the amendment that we've brought forward here through you, Madam Chair.

Thank you very much.

The Chair: Are there others to join the debate on the amendment? The hon. Minister of Education.

Member LaGrange: Thank you, Madam Chair. I appreciate the amendment coming forward. I do believe that what the member opposite was really looking for is transparency, accountability within the system, and what we have said all along is that we really want to be transparent. We want to be accountable, and we want to ensure that the bias and any perceived bias are taken out of the system, so under the office of the commissioner, when there is a hearing committee required, when there is a panel that needs to be put together, we have that ability under regulation to make sure that the commissioner is able to appoint that panel. Of course, there will be regulation stipulating that there will be teachers and there will be public members on that panel and that the commissioner, similar to the way it functions right now with the executive secretary of the ATA or the registrar putting together, depending on whether it's a teacher that falls under the ATA – of course, as you know, we have a dual system. That is what we're looking to eliminate, that dual system, that we only have one process for disciplinary matters for all teachers, teacher leaders, and that is certainly what we're looking to do.

I don't find it surprising that the members opposite would bring forward this amendment because it really does, by stipulating the Alberta Teachers' Association, speak to their friends, their union friends, and this is not what we're about. We're not about ensuring that the union has more control and input into this process. We're about making sure that the union stays out of the control and input into the process. It's really about making sure that the process is unbiased, that it's fair, and that it runs smoothly. There will be the

ability for the commissioner and their office to make sure that when they comprise a panel for whatever hearing may need to take place, there are public members and teachers.

I'll just remind the members opposite that not all teachers belong to the Alberta Teachers' Association and definitely not all superintendents, because they will now belong under the CASS legislation. They belong to the College of Alberta School Superintendents. As well, there are teachers that are in charter schools, independent schools, First Nations schools, and ECSs that do not belong to the Alberta Teachers' Association. So to recommend and approve this amendment would in fact negate all those voices being on the panel. Anyone who wants to apply to be on those committees, those panels, that panel roster certainly can go through the process and make sure that their voice is heard there.

For all of those reasons I would recommend to my colleagues that we not vote in favour of this particular amendment. Thank you.

Ms Hoffman: The challenge is that what's different from what the minister is saying and what's being proposed – the reason why I put the Alberta Teachers' Association is because it's an elected body, and with the other professions outlined, they are elected. Their doctors elect who they want to have on the College of Physicians & Surgeons. The Law Society elects who they want to have as benchers, and the list goes on. What the minister just said is that the minister will choose teachers. That is a very different process than how other professions are treated in this province. The reason why we proposed the ATA is because it was an elected body.

I certainly would welcome the minister bringing forward an amendment that ensured that these were elected, not hand-picked solely by one individual. The biggest problem with the argument being laid out as it is currently by the minister is that the minister is choosing who the employee within the department is. The minister is choosing who the representatives will be on the panel, and it doesn't give the same level of trust and confidence that we see with other professions where they are elected representatives. So I sincerely hope that the minister – if the minister doesn't like the way I'm recommending elected individuals be appointed, then I would like the minister to propose a different election process. But simply to say, "Trust us," when trust has been at record lows, I think, does not give greater confidence to the people of Alberta.

That's why I proposed a model that would have elected representatives be a part of this decision-making process rather than solely appointees by the minister. Again, the College of Physicians & Surgeons elects physicians to be part of the disciplinary committees. The Law Society is governed by elected benchers. The vast majority – there are a number of appointed individuals by government, but this is completely different from those models that have been used as an argument that there should be a model more consistent with other professions.

But, clearly, that isn't the way the government is actually responding to teachers in what the government is actually proposing because they are refusing to allow elected representatives of that profession to actually be a part of making recommendations, still to the minister. The minister still controls the ultimate decision-making power and, through my amendment, would still have the ability to have just one fewer than the number of elected teacher representatives making the decision. So I hope that the minister is either willing to bring forward a subamendment to the amendment that I proposed or an alternate amendment because, definitely, the bill in its current form, I think, doesn't pass the nod test around trust and accountability.

This was one idea I had. I certainly welcome others from the minister or any other member of the government who would like to

bring forward a greater level of transparency and accountability through a model that actually reflects the same level of respect for teachers as we have for other professionals in the province of Alberta. The current bill does not do that in its current form.

Thank you very much, Madam Chair.

8:50

The Chair: The hon. Minister of Education.

Member LaGrange: Thank you, Madam Chair. I would beg to differ with the member opposite. In fact, the Alberta Teachers' Association, should they want their members to be part of those panels, can certainly recommend that they put their names forward, similar to – we have that happening in so many other areas. Nothing prevents them from ensuring that their membership is made aware of these committees, similar to the way it happens right now, and they can put their names forward in that way. We do not need to enshrine it in legislation. I believe the legislation, the way it is written, is accurate and fair and accomplishes what we look to accomplish.

I have the utmost respect for teachers, and I can tell you that I've heard from many teachers who have come to me personally and said, "This is so needed," so many administrators as well who have said, "This legislation will in fact help because I haven't been able to report something that I felt needed to be reported because I felt there would be conflict within my profession and just the way the code of conduct, et cetera, is put forward." So, again, I do not feel that the amendment that has been brought forward is necessary.

I believe the – you know, I give kudos to my department. They have done tremendous work in ensuring that this piece of legislation meets what we're wanting to do, fulfills the role that we want it to fill in ensuring that we have an accountable, transparent, and timely process to deal with all teacher discipline issues, whether they are teachers that are under the Alberta Teachers' Association or teachers that fall outside of the Alberta Teachers' Association. We have both. We will have one streamlined process for all.

Thank you.

The Chair: Are there others to speak to amendment A1?

Seeing none, I will call the question. [interjection] Oh, my apologies. I've got a blind spot there. The hon. Member for Drayton Valley-Devon.

Mr. Smith: Thank you, Madam Chair. You know, I want to say that I've really enjoyed listening to both sides of the House as we've talked through this amendment. There's no doubt that this is worthy of consideration but I'm not sure worthy of support. At the end of the day, one of things I think I liked about this bill was that there are currently teachers that are not a part of that discipline – we've got different discipline processes depending on where you are, whether you're a charter school or an independent school or part of the public system.

So I think that the minister probably makes a good point. I think we probably should leave this in the hands of the commissioner to be looking at the panel and how it should be organized. Each of the situations is going to be unique, whether we're talking about professional conduct or whether we're talking about teacher capacity, you know, whether they've met the qualifications for the TQS. So I think there's a wisdom in letting the commissioner have the capacity to decide what is a body of their peers and who should be a part of that panel. Putting a number – half have to come from the ATA – may not do justice to that particular situation. So I think I would – like I say, I believe this was worthy of consideration. I'm just not sure it's worthy of support.

Thank you.

The Chair: Are there others to the amendment?

Seeing none, I will call the question on amendment A1.

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

[Several members rose calling for a division. The division bell was rung at 8:54 p.m.]

[Fifteen minute having elapsed, the committee divided]

[Mrs. Pitt in the chair]

For the motion:

Ceci	Gray	Irwin
Ganley	Hoffman	Pancholi

9:10

Against the motion:

Allard	McIver	Rutherford
Armstrong-Homeniuk	Milliken	Sawhney
Copping	Neudorf	Schow
Ellis	Nicolaides	Schweitzer
Glubish	Nixon, Jeremy	Sigurdson, R.J.
Gotfried	Panda	Singh
Issik	Rehn	Smith
LaGrange	Reid	Wilson
Madu	Rowswell	

Totals:	For – 6	Against – 26
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[Motion on amendment A1 lost]

The Chair: We are back – well, we never left Committee of the Whole.

The hon. Minister of Education.

Member LaGrange: Thank you, Madam Chair. It is my honour to rise and speak to Bill 15, the Education (Reforming Teacher Profession Discipline) Amendment Act, 2022. Unlike members of the opposition, who spent a significant amount of their time during second reading not focusing on the specifics of this bill and instead making excuses for their union friends, I will spend my time further unpacking it for the members of this House.

Madam Chair, Albertans have raised concerns about the ATA playing both a union and a disciplinary role for its members and the potential for conflicts of interest that can arise due to the dual role. Bill 15 will restructure who is responsible for teacher discipline in Alberta, create a single, streamlined process, and separate discipline processes from advocacy functions. This will secure the best interests of students, the public, and the profession itself. Bill 15 would see a teacher profession commissioner appointed by the Lieutenant Governor in Council to operate at arm's length from Alberta's government.

[Mr. Milliken in the chair]

To be absolutely clear, Bill 15 would not give the Minister of Education the ability to influence or control the commissioner in the course of their duties or those of the commissioner's office. Under the new proposed discipline model in Bill 15 all complaints would be received by the registrar at Alberta Education and referred to the commissioner, not the minister, for further action. The office of the teaching profession commissioner would review the complaint and determine the appropriate next steps. The complaint would be investigated, referred to mediation or dispute resolution, or dismissed. If an investigation takes place, the commissioner would be required to render a further independent decision to: one, dismiss the complaint if warranted; or, two, consider entering into

a consent resolution agreement or refer the matter to a hearing or choose the dispute resolution option.

In cases where the expedited process to cancel a certificate must be considered for prescribed indictable offences under the Criminal Code that threaten student safety, the commissioner must also decide if a recommendation to the minister should consider cancellation of a certificate or a referral to the hearing committee to recommend a penalty to the minister instead. This is about improving accountability, transparency, and timeliness in the teacher discipline process, full stop.

Mr. Chair, a commissioner model would balance the need for an impartial and fair process with the government's desire to increase oversight to protect students and the public interest. This legislation demonstrates that Alberta's government is putting students first. Albertans deserve greater accountability, transparency, and timeliness in the teacher discipline process and so do teachers. Bill 15 would bring Alberta's teacher discipline process in line with other provinces.

Alberta is the only Canadian province where the teachers' union has the sole responsibility for overseeing complaints of alleged unprofessional conduct and professional incompetence filed against their own union members. That's why the teacher discipline process must be improved with Bill 15. We have one goal with this bill, Mr. Chair: to have an effective and efficient teacher discipline process by using a single legislative structure to govern matters of discipline under one organization, regardless of where teachers are employed or their membership status in a professional association.

Simply put, Mr. Chair, this new discipline model would ensure that all teachers and teacher leaders, including superintendents, are subject to the same disciplinary system. By eliminating the conflict of interest where a union could advocate for its members while also overseeing disciplinary matters, Bill 15 would also bring Alberta in line with other regulated professions such as nurses. Alberta's government is extremely proud of the more than 50,000 hard-working and dedicated teachers and teacher leaders across our great province. Bill 15 is about further protecting students, not punishing the vast majority of Alberta's incredible teachers.

Mr. Chair, Alberta Education will ensure an effective and smooth transition to the new model while ensuring procedural fairness in dealing with current complaints. My department is committed to supporting the education system to make this transition as smooth as possible. This work was not done in a vacuum. We engaged with key stakeholders and education partners in February to hear their perspectives, including meeting with the ATA as well as other education partners and victim advocacy groups. The discussions we had were rich and nuanced, and I cannot thank all of the participants enough for their time and their attention. They were remarkable.

Since we tabled Bill 15, we've received very positive responses from the victim advocacy groups. For instance, Debra Tomlinson, CEO of the Association of Alberta Sexual Assault Services, said that they support

efforts to streamline professional regulation, transparency and accountability utilizing an external review process for all professionals who are in positions of power and authority across all of our institutions and systems.

Sheldon Kennedy, the cofounder of Respect Group, said:

I applaud the government's efforts to reform the discipline process used in Alberta schools. Professions and organizations all across North America are modernizing and refining their policies and processes to ensure they are unbiased, support victims and ensure transparency for the public. I'm pleased to see Alberta's education system doing the same.

Our education partners, including the College of Alberta School Superintendents, the Association of Independent Schools and

Colleges in Alberta, and the Association of Alberta Public Charter Schools, have all said that they support this legislation. Mr. Chair, this is significant. Even the Alberta Teachers' Association can acknowledge some changes may be beneficial. It seems that the opposition is the only group unwilling to put students first.

Bill 15 was informed by the best practices in Canada. We looked to Ontario and Saskatchewan, who both have self-governed professional regulatory organizations that issue teaching certificates and oversee matters of professional discipline for their teacher members. But they also have no union functions. We also looked at British Columbia, who dismantled their teachers college in 2011, which resulted in the creation of a commissioner's office, that has been successful for them. In all other provinces and territories the provincial or territorial government is responsible for issuing teaching certificates and also plays a varying role in overseeing teacher discipline processes.

Mr. Chair, we found that there are additional checks and balances in place for many of these jurisdictions such as adjudicative committees comprised of teachers and public members or commissioners who operate at arm's length but have accountabilities to the Minister of Education in carrying out disciplinary functions. This new model would not impact the current professional development role of the Alberta Teachers' Association or the College of Alberta School Superintendents. Bill 15 would give them more opportunity to focus on these important functions.

Mr. Chair, this model would also not impact the ATA's role as it pertains to collective bargaining. Bill 15 would also see the Alberta Teachers' Association and the College of Alberta School Superintendents continue to focus on other member-focused services and advocacy. This bill would ensure that members from the teaching profession continue to play an important role in the disciplinary process by serving on hearing and appeal committees, conducting dispute resolutions and mediation processes where appropriate, as the members opposite were just asking for. All committee members would serve on the professional conduct and competency general panel, that would have a chair and a vice-chair, who would then select both teachers and public members from the panel roster to serve on hearing and appeal committees as needed.

Again, to reiterate for the House and particularly for the members opposite, the chair and the vice-chair would make decisions on the composition of hearing and appeal committees, not the Minister of Education. Where a teacher or teacher leader does not agree with a hearing or appeal committee's decision or the minister's decision, the ability to file for a judicial review is still available. These are all elements that ensure procedural fairness in the process.

9:20

Mr. Chair, Bill 15 is about the Legislature doing everything we can to ensure that the public and parents know that we have accountability and transparency when it comes to teacher discipline.

That being said, Mr. Chair, I have an amendment that I want to introduce. I want to make the House aware that since tabling Bill 15, it has come to my attention that minor amendments will be required to address editorial errors and adjustments that are necessary to ensure effective proclamation dates for Bill 15. These are technical amendments that adjust the timing of the coming into force of the legislation; they are not a shift in policy or in the intent of this bill.

Mr. Chair, I look forward to the questions that will come my way, and now I would like to table an amendment.

The Deputy Chair: Just for clarity, if you want to hand off the copies of the amendment there and just wait a moment until we get a copy here at the table, and then I'll give more instructions.

For the purposes of debate, this will be referred to as amendment A2.

The hon. minister can continue, with about 10 minutes still remaining should you choose to take it.

Member LaGrange: Thank you. With amendment A2 to Bill 15, Education (Reforming Teacher Profession Discipline) Amendment Act, 2022, as indicated, the bill is amended as follows: (a) section 11(b) is amended by striking out subclause (ii) and substituting the following:

(ii) by repealing clause (a);

(ii.1) by repealing clauses (d), (e) and (f);

(b) section 12 is amended in the proposed section 225.99994(2)(g) by striking out "the The" and substituting "The"; (c) section 15(2) is amended by striking out ", (aa)"; (d) section 18 is struck out and the following is substituted:

(18) Sections 2(a) and (b), 3, 4, 7(c) to (e), 9, 11(b)(ii.1), (iii) and

(iv), 12 to 14 and 17 come into force on Proclamation.

Again, these are very technical errors – obviously, a double "the" in one line – just in the formatting, nothing substantive here to change. I encourage all of my colleagues to vote in favour of this amendment.

The Deputy Chair: Thank you.

Are there any members looking to join debate on amendment A2? I see the hon. Member for Edmonton-Glenora has risen.

Ms Hoffman: Thank you very much, Mr. Chair, and thank you to the minister and the team for ensuring that we could have a chance to look at this and confirm what the minister has said, which is that, clearly, there were just some numbering errors and a couple of instances where a word was duplicated. We have a chance, while this bill is open right now, to fix those, and therefore I'll be supporting the amendment and encouraging my colleagues to do so as well.

What I wish had been done, though, is that there were some actual amendments to address the primary causes that parents, educators, teachers, educational assistants, school leaders, teacher leaders, bus drivers, custodians, everyone who's working in education as well as, of course, students and their families have been raising as some of their key issues as it relates to education. It's not every day we have an opportunity to debate an education bill, and it would be great if in this bill we were doing something to address the significant concerns that Albertans have raised across the board with regard to curriculum, the significant concerns that have been raised about class size, and the fact that there are fewer teachers now according to the government's own budget documents. When you compare the last NDP budget to the most recent budget under the UCP, about a thousand fewer teachers now than there were under previous NDP governments, and of course we know that educational needs are going up, particularly as many families have faced significant hardships over the last few years and the yo-yo effect between schools being open and closed and open and closed.

I know that everyone wants schools to be able to stay open consistently as we continue to move forward, and I'm continuing to hear pressures around staffing as it relates to illness caused by COVID-19 in schools. I wish that the government was doing something in an education bill to address some of the design changes that could be made, including increased filtration in schools and creating safer opportunities for kids to learn consistently in school. Really, what we in this province have experienced over the last two

and a half years has been incredibly unfair to ordinary Alberta families.

I wish that the government was addressing curriculum, class sizes, COVID, the supports that students with disabilities need. Disabled students have suffered significantly under this current government's leadership, particularly when I look at some of the youngest Albertans and some of the oldest Albertans who are in school, losing funding for years 4 and 5 of high school for those who need it, primarily students who are dealing with a number of pressures in their home lives and often disabilities, and children, of course, in the earliest years who relied on PUF funding. Of course, the funding for kindergarten has been eliminated under PUF.

It is these types of things that I wish the government was addressing tonight through education legislation, but the numbering errors and the odd replacement of a duplication of a word: I'm fine to support this amendment as proposed by the minister. I really wish we were discussing some of the other significant issues that families, students, staff, and families have been raising with us, and I'm sure it's not just with me. I'm sure they're raising them with the minister as well.

Thank you very much.

The Deputy Chair: Thank you very much.

Are there any members?

Member LaGrange: I thank the hon. member for supporting the amendment and acknowledging that it is really just minor errors in drafting that were needing to be corrected. I heard the hon. member wishing for many things, nothing that had to do with the bill, but I do want to assure the hon. member that wishes do come true, because, in fact, we have been dealing with all of the concerns that she has brought forward in terms of curriculum, ensuring that we had the most robust engagement process across this province, and we have a curriculum that is going to be implemented in September that is research and science based and that really is reinforced by all of the terrific engagement that we have received.

We also have close to – no, over \$1 billion that we will be adding to the Education budget over the course of the next three years and looking at making sure that we have \$700 million added to the base funding and operational funding for school authorities as well as \$191 million over three years for curriculum implementation, an additional \$110 million over three years, again, for mental health and wellness and supports for students that have fallen behind because of COVID.

When we look at special needs, last year I was happy to have announced an additional \$40 million in that funding envelope, which sits at well over half a billion dollars to support our schools and our most vulnerable, and that's not even mentioning the \$45 million that we did add on top of the funding that we provided last year – I should say in this current school year – for the learning disruption loss. I'm hearing great things on how those dollars have been used to ensure that students are catching up.

I do thank the member opposite for supporting this amendment, and I guess the fact that the lack of concern in terms of the actual substantive issues around the bill indicates that we probably got it right, so I am thankful for that and really appreciate all the support. I look forward to everyone voting in favour of this amendment and then moving forward with the rest of this bill process.

Thank you.

9:30

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

Are there any other members looking to join on A2?

[Motion on amendment A2 carried]

The Deputy Chair: We are back on the main bill, Bill 15, Education (Reforming Teacher Profession Discipline) Amendment Act, 2022. Are there any members wishing to join debate on the main bill?

Seeing none, I am prepared to ask the question.

[The remaining clauses of Bill 15 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Aye.

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

I see the hon. deputy government whip has risen.

Mr. Rutherford: Thank you, Mr. Chair. I move that the committee rise and report Bill 15.

[Motion carried]

[Mr. Milliken in the chair]

Mr. Neudorf: Mr. Speaker, the Committee of the Whole has had under consideration a certain bill. The committee reports the following bill with some amendments: Bill 15. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

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

Hon. Members: Aye.

The Acting Speaker: Any opposed, please say no. Carried and so ordered.

I see the hon. deputy government whip has risen.

Mr. Rutherford: Thank you, Mr. Speaker. I move that the Assembly be adjourned until 9 a.m. Wednesday, May 4, 2022.

[Motion carried; the Assembly adjourned at 9:33 p.m.]

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