Province of Alberta

The 30th Legislature
Third Session

Alberta Hansard

Wednesday evening, May 4, 2022

Day 29

The Honourable Nathan M. Cooper, Speaker

Legislative Assembly of Alberta
The 30th Legislature
Third Session

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Legislative Assembly of Alberta

7:30 p.m. Wednesday, May 4, 2022

[The Speaker in the chair]

The Speaker: Please be seated.

Government Bills and Orders
Second Reading

Bill 22
Electricity Statutes (Modernizing Alberta's Electricity Grid) Amendment Act, 2022

[Debate adjourned May 4: Mr. Eggen speaking]

The Speaker: Hon. members, for second reading, Bill 22. Are there others? The hon. Member for Edmonton-Glenora has risen.

Ms Hoffman: Thank you very much, Mr. Speaker. At this point in the evening I don't have an opportunity to make a direct connection between the game, because it doesn't start for another 30 minutes, but I imagine there might be opportunities in other bills or stages of debate tonight.

The Speaker: The atmosphere is electric.

Ms Hoffman: The atmosphere is electric: way to light it up, Mr. Speaker. I feel pretty charged as we enter into consideration of Bill 22, the Electricity Statutes (Modernizing Alberta's Electricity Grid) Amendment Act, 2022. Maybe not a hockey pun quite yet, but it seems like we will have quite a few electricity-related opportunities to be connected and charged up.

We haven't had this bill for long. We've had it for a couple of days now, but it seems like there are many positives at this point in reading some of the efforts that are in this bill. I think that they could have positive long-term impacts if implemented properly and through thoughtful regulations, but we definitely have seen a lack of interest in supporting ordinary Alberta families, regular ratepayers and consumers, when it comes to the government's initiatives and actually standing by those who – I think everyone in Alberta should be able to have a good quality of life, should be able to work one full-time job to be able to support a family, if they so choose, have a home, and be able to have electricity, of course, to support functioning in that home.

As I think about the importance of an affordable electricity system, I think about the many, many families who relied on technology even more over the last two years than they did before. Of course, we've seen such a significant change in how society has been interconnected and modernized over the last two generations, in particular, as it relates to connectivity and the Internet, and of course none of us would be able to stay connected if we didn't have power and electricity to support that as well.

I can't help but reflect on a set of questions from earlier today that really focused on what the person asking the questions, the Member for Brooks-Medicine Hat, deemed to be problematic, dangerous solar power. When I talk to my neighbours and constituents throughout Edmonton-Glenora, many people are very excited in trying to grow their opportunities for renewable electricity for a number of reasons. Number one, I think that many people want to reduce the amount of individual fossil fuel consumption in their own home, and if they can do that in a way that doesn't negatively impact their quality of life and the power that they consume personally, I think that that could be of benefit, of course, to us all.

One of the ways that we have seen the municipal and the federal governments step up is through programs to support people in putting their own modules on their own homes to produce as much electricity as possible locally and tie it back into the grid, of course, and create opportunities for their neighbours and others to use that electricity as well.

We could see the current government find ways to increase affordability and really get more opportunities into the hands of everyday residents throughout the province who want to access those opportunities, but unfortunately we haven't seen that. What we have seen are skyrocketing bills over the last several months, and regularly we'll hear the associate minister sort of shrug it off and say how confident he is in the free market and that everything's just fine. Then occasionally we'll hear – well, we heard it several weeks ago now; almost two months, actually – that the government made a decision to move forward on bringing forward a rebate, and thank goodness.

Because I will tell you, Mr. Speaker, that the number of households that told me their bills went from $300 to $500 in just a matter of one or two months – I can't even keep track of how many families told me that. An almost 100 per cent increase to their bills, probably about an 80 per cent increase to many households throughout the province. The government, you know, instead of helping out with these massive increases, $200 increases, said that they would do $50 a month for the first three months of the fiscal year. They actually brought forward a request to this House for supplementary supply. Of course, those first three months of the year were in the last fiscal year, not the current fiscal year, so they needed us to approve them spending money out of last year's budget to be able to pass these savings on to ordinary families.

We, of course, want to see families have any kind of relief. They would like the relief to be more substantial. I know even members of the UCP caucus have referred to the rebate as paltry. But, you know, even a paltry $50-a-month rebate for three months is better than nothing, I guess, Mr. Speaker. Of course, Albertans expect much more from a government that brags about being flush with cash right now, but they'll take what they can get.

Except that it was the end of March when we were asked to support the supplementary supply, and now here we are into May, and Albertans still haven't seen the impacts of that rebate and can't even seem to get a concrete date or a commitment that the associate minister is willing to stake his reputation and ultimately his job on the effective distribution of that rebate. I will tell you that whether he wants to stake his job on it or not, his job rests on that. That is a big portion of what people will remember and hold him to account for when it comes to all of us asking for an opportunity to come back to this place and continue the work that we've done on behalf of Albertans. So I would encourage the associate minister and all members of the government to actually get on with it. They asked for support in supplementary supply, and it has been granted. It's been quite some weeks now.

I will say that in terms of the trust component it is not very high right now in terms of ordinary Albertans being able to count on their government to follow through on promises that they've made and actually do anything to directly support them and their families when it comes to the skyrocketing bills that they're facing for electricity. Of course, the current government has delayed making changes to the grid that could provide long-term relief for Albertans in their utility costs and continues to try to lay any blame on the brief period of time when Conservatives weren't solely responsible for the decisions being made as it relates to electricity. I hate to

remind the associate minister that, you know, he's been in his role now for three years. Families are really feeling significant pressure under his leadership. What most voters would like to see in terms of electricity is, obviously, constant supply and for it to be made more affordable. There are a number of ways that we could do that, that we hope the government will continue to explore as we move forward.

We do have a couple of questions that I hope that we can get some responses to as we continue to debate this bill, Bill 22, here tonight. One of the questions was around – there was a bill last session that has been now brought back quite similarly. I guess one of the questions would be: why did the minister allow the former iteration of this bill to die on the Order Paper, and what has changed between then and now in terms of the content of the bill and the political appetite from the current government?

Then another question would be, of course: why did it take as long as it did for this bill to come back? Here we are, Bill 22. A very similar bill was debated in previous sessions. Why wasn't this a higher priority and dealt with earlier in the session than where we are at now in terms of the timeline?

To summarize a little bit of what I understand from the bill – and I certainly look forward to opportunities to hear from government members on their perceptions of some of these pieces as well – it appears that there are sort of four main areas in the bill. The first is about defining energy storage. Good. The second is about self-supply and export. Good. The third is about requiring distribution facility owners, DFOs, to prepare long-term distribution system plans, which have to be given regulatory approval, so they have to receive regulatory approval before they can move forward, and then the last piece appears to be sections dealing with dissolving of the Balancing Pool.

7:40

Again, Mr. Speaker, generally I'd say that the content for those four areas isn't of significant concern for us at this point, so at this point I would say I'm leaning more towards supporting the bill than cautioning against it. Of course, it all comes down, in the end, to – the devil is in the details, right? We don't have a lot of details in many of the bills that come forward to this place under the current government. We have a lot of enabling provisions and a lot of opportunities through regulation to define in greater detail, but of course regulations aren't debated in public.

The regulations aren't even debated by all members of the Assembly or even all members of the governing party. Regulations go through cabinet committees and to cabinet, and that's the legal requirement as it relates to that. I think Albertans are right to want greater transparency from this government when it comes to decision-making and as many details as possible to be considered through the legislation rather than so many things being funnelled through regulation.

In terms of the sections that we sort of have highlighted, being part of this legislation, the first one relates to energy storage, as we said, and it's previously undefined largely because the energy storage has traditionally not been a factor in electricity grids. I think a big part of that is because the types of electricity that we've had here in Alberta primarily were on demand, right? We would see a lot of coal-fired electricity. You don't need to store coal – you don't need to burn it ahead of time and store it. But when we have the additional forms of energy, including wind and solar, which, of course, are dependent on the conditions of the day, and some days we will produce a significant amount, and some days that amount will be produced when most people aren't drawing from the grid, so of course we will need to feed it into the grid and have ways to actually store it so that it can be used when most necessary; for example, at 8 o'clock when everyone turns on their TVs to watch the hockey game. Making sure that we have the power that's been produced during the day available for families to be able to consume in 15-ish minutes I think is something that we are wise to define, and I'm glad that the bill does define storage.

It seems to enable energy storage projects, which, of course, would be larger scale than what most people anticipate with local battery storage close to the source, but we will need storage projects and some significant ones to meet our needs in a diversified energy economy. The lack of definition previously prevented effective regulations and made energy storage projects more difficult to move forward, so I do hope that the government puts some significant focus on getting more storage projects available throughout the province. We are so fortunate to have all of the nonrenewable energy that we have, but we also are very fortunate to have so much opportunity in renewables as well, so why wouldn't we ensure that we have greater opportunities for storage and to access and harness the wind and the sun?

This will also allow storage to be integrated into the distribution and transmission, which we hope will help to lower transmission costs for consumers throughout the province. I regularly hear and feel the impacts of those transmission costs on our bills, transmission costs that were committed to by former Conservative governments, and we all have unfortunately been living through the excessive costs that are continuing to grow in that area.

Energy storage will also be important to guarantee reliable and lower cost power moving forward, so I think that the increased discussion through this bill around energy storage is a move in the right direction. The bill defines storage to recategorize the unique role energy storage can play in our electricity system and support more energy storage projects as they go forward, and that absolutely is a good thing.

This relates to the Electric Utilities Act because it defines energy storage resources as the energy that's stored for the purposes of energy storage as separate from the generation unit. "The component of an energy storage facility that uses a technology or process that is capable of using . . ." [Ms Hoffman's speaking time expired] Oh, shoot.

The Speaker: My apologies for not reminding the member that we were ending her opportunity to speak. I'm sure she'll have others.

Are there others who wish to join in the debate? The hon. Member for Edmonton-Whitemud.

Ms Pancholi: Thank you, Mr. Speaker. I was going to pause to see if any government members wanted to speak to this bill, but I am pleased to rise and speak to it now, Bill 22, the Electricity Statutes (Modernizing Alberta's Electricity Grid) Amendment Act, 2022. My colleague the Member for Edmonton-Highlands-Norwood said that probably nobody is going to be listening to our comments because of the hockey game. Actually, my comments, for those who are watching, are going to come in the 15 minutes before the game starts. So if people are really looking to be pumped up and electrified before the game starts, I am happy to provide them the enthusiasm and electrification they need.

In any event, I am pleased to speak to this bill as it comes before this House today. You know, I think the Member for Edmonton-Glenora made some important comments. I will get into the content of the bill in a moment. Certainly, electricity is something that's very much on the minds of a lot of Albertans right now. We are seeing, of course, Albertans shocked at the rise of their electricity bills, and to see many of their bills, not just electricity but all utility bills and insurance, groceries – everything is going up, and that's really a challenge for many Albertans. We also have an Alberta

government that is very slow to respond. A lot of talk but not a lot of action.

In fact, you know, even earlier today we still had not heard any clear answer. We heard a lot of juvenile heckling, but we did not actually get a clear answer from the Associate Minister of Natural Gas and Electricity about when Albertans can expect to see rebates, that the Official Opposition has been calling for for several months. Couldn't answer the question, and I think that's a deep concern. In fact, it's a question that not just the Official Opposition but Albertans are asking and have repeatedly asked and have yet to get an answer to as to when they can actually expect any relief on their electricity bills.

Of course, this is affecting not just residential owners and households; it's actually affecting business. It's affecting industries who obviously rely heavily on electricity. This is an impact on our economy as a whole, and we certainly need to get these costs under control and to see some relief for Albertans as soon as possible. I certainly hope that sometime this year the Associate Minister of Natural Gas and Electricity decides to make this a priority, to actually take action.

In any event, we are seeing a delayed reaction in terms of this bill that's before us today. As we are aware, this is actually legislation that was tabled before this House some months ago yet, for some reason, was not brought forward for debate. We saw several other pet projects come forward by the government, yet for some reason this bill, which actually does, I think, chart a path to start making some credible progress on our electricity grid, was delayed. I guess better late than never could be the motto for some things for this government. I think there are probably less charitable mottos that many Albertans have, but let's give it a better late than never on this one. As the Member for Edmonton-Glenora said, going through the bill, there are a number of provisions that, you know, actually sound like a good step forward in charting the path for our electricity grid.

As I understand it, Bill 22 essentially has four main areas. The first is that it addresses defining energy storage. This is important because it was undefined. The concept or term of energy storage was undefined in legislation governing our electricity grid. That's largely because energy storage wasn't actually a huge factor in our electricity grid for many years. But, of course, things are shifting and changing. This will actually enable energy storage products.

7:50

I know that in consultations we have done through the Alberta's future initiative – Mr. Speaker and all those listening, I invite you to go to albertasfuture.ca because we've done a number of consultations, hundreds actually, on a number of economic policies, including on issues related to renewable energy and, you know, energy storage. We know that Albertans have certainly been providing us with their feedback, their advice, what pitfalls to avoid, but also what things to consider, and we've developed a number of economic policies. I know I've sat in on energy consultations that we've done where energy storage has certainly come up as something that we're not only going to need but that presents a great opportunity for our economy and our energy grid going forward.

Without having the concept of energy storage defined in legislation, it has actually prevented these projects from being able to move forward in a meaningful way because they weren't covered by existing regulations. As I understand it, under Bill 22 this will allow energy storage to be, you know, integrated into distribution and transmission, which over time will hopefully lower transmission costs. This will be important to guarantee what many Albertans need, which is reliable and lower cost power going forward. This is certainly something that I think is important.

With respect to, you know, this idea of energy storage it sets out – of course, this bill amends a number of different pieces of legislation and a number of statutes, including the Electric Utilities Act, the Hydro and Electric Energy Act, and the Alberta Utilities Commission Act, and it defines energy storage within the context of each of those individual pieces of legislation to sort of recognize the unique role that energy storage can play in our electricity system and support more energy projects going forward.

I think the Member for Edmonton-Glenora was starting to get into the definitions, but I want to just talk about how this actually also relates to – I believe that the bill also requires distribution facility owners to prepare long-term distribution system plans, which will have to receive regulatory approval. Why I wanted to bring that piece up, which is another element of the act, is that this can help plan for the transition to the increased electrification in electric vehicles.

I don't know about you, Mr. Speaker, but I can tell you that I've heard a lot of Albertans talking about moving to more electrified vehicles. I can tell you that my nine-year-old son is a little bit obsessed right now with electric vehicles and is constantly reporting back to me on the progress that's being made on new electric vehicles, what's coming forward. He's informed me of one vehicle, which he has said he really wants us to get, which is not even available on the market yet. But, of course, my son is obsessively doing the research. Gosh, he's going to be really upset with me if I get the name of the car wrong, but it is, like, an Ioniq Seven, I believe, and he informed me that it's actually driven by a joystick. That, I have to say, was my big hesitation, apart from, I imagine, the significant cost, but you know he's very excited about the idea of electric vehicles. We talk about it quite a bit.

I know that the market right now to get electric vehicles is really tough, actually. You have to go on waiting lists for – you know, I think it's up to 18 months for electric vehicles right now. I know because we were looking at it ourselves in our house, and we were able to replace a vehicle that was no longer functional with a plug-in hybrid vehicle. Of course, yes, it's now on our minds a little bit more about: where do we get more electricity to run more of these vehicles? Because that is the way I think the market is going. We see that large pickup trucks are going to be now electrified. This is going to be happening in every model of vehicle imaginable. I think that more and more Albertans and Canadians are going to be moving in that direction, would like to move in that direction, and we, of course, need to make sure that we have the electric capacity to handle that.

I think that there are some very good questions being raised right now about whether or not we do have that capacity and how do we raise that. Of course, you know, electricity doesn't always come with – I mean, it also has some environmental impacts as well, Mr. Speaker. It's not necessarily a panacea. Moving away from fossil fuel driven vehicles to electrification does not automatically mean that there's no environmental impact. We know there is. We've learned a lot, I think, from the vehicles that we've all been driving for decades.

You know, we need to be preparing for not only an electrical grid that can manage and store the needed power to serve the greater car market for electric vehicles but also do so in an environmentally responsible way. There are going to be some challenges there. We know that, Mr. Speaker, but I think efforts being made to allow for that innovation as well as conversations around increasing energy storage are critical to that discussion. This bill, I think, supports moving in that direction, and I think that's a good thing.

I did have some questions about – you know, I think one of the other provisions around the bill was to allow unlimited self-supply with export. But I understand, because one of the questions I had –

essentially, Mr. Speaker, under the Electric Utilities Act what this means or what it's defined as meaning is "the production of electric energy on a property of which a person is the owner or a tenant where any of the electric energy is consumed on that property by that owner or tenant." Basically, it's self-supplying.

Also, of course, there's always going to be – especially when we're talking about moving to things like solar panels, there'll be more electricity that will be put back into the grid, right? That's a conversation, again, that I know a lot of Albertans are having. They're looking at getting that assessment done about solar energy and how to, you know, generate enough for their own use in their own home but also what that means in terms of putting energy back into the grid. These are conversations that Albertans are already having.

I think that if I were to express, you know, one of my frustrations – and I have many – with this current government, it's that they are dragging their heels and are slow to respond to the conversations that are already happening in this province. Rather than leading in those discussions and rather than showing leadership in where energy is going, we've seen incredible resistance, which is not just, I guess, a bit outdated; it's also damaging to our economy. It's damaging in terms of our reputation of being what we have been for decades in this province, which are energy leaders.

We've already shown innovation and creativity and leadership in this space, so I'm kind of exhausted by this government's continued efforts to tarnish that reputation by refusing to harness the energy that's already coming from both Albertans and the energy sector around where they want to go moving forward. We see great interest in renewables not just from, you know, environmentalists, but that interest is coming from global investors. That interest is coming from the energy sector itself, who's looking for those opportunities.

I think, you know, when we talk about energy storage, as this bill does, we also have to be talking about attracting the talent to do some of this creative work, to do some of this innovative work. I know, for example, many of my colleagues – and I'm seeing the Member for Edmonton-City Centre, who has been such an advocate on the tech industry, as well as my colleague the Member for Edmonton-Beverly-Clareview. But that's because we can lead in that. Tech isn't some sort of sector that is separate from what we're talking about here in Bill 22. Tech is integral to actually the innovation that we need.

Member Irwin: Diversification, right?

Ms Pancholi: Yeah. It is a diversification of our economy, and it is doing what we do best, which is being leaders in innovation and in the energy sector.

You know, I'm excited about opportunities to do that. Albertans are excited about opportunities to do that. We see the rhetoric from this government not reflect that, not reflect the conversations. I know my colleagues and I have spent a fair bit of time recently, in particular, in Calgary. When I talk to folks in the energy sector, they are excited. There are things that they want to do. They have to at some point, they're telling me, just ignore what this government's rhetoric is because it's damaging their reputation and it's making it less likely that people would want to invest in Alberta for these innovative projects.

I guess, you know, regardless of where this government is going in dragging their heels on this, taking six months to do this, Alberta will move ahead without this government. They are doing that. The private sector is. And I have a feeling, Mr. Speaker, that there are many Albertans who are excited by the conversations that we've been having with them for the last three years and even the years before that about renewable energy and moving our electricity grid into that new and innovative space.

Mr. Speaker, I think I can say, you know, that I have frustrations overall with the approach that this government has taken to our renewable energy space, to our electricity grid. I mean, Albertans are feeling that right now in their pocketbooks, in their household budgets, the dragging of the feet by this government. But what I am confident in is that Albertans will continue to do what we do best, which is lead, and I'm also excited about the opportunity to lead with them.

8:00

I think that the question Albertans will ask is: do they want a government that is not willing to look into the future and is more likely to look in the past, or do they want a government that will do the opposite? I'm proud that I think we will be that government.

Thank you.

The Speaker: Are there others wishing to join the debate this evening? The hon. Member for Edmonton-City Centre has risen.

Mr. Shepherd: Thank you, Mr. Speaker. I appreciate the opportunity to rise and speak to Bill 22, the Electricity Statutes (Modernizing Alberta's Electricity Grid) Amendment Act, 2022. When I saw this bill come in and I started to take a look at what it was about and seeing it talking about enabling more energy storage, working on that part of the industry in the province of Alberta, it put me in mind of an entrepreneur I had met a few years back. As my colleague for Edmonton-Whitemud noted, here in Edmonton-City Centre the tech and innovation industry is an important part of growing the economy in our downtown. Certainly, our government did make, I think, some smart investments and introduced some programs to help grow that industry and set it on a good trajectory, for which now this current government likes to take credit. I think a lot of the efforts we made helped begin that momentum and start it moving forward.

At one of the events here in downtown Edmonton, over at the Edmonton Convention Centre, where we had a number of folks getting together to talk about growing companies, I had the chance to meet Connie Stacey, who is the founder and president of Growing Greener Innovations. Connie grew up in Newfoundland and in Alberta, so she was quite aware of energy production, usage, sort of saw it in the field. She herself was working, actually, in sports administration and then in software development, starting into the tech field, but she had an experience. She was out driving one day with her wife and their children, and their children had fallen asleep in the vehicle. They passed a construction site. As they passed that construction site, a generator kicked in, and it was very loud. She was a bit concerned. It sort of startled her, and she was concerned it was going to wake the kids.

She started thinking about that, being a woman who is a thinker, an innovator, sort of thinking about problems. She started to think about: "Well, this traditional diesel generator is noisy. It's smelly. It's not good for the environment. There must be a better way to approach this." So she put her mind to work. She started talking with people who work with generators, and she started to realize that one of the biggest problems with trying to replace that generator technology was developing a battery that was relatively easy to recharge on the fly.

In 2014 she founded Growing Greener Innovations. Her intent was, first of all, to create a better generator, one that would be silent, one that wouldn't create fumes, and one that wouldn't contribute to global warming. In 2015 she saw that the market for efficient, portable batteries was starting to expand. It was becoming an

opportunity, and she saw in that a way to create a sustainable business that could also be of real benefit as we were all looking for new options in energy that are lower carbon.

She talks about that. She says: you know, one of the things people don't recognize is that studies show that access to energy is perfectly correlated to economic growth. Certainly, that is something that we have heard many members of this House talk about, the importance of access to energy as part of an economy, absolutely. She was looking for a way that she could develop that specifically because she also recognizes it as part of tackling energy poverty. Noting that more than a billion people world-wide have zero access to electricity, she wanted to find a way that it could be made portable and easily brought to them.

Through her company, Growing Greener Innovations, they have worked to develop portable battery technology, batteries that can be stacked on top of each other, can be mixed and matched to easily create power sources. Now, they've had some challenges, but they've done, actually, quite well with the company. At first they had trouble getting interest, but what happened eventually is that they won a contest with the U.S. Department of Defence, that was looking for folks to put forward innovative, sustainable new technologies, and they indeed won a U.S. defence innovation award. That began to open some doors for them, and they have developed what they call now their patented Grengine. It's a rechargeable and stackable battery generator.

That's expanded now into energy storage and a smart battery management system. They have a number of things now. Generally what they are offering right now are solutions for home based that work with solar panels, that allow people to create that energy through the solar panel and then store it for reuse. But they continue to expand. Indeed, they are part right now of a program with the Department of National Defence here in Canada, one of three Canadian innovators that are working with them to develop solutions to provide integrated energy, water, and waste management systems for relocatable, temporary camps used by the Canadian Armed Forces.

It's wonderful to see, I think, these kinds of entrepreneurs, you know, growing here in the province of Alberta, developing innovative technology in the realm of energy storage and production. I recognize that the intent of this bill is to grow that on an industrial scale. Now, again, GGI are working on a smaller scale, certainly working towards perhaps larger opportunities, potentially scalable technology. But we are talking here about working with larger industrial providers who are looking to do much the same thing.

We have the bill here, which is defining what energy storage is; that being, on a grid level any technology that allows energy to be captured when it's generated and to be utilized at a later point in time. The bill is laying out terms in terms of self-supply and export, requires the folks that are running the distribution facilities to prepare some long-term distribution system plans that would have to seek regulatory approval, and then we have the sections that are dealing with the dissolving of the Balancing Pool.

Certainly, I think, as my colleagues have noted, we are generally in support of the direction that this bill is looking to go. As has been shown by GGI and other folks who are working to innovate, the ability to store and then later distribute electricity is a major step towards being able to incorporate other forms of energy creation into our system, things like wind energy, solar energy, the ability to store those things for, as members of this House have been often wont to talk about when they are talking about renewable energy, the times when the sun does not shine and the wind does not blow. It's an important part of that being a sustainable part of our grid. From what we're seeing here, certainly it appears that the framework that this legislation is looking to set up, the groundwork, laying the foundation it's putting down, is an appropriate one to incent more of this kind of work and to allow for sustainable growth of the levels of electricity that we need to have and potentially, then, reducing the greenhouse gases that are created along the way.

As my colleagues have also noted, this does seem to be largely the revisiting of a piece of legislation which had been brought forward in the last session, Bill 86, I believe. It does seem to be very, very similar here. One of the only real differences here, of course, is the addition of the sections on the dissolving of the Balancing Pool. You know, I suppose, as my colleagues also noted, better late than never, Mr. Speaker.

There have been a lot of concerns from Albertans, as my colleagues have noted, regarding the cost of electricity. Certainly, the government was a bit late to the game in recognizing the importance of that. There was nothing about it in the budget initially, and it did not seem that that had been a calculation or consideration that that was a concern of Albertans. But they did come around eventually to sort of try to come up with a plan, and we are seeing them move forward with their electricity rebate, which Albertans may see as late as, it appears, October, November, December, certainly not the most speedy and expeditious rebate, again sort of perhaps belying the johnny-come-lately nature of the government's response on this. That said, they are moving forward on that.

I do have to wonder if, to some extent, perhaps that was part of what spurred this legislation to be resurrected, as it were, that the government felt it needed to display that it was taking some sort of action to try to reduce electricity rates. It's entirely possible, Mr. Speaker, that indeed this legislation may in fact aid in that. I don't think it's going to provide much in the way of immediate relief. Some would say the same, perhaps, of the government's electricity rebate, which may not arrive till the end of the year. That will at least likely arrive before, necessarily, some of the benefits we'll see from this legislation, but, that said, certainly it is still beneficial to take these steps and to make these plans. It does strike me as prudent planning for the future. Certainly, as much as I may criticize the government, I will give them credit when I do see them doing something that seems to be the right thing to do, and it does appear that many pieces in this bill indeed are that.

8:10

We do recognize that previously there was not a definition for energy storage, because traditionally, really, energy storage has not really been a factor in electricity grids until today, but of course we know that that is shifting. As I noted, of course, Connie and the folks at GGI have been working on that aspect, and I think that indeed that is an area of some innovation and a lot of exploration in the tech field as we look for those sources where we can have more effective, long-lasting storage of electricity. Certainly, when we are able to arrive at that point – we're seeing, I think, some rapid evolution of that technology – that will be a significant game changer as we continue to look for greener sources of energy and be able to make that worth while, make that sustainable, make that affordable and accessible for more individuals.

[Mr. Amery in the chair]

It's my understanding that the lack of a definition previously prevented some of the effect of regulations, made it more difficult to move forward with energy storage projects. Indeed, again, I think that we're quite clear on why that's a valuable thing. I certainly recognize that that could help us move towards addressing some of

the cost issues and other long-standing challenges in the electricity industry, so it seems reasonable to move forward with that here. The bill defines energy storage to recognize, I think, the unique role that energy storage can play in an electricity system. It supports more of those sorts of projects to go forward.

Now, the bill also allows for unlimited self-supply with export. That's defined under the Electric Utilities Act as "the production of electric energy on a property of which a person is the owner or a tenant where . . . the electric energy is consumed on that property by that . . . tenant." Basically, before what we had was a situation where self-suppliers had to get an exemption if they wanted to export. An example of that would be cogeneration facilities, certainly something that we have seen used often in the oil sands. This is making it easier for more folks to be able to partake in that, to be able to work to provide export when they have that self-supply without some of the regulation and other encumbrances. Again, it seems reasonable, Mr. Speaker, to allow for more opportunities for folks to be able to generate that, put it back in, export, sell it back into the grid.

Again, of course, we know that homeowners with solar panels have been doing this for a while. That was enabled in the system, and that's certainly been beneficial. Again, the kinds of technology that we see from GGI and others are certainly working toward that end, but this is giving more opportunities within the larger industrial setting, to my understanding, for a similar sort of situation to be able to work, so then facilities that were operating before January 1, 2022, can apply to continue to be classified as industrial systems, to continue under the rules that they currently have.

There are some bits here about requiring the distribution facility owners to prepare a long-term distribution plan, which will then have to seek regulatory approval. That's a model that's already in place, my understanding is, for transmission. It can help us in planning for some of the transition that will be involved to increase electrification. Certainly, there has been a lot of conversation about that recently, Mr. Speaker. I've been seeing a few articles recently where they're talking about the rise of electric vehicles, and certainly that presents for us a grand opportunity, I think, for the reduction of greenhouse gases from transportation. But that then does require a much more robust electricity system. We certainly know that we are going to be drawing much more on that. This helps towards the planning for that transition, increased electrification, in helping us figure out how we are going to manage those systems provide that energy that's needed.

In general, Mr. Speaker, again, while we certainly have had our concerns with some of the government's approaches on electricity and, in particular, how it's impacted consumers over the last few months – certainly, we'll continue to raise those concerns and, I think, speak about those issues as a large number of our constituents are reaching out to us on that. That aside, I think that in general what we are seeing with Bill 22 is prudent legislation and, I think, laying some good groundwork for some important steps that we need to take in the evolution of our electricity system here in the province of Alberta. I do appreciate that the minister has brought this forward and has taken these steps, and I look forward to the opportunity for further debate.

Thank you.

The Acting Speaker: Thank you, hon. member.

Are there any other members who wish to debate? I see the hon. Member for Edmonton-Highlands-Norwood.

Member Irwin: Yeah. I mean, I was just being respectful and trying to leave time for some government members to join debate, thought perhaps the Associate Minister of Natural Gas and Electricity might want to weigh in. But I know he'll be listening with rapt attention to my remarks, just like many are right now as we – has the hockey game begun?

Ms Hoffman: Yeah.

Member Irwin: It has. Okay. The game has begun, so we've got to have at least two people watching right now.

You know, I listened intently to some of my colleague's remarks and, as always, was quite intrigued. Just as I shared earlier in a press conference, I am certainly no lawyer. I will preface my remarks by saying that I'm certainly no energy expert, to be clear. Yeah. Just because we've all, at least on this side of the House, been speaking to a lot of bills lately, it feels again like déjà vu as I stand and speak to Bill 22. Bill 22, the Electricity Statutes (Modernizing Alberta's Electricity Grid) Amendment Act, 2022, is another piece of legislation where again there's – as my colleagues have said, I mean, we're mostly supportive of a lot of aspects of this bill, with some questions, of course.

But I ask – again, this government had such an opportunity to really bring forward legislation that could in the here and now have a tangible positive impact on the lives of Albertans. There's no clearer an example of Albertans struggling than when it comes to electricity costs and it comes to their skyrocketing bills. I've talked ad nauseam in this House, in fact, about the fact that we are hearing that. We're hearing that at the doors. We're seeing it in our e-mail inboxes and in our messages from constituents. They're struggling. It's not just folks in my riding of Edmonton-Highlands-Norwood who are telling me this; it's others as well. You know, we've seen this government just continuing to ignore the problem of skyrocketing bills.

I can actually just think – I was just having a conversation with a few folks just a couple of hours ago, in fact, and chatting with someone from Public Interest Alberta. They do great work. Brad LaFortune is the executive director there. Just chatting about the fact that – and if you don't know what Public Interest Alberta does . . .

Ms Hoffman: It's kind of like Friends of Medicare.

Member Irwin: It is a bit like Friends of Medicare – that's right – which is another great organization, led by Chris Gallaway.

Friends of Medicare is a great organization, but Public Interest Alberta really focuses a lot on connecting with Albertans and hearing their concerns in the public interest. No surprise there. One of the things that we talked about is just the fact that this government – you know, what a time to take the opportunity to tangibly improve the lives of Albertans, and this government is choosing not to.

Brad LaFortune from Public Interest Alberta actually pointed out in one of his recent releases:

> Despite Premier Kenney's audacious trumpeting that 2022 is a turnaround year for Alberta, many Albertans are struggling with the escalating affordability crisis.
>
> "Cost of living and interest rates are exploding" . . . "Working people are having [such] a tough time . . . Wages are . . . not going as far as they used to. It's a struggle to afford necessities like food, gas, utilities, rent or mortgage, never mind being able to save for the future. It seems callous for Kenney to herald now as a great time for Alberta, when in reality, so many are [struggling]."

This is why – and I wanted to raise this because this is what we heard again in the Chamber earlier today, in question period, trumpeting how great Alberta is doing and how great Albertans

are doing without an understanding of what's really going on on the ground. A lot of Albertans are struggling with affordability.

[The Speaker in the chair]

This is an opportunity for this government to take action, and instead they've dithered, right? You know, this associate minister has promised relief and promised support, and what do we see? We see inaction, right? According to that same minister Albertans will now have to wait for months to get any sort of action. They failed to get direct support out the door that could help Alberta families with skyrocketing utility bills. [interjection] Okay. In the interest of being amicable, I will let the associate minister speak.

8:20

Mr. Nally: Thank you, Mr. Speaker, and I thank the hon. member for the comments. It looked like she was wanting to embrace some interventions, so I thought I would participate. It's true. We recognize that there's a higher cost of energy, so we are providing short-term relief while we do the longer term work to bring prices down. The relief that we've provided, of course, is $2 billion worth of relief between the gas, the electricity, and the tax at the pump.

But the pieces that I wanted to focus on, because we need to do the long-term work – and the storage is the piece that I would encourage the member to look at because not only does energy storage help with the intermittency of renewable energy; it makes it more efficient, which helps bring down cost. It's also a nonwire solution, a less costly alternative to transmission, and that is a big advantage of storage. Lastly, the self-supply with export will help bring more supply online because we know the path forward for lower prices is through more choice, increased competition. Self-supply with export will allow companies to export to the grid.

Member Irwin: Thank you to the associate minister for that. Happy to have him intervene. I am getting there. I'm getting to some of the specific aspects of the bill.

But I have to ask. I have to ask the minister. This UCP government introduced similar legislation last fall but abandoned it and only reintroduced it six months later, so I would love to hear an apology if I just missed the explanation for that. Sometimes I do tune out. I know I shouldn't admit that on *Hansard*, but sometimes I miss things. Why the delay? If this is something that is so critical and so important – my colleagues have said it far more succinctly than I have, but, you know, why? If this is so critical, why the delay? Why delay making changes to the grid that would provide long-term relief for Albertans? It's an example again of not being able to trust this UCP government, because if this were so critical and if this were so necessary, why not make the changes then? That's one of the key questions we have. Again, I look forward to hearing more from the associate minister and perhaps other MLAs as well. Yeah. Why did he abandon the bill last session?

And I want to touch on a couple of points. Actually, my colleague from Edmonton-City Centre talked a little bit about Connie Stacey just as an example of someone really doing innovative work in the field. I've had the opportunity, too, to meet Connie Stacey from Growing Greener Innovations. You know, she has been a forerunner – is that the correct word? [interjection] Thank you – when it comes to clean energy technologies, and what an example, just one example of many folks around our province who are innovators and who are doing this leading work when it comes to green, clean technology.

You know, obviously, this bill, when we're talking about the grid, ties into solar as well, and I've been very fortunate to learn more about solar energy and, really, the relief that it can provide. For those folks who don't know, anybody in this Chamber, anybody watching at home, I would love for you to come by my Edmonton-Highlands-Norwood constituency office, where we have solar panels on . . .

Ms Hoffman: Modules.

Member Irwin: That's right. Modules. Thank you. The Member for Edmonton-Glenora is far more versed on solar than I am, because I believe she has solar on her home.

Ms Hoffman: Yeah.

Member Irwin: Yeah. So I should say solar modules and not panels. That's right. I do know that distinction. But I'm so proud to have those. They were actually supplied by a local solar provider in my riding, Warren, who's part of green and gold solar. He's a great human with excellent dogs. Yeah. You know, I've had the opportunity to meet with him and some of his team members, and it's such an area for potential.

I hope that by discussing bills like this, we open the conversation for more investment in solar and in greener forms of energy. I don't think I've heard it much today, maybe a little bit from my colleagues, but we are facing a climate crisis, and we are facing temperatures at the poles higher than we've ever seen. It truly is a dire crisis, and we must – we must – be leaders. Folks in this Chamber should be pushing for economic diversification and for a move towards greener, cleaner energy sources.

My colleague – I believe it was from Edmonton-City Centre again; actually, it might have been Edmonton-Glenora – talked about coal-fired power as well. I know I've shared this. I believe I've shared this story in the past, maybe in 2019, just having lived in Forestburg, Alberta, gosh, 10 years ago now, 11 years ago now. Forestburg, if you don't know, does have a coal-fired power plant. You know, I can tell you that I actually talked directly to workers at that plant who – obviously, they know how critical that plant is to the vitality of their community, for sure, but were really asking for different opportunities and different ways to support that fantastic community that is Forestburg.

In fact, there was a fellow – I'm sure he won't mind me mentioning, because he's a great person. There was a fellow I dated, actually, back when I was, you know, dating men. His name was Robert, and he worked at the power plant. He actually would come home and he'd have, like, black in his ears. Like, he'd have just – and he would talk about just how, like: I'm worried about this. Like, he would express his concerns about the impact of working at the power plant. So I think of Robert many years later and those workers who were really asking for support, not wanting the power plant just to be shut down – absolutely not – but for a transition and for plans.

I was really proud of what members in this Chamber on our side of the House did to support a climate leadership plan when they were in office. It was incredible work. It was a bold plan, but there's more to do. There's a lot more to do, and sadly we're not seeing that same interest. You know, we've got climate change deniers in this Chamber, in fact, people who've gone on the record to question the science of climate change. Sorry. The science of climate change. That's a fact. The member for Vermilion-Lloydminster – I'm probably going to get his riding wrong. We've got him quoted in this Chamber a couple of times questioning the science of climate change.

You know, with all of that, like I said, I mean, we are supportive of a number of elements of Bill 22, but I would ask, I would urge

this government to do more and to be bolder when it comes to looking at energy transformation in this province, because they really can. If this Premier and if this government and many of the government ministers are going to brag about swagger and Alberta booming – and we've talked about this in the Chamber before – it's very difficult to accept such logic when you're not looking at the bigger picture, right? People want to come to a province that has a healthy environment, where there's a plan for the future. They want to come to a province where the Rocky Mountains aren't under threat from coal mining, where our water sources aren't under threat, and the list goes on.

I'm hopeful. You know, I'm hopeful that we'll get a few more answers on some of the questions that we've asked. I could go into some of the specifics around the requirements in this bill, like requiring distribution facility owners to prepare a long-term distribution system which will receive regulatory approval, which I gather is the model that is in place for transmission currently. I know there's a lot in here about the dissolvement of the Balancing Pool, which is something I had to read a fair bit about just to understand. I don't mind admitting when I'm not an expert on things.

Again, I know there are some differences as well between Bill 22 and the previous iteration, which was, I believe, Bill 86. Again, I'd like to perhaps just hear a bit more from the minister on what those differences are. Again, why the delay in moving forward with Bill 22 if it was such a priority of this government?

I would urge folks to, yeah, read more about energy storage, like I did, and with . . . [interjection] Oh, never mind. I will let the associate minister intervene, and then I can talk again.

8:30

Mr. Nally: Thank you, Mr. Speaker, and thank you to the hon. member for the questions. Happy to share the – the big two differences are that on the self-supply with export there were a number of stakeholders that were doing self-supply with export at the time, and they'd made investments based on a current economic climate. They'd indicated to us that to change that climate could potentially disadvantage them and their investors. So we agreed with that, and we made some concessions to allow them to have a path towards ISD, which is industrial system designation. It doesn't preclude anyone else from applying for ISD. It just gave them a clearer path to have that done. The second piece is that we added the Balancing Pool. That was the wind-down strategy. We've been working on the wind-down strategy for a while. The bottleneck, of course, on that was that there are some liabilities and some lawsuits that we had to take care of. But, essentially, those are the two differences.

Member Irwin: Thanks to the associate minister for that clarity.

You know, I will end my remarks shortly, but I just want to again reiterate the point that they've introduced this bill six months later, and as a result we've lost almost six months in taking steps to modernize our grid and to add energy storage that could of course reduce costs in the long term.

We do of course support adding more energy storage to the grid – that's indisputable – on this side of the House, and we've been consulting. I'm proud of the work that my colleagues have been doing, including our critic for Energy, on adding more storage and ways that we can achieve a net-zero grid by 2035 while creating 60,000 more jobs through Alberta's future project. Check it out at albertasfuture.ca.

With that, I would like to adjourn debate, Mr. Speaker.

[Motion to adjourn debate carried]

Bill 21
Red Tape Reduction Statutes Amendment Act, 2022

[Debate adjourned May 3: Mr. Feehan speaking]

The Speaker: Hon. members, on second reading of Bill 21, are there other members wishing to join in the debate? The hon. Member for Edmonton-Glenora.

Ms Hoffman: Thanks. I think you've always called me that, Mr. Speaker, even with the new change. Really appreciate it. Thank you so much. I have to say, as we kick off Bill 21, which is titled Red Tape Reduction Statutes Amendment Act, 2022, that I am going to take us on a little trip down memory lane to a week ago – a week ago; maybe it was a week and a half, not long, anyway – when the sponsoring minister, the associate minister responsible for red tape and Member for Calgary-Peigan, at a media briefing very definitively stated that part of the bill's intention was to ensure that the money that parents and others might be paying towards private schools need not be publicly reported because it wasn't public money. And it wasn't just stated. It was also addressed in subsequent follow-up questions from the media, from reporters, from community members.

Of course, many of the questions were around the fact that in Alberta private schools are entitled to 70 per cent of the funding for operational costs that public schools are. They are receiving a significant amount of private funding from the government of Alberta, from the people of Alberta, who are contributing, and therefore the people of Alberta should have every right to know what additional funds these private schools are charging and how much is in their balance sheet: how much are we continuing to contribute to private schools?

Now, I want to clarify, because there often will be accusations from members within the government caucus that we think that private schools are the bane of all evil, they will assert, and that we are out to get them. I want to be very clear, Mr. Speaker, that I stand by the decisions we made while we were in government for four years, the first time in my adult memory we had four years of education stability in this province, four years of consistent funding in this province.

Prior to that, I'd served on the Edmonton public school board for five years. We never once had a year where we could anticipate what next year's budget would be with any certainty. Prior to that, I did my master's in education and my undergrad, and before that, my parents also taught. So for most of my life I spent the spring sort of bracing ourselves for what might be coming with the upcoming budget. The spring presentation of the budget regularly would see significant reductions to education funding, and then there would be protests, often just a few metres from here, 100 metres or so from here, on the steps of the Legislature.

Eventually the government would typically rescind the cuts and restore some of the funding that they had cut. At the very beginning it would happen very quickly. Like, within two weeks there'd be an amendment to the budget. We'd get on with it. Everyone would realize: "Oh, yeah. Parents do actually really care about education. We'd better not mess with it. We should restore educational funding." Then it would happen a little bit later. Maybe it wouldn't happen in March or April, when the budget was presented, but it would happen before the end of the school year. And then later on, under the time of Premier Stelmach, I believe, it would happen later and later but still before kids would go back to school. This was the game that Conservatives were playing with Alberta families around continually attacking education funding and making people protest

to be able to defend their child's right to a quality education in the province of Alberta.

Then we had the reprieve of the four years under the NDP government, where we committed to stable and adequate funding that funded for enrolment growth and that would provide that continuity for Alberta educators and Alberta families so that they wouldn't have to spend all of their time fighting the government for the educational rights that their child should so be inclined to receive without question.

But that doesn't stop the current government, the government that has actually cut educational funding. They have cut funding for students with disabilities. They have cut funding for years 4 and 5 of high school, again, often disabled students who access those additional final two years of high school. The current government has cut that, and then also, at a time when educational needs and often educational enrolment have gone up, the government has refused to actually fund for any of that increase. The minister will take credit for the fact that the federal government did discharge some funds during COVID to address additional pandemic pressures, but the thing that the minister fails to highlight is the fact that that essentially replaced some of the money, most of the money that was cut under the provincial budget that year.

The minister responsible for red tape presents this bill in April. The bill comes forward, and at the tech briefing, at all the media events it was made very clear that one of the intended pieces in this bill as it relates to education was to reduce the amount of burdensome public reporting with regard to tuition and balance sheets for private schools, because that should be private information. Only the parents need to know, and they would report to the parents. Of course, they would. They would invoice the parents. They would invoice the employer of the parents, whoever it is that happens to be paying the tuition.

I want to say that there is a broad range in what private schools charge in tuition. There are some private schools that charge nothing, that cater to students who are incredibly vulnerable, whether that's physical or developmental disabilities or youth who are houseless. There are private schools that definitely focus on addressing vulnerable students. Then there are other types of private schools that charge upwards, some even in excess of $20,000 a year to send your child to said independent private school. There's a big range, Mr. Speaker. For the government to set one formula and say "70 per cent" and to no longer, through the intent of the mover of the bill, require public, transparent reporting on how much is being charged in tuition and how much is on the balance sheet set a lot of Albertans off. They were deeply concerned, especially when they are seeing the impacts of educational funding cuts in their own children's schools. For example – we're in Edmonton – Edmonton public: 1,700 kids going to school next year without a dime to fund them.

8:40

And we will hear the government say: well, but we're providing stability; give us a pat on the back. Stability when your demand is growing, when your needs are growing is less for everyone else. You are taking away from everyone to give the scraps that are left for the new kids who are showing up at school. No matter how much time you want to spend focused on one line item and trying to justify decisions that result in less for more, Alberta families know and will live through the reality; that is, seeing the impacts of more students in the classroom without adequate support to fund them.

At the same time, the sponsoring minister for this bill says: Albertans don't have a right to know how much private schools are charging in tuition or how much they have in their balance sheets. Of course, Albertans appropriately pushed back, just like they did on the steps of the Legislature through most of my life during the budget cycle as it related to education. What happened here is that we saw not the sponsor of the bill, a different minister, the Minister of Education, go to the Internet many hours later, after the technical briefing where this information was shared, after the stories had been filed where this information was published, after Albertans rightfully were incredibly upset with the double standard that was being set and the lack of transparency that was being pushed through the intention of this bill – they rightfully pushed back.

The minister or the minister's team took to the Internet to do damage control the same night, many hours later, probably six or eight hours after the briefing and all of the stories had been filed, to do damage control and to say: no, no, no; that isn't what's happening, and that wasn't going to be allowed. Well, the mover of the bill, the bill's sponsor – the name is on the title of the bill – clearly said that that was the intent. Many of us scoured Bill 21. We read through that section forwards, backwards, sideways, upside down, talked to every lawyer we knew, and the truth is that the bill is really fuzzy. The bill is as opaque as one could imagine a bill could be in those sections. So we have to ask questions of the intent, and the intent has been very clearly stated as having less transparency, less overt filings, less oversight. And then a different minister says: no, no, no; that's not going to happen. Well, bills shouldn't be that wishy-washy, fuzzy, confusing.

I have stated already publicly, and I will call on the government again. I think that the opportunity – it would be wise to seize the opportunity to actually amend these sections as they relate to education and the transparency of private school tuition and balance sheets in this legislation. I think Albertans deserve that at a minimum because, clearly, two people sitting at the same cabinet table have different understandings of what this bill does, or maybe they had the same understanding, saw what the public push-back was, realized that the bill was written in a way that was vague enough that they could maybe just brush that aside. I would say: no, no, no; do not attempt to brush this aside. I think Albertans have rightfully said – and even the minister of a different ministry, the Minister of Education, has said: no, we're not going to do that.

I sincerely hope and I'm confident – we make jokes about not a ton of people potentially watching this debate. I am confident that there are people in the department of red tape reduction and in the Department of Education right now watching this debate. I'm confident that there are political staff listening to this debate, trying to work through what some of the key points are. So my question to you, public servants and political staff and the ministers responsible, is: don't you want to make sure that the bill is most clear and most transparent and most consistent so Albertans know and can interpret the law fairly and consistently? I do sincerely hope that the mover of the bill was wrong in presentation of what the actual intent of this section was, but the best way to actually have that trust is to verify it through an amendment to this section. So I sincerely hope that the drafters, that the political staff, that the ministers are all doing their best work to put forward clarifying language to actually deliver the intent of the Minister of Education.

Well, I'm missing out on a good joke right here. I can feel it. Perhaps I'll hear it from the next speaker.

I look forward to an opportunity to have greater clarity through an amendment. Certainly, we can do our best to draft amendments that relate to this section to try to meet what the Education minister says the actual intent of this section is, but it certainly, I think, would be beneficial to all members if we had the expertise of the people who drafted the original bill to put forward an amendment in this section. But, you know, if the government fails to do that, to fix the errors and the drafting that resulted in such significant push-

back from the public, certainly we are ready and willing and will work with Parliamentary Counsel to do our best to ensure that the door that was opened by the sponsoring minister gets closed.

We already have seen this government recognized by media outlets across the country as being the most secretive government in Canada. We have heard about significant concerns with entities, agencies, boards, and commissions that the government has set up intentionally being outside of information and privacy sharing legislation, and that only raises the ire of concern among the general public.

I will say to all of the parents who are out there thinking: "Why is my child losing out on educational opportunities? Why is my child losing an educational assistant? Why are my bus fees going up? Why are my educational property taxes going up?" Not just to parents; that's all of us. Educational property taxes under the UCP: going up. Why are we all being asked to pay more? Where is that money going? We absolutely, at a minimum, deserve to know where it's going, deserve to know places we are putting our money, how much money they are charging in other areas, and how much they currently have on their balance sheet. That is just prudent, open, transparent governance.

We certainly see this in other areas of government, too. This is as it relates to Education, but there are other areas where private and nonprofit service delivery are done and government is also funding operators. I'm thinking right now, of course, about long-term care and assisted living in this province. I know that the people of Alberta would like to see greater accountability and transparency when it comes to the services that are provided, that are publicly paid for but aren't delivered publicly. Making sure that we have as much transparency as possible is crucial.

The Speaker: Are there others? The hon. Member for Edmonton-Whitemud.

Ms Pancholi: Well, thank you, Mr. Speaker. I thought perhaps we might hear from some government members, particularly members of cabinet who could shed some light on the important questions that my colleague the Member for Edmonton-Glenora raised about the misunderstanding, the miscommunication. Perhaps cabinet members haven't all read their own bill, but there is a lot of confusion right now around the changes that Bill 21, this Red Tape Reduction Statutes Amendment Act, 2022, makes to the Education Act around the transparency of private school funding and tuition payments. It doesn't seem like it should be that difficult to get a straightforward answer about what's happening, but for some reason Albertans are not getting that from this government.

I will come back to those changes to the Education Act that are made through this bill if I get the opportunity, Mr. Speaker, but I'd like to focus on what appears to be just a small administrative change but raises some bigger questions for myself that are within Bill 21, and those are specifically the changes that are made to the Child, Youth and Family Enhancement Act. According to Bill 21 this change that's proposed in the bill would remove the one-year maximum on all licences, new and renewals, for residential facilities in the child intervention system – so that includes group homes and foster homes – and it would move those limits to the regulation. Specifically, what it does is that it amends section 105.3 of the Child, Youth and Family Enhancement Act, which deals with both initial licences and renewals of licences for these residential facilities.

Specifically, it changes subsection (3) of 105.3. The current wording in the act says:

> (3) Unless otherwise specified in the licence, the term of a residential facility licence is one year from the date of its issue.

And the changes being made under Bill 21 will now say:

> (3) Unless otherwise specified in the licence, the term of a residential facility licence is the term specified in the regulations.

That sounds minor, but I just want to point out that again there is a miscommunication between what is in this bill and what was being communicated by the government about the change that's being made.

8:50

Specifically, according to the news release related to Bill 21, this change to this residential facility licensing term only applies to renewals. But, Mr. Speaker, if you look back at what I just read out, that subsection of 105.3 is not limited to renewals. It actually specifically addresses initial terms of licences for residential facilities, a minor thing perhaps, but once again what's being communicated about what's in this bill to Albertans through their communication networks is different than what's in the bill. So I'd like some clarification from the associate minister for red tape as to: which is it? Is this change limited to simply renewals, or does it also apply to the initial term?

Now, that's perhaps a minor quibble, Mr. Speaker. You know, it should be able to be cleared up. But I want to just outline what this change does, right? What it does it that it basically says that a residential facility no longer is subject to a one-year licence, which would have to be renewed every year. And, of course, part of renewing a residential facility licence means going through all the health and safety requirements, making sure that all the standards are met in terms of accreditation of the program so that it actually meets the standards that are necessary. All of those pieces, that are important, wouldn't have to happen every year. It could happen – who knows how long the term is? We put it in regulation, and the government will get to decide, through regulation, how often to renew those terms.

Now, a residential facility – when we're talking about children in care and child intervention, I think we need to really understand what we're talking about here. I've had the opportunity recently to tour a number of residential facilities, particularly in Calgary, to get an idea – because I think all Albertans should get a picture of what residential facilities look like for children in care. When they're in a residential facility – and it's not just group care homes, but let's specifically talk about group care homes – we're talking about children who the government has not successfully placed in either a foster home or a kinship home because of either a lack of a suitable home or the particular challenges that a child in the intervention system has: behavioural challenges, you know, mental health challenges, addictions challenges. These are kids who are quite possibly the most vulnerable.

Residential facilities: the staff there do incredibly important work, and they are caring for children who are the responsibility of the government but cannot be placed in a home setting, a home-based setting, for all of the reasons I discussed, Mr. Speaker. I don't know that licensing them, those facilities, those group homes, should be referred to as red tape. I have a problem with that, just as I have a problem with looking at health and safety standards and quality standards in early learning and child care programs as red tape. But I know that that's how the government views those things that are in place to keep children safe, to keep children healthy, and that's the bare minimum. There are also things about the quality of the programming and the care and the treatment that they're receiving. I have a real concern about dismissing that as simply red tape.

So I would like to see the rationale as to why we should be moving to longer terms for licences. I would like to hear about that. I appreciate that residential facilities are doing important work, and

perhaps constantly renewing their licence might be administrative work that's not, you know, the best use of their time. If that's the case, I want to know what assurances Albertans have, these care providers have, these children in care have that they are still going to receive the utmost level of support and safety and care and that Albertans can hold this government accountable for that. I don't think that's too much to ask when we're talking about children in the child intervention system, but we have a hard time in this province trusting this government on a number of issues but particularly on the care for children that are their responsibility, children in the child intervention system.

I have a larger concern, Mr. Speaker, around this provision in Bill 21. It is that we have a crisis going on in this child intervention system in Alberta. I have spoken at length in this House about the numbers of children and youth, either in care or transitioning out of care, who have died in this province in the last year. Record numbers, Mr. Speaker – record numbers – numbers that nobody could have predicted in the years coming before that. Record numbers of young people aging out of care. To put forward at that time – the only change, the only proposed amendment and reconsideration of the primary legislation that governs our child intervention system, which is the Child, Youth and Family Enhancement Act, the only change this government has put forward has been as red tape reduction. In fact, I think this is the second time that the Child, Youth and Family Enhancement Act is being amended through either red tape reduction bills or miscellaneous statutes amendment acts.

I'll say that again, Mr. Speaker. We have a crisis going on in child intervention, and the governing legislation that deals with that has only been dealt with by this government as red tape. Let me tell you. In the conversations that I've had as to what should be done with the Child, Youth and Family Enhancement Act – well, first of all, I'll go back and say that the Ministerial Panel on Child Intervention, that was convened by our government in 2018, conducted extensive consultations with stakeholders, with experts, with Indigenous communities, with care providers, with former children in care. That work produced a number of recommendations. One of those recommendations – actually, two of them – dealt with amendments. Sorry. Three of them, actually, dealt with amendments to the Child, Youth and Family Enhancement Act.

One was immediate changes related to the role of the office of the Child and Youth Advocate. Those changes were brought in by the NDP government, the former government.

The second was to actually review the Child, Youth and Family Enhancement Act to make changes related to the role of the band designate. The band designate, Mr. Speaker, is the person who is designated by a band to represent the band on decisions related to children that are First Nations children, to make decisions about their apprehension, about their care, about their placement, about their development. They are a key person, and consultation with that band designate is critical to make sure that we don't repeat the tragedies of the '60s scoop and through residential schools of making decisions about Indigenous children without the involvement and the say-so and the decision-making of Indigenous communities. We committed under that Ministerial Panel on Child Intervention that the role of the band designate needed to be reviewed and updated. That was supposed to be a short-term action that was supposed to be completed, which this government has not done.

And, more importantly, one of the other recommendations from that panel that came forward, one action was to actually do a complete review of the Child, Youth and Family Enhancement Act, to put it before a committee of the Legislature for a complete review, to look at all of the pieces and to consult with stakeholders and to talk about making the changes that were needed. That was four years ago, Mr. Speaker. I've sat on committees for the last three years and not once has that been brought forward to a committee, to review the Child, Youth and Family Enhancement Act. And this is at a time when the child intervention system in Alberta is in a crisis like never before.

It is insulting, Mr. Speaker, I have to say, that the only time that I get to speak to legislative amendments to the governing framework for our child intervention system is as red tape reduction. It, frankly, frustrates me beyond belief. Let me tell you about some of the things that should be considered – and this is not an exhaustive list, because we should be doing a full committee review of this legislation to hear from stakeholders, to actually come up with a new legislative framework that will actually address some of the issues that will keep Indigenous children connected to their communities and their traditions. But some of the things, off the top, that we should be considering, Mr. Speaker: the Child, Youth and Family Enhancement Act should be reviewed to align with Bill C-92, which is the federal legislation around ensuring that First Nations and Indigenous communities have the authority to make decisions and govern their own child and family services.

One of the pieces that sticks out at me very much – and I've spoken to experts and legal experts in this field who have talked to me about this – is that one of the things that Bill C-92 has that our legislation clearly needs in Alberta is that section 15 of Bill C-92 says that a child, especially as it relates to an Indigenous child, cannot be "apprehended solely on the basis of his or her socio-economic conditions, including poverty, lack of adequate housing or infrastructure or the state of health of his or her parent or the care provider." Why is that important, Mr. Speaker? Because too many children are apprehended because their families are poor, because the government has failed to support them by – it's all levels of government that have failed to provide them with adequate housing, food security, addictions and mental health supports, and they should not have their children taken away from them solely because of poverty.

9:00

We should be amending our provincial legislation to contain just that kind of a provision, Mr. Speaker. I can tell you what, when I talk to experts in this field, what they say is: if we were to not apprehend families on the basis of poverty, if we were actually to provide families with the things they need to get out of poverty, we would not see the level of child apprehension that we see now. That is really – it's neglect. When you look at the number of reasons, the reasons why most children in care are actually apprehended and why reports of a requirement for intervention are made, it's because of the neglect. And neglect is often because of lack of housing. It's because of lack of food security.

I would like to see the Child, Youth and Family Enhancement Act reviewed given that we've now had three years of seeing how the revised role of the office of the Child and Youth Advocate has been working, and we should amend it to address the recommendations that have come from the advocate repeatedly, particularly over the last year, that there is not enough accountability from government ministries for how they respond to recommendations made from the advocate. This would be a good time to review this legislation and to consider whether or not that needs to be enshrined in this act, that there is accountability from all ministries who deal with recommendations from the office of the Child and Youth Advocate to report publicly on their work. That's something that I think should be included in a review of the Child, Youth and Family Enhancement Act.

We should also be looking at the process for appeals and transparency when a report is made and a decision is made by Children's Services about whether or not to conduct an intake or move that intake on to assessment. Intake is the initial report of a child being in need of intervention, and somebody makes a decision about whether or not the circumstances described are sufficient enough to warrant an assessment about whether or not perhaps that child is in need of intervention. Those decisions are made with very little transparency and accountability.

I hear all the time about families and young people saying, "I don't know why they didn't follow up on this intake; I don't know why I didn't go to assessment" or "I don't know why they did, and I can't get any information." That's something that the act should be reviewed in light of, Mr. Speaker.

I only have a few seconds left. If my frustration isn't clear, I'll state it again. There's really important work to be done in the Child, Youth and Family Enhancement Act. What we see today, what we see repeatedly from this government is treating those amendments, minor amendments, as red tape reduction. It's an insult. It's because they're afraid to do the work, and they're afraid to do their job, which is to protect the children in their care.

The Speaker: Hon. members, are there others wishing to speak to the bill? The Member for Edmonton-McClung.

Mr. Dach: Thank you very much, Mr. Speaker. A pleasure to be in this Chamber this evening to speak about a significant piece of legislation. Of course, it's another major omnibus bill that the government has brought in under the guise of red tape reduction. Of course, they attempt to do a lot of other things that may not be readily apparent, and it's up to us, of course, as the opposition to bring those to light and ensure that the public is aware of the minutiae that may be hidden within the bill and some of the changes that might not be readily apparent.

As we continue with debate on Bill 21, I'm sure that there will be issues that arise that right now even may not be jumping right out at members of the opposition, but as we dig into it, we see things that at least beg questions. My intention here this evening is to raise some of the questions that have occurred to me upon initial investigation and reading of the bill, and I'd like to start that off by considering some of the changes that are being prompted by the bill to the Railway (Alberta) Act, section 13.

I'd really like to hear a little bit more background from the minister on how these changes came to be and if there really was an urgency around them. Now, when I've spoken to short-line railway operators recently, it wasn't what they were asking about. These weren't changes that I heard come up in conversation. Perhaps the minister could explain a little bit more. There may be a difference between what the act is calling heritage railways versus the short-line operators, which are actually carrying freight, in particular grain, Mr. Speaker, on a regular basis from rural areas and avoiding having to truck a lot of grain. The changes in this section of the act would allow heritage railways to operate under the same set of rules as industrial railways.

In the conversations I've had, Mr. Speaker, with the operators of short-line railways, which are used to collect grain and minimize truckload after truckload of grain going from farmers' fields to long distances, there are useful conveyance mechanisms now that are surviving kind of on a shoestring. I think that they're worthy of maintenance and consideration. One of the things that the operator that I spoke to was talking about requiring was perhaps some consideration not to be forced or allowed to operate under the, quote, same set of rules as the industrial railways but to perhaps be allowed to vary somewhat from those rules. In question in particular were level crossings which were uncontrolled. In some cases the short-line operators were being forced to follow the industrial carriers' rules and put in a regulated crossing, which would mean lights and automated crossing arms at some very remote locations, which really didn't seem to warrant it because of the traffic or the sightlines. This is the type of thing that the short-line railway operators were looking for, perhaps for some variance or relaxation of the industrial carriers' rules, not to be operating under the same set of rules but to actually be allowed to have variances granted to them from those rules.

I know that the definitions and so forth of heritage and short-line commercial railways may differ somewhat. I know that those short-line grain carrying railways: the people that I've talked to are looking for ways to stay afloat, to survive, and to ensure that they can serve the agricultural community with their short-line railways, which take a lot of transport trucks off of our highways when hauling grain off the farm directly into the railway system and export markets to the west coast primarily.

I'm wondering if the minister would be able to clarify exactly who has been calling for measures that would allow them to operate under the same set of rules as industrial railways when some of them that I've been talking to are saying that they want to be granted variances from those rules. I'm not certain why a heritage railway would have to submit a request for approval to the railway administrator to be able to operate under these new rules. In fact, they're seeming to want to avoid that. Obviously, I've got questions, and I seek clarification. I don't know who was actually advocating for this on behalf of the railway operators, the heritage railway operators. Practically speaking, what would the implications of these changes be if indeed the heritage operators were, quote, unquote, allowed to operate under the rules of the industrial railway? So a number of questions regarding the important operation of short-line railways, which haul freight, namely grain.

There is perhaps opportunity in the future, Mr. Speaker, to expand the number of the short-line railways that do exist, because there are other pieces of track in the province which are sitting fallow and perhaps could be operationalized if indeed the economic feasibility of the short-line railways was more positive and had a better outlook. Yet the people that I've spoken to are looking at gaining access to relaxation of some of the rules, keeping in mind provisions of safety at all times but also realizing that there are significant costs to a short-line railway to install such things as flashing lights and crossing arms that they simply don't have the capacity to absorb whereas a mainline railway operator, of course, has the revenue streams and so forth. It's kind of unrealistic to think that on a very remote level crossing a short-line rail operator might have to suffer that type of regulatory expense when it may not be justifiable from a safety standpoint. So that's one of the things that I wanted to bring up when I was initially reviewing the legislation because it directly affects my critic role as the critic for Transportation.

9:10

I think we'd all be disappointed to think that any regulatory changes we made in the name of red tape would mean the death knell for one of these. I think there are only three of the actual short-line railway operators hauling grain in the province right now, so it's a struggling industry that we should be nurturing and not impeding, and that's something that I'm concerned about for rural Alberta and future rail developments in the province. Rail is a big a topic of discussion in Alberta right now on many fronts, and this one is, I think, maybe of lesser known public significance but nonetheless worthy of making sure that we don't do damage when we're looking at doing red tape reduction, doing damage to

something that would otherwise perhaps be economically viable except for the changes that are contemplated under the bill to the heritage railways.

Another thing, Mr. Speaker, changing gears a little bit in the act: the Animal Health Act in section 1. It continually shows that the UCP are moving important pieces of legislation away into regulation to avoid accountability. This is a theme that we've seen repeatedly under the Red Tape Reduction Act versions that have come before the House, where the government is using the smokescreen of red tape reduction to accomplish things they otherwise might do in such an upfront way. I don't know if the UCP government is taking the required steps and shouldering the correct level of responsibility, as I mentioned in question period today in questions I directed towards the minister of agriculture and forestry regarding the avian flu and the spread of avian flu throughout our poultry producers' flocks.

Granted, I agree that is a very difficult flu to maintain. It's a disease that's being spread by wild species of birds, from small songbirds to larger migratory birds as well, notwithstanding the high level of the antibacterial and antivirus protections that one finds on poultry farms. I've visited them. I've had to dress in the PPE and the full mask and booties and suits to make sure we don't bring in outside infections into the poultry-raising areas. So I agree that there already are significantly high measures in place to prevent infections in our poultry flocks, but obviously, as I mentioned in question period today, Mr. Speaker, those protections have been breached. In fact, I believe the number is 58 farms are now infected with the avian flu, and over 600,000 – I think the number that the minister quoted today was 800,000 and counting – birds have been euthanized as a result.

I don't know if indeed the minister has done well enough to tell farmers what support precisely and what stability the farmers and producers can be expected to receive as a result of the spread of the avian flu. More to the point, as I said, notwithstanding the difficulty there doesn't seem to be any effort or intent on the part of the minister of agriculture and forestry to focus on prevention. You know, the minister has talked at length about how many efforts were being made to provide supports to farmers to help them euthanize their flocks when, in fact, I'm sure I'm correct in saying that every poultry producer in the province would much rather be securing efforts to keep their flocks alive; in other words, to find ways to prevent this flu even though it is an insidious avian flu, something that returns on a routine basis over time.

There are new technological advances all the time. There are ways indeed in which we need to address this avian flu.

It's a huge cost and undertaking for producers to have to exterminate their whole flock and then repopulate once again and then perhaps go through the same cost again and completely sanitize all of their barns. It's a monstrous and very, very difficult, stressful operation to have to go through for any producer of livestock, and poultry is no exception, Mr. Speaker.

I would really like to hear from the minister in terms of taking measures in the act to support notification of disease within 24 hours. He's looking, in this act, to have that designation or notification requirement moved from legislation just to regulation. Indeed, it's weakening the very type of rules and regulations at a time when we need them to be stiff and strict. You will not go onto a poultry farm, Mr. Speaker, without being held directly responsible by the owner, the producer, to suit up properly and be extremely careful. It's not only his or her livelihood that they're protecting when they ensure that any visitors to that farm or any workers or any suppliers who visit or get even close to the barns will have to suit up. It's not only them that they're protecting, their livelihood, but it's the livelihood of every other poultry producer in the province.

That responsibility lies with the minister ultimately, and I'm not convinced, indeed, that the minister has the concept of prevention at heart. I think he's just conceded that the avian flu is something that's here and is not a preventable type of infection and that the only thing you can do is support the culling of flocks that are infected. I disagree with that wholeheartedly, Mr. Speaker. If I was a poultry producer, I'd be wanting the minister to tell me what, indeed, measures the government of Alberta is taking to provide extra layers of protection given new technology that might be involved and available. Is there a way of ensuring that there's a vaccine, perhaps, that could be used? Are there other methods of protecting against the farmyard or the building actually having birds come to it? Is there a netting capacity to make sure we have that physical layer of protection from migratory birds and other birds that might infect a flock?

So lots of questions, and those are only two points, Mr. Speaker.

The Speaker: The hon. Member for Edmonton-City Centre has risen.

Mr. Shepherd: Thank you, Mr. Speaker. I appreciate the opportunity to speak to Bill 21, another in the continuing series of the government's red tape reduction statutes acts. There are a number, as has been the case before in such omnibus legislation, of changes that are being made, but I'd like to speak in particular about some changes being made in sections 11 and 12 regarding the Provincial Parks Act and the Public Lands Act.

We have seen, Mr. Speaker, a repeated pattern with this government. They are very fond of awarding their ministers new powers. Now, when you're appointed to cabinet, I mean, that is an incredible privilege, and that comes with a considerable amount of power: the ability to make changes, decisions, bring forward legislation that has profound impacts on the people of Alberta. But this government in many respects has not been satisfied with the power that's been available to them. They have repeatedly chosen to make changes to give themselves more.

I think back to Bill 21, when it was brought forward in the fall of 2019, where this government decided that their Minister of Health needed to have the power to unilaterally tear up the province's agreement with doctors. Now, of course, the government's argument at that time was that they were just clarifying a power that was already there. However, a lot of other folks really disagreed with that. But that was a power they felt the minister needed to have, and indeed he exercised that at the end of February 2020. Well, we all know the saga that has rolled out since. It was later that year, in 2020, I think around May, that we had the government come forward with Bill 10. Actually, it was probably a little earlier given that it was Bill 10, probably April, May 2020.

9:20

Bill 10 hit the floor of the Legislature, in which the government decided that in the midst of a public health emergency they, all cabinet ministers, should have the ability not to simply amend current legislation or expand on current legislation but create entirely new legislation without ever setting foot in the Alberta Legislature during a public health emergency. It was an amendment to the Public Health Act. Now, that, Mr. Speaker, is a sweeping addition of power.

Now, of course, at the time we brought forward a number of amendments. We noted some concerns. Those were all brushed aside by the government. We were patted on the head and told that everything was just fine. But we very quickly saw some very strong

push-back from the public, to the point where this government eventually had to strike an entire committee to provide cover for them to walk back their egregious mistake, so a massive use of taxpayer resources, hours of time, to do a full review of the Public Health Act and make many of the changes that had been brought forward as amendments during the initial debate in 2020.

However, it seems this government has not learned from its previous experiences, because here again, in this red tape reduction bill, Bill 21, we have them awarding new, sweeping powers to the Minister of Environment and Parks. Now, in this case, Mr. Speaker, it is particularly egregious because this is a minister and these are some particular areas where this government has completely lost trust with Albertans.

When it comes to the subject of public parks, Mr. Speaker, you can still go to many neighbourhoods in Edmonton and Calgary and find signs that say: protect our parks. That is the legacy of this government and that particular minister, of having attempted to sell off parks in the province of Alberta, as much as he denied it, but that legacy remains.

Of course, he is also the minister of environment, and we have seen what this government has done in terms of the environment on its coal policy. He was the one who, through a change in regulation on a long weekend in May 2020, changed regulations to override the 1976 coal policy, and we all know what the legacy of that has been, Mr. Speaker, despite the fact that this government attempted to at first deny that that was what they had done. Secondly, they created an entire website to try to help their MLAs convince their constituents that they were, in fact, wrong on this issue and that it was a wonderful idea to allow coal mining in the eastern slopes of the Rockies.

After much public push-back – again, we had to mount an entire panel. We had to do an entire consultation process. The government dragged its feet on finally putting it out before finally, to some extent, walking things back but still leaving a fair amount of latitude in the hands of their ministers on an issue on which Albertans have been one hundred per cent, abundantly clear: they do not want coal mining in the eastern Rockies.

What we have here now in this bill: where previously the government had the ability to set out standards, directives, practices, guidelines, objectives, or other rules in existing regulations, the minister may now set standards, directives, practices, codes, guidelines, or rules relating to any matter in respect of a regulation that could be made under the act. So no longer is the minister only able to tweak; he is able to just create entirely new possibilities. Again, this government is giving a sweeping, almost unfettered power to a minister who has already demonstrated that he has no trust with Albertans. This, Mr. Speaker, is considered to be, by this government, red tape. Democracy is apparently an inconvenience for this government.

Now, when this was raised with the minister, he told the folks at CBC that the reason for making this change in the bill was simply to make it easier for regional park and land managers to make seasonal trail closures or change signage without having to go through a senior ministry official. The minister said:

> I would not want to see our officials have to go all the way to Edmonton to get permission to put up a sign to be able to protect that habitat . . . this speeds up their process to do simple decisions like that in the field. It does not change the Parks Act at all.

That, Mr. Speaker, I think, is what is known as an understatement.

Indeed, if the minister's intent was simply to make it easier for a parks and wildlife manager, a parkland manager to simply make small adjustments to a seasonal trail closure, change a sign, this is attempting to kill a fly with a sledgehammer. It would have been easy, I imagine, to make a much smaller, much more targeted, much more focused amendment that would accomplish that purpose, but that is not what this government is attempting to do in this legislation. They want to give this minister broad, sweeping powers to set standards, directives, practices, codes, guidelines, objectives, or rules regarding any matter in the act. Carte blanche, a blank cheque, Mr. Speaker. We have heard no justification from these members, from this government other than the rather specious reasoning put forward by the minister.

It's not just us that's raising this concern, Mr. Speaker. Certainly, some of the good folks that have been on the front lines standing against this minister's attempts to undermine our parks systems, to endanger our environment and our water in the province of Alberta have also stepped up to speak on this. Chris Smith, a conservation analyst with CPAWS, Northern Alberta, says:

> If the government's main goal with this was to, say, provide local park management with the authority to change signs for trail usage, then this is a very broad way to achieve that goal. It raises some questions to us as to why it needs to be so broad to accomplish that goal.

Ms Hoffman: Keep talking, David. We're up 2-nothing. Keep going.

Mr. Shepherd: Apparently, the Oilers are now up 2-nothing, so there we go. It appears that my lambasting of the government is good luck. Mr. Speaker, I guess I get about another five minutes to continue. We'll see if we can do any favours for the Oilers in that time remaining.

There are concerns that were brought forward by CPAWS, Mr. Speaker, that this indeed now could lead to, in fact, a patchwork of inconsistent rules across parks, that the minister could use this new, sweeping power, which this government apparently wants to award him, to create confusion for people who want to use public lands. Indeed, we have already seen that this minister seems to have some favourites in terms of who he favours in terms of the use of public lands. We recall that this is the minister, of course, that imposed park fees on the Kananaskis but failed to do so for the folks at a spot a little further away where they use off-road vehicles. He said that he would, but to date, to the best of my knowledge, he has not actually imposed those fees on off-highway vehicles.

This minister now could have the sweeping power to apply similarly unbalanced policies across parks, across public lands. He would never have to set foot in the Legislature to do it. He could do it with the stroke of a pen. I don't think that's going to help win back the trust that this government has so badly lost with Albertans when it comes to issues of parks and the environment, the use of public lands. There are very real questions why this government wants to secret this new power for the minister away in the backrooms of a bill on red tape reduction.

There are reasons why we have checks and balances in the system, Mr. Speaker: to help ensure that the public remains informed, to help ensure that ministers do not simply have unchecked power, to ensure that ministers actually consult with Albertans before making these kinds of decisions. But this is a government that time and again seems to feel it should have the right to override, sidestep, or otherwise escape those responsibilities. I disagree, and I think a wide swath of Albertans disagree as well. That seems to be the case when one looks at this government's polling numbers, certainly those of the Premier.

Certainly, I'll be looking for the Minister of Environment and Parks to rise in this place and perhaps provide some actual justification for these changes made, beyond the rather embarrassing attempt he made in conversation with the CBC.

I look forward to that perhaps at a future opportunity of debate.

At this time I will look to adjourn debate on Bill 21.

[Motion to adjourn debate carried]

9:30 **Government Bills and Orders**
Committee of the Whole

[Mr. van Dijken in the chair]

The Acting Chair: I would like to call the committee to order.

Bill 14
Provincial Court (Sexual Awareness Training) Amendment Act, 2022

The Acting Chair: Are there any comments, questions, or amendments to be offered with respect to this bill? The member from . . .

Member Irwin: Come on. Edmonton-Highlands-Norwood.

The Acting Chair: Edmonton-Highlands-Norwood.

Member Irwin: Athabasca-Barrhead-Westlock, come on.

Ms Hoffman: You can say the member from Barrhead.

Member Irwin: The member from Barrhead originally. That's right.

I trust that the chair will never forget Edmonton-Highlands-Norwood again, and I'm going to mention Edmonton-Highlands-Norwood multiple times just so he does not.

We are going to be speaking to a quite serious bill here and one that I'm very happy to speak to, but I am told, again, that the Oilers are still up 2-nothing, so I'm cheering them on and hoping for the best for Edmonton's hockey team.

What I'd like to do is just talk a little bit about Bill 14. I've been on the record in second reading. You know, as I shared on that day, I talked about the fact that on this side of the House we are really happy to see a number of aspects of this bill. I have been happy. I don't mind putting on the record that I did have a chance to speak with the associate minister a little bit about it as well. I know she actually reached out to a stakeholder who'd had some questions about the bill as well, so I do appreciate that.

These are conversations that we need to be having. You know, we've said in this Chamber many times that all of us as legislators must do all we can to not just elevate conversations around sexual assaults and sexual violence but to take action, right? Words are important, but actions are what matter.

I'm going to recap a few of my comments. Spoiler alert: I do have an amendment coming. I'm going to just recap a few of the comments that I shared in second and hopefully have an opportunity for some dialogue with the associate minister and perhaps anybody else on the government side as well.

We are glad to see the requirement for sexual assault and social context training for anybody who's hoping to be appointed as a provincial judge. You know, we are saying, of course, that training should be extended to all sitting judges. We've heard already, again a common theme from this government, that they're sort of asking us to trust them that sitting judges will have an opportunity to get this training through existing education plans. The reason why it's hard to trust this government on an issue as important and as sensitive as this one is that I witnessed this government ram through the just simply horrific cuts to the victims of crime fund.

I've said in this House – and I don't mind sharing it more – that on two occasions I had three different folks, three different what we call validators, who were willing to share their stories about how either the victims of crime fund helped them or how it would have helped them. You know, to hear the stories, the absolutely traumatic stories of assault that all three of these women experienced, one sexual assault and one physical assault and the other one sexual violence as well – I still remember the one validator. She had never shared her story publicly before, so to be willing to do so in the hopes, genuinely in the hopes, that this government would be willing to listen and would be willing to reverse their changes, changes that included a 45-day limit on accessing those funds – we all know in this Chamber or should know that survivors of a horrific event like sexual assault or sexual violence: some will never share their stories, and some, many, take a very long time to come forward. To ask people, survivors, at one of the toughest times in their lives to rush through and to expedite their application for funds doesn't make sense.

It was hard. It was, of course, you know, a different person in the role of minister of status of women at the time, but it was certainly hard to see her and her government justify those changes and those cuts with very little justification other than to say that they were looking at it and there would be a review and there would be further changes coming. We said: "You know what? That's great that you're looking at it, that you're examining the process, but in the meantime don't make it harder for survivors to access supports." I need to share that, and I need to just share the fact that, you know, it's hard, it's tough to take this government seriously when they say that they're taking action to support survivors when they justify cruel decisions such as that one.

I also want to talk a little bit about – oh, gosh, there are a few other things that I wanted to talk about. I mean, we laid out – and I know we've mentioned her in this Chamber before – in second reading of this bill, like, that we must address, you know, the myths and stereotypes that exist when it comes to sexual assault and sexual violence. Jennifer Koshan, who is, of course, a professor, who's fantastic at analyzing legislation and, more than that, at offering solutions as well, laid out the case for the need for governments to implement mandatory judicial education about intimate partner violence, social context, the myths, and the stereotypes.

You know, one of the things that we talked about – and I think the associate minister will weigh in on this a little bit. I know she's chatted with some key stakeholders, including – I'll name her because I know she won't mind – Jan Reimer from the Alberta Council of Women's Shelters, who does great work looking at domestic violence and ways to support women and all folks, gender-diverse folks as well, men too, fleeing domestic violence. I know she had an opportunity to talk with the associate minister, so it would be nice just to hear a little bit more while we are in committee about why the associate minister chose not to include intimate partner violence.

We do know one of the pieces that is – there are very few metrics in the business plan for Status of Women, as I called out both in the last budget estimates and the one in the prior year as well. You know, how are you able to track anything when you have no performance metrics – right? – when you have no metrics to support the outcomes that you have laid out? To give them credit, that is one that the Associate Ministry of Status of Women has in there, police-reported intimate partner violence. I recall just the other day in the Chamber that the Associate Minister of Status of Women, when asked by me about the need for data for trans and nonbinary folks coming out of the latest census data, committed to that. I'm hopeful that that will continue to be a priority for those populations.

9:40

But I can't help but think about my colleague here for Edmonton-City Centre, who has asked many questions about race-based data and, of course, through his private member's bill, Bill 204, outlined the dire need for race-based data and the support for racialized folks. Yet, of course, that bill was shamefully shot down by this government. You know, I talk a lot and this associate minister has heard me talk a lot about intersectionality. Let's think about those

intersections of racialized women – right? – and the need for there to be data.

I mean, let's talk about racialized trans folks. Racialized trans folks: we don't have a lot of data here in Canada yet, but we know that racialized trans folks in the United States experience far higher levels of violence and discrimination than their cisgender, nonracialized counterparts, as an example. That is one piece of data that we do have from the States. Hopefully, we will have more coming out of Canada with the new census data and in Alberta as well.

We've got a few questions. I know my colleagues have a few other pieces that they want to outline, but I do want to make sure – because, gosh knows, if I don't, I will likely forget, and then I'll run out of time – that I would like to introduce an amendment on Bill 14.

The Acting Chair: The amendment will be known as A1.

The member may proceed.

Member Irwin: Okay. Just remind me. It's been a while since I got to introduce an amendment. I read the whole thing into the record?

The Acting Chair: Yeah.

Member Irwin: Wonderful. Thank you.

Ms Hoffman: But not your name.

Member Irwin: Thank you. But not my name, which I would have absolutely done.

The Member for, and say it with me, Chair, Edmonton-Highlands-Norwood moves that Bill 14 – he's not even listening – the Provincial Court (Sexual Awareness Training) Amendment Act, 2022, be amended as follows: in section 2 by striking out "clause (a.01)" wherever it appears and substituting "clause (a.02)" and by adding the following immediately after the proposed section 1(a):

> (a.01) "approved sexual assault law education program" means a program established or approved under section 9(2.11);

In section 3, in the proposed section 9.1, as follows: in subsection (2) by striking out "education in sexual assault law and social context issues" and substituting "an approved sexual assault law education program"; in subsection (2.1) by striking out "undertakes to complete education in sexual assault law and social context issues after being appointed" and substituting "undertakes to complete, within 1 year of being appointed as a judge, an approved sexual assault law education program"; by adding the following immediately after subsection (2.1):

> (2.11) The Judicial Council may establish a program or approve an existing program that
>
> (a) is developed in consultation with the following, as the Judicial Council considers appropriate:
>
> (i) individuals who are sexual assault survivors;
>
> (ii) individuals or organizations that represent or support sexual assault survivors, including Indigenous leaders and representatives of Indigenous communities, and
>
> (b) includes educational content or training in respect of each of the following:
>
> (i) evidentiary prohibitions;
>
> (ii) principles of consent;
>
> (iii) the conduct of sexual assault proceedings;
>
> (iv) education regarding myths and stereotypes associated with sexual assault survivors and complainants;
>
> (v) social context issues relating to sexual assault including systemic racism and discrimination.

All right. I've now read that into the record.

[Mr. Milliken in the chair]

We have a number of questions. Like I said, I know I've got some colleagues who will probably go into more detail on this as well. As written, Bill 14 in its current form does leave us with a lot of questions. Who is responsible for ensuring that the content of the education in sexual assault law and social context issues is adequate? What's the check on that? What's the control on that? What needs to be in the curriculum of that training to meet the intent of that legislation? Gosh, well, don't worry; I won't get into a whole diatribe about curriculum here although that was my world for many years.

We know that curriculum documents need to be developed meaningfully and in consultation with key stakeholders. So who will be consulted in the development of that curriculum? Whose voices will be at the table? Whose voices won't be at the table? How do we address the training of those on the approval list when this bill comes into force, to ensure that they don't sit on the bench for years before getting that training? I think that's something where we can, obviously, with some support, ask that question, because, you know, we've seen examples of judges who've been on the bench for a period of time or, obviously, of those perhaps who are very much in need. How will we make sure that that delay is not an issue?

The goal of this legislation is to ensure that Provincial Court judges will be receiving the same training that is required for federal and federally appointed judges. This amendment, as we've written it, will ensure that the legislation better meets that goal, better addresses that goal, and it does that in a number of ways.

First of all, it adds a definition of an approved sexual assault law education program. Second, it requires that appointees on the list when this legislation comes into force will have to take that training within one year. Based on what we've heard from our briefing with officials, that won't be prohibitive at all, you know, as the bill won't come into force until those training programs are established. Third, it requires that the Judicial Council, which is established under the Judicature Act, approve or establish a program, and that can be done without amending that act as that act allows for another enactment to legislative duty on that council.

Fourth, and this is one that's, you know – well, they're all important, but this one is really important to me. It requires consultation in the development of an educational program, consultation that will include, as I noted, those who've experienced sexual assault; sexual assault survivors. We need to hear from those who've experienced it first-hand. Their voices are critical. Individuals or organizations that represent or support sexual assault survivors, including Indigenous leaders and representatives of Indigenous communities: that's a really important one as well, making sure that those voices, the community voices, are diverse and are varied. I really hope that the Indigenous piece is included. These individuals, these organizations are best equipped. I mean, again, they're the ones on the front lines. They're the ones who get these issues inside out.

In my role as critic for Status of Women I've had the opportunity to meet with a number of individuals and organizations who are working, both those who are working on the front lines and individuals who are in leadership positions, and, you know, they get it. They're the experts, and that's – I think about my colleague from Edmonton-Whitemud here. We've had a lot of meetings with various organizations who work in the areas of sexual assault, sexual violence, domestic violence. We go into those meetings and we say: "We want to listen. We want to hear how things are going for you, and we want to hear the real situation. You don't need to sugar-coat things for us. You might be fearful of speaking out publicly because perhaps your funding comes, much of it, from this

provincial government. You might be fearful about being truthful about your situation, but what you share with us is – if we've agreed that it will stay within this conversation, then it does, right?" I want those folks to know that their voices are valuable and that they're doing the good work and that they would have an important role in consulting on this bill.

The federal bill, as I understand, did go through considerable consultation prior to getting to its final form, which includes additional consultation on the training development, so, you know, again, let's heed that advice. Let's look at what the feds have done on this and try to head off any of those possible issues that could come in the future.

Finally, it inserts minimum content in the training: evidentiary prohibitions; principles of consult; the conduct of sexual assault proceedings; education regarding myths and stereotypes, as I talked about prior; social context issues relating to sexual assault, including systemic racism and discrimination, which, again, is a crucial piece here that I know my colleagues have talked about. We talked about the implications on the justice system. We've talked about the fact that we still very much have an issue in front of us where we see Indigenous folks and racialized folks overrepresented in the justice system, and we need to talk about the systemic barriers, the racism, the discrimination and talk about and unpack and try to act on some of the factors that lead to that. Again, we can look to the federal legislation for some guidance on this area.

9:50

Yeah. I will mention, you know, and I would love for the Associate Minister of Status of Women to talk a little bit more about this because we did, as I alluded to earlier, consider bringing forth an amendment that would address domestic violence or intimate partner violence. There is currently legislation in Parliament addressing just this issue, but from what I gather, that could potentially change the intent of this bill. That may have also – and I can defer to my lawyer caucus on this one – required amendments to family law, which, I gather, would be a big undertaking.

We would encourage this government – and I'll end with this. I would encourage this government to think about how they might address issues around intimate partner violence in the future, domestic violence as well, if the minister or associate minister confirms with me, in fact, that this would have been out of scope and would have changed the intent. I would encourage them to think about a focus on that piece moving forward and perhaps bringing forward legislation that could enhance the training that Provincial Court judges receive to ensure that survivors of intimate partner violence don't face additional barriers when navigating an already complex court system and already very challenging-to-navigate judicial system.

So, with that, you know, I do hope and encourage the members opposite to support this amendment. I think we can all agree in this Chamber that we want to get this right and that we want to, again, amplify the voices of those on the front lines and of survivors. We want to do the best job that we can, and I think this amendment will certainly help with that.

With that, I will conclude my remarks.

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

Are there any members looking to join debate on amendment A1? I see the hon. Member for Edmonton-Whitemud has risen.

Ms Pancholi: Thank you, Mr. Chair. I appreciate the opportunity to rise in Committee of the Whole and speak to the amendment tabled by my colleague the Member for Edmonton-Highlands-Norwood on Bill 14. I believe it's amendment A1, if I'm correct.

I appreciate the opportunity not only to speak to this amendment, but I appreciate this amendment because I actually believe that throughout debate on this bill and certainly in conversations that I know many of our members have had with government members as well as with stakeholders as well as in statements made by government members, I think we're actually all quite unified on this bill and the objective that it seeks to meet, which is, of course, to ensure that those who are in a position of judging and making determinations in cases before them in Provincial Court, judges making those decisions that are critical to respecting and adjudicating sexual assault trials, are not making those decisions under the influence of rape myths and stereotypes, that we know, unfortunately, have been far too pervasive in our judicial system in the past and even not so past, Mr. Chair.

I think we're united in that. There seems to be a real consensus around the idea that we want to make sure that those in those positions do have appropriate sexual assault awareness training, that those who are making determinations that deeply affect the lives of sexual assault victims and even those who are accused are making so free from this prejudice. That is a huge shadow that's been hanging over sexual assault for so long, which has been one of the key factors that has deterred women in particular but all victims of sexual assault from coming forward to report cases.

It's all of those myths around, you know, perhaps what the person was wearing or if they had consumed alcohol or their sexual history or even: can consent be revoked? All of those stereotypes have made it so difficult for women to seek justice, to tell their stories, and to be heard. A key part of this bill is, I think, meant to address that by making sure that they do not fear that when they go into a court system, they will be subject to those stereotypes and prejudices.

It's not an easy task, Mr. Chair. I'm not by any means suggesting – and I don't think anybody is – that this bill will solve that issue, but it is a key part of it. It is a key step that needs to be taken to make sure that we are creating a safe space for victims of sexual assault to be able to come forward, to report to police, to be heard in court in a fair and impartial way based on the evidence, not based on prejudice.

So with that united goal, that I believe we all have, we also sort of have the objective of wanting to make this bill as effective as possible and to make sure that it is very clear that it serves the purposes it seeks to serve. I want to note that I think what's been put forward in an amendment here by my colleague really seeks to align what is going to be taking place for training for provincial judges with what's already happening in federal legislation.

Key to that – and these are points that I know that I raised when I had the opportunity to speak to this bill in second reading – were two pieces, to me, that stand out immediately. One is that we need some understanding about what that education program that judges will be receiving will look like, and, importantly: who is contributing to developing that education program?

I note that Bill C-3, which is the federal legislation that is similar, you know, requires that that education program, that sexual assault education program for judges, be developed in consultation with survivors of sexual assault as well as in consultation with Indigenous communities and organizations. That's critical because – I know I'm echoing some of the comments made by the Member for Edmonton-Highlands-Norwood – we understand and recognize the intersectionality that is at play, particularly in sexual assault.

We know the disproportionately high number of racialized Indigenous women who are victimized by sexual assault, women with disabilities – and, again, I shouldn't limit my comments to only women. It's gender-diverse folks. We know that trans folks are absolutely at high risk of sexual assault. So when we talk about

intersectionality, it is absolutely a critical issue to recognize and acknowledge in sexual assault awareness training.

So developing that education program in consultation not only with those groups who can reflect that intersectionality but, of course, with survivors themselves is absolutely critical because they can speak to, you know, I guess, perhaps some of the concerns and barriers that they may have felt in actually coming forward, speaking to their unfortunate real-life experiences in interacting with the judicial system and breaking down those stereotypes. It can really only be done by hearing their voices and making sure that they are participating in an active way in the development of the sexual assault awareness education program that judges will receive. You know, I see in this amendment that it's key to establishing that the Judicial Council, which would describe the education program and would establish it, would do that development in consultation. That part is key.

I also note that through this amendment it's addressing, I believe, sort of what the ambiguities of the bill are as it's tabled right now, which are around: what does social context mean? You know, currently in Bill 14 it indicates that, you know, no person may be appointed as a judge unless they have completed education in sexual assault law and social context issues, but social context issues are not defined in Bill 14.

We do know that in Bill C-3, which is the federal legislation, social context is defined, and it is described as, you know: social context issues relating to sexual assault, including systemic racism and discrimination. Through this amendment it is providing that further clarification as to what the term "social context" means. It means understanding systemic racism and discrimination. I think, again, that's really important when we talk about the intersectionality.

Again, we understand that rape myths and sexual assault myths and stereotypes have arisen in a context of systemic racism and discrimination. It is systemic, and again this bill will not solve all of those problems. By the very nature of it being systemic, we need multipronged approaches on all levels and in various institutions: police, to judges, to councillors, to teachers, to all of the systems that support survivors of sexual assault. They need to be addressed, certainly, understanding that judges should have training in social context, and by social context we mean training with respect to systemic racism and discrimination.

I'm very pleased to see this amendment that actually kind of provides that clarification in Bill 14, and again it's intended to meet the same goal that I believe the government brought this forward with.

10:00

I do also appreciate that this amendment clarifies that this training for newly appointed judges must take place within a year of that judge being appointed. We understand that that is not an onerous undertaking and that it should be done. It does place some urgency because certainly in that period of time, unless there is a prohibition on the judge actually hearing cases of sexual assault until they've had the training, which is not included in the bill – you know, I think it's important to kind of put some timelines around that. I think that's a very useful piece.

I do think that the amendment here does not address this, but it is something that I raised in the context of second reading on this bill. You know, this bill is very much targeted towards new judges and newly appointed judges and judges going forward. Of course, we have a number on the judicial bench who have been appointed for many years, many of whom are incredibly – I certainly do not want to be seen to be critiquing the skills of those sitting judges.

However, we do know that sexual assault myths and stereotypes training has not been made available to all judges. They would not have received it. I told the story in second reading about how even in law school, when I attended law school, which is now 20 years ago, there wasn't this kind of specific training around sexual assault myths and stereotypes at the law school level, so it's very likely that there are many sitting judges who have never received any of this specific kind of training. I do think it would be, you know, really meaningful to make sure that as part of their continuing education all sitting judges, no matter when they were appointed, are required to take any kind of education program as is determined by the Judicial Council. I think that that's really important.

The truth of the matter is that one of the reasons why we're all talking about this is because of the situation that arose with Justice Robin Camp, who, not that long ago, Mr. Chair, at the Alberta Provincial Court level, you know, made some comments during a sexual assault trial that horrified most people but clearly didn't horrify Justice Camp – well, Mr. Camp, I'll say, because of his title now – at the time that he said it.

You know, he made some statements in that sexual assault trial which were the deepest and most insidious of stereotypes around sexual assault. Likely, there are many with years of experience at the bench and in law school who may not have ever received this kind of training. I think it would be incumbent upon – it would be great to see existing and sitting judges also do this kind of training. I think that would be really useful.

I really do sincerely hope that this amendment is received and supported in the spirit in which it was tabled, which is really to align the legislation that is proposed with federal legislation but also, really, to ensure that we are providing the best framework for new judges who are appointed the Provincial Court to receive the best and most thorough education program in sexual assault awareness that we can.

Really, this is about treating those individual survivors who do come to the courts fairly. That goes without saying. It absolutely is about treating them fairly. I know we've already talked about in this House that, you know, only 6 per cent of those who experience sexual assault actually report that to police. Then from that point, of those who report to police, even fewer make it to court, so there are already significant barriers. We want to make sure that those who actually get to court have a fair hearing, have a true hearing based on the evidence, not based on predetermined or prejudicial or discriminatory views about sexual assault.

The bigger purpose is also to break down that systemic discrimination, those systemic barriers that discourage survivors of sexual assault from coming forward. Really, what we're trying to do is create more of a safe space for that to happen, and we want to really ensure that this is one piece of that. They should not have to be subjected – and let's be clear. The court process is already incredibly stressful. It's traumatic for survivors of violence: reliving experiences, being challenged by attorneys, having intimate, intimate details brought up in a public space. It is incredibly traumatizing, and we need to do whatever we can while also making sure we have a fair judicial process for the accused, who do have rights. The accused definitely have rights, but we want to make that process as fair as possible to encourage more women and survivors of sexual assault to feel like it is safe to come forward and to report their assault so that we can all work to break down those systemic barriers.

With that, Mr. Chair, I certainly hope that all members present will vote in favour of this amendment.

The Deputy Chair: Thank you very much.

I see the hon. government whip has risen to respond.

Ms Issik: Well, thank you, Mr. Chair. I'd like to say that I, you know, appreciate the spirit behind this amendment. I think it shows

that there's been some thought into the reasoning behind putting Bill 14 up in the first place. I have some concerns with the amendment, and I'm just going to go through a couple of them now, and then I just want to speak more broadly about some of the issues that this amendment gives rise to.

First of all, in this amendment it speaks to striking out "education in sexual assault law and social context issues" and substituting "an approved sexual assault law education program." What I don't see in this amendment is any mention of who approves that. I'm going to come back to who approves what for whom in a moment, but I will note that it just says "approved," and it doesn't note who would possibly approve that. I have a concern about that, and I'll bring that up in a moment.

Next it says, "undertakes to complete, within 1 year of being appointed as a judge, an approved sexual assault law education program." Well, Mr. Chair, the bill as it exists now refers to: those who are on the approved appointment list would make an undertaking to take this education piece. It was made very clear, when this bill was moved and when we did the press conference about it, that there's no way functionally for government or this legislative body to tell the judiciary what they can do or cannot do within a prescribed time frame, particularly when it comes to something such as education. I'm going to come back to that in a moment as well.

I will say that in the section of this amendment that speaks to some of the particulars that they would like to see in the education piece – I mean, these are good pieces; these are good points. I can't imagine that in today's world, where somebody was designing an education piece on sexual assault training and context issues, these would not be included. I think they're very good. They're very good. I think the intent behind this amendment is great on this point. However, it is quite specific, so the concern that I have and the reason that I wouldn't support this amendment, although I understand that there's good intention behind it, is because of judicial independence and the need for our judiciary to be independent.

You know, judicial independence is a building block of a free and democratic society, and it exists for the benefit of everyone. As we know, as we've seen, judges make life-altering decisions, and they must be able to do that free from any sort of influence. To be blunt and to be, actually, pretty specific, that includes influence from government and influence from the legislative branch as well. The executive branch and the legislative branch are meant to be completely separate, and the judicial branch is meant to be completely independent.

10:10

Now, the Supreme Court of Canada has enunciated three major components or three main components for judicial independence. They are, first, security of tenure; second, financial security; and third, administrative independence. Administrative independence can be seen to be an extension of the judicial function. Administrative independence means that decisions about how courts operate must, first and foremost, be in the hands of judges. That's important.

The members across had talked about education of judges and who in particular educates. They mentioned, you know: who creates these education programs? Who develops the curriculum? Who delivers these education components? Those are important questions.

At the federal level the CJC issues the professional development requirements for federally appointed judges. The CJC has noted – this is the Canadian Judicial Council – that "training sessions provided to judges must . . . serve the interests of justice alone and not that of external forces, governmental or otherwise."

The National Judicial Institute is the primary training and education provider for federally appointed judges and is an independent organization led by judges. The NJI, which is an organization that I mentioned in the press conference when we first brought this bill forward, works with judges, courts, and other judicial education organizations to provide education to judges in person and online. The NJI has been an effective forum in which continuing education of judges is accomplished. That's at the federal level.

On the issue of content, you know, there's an emerging consensus about education on the subjects that we're talking about specifically, that are actually in the federal bill. According to the Advocates' Society, "While there is an emerging consensus that education on this subject would serve the interests of justice, judicial independence may be threatened when the executive or legislature attempts to determine the content of judicial education." So there's a concern out there that's been expressed, I would say, by a pretty competent stakeholder, and that speaks directly to what I'm concerned about.

Now in Alberta, you know, we've had good conversations with the Chief Judge. The Chief Judge has been very generous, I must say, with his time. He came to the MMIWG joint working group for a very lengthy consultation, and it was a very useful conversation.

I just want to talk a little bit about how the Alberta courts education process works. In Alberta the education is provided by the Alberta Provincial Judges' Association, so judges, the Canadian Association of Provincial Court Judges – this is the Provincial Court judges from all of the provinces and territories – the National Judicial Institute, which I mentioned earlier, and the Provincial Court itself also does some education. In 2014 the Provincial Court established an education committee, and the mandate of it is to "support, improve and enhance professional competence of the Court's Judges and Justices of the Peace."

The Provincial Court's 2021 new judges education plan is actually available on the Internet. I went through their website the other day. It includes shadowing and mentoring programs as well as a requirement to attend two new judges programs which address substantive law, judicial skills, social context, and judicial development, with particular emphasis on topics including sexual offences law, Indigenous justice, and programs to understand the cultural dimensions of judging. New judges are further expected to develop education plans for their first five years on the bench, which must include sexual offences law education if relevant.

The Provincial Court also has a more general education plan to establish measurable goals for 2021 to 2024 and provide judges and justices of the peace with a broad range of educational opportunities. Certainly, Chief Judge Redman was kind enough to share that information with us, those of us sitting on the MMIWG joint working group. In that group some of these issues were raised with respect to, you know, what kind of content this education should have. Chief Judge Redman was very amenable, very agreeable to consideration of many of the issues that are actually listed in this amendment. So it's hard for me to contemplate that these issues would be left out of curriculum.

But it's clear that judicial independence requires us to not interfere with judges developing education for judges. I would note that this bill is primarily intended to ensure that lawyers who wish to become judges undertake this education piece as mandatory in order to apply to be a judge, and in that way we're actually filling the pipeline for not only the Provincial Court but also for, eventually, the Court of Queen's Bench because many provincial judges become federal judges. Judicial independence is very, very important, and I think it's something that we all need to respect.

Like I said, while I appreciate the intent of this amendment, I do think that we risk crossing the line that no legislative or executive branch of government should do. With that, I would ask members

to not support the amendment. I'm happy to say that I look forward to further discussions with the opposition as we work towards resolving other issues that are of importance, including intimate partner violence and all the issues surrounding that.

With that, I'll take my seat, Mr. Chair.

The Deputy Chair: Thank you, hon. member.

I see the hon. Member for Edmonton-Whitemud has risen.

Ms Pancholi: Thank you, Mr. Chair. I appreciate the comments from the Associate Minister of Status of Women. I just wanted to clarify a few pieces just to fully understand what the amendment was put before. I heard the associate minister express concerns about not understanding who would approve the sexual assault education program as proposed under this amendment. I just want to indicate that it does state in the amendment that in the new section, a.01, it would mean an "'approved sexual assault law education program' means a program established or approved under section 9(2.11)." So it's approved under that section, and then that's the new section that we have added in the amendment. Section 9(2.11) indicates that it's the Judicial Council that would establish the program or approve an existing program. So in response to that question, it is the Judicial Council that would make that approval. Again, that is very similar to the process that the associate minister described in terms of what happens at the federal level, which is that there is a Judicial Council that sets out the content.

Key here is, again, that "the Judicial Council may establish a program or approve," so it's not the executive directing the Judicial Council to do so. It is empowering the Judicial Council to do so but simply saying that that existing program would be developed in consultation with sexual assault survivors and, you know, representatives from Indigenous leaders and Indigenous communities. Again, that's mirroring what is in Bill C-3. As well, the description of what social context is: this is again mirroring what's happening in Bill C-3, which was not passed that long ago.

10:20

I'm certain there will be some stakeholders who, you know, have concerns about what the Legislature or Parliament is directing. This is very discretionary, but it's clear that it is still the Judicial Council who is the one who approves it and develops that education program. It's not intended to be overreach by the Legislature into this role; it's simply to make sure that that education program does include those important voices when being developed and to provide that clarification around what social context would mean.

I would invite, given that I feel like the associate minister did overall seem to express, she said a couple of times that the intent of this amendment – and I hear her concern about whether or not the education program could be completed within one year of being appointed as a judge. Certainly, if the associate minister would be willing to entertain or to put forward a subamendment to remove that piece, you know, that it must be undertaken to be completed within one year of being appointed as a judge, I certainly think that the Official Opposition – and I don't want to speak for the mover of the amendment – would consider that to be something we'd accept and support.

Ultimately, we believe that the rest of the content of the amendment is really important and seems to align with, you know, the federal legislation, trying to make this as effective as possible without overreaching into direction from the Legislature and Executive Council into how lawyers govern themselves but still providing guidance as to expectations, which is precisely, honestly, what the entirety of this bill is about. It's saying that there are expectations that the elected bodies have for how judicial appointments are made and approved and the requirements that they have to meet in terms of education. I think that's the purpose of this bill.

Again, our objectives are aligned. I would hope that perhaps the associate minister would consider putting forward a subamendment to remove that one section that she believes is inappropriate, because I believe that there's really good stuff in the rest of the amendment. I would hope that the associate minister would consider that.

Thank you.

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

Are there any other members on amendment A1 looking to debate?

[Motion on amendment A1 lost]

The Deputy Chair: We are back on the main bill, Bill 14, Provincial Court (Sexual Awareness Training) Amendment Act, 2022. Are there any hon. members looking to join debate? I see the hon. Associate Minister of Status of Women has risen.

Ms Issik: Thank you, Mr. Chair. At this time I would like to offer up an amendment. It is a change to the title of the bill.

The Deputy Chair: Just hand it on to the pages, including the original, and once I've got a copy, I'll give you some more quick instructions once I see it.

Ms Issik: Will you read it then?

The Deputy Chair: Once I see it, yeah.

Ms Issik: Can I take a copy?

The Deputy Chair: Keep a copy.

Thank you, hon. minister. If you'd be so kind to read it into the record.

Obviously, copies will be provided to everyone. This will be referred to as amendment A2 for debate. Thank you.

Please continue.

Ms Issik: I move that the bill be amended as follows: the title of the bill is amended by adding "Assault" after "Sexual."

The Deputy Chair: Are there any members wishing to join debate on amendment A2?

[Motion on amendment A2 carried]

The Deputy Chair: We are back on the main bill, Bill 14. Are there any members wishing to join debate? Seeing none, I am – oh. I see the hon. Member for Edmonton-Mill Woods has risen.

Ms Gray: Thank you, Mr. Chair. I appreciate the opportunity to rise and just briefly address Bill 14, the Provincial Court (Sexual Assault Awareness Training) Amendment Act, 2022, that has been up for debate this evening. I appreciate those who ventured into debate, particularly around amendments. And thank you to the minister for engaging in debate and talking about the thoughts on this particular piece.

I really just wanted to rise in support of removing barriers to victims coming forward, victims who have experienced sexual assault. We know that few victims will report sexual assault and

even fewer will go through the process to enter into the court system and get that far. Certainly, as has been outlined during the debate on Bill 14, there have been several very high-profile examples of archaic stereotypes and misconceptions leading to Provincial Court judges obviously using completely outdated and false narratives and perceptions when dealing with victims of sexual assault in our court system. Of course, those stories impede the confidence that victims have in our justice system and being able to bring forward their concerns and their complaints.

Knowing that all appointees, as a requirement for being appointed, will need to take training and ensure that victims are protected from those biases and stereotypes I think is incredibly positive. I would note that Manitoba is debating very similar legislation, and we've seen federal legislation implemented as well to make sure that judges are educated in sexual assault awareness training.

I do think that the amendment that my colleagues brought forward, my colleague from Edmonton-Highlands-Norwood and also referred to by my colleague from Edmonton-Whitemud, would have been an improvement to this bill, but even so that amendment was not accepted. Based off the debate that I've seen at second reading and based off the good that the Provincial Court (Sexual Assault Awareness Training) Amendment Act, 2022, can have in building confidence in our justice system for victims of sexual assault, I will be voting in support of Bill 14 as we conclude debate in Committee of the Whole.

I do just want to thank everyone who's entered into this debate in a respectful way. This is an issue of incredible importance, incredible sensitivity, and I believe it's a positive step that these changes are being implemented here in the province of Alberta. I appreciate the opportunity to join in the debate and to just briefly reflect my thoughts on Bill 14.

Thank you very much, Mr. Chair.

The Deputy Chair: Thank you, hon. member.

Ms Issik: Mr. Chair, I move that the committee rise and report Bill 14.

The Deputy Chair: I appreciate the goal there. What I would say is that we should take the opportunity to ensure that there are no other individuals looking to join debate on the bill.

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

Mr. Loewen: Yes. Thank you very much, Mr. Chair. I just wanted to take a few minutes to talk about Bill 14, the Provincial Court (Sexual Assault Awareness Training) Amendment Act, 2022. I support this training, and I guess one of the reasons why I support it is that I know it's hard to put yourself in the place of a victim to know exactly what they're going through. I know that's impossible for me, and anybody that hasn't been through it: I think it's impossible for them, too. I have, however, been in that situation where I've had to accompany someone through this process personally, and I have to say that it's incredibly hard. It's heart-wrenching. Yeah.

10:30

The process itself, even before they get to the courtroom, is an incredibly hard process, and it takes a lot of guts and a lot of nerve and a lot of strength to be able to get through that process. I think we need to alleviate absolutely every possible negative interaction that victims would have to go through. Of course, we can't circumvent the fair justice process, but this doesn't take away anything from the fairness of the justice process.

I think this is important enough that we should just do it. I don't know that we needed to have legislation to do this. I don't know how much influence the Legislature has had on the training of judges in the province of Alberta, but I think this is important, that we should be just doing it. You know, this legislative process: it's always good to be able to talk about these things in the Legislature, but it would be great if this was already happening.

Hopefully, this will encourage more reporting of sexual assaults and potentially preventing more in the future. It is, you know, a little disappointing that this doesn't have any implications for current sitting judges. That would be nice, too. I guess if there was any way we could encourage the current judges to go through this training, too, I think that would be great.

We need to make sure that victims come forward. I think the statistics are alarming, the number of sexual assault victims that don't come forward. That's incredibly alarming. I think we need to have greater reporting, and of course we need to be able to have the people, the victims, that come forward feel that they're going to be treated well all the way through the whole process. Of course, we're talking about sexual assault, one of the most personal and intimate things that could happen to anybody in such a horrible way, so the survivors of sexual assault need confidence in our justice system. We've seen in the past where this hasn't happened, that they didn't have the confidence, and they were mistreated in our justice system, and we need to make sure we do everything we can to prevent that from happening in the future.

Of course, one of the best ways that we can combat this kind of misinformation and stereotypes is through education and training. We need to make sure that judges understand the nature of sexual assault and the humiliation experienced by victims and how so many of them don't report it or once they start the process, actually quit partway through the process because the process, again, is already hard, and, again, we don't need, in the end, to be mistreated by a judge in the courtroom.

I just wanted to say that I support this bill and look forward to it passing in this Legislature. Again, hopefully, we can make a difference for so many people that have been victims of sexual assault in this province.

Thank you.

The Deputy Chair: Thank you, hon. member.

Are there any other members wishing to join debate on Bill 14?

Seeing none, I am prepared.

[The remaining clauses of Bill 14 agreed to]

[Title and preamble agreed to as amended]

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

Hon. Members: Agreed.

The Deputy Chair: Any opposed? Carried and so ordered.

Oh, I see the hon. Associate Minister of Status of Women has risen.

Ms Issik: I didn't want to jump the gun this time. Mr. Chair, I move that the committee rise and report Bill 14.

[Motion carried]

[Mr. Milliken in the chair]

The Acting Speaker: I see the hon. Member for Spruce Grove-Stony Plain has risen.

Mr. Turton: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration a certain bill: Bill 14.

The Acting Speaker: Thank you, hon. member.

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

Hon. Members: Aye.

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

Ms Issik: Mr. Speaker, I move that the Assembly be adjourned until 9 a.m. Thursday, May 5, 2022.

[Motion carried; the Assembly adjourned at 10:36 p.m.]

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