



Province of Alberta

The 30th Legislature
Third Session

Alberta Hansard

Thursday morning, May 5, 2022

Day 30

The Honourable Nathan M. Cooper, Speaker

Legislative Assembly of Alberta
The 30th Legislature
Third Session

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Legislative Assembly of Alberta

9 a.m.

Thursday, May 5, 2022

[The Speaker in the chair]

Prayers

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

Ordres du jour.

Orders of the Day

Government Bills and Orders Third Reading

Bill 14

Provincial Court (Sexual Assault Awareness Training) Amendment Act, 2022

The Speaker: The hon. the Associate Minister of Status of Women.

Ms Issik: Thank you, Mr. Speaker. Good morning. I rise today to move third reading of Bill 14, Provincial Court (Sexual Assault Awareness Training) Amendment Act, 2022.

As we all know, a well-functioning justice system is key to keeping our neighbourhoods, communities, and province running properly and safely. The courts are an integral part of this, as are judges, who are in charge of their courtrooms, including overall conduct of and the experience in the courtroom. The life experiences, circumstances, and perspectives of those who come to their courts, either by choice or requirement, can be varied and complicated. It can be a very nerve-wracking process and experience, particularly for victims who are testifying, vulnerable Albertans, and those who are not familiar with the court process, including families of victims. Sadly, we know that victims: some of them never appear in court because they have sadly lost their lives.

This bill is intended to help with this by making sure that those who apply to be a judge have to complete sexual assault law and social context issues education before they're eligible to be appointed. This will help set up the next generation of judges with the tools to understand the circumstances and life contexts of those appearing in their courts, including victims. This is intended to build trust, trust that all those who enter the courtroom will be treated fairly and respectfully. By building this confidence, we will ultimately create greater confidence for victims to come forward and report. Greater reporting, in turn, will ultimately help us eliminate sexual violence. Mr. Speaker, I am sure that is a goal that we can all agree upon.

Thank you.

The Speaker: Hon. members, the Associate Minister of Status of Women has moved third reading of Bill 14. Are there others wishing to join in the debate this morning? The hon. Member for Edmonton-Riverview has the call.

Ms Sigurdson: Well, thank you very much, Mr. Speaker. It's my pleasure to join the debate in third reading on Bill 14. I did speak on it earlier in the debate, but first I'd just like to acknowledge that

today is Red Dress Day. I know that many of my female colleagues are wearing dresses just to honour missing and murdered women. Speaking of this bill today, of course, it's extremely appropriate that we are highlighting this deep concern in our society, where Indigenous women and girls have suffered so much more, and there is profound discrimination to this day. So I certainly stand in solidarity with my Indigenous sisters and certainly want to shift our society into respect for women, whatever background, and certainly, of course, Indigenous women.

I grew up in the north. I grew up in a small town in the Peace Country, Valleyview. We had a very large Indian reserve right next to us. It still is up in Valleyview, Sturgeon Lake Indian band. I saw, really, on a daily basis just discrimination. I grew up, you know – I guess I was going into school in the late '60s, in the '70s, so many, many years ago. But I know I was profoundly impacted by what I saw all the time and how Indigenous people and, specifically, women and girls were treated. It always disturbed me profoundly, and I think it's one of the reasons I made the decision to go in to the social work profession. I felt like things can be different. We don't have to have so much dissension and discrimination in our society. Actually, we can be inclusive and supportive. So I did make that decision more than 30 years ago.

Here as an elected official and certainly as part of the NDP caucus I'm so proud of the work my colleagues have done to really make sure that all Albertans are counted and, specifically on this day, today, that Indigenous women and girls are honoured and respected. I wear this red dress in honour of that.

We are talking about Bill 14, Provincial Court (Sexual Assault Awareness Training) Amendment Act, 2022, in third reading, as the associate minister just shared. Of course, this bill largely is a mandate for sexual awareness training for judges, which, of course, we on this side of the House think is an important move, and we want to make sure that judges in Alberta are absolutely fulfilling on this training and make sure that they understand and have an awareness, as it says, the sexual assault awareness training.

This training follows the federal process, where the training is overseen and implemented by independent professional bodies – or we would like it to be this way. I think that that is – I'm not sure if that's explicitly identified in the legislation, but I think it's really important that it be implemented and overseen by independent, professional bodies and, of course, developed in consultation with sexual assault survivors.

You know, I talked about this yesterday. We want to make sure always that there's Nothing about Us without Us, right? Who knows best about any particular issue is someone with that lived experience, so it's really important for survivors of sexual assault to have input into what the contents of this training will be. Perhaps there needs to be an opportunity for sexual assault survivors to share their stories with the judges in the training so they really see what these survivors have been through and just to bring the import of that to them. Certainly, we see that as very important and want the government to fulfill on that.

Certainly, you know, on this side of the House we've been somewhat concerned by some of the decisions that the UCP have made, in particular issues with the victims of crime fund. We know that survivors have been denied access to the fund, shortened time limits for reporting. We know that when you've been through this type of experience of a sexual assault or some attack, oftentimes it takes even years for people to feel they have the fortitude, the willingness to step forward and talk about it. It can be very traumatic for them and very difficult for them to go forward. I guess this is another area, speaking about the same population that this bill is addressing to support, that the UCP would be encouraged to

understand, the lived experience of survivors and why they need that extended period of time.

Certainly, we know that, you know, judges are just like the rest of us, really. They grow up in this culture. It's sort of the fishbowl, that sometimes we don't know the water that we're swimming in. That's why this sexual awareness training is so important. We grow up with attitudes perpetuated from previous thoughts that are antiquated now. We certainly as a society have moved forward in a most fundamental way, I guess. Like, women are no longer chattels; at one time they were. We're independent people who have our own human rights.

9:10

Sadly, sometimes some of that, you know, antiquated thinking is still very much part of our society. Of course, the rape mythology, where prejudiced, stereotyped, and false beliefs about sexual assault are perpetrated, is something that people need their awareness raised about, and judges specifically, of course. With the sexual awareness training I hope that that will dispel those mythologies because, you know, it happens still, to this day, that sexual aggression is excused. Also, sometimes this creates hostility towards the victims themselves and biases criminal prosecution. These rape myths can significantly influence the perspectives of jurors, the investigative process, judges, perpetrators of sexual violence, and victims themselves. Victims themselves, we know, blame themselves. They often say: well, I should have done this; I should have done this; I should have done this. But, again, this is all part of not understanding the issue.

Certainly, when I was younger, I mean, I would hear, "Well, don't wear those clothes" or "You have to look a certain way" or "Make sure you're not walking at a certain time of day, and you shouldn't walk here or there." There were so many rules for me as a young girl, woman growing up in a northern Alberta town that – let's face it – was kind of a rough town. You know, we had a couple of bars in town. One of them was called The Zoo because it literally was the zoo. It was very important that we did not go near The Zoo because – who knows? – there'd be some guy there, and he might grab you or something.

I certainly was told this all the time when I was a kid, and I remember thinking: "How come it's all about me? Why is it me that has to change? I'm not doing anything wrong. You know, I'm just existing on the planet. Why is it me that has to be so careful about what I do, like I'm provoking somehow these negative sexual interactions or whatever?" I always felt that was outrageous. It made absolutely no sense to me. But that absolutely was the culture that I grew up in, and I had a lot – perhaps I still do – of anger as a young woman because of that, because I felt like: hey, this isn't fair. Of course, that has spurred me to stand up in many different ways throughout my life to, you know, say: hey, this isn't fair, and why are women, why are girls being unduly blamed or told to be responsible about their deportment but guys can do whatever they want?

You know, as a woman in her early 60s now I still feel that rage, and I still feel how important it is for all of society to take responsibility. I must say that things have shifted, certainly, in my lifetime. It's not perfect. We certainly don't have equality in our province, in our country, in our world. But this, of course, initiative, this Bill 14, to have judges take sexual awareness training is a good step in the right direction, so I do commend the government for moving on this because, as I've just articulated, so many judgments against women or girls still continue to this day, and sadly still cases before the court are prejudiced against the survivors. I certainly do hope that this training goes a long way to alleviating those kinds of prejudices and stereotypes about women and girls and that fair

decisions are going to be made in our society. Of course, you know, I know the associate minister. I think we've talked extensively about: how can we, besides with this legislation – and this legislation, as I've said, Bill 14, is a positive step in the right direction, but there are so many other issues in terms of equality for women in our society.

I always like to reference the Canadian Centre for Policy Alternatives, because on an annual basis they rank, you know, the best and worst places in Canada, in terms of major cities, for women to live. Of the about 25 major centres – it's the largest centres – Edmonton turns out to be 24th down the list. It's not the worst, but it's only one up from the worst, and Calgary is the 23rd. Again, Alberta's major centres are not great places for women to live, and there are a multitude of reasons for that. Some of the metrics that this organization uses talk about economic security for women. The income gap between men and women is most profound here in Alberta. Also, women in leadership, in municipal government, in industry: women aren't in those senior positions. It doesn't look at the provincial government. It just looks at the municipal government, so women in leadership is low.

Reports of health and well-being, you know, self-reports by women: stress is extremely high, and that's another huge issue and can really negatively impact women's lives. Another one is just personal security – that's another metric – like intimate partner violence, police-reported sexual assault, police-reported criminal harassment. Of course, that fits very well with Bill 14 as we move to make sure that judges have training so that they don't have prejudices against the survivors themselves. On personal security, we have high rates of all those things that I just said: intimate partner violence, police-reported sexual assault, and police-reported criminal harassment.

That's, you know, absolutely nothing to be proud of here in Alberta. I mean, what's more fundamental than that, the security of your person, that you can feel that you can go out and walk on the streets or go out in the evening or even be in your own home? We know that intimate partner violence is extremely high in our province. What's it like to live with the threat of that, to know that you may be hurt at any time? Of course, that is a negative indicator of a good place for women to live, and sadly Edmonton and Calgary are some of the worst places for women to live in Canada of the major centres.

Then the fifth indicator is education, actually. Again, Alberta lags behind other provinces.

Anyway, these are just some of the metrics that this study has used, the Canadian Centre for Policy Alternatives. I'd just commend the associate minister to look at this study and, you know, bring forward policies that really impact those indicators. I think that that could make a huge difference for women in our province, and I'd just encourage her to really look at some of these issues and also move legislation to support that.

Certainly, we know, as I said about personal security, that 1 in 3 women have experienced sexual assault, but only 1 in 10 report it. Again, I think it is a lot because of women feeling exactly that, that prejudice against them: no one is going to believe me. There could be self-blame, so they're not going to put themselves out there. They'll think: okay; well, I did this, and I did this. It is like blaming the victim. The survivors themselves are maybe thinking in their own head that they are responsible for it.

9:20

You know, it's so important that women feel that if they do step forward, then indeed they will be supported and that they won't be put before a judge who does have those prejudices and questions their integrity and creates further trauma for them.

You know, some years ago, when we were government, the Sexual Assault Centre had a campaign called I Believe You. That one sentence is so important when you're working with survivors because so many people don't believe them. Sadly, in my own extended family, well, one of my cousins – this happened to her. I guess that her mother didn't not believe her, but she didn't do anything about it. It was just, like: oh, well, you're fine. She minimized it. I mean, there are so many issues in our society about women coming forward and not being heard about this. This I Believe You campaign was, I thought, extremely powerful and really very respectful of the survivors themselves.

Certainly, in my experience as a social worker so many people that I worked with minimized whatever kind of abuse had happened to come their way and really didn't see themselves as worthy of – I don't know – being treated fairly. One of my jobs as a social worker was to honour them, to believe them, to support them, to help them kind of take that apart and understand why what happened to them wasn't okay and that they don't have to be in relationships like that. They're adults now. They have their own autonomy. They don't have to make that okay. I mean, that's the thing. A lot of times people who are survivors of abuse sort of make it okay what their abuser did. That, of course, is not okay.

Only 1 in 10 women report this. You know, making sure that judges have that training, have that understanding will make a significant difference for survivors coming forward to share their stories and then having justice done, very frankly, Mr. Speaker, so that this can't happen to someone else. I mean, I know that many survivors say: I came forward because I didn't want this to happen to anybody else. Good for them. They put themselves in harm's way, but good for them.

Thank you very much, Mr. Speaker.

The Speaker: Second reading of Bill 14.

Ms Issik: Third reading.

The Speaker: Oh. Correction. Third reading.

Are there others? I see the hon. Member for Lethbridge-West.

Ms Phillips: Thank you, Mr. Speaker. It's my pleasure to rise and speak to this bill. I am speaking to this bill in the month of May, which is sexual assault awareness week. To that end I'm going to begin my comments about this legislation and the necessity for it with a story from one of my constituents. I'm just scrolling through to pull it up here. It's a social media post. The post itself was made to support a fundraising effort for the child and youth advocacy centre, a place where children who have experienced sexual assault or sexual abuse trauma can go for better counselling services and an appropriate approach to supporting children through many of these traumatic events.

My friend Melanie works with her husband, Courtney Atkinson, at one of Lethbridge's largest real estate firms. In fact, the Atkinson Team at EXP Realty Lethbridge and the Atkinson Team at EXP Realty Medicine Hat have committed \$100,000 to the child and youth advocacy centre to assist with their building costs.

Melanie's post notes:

Kristine Cassie and Cheryl Pollmuller, among others, have raised enough awareness and money that the CYAC is currently functional with counseling services.

That is a good thing, that certainly began some years ago.

But the Centre is seeking monetary donations which will be used towards completing the physical space. A space that will make kids feel safe, comfortable and heard.

I'm going to just read really quickly from what happened to Melanie and what she was brave enough to share with the community

in service of making sure that we have these sorts of support services available to people of any age but, in particular, children. She writes:

As a very young girl I was sexually abused . . .

While I won't share the details of the abuse, I am going to share my experience regarding the process after the abuse was identified.

In the early 80s there wasn't much for education surrounding sexual abuse, in particular, what to look for, what to say, or how to support victims, particularly children.

At least as Melanie writes from her experience.

When [the person in question] was found to be a molester, I was taken to meet a social worker in a very clinical, dark and unfamiliar space. It was scary, uncomfortable and being there for 1 hour, I asked to never go there again. I was introduced to the social worker, taken from my mom and placed in a mahogany office alone with someone I had never met. From there I was given 2 dolls and asked to replicate the abuse. I . . . left without any understanding as to what or why that was happening. The [counsellor] meant well and the environment created was a product of knowledge at that time.

She writes:

My quietness, discomfort and stubbornness to go back for further sessions no doubt resulted in [the man's] 1 week jail time. I'm not sure if he was convicted, but I do know he [did continue] to abuse.

Things have changed drastically since then,

Melanie points out,

but the change needs [our] help.

This post then goes on to ask our community in Lethbridge and in southern Alberta to support the Chinook Sexual Assault Centre's efforts to fully fund the child and youth advocacy centre.

Melanie writes at the end:

I can tell you first hand that had there of been a CYAC things would of been [very] different. How I was approached would of been different. The safety I felt in sharing my story would of been different. The outcome would of been different. [The man in question] would likely of received a harsher conviction (if he received one at all) and less chance of abusing more kids.

I share that, Mr. Speaker, number one, because it is my job, first and foremost, to come to this place and share the stories of my community, and that is one. It came across my radar relatively recently because I have the honour and the privilege of being a friend of Melanie's. There are very few community endeavours where you don't see her and her partner, Courtney Atkinson, and Atkinson realty in some way, shape, or form trying to do what they can to build community, whether it's in the arts, in social services, as we saw, or in downtown revitalization efforts. I want to make sure that during this sexual assault month of May we honour and lift up those voices, not only the stories of what has happened but what people are trying to do make it better and how people are channelling their impatience with what has gone before, with the injustice of what has gone before, into doing something good.

So here we see where the system failed this particular child in the '80s. I think it does not defy imagination that the system, quote, unquote, in many ways likely continues to fail children and their families and certainly other survivors of sexual assault and sexual abuse. This is why we need an appropriate counselling and support system in order to make sure that justice is both done and seen to be done and felt to be done by the community, the family, and the survivors themselves.

I will table later on the recommendations to the government from the Alberta Association of Sexual Assault Services. They provided recommendations some months ago to the government around the uses of the victims of crime fund and appropriate counselling and

support services for victims. Why is this important and germane to this bill?

9:30

When I read through the language of the act, Mr. Speaker, it struck me that we are spending this time making sure that judges have the support that they need, but we still struggle with how to ensure that victims of crime have the support they need. You know, judges get all this professional development training, and that is good and right and nobody is saying there's a problem with it. This bill is good and right and I think is a step in the right direction, coming as it does out of certainly anecdotal stories that I have heard of survivors coming forward and how they go through the criminal justice system but also even stories that have hit the headlines coming out of our own province over the years: Justice McClung and the other fellow that saw fit to write some fairly egregious things in his decision. Certainly, action had to be taken by the federal Justice minister, because he was completely unfit to be hearing such cases and had no comprehension of the concept of trauma, victimization, and so on. So this is good.

In my view, there are a number of ways that both the federal government and the provincial government need to act to make sure that justices at all levels, whether it's Provincial Court, QB, or elsewhere, have the appropriate training in place. I'm glad that the government has taken action in this way.

The victims' rights movement in the United States came out of a development through the 1970s of two things. One was sexual assault and domestic violence survivors, primarily women, and the women's movement in the 1970s finding that they were not appropriately heard when they got into court, if they ever did. We note, in the background provided by the Alberta Association of Sexual Assault Services, that it remains the case that in only 5 per cent of instances of sexual assault survivors in Canada report to police, and the rate of attrition in sexual assault cases through the criminal justice system is very high. This obviously was also the case, and the women's movement grappled with this issue in both Canada and the United States.

But then there was in the United States one event that precipitated even more action around the concept of victims' rights, and that was the assassination of Harvey Milk, who was the first openly gay elected person, as far as we know, certainly in the United States and quite possibly in Canada as well – this was in the 1970s – and, really, in North America. He was assassinated by one of his fellow Board of Supervisors members in San Francisco – the city is run by a board of supervisors, not by a city council; anyway – and Mr. Milk's murderer got off very lightly through the criminal justice system. There was an incredible just roar of action across the continent about what happened and how the justice system dealt with that murder. As a result, that confluence of LGBT activists and the women's movement through the 1970s then became a societal push.

Now, what ended up happening, of course, through the 1980s was that this narrative of victims' rights was then sort of appropriated for a long time, you know, became an excuse for excessive criminalization and incarceration such that the United States now finds itself with the highest levels of incarceration, really, in the industrialized world, certainly among democracies. But the kernel of it remains that victims of serious and egregious crimes both need to have an appropriate support through the criminal justice system, and justice needs to be done by a criminal justice system that understands the trauma and the harm that has been caused to people and the life-altering effects of those crimes upon people.

You know, fast-forward to 2021, and here we are in the fall of 2021 with the Alberta Association of Sexual Assault Services

proposing six recommendations for a new Alberta victim assistance program that are specific to victims of sexual assault and sexual abuse in Alberta.

One of them is the approval of applications and adjudications of any appeals taking into consideration the unique characteristics of sexual assault trauma and the barriers and challenges that victims face as a result of the societal context of sexual violence in our province.

There are a number of other recommendations in terms of victims of sexual offences being eligible to apply for benefits with no timeline restrictions based on when the crime occurred and being excluded from application timelines that may apply to other offence categories.

Recommendation 3 is that the new program be a hybrid system that allows victims to access funds and community-based programs and services directly and also provide lump-sum payments to victims of sexual assault and sexual abuse; that the fund categories be expanded to include financial support during and after court proceedings.

Again, these recommendations have not been taken up by this government, and it has been almost two years since the victims of crime fund was raided to pay for other, no doubt virtuous, undertakings by government and public expenditure, that being, of course, the expansion of Crown prosecutors. That is fine, Mr. Speaker, but we have left victims behind. I wish that the government would take up their support of victims with as much enthusiasm as they bring forward this bill.

There is no question that victims of crime, particularly egregious crimes of sexual assault and sexual abuse, continue to require that support, and it is owed to them. We owe it to them as a society. We owe all kinds of other things, too, such as better education, better overall antipoverty strategies, as the hon. Member for Edmonton-Riverview pointed out, in terms of what we owe in terms a society to take care of one another and prevent these things from happening in the first place. Once they are in that criminal justice system, we need to make sure absolutely that judges are disabused of their preconceived notions, stereotypes, and so on but also that we as a society have done everything we can to repair the damage that has been done to victims.

The victims' rights movement in the first instance was about ensuring that people who are victims of intersectional violence and abuse, coming as it does out of the LGBT and women's movements of the 1970s – we owe it to ourselves to remind ourselves of that history and to move forward knowing what we know and doing better.

Thank you, Mr. Speaker.

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

Member Loyola: Thank you very much, Mr. Speaker. It is an absolute pleasure to speak to this bill, Bill 14, Provincial Court (Sexual Assault Awareness Training) Amendment Act, 2022. When I did get up to speak to this bill previously during second reading, it was near the end of the morning and I didn't have a lot of time to put some ideas on the record, so I'm very eager to get some on the record now.

Last time I spoke to this, I had ended by saying that, you know, I was raised by a wonderful mother. She was a strong Latina feminist. I was mentioning that she was the kind of woman that didn't take any – how could we put it? I'm thinking of a specific word.

An Hon. Member: Crap.

An Hon. Member: Guff.

Member Loyola: Yeah. Okay. I'll go with that. It was said for me. That's the one. I was thinking another word.

She was super serious and super straight. You know, at a very early age my mother would tell me: I'm not your maid. She would make me wash my own clothes, iron my clothes, do things around the house.

9:40

I remember having discussions with my mother about how, you know, things are changing. She expressed to me one time that there have always been individuals, regardless of if they're women or men, who just believe in a fair society. To my mother, the problem, amongst the many others, when it came to the relationship between people of different genders was, of course, patriarchy when it came to her own personal experience. I think that's the real problem, the underlying cultural, political, economic, social problem that we really need to address as a Legislature. Now, we have so much work to do.

Of course, this bill addresses one particular aspect of our judicial system. I will argue that it does not go far enough, but before I do that, Mr. Speaker, I just wanted to get a definition of patriarchy on the record so that we can think about this. It's defined as "a system of social structures and practices, in which men govern, oppress and exploit women." I go back to the comments of my mother and think that, well, you know, there have always been individuals who have been against the oppression and exploitation of women, but those people just haven't been in positions of power to actually change the law, to actually make a difference in changing the way that women are viewed in our society. I'm grateful that we've come a long way, but I would argue that even back then there were people who knew that it was wrong, but they just weren't the majority in order to make the change happen.

Now, the fact that women used to be considered property of a man: there were people who were against this. There were people who were against it, but they just weren't in positions of power to make it into law to recognize the sovereignty of a woman and the rights that a woman has. Now, luckily, we've made significant advances, and I think it has been because of the juxtaposition of patriarchal power and those who are consistently challenging it, those who see that it is wrong to have a patriarchal mentality – by that, I go back to the definition – that think that somehow it is appropriate to govern in terms of oppressing and exploiting women, that somehow that is right.

I want to be firm on the record and say that, you know, this is an all right piece of legislation for me. It's all right. It's definitely a step in the right direction. However, one of the things that I haven't heard in debate up until now and defended by the government or anyone in cabinet is why the existing judges don't have to go through this training. Like, that's what I find just highly questionable. If you agree that sexual assault awareness training is indeed necessary, why is it, then, only applicable to new hires into the judicial system? I just can't understand that, that somehow, you know, those that have already been in the system are somehow grandfathered in and they aren't going to have to go through the training. Those are the people that indeed need to be changed, need to understand that this is something very important in order to address it. As has been described by several of my colleagues on this side of the House, we're dealing with the actual impact on survivors of sexual assault.

[Mr. Reid in the chair]

The other aspect that I find questionable is that – I believe it was last night in committee – there was an actual amendment that talked about involving individuals who are sexual assault survivors. This

was actually turned down by the members on the other side of the House, and I can't understand why. Why wouldn't you want to include individuals who are survivors of sexual assault and make sure that they're involved in any kind of educational program, especially for judges? Of course, this is an education program that – perhaps everybody who is in the public service should have to go through an educational program like this. I think that we really need to question ourselves as a Legislature on all the work that needs to be done in order to really rid our society of patriarchy and the oppression and exploitation of women. We have a long way to go. A long way to go.

You know, I don't want to get too partisan on this, but there are a lot of questions that I have when it comes to the actions of this government. It's important that we address these, but of course I haven't heard in the debate responses to these particular queries. I think that the Alberta public is due these answers, and it's really important.

We know, for example, that at the federal level there's a private member's bill before the House of Commons that seeks to update the federal legislation that mandates sexual assault law education and social context training. It was introduced on February 7 of this year.

Why did the associate minister choose to leave intimate partner violence out of the scope of this legislation, particularly since tracking the rates of police-reported intimate partner violence is one of the performance indicators of the Associate Ministry of Status of Women? You know, this is an important one. I think that it's really important to address that, well, all kinds of sexual abuse, sexual assault. All of that is enabled, I would say – that's the word that I'm really looking for – by a patriarchal system that somehow sees women as less in a society, so therefore it's okay to abuse them. That's the cultural context in which we are, Mr. Speaker, and that's the cultural context that a lot of individuals and specifically men in our society actually use to justify their actions when it comes to intimate partner violence.

I've heard from a number of constituents who, you know, are going through sexual assault experiences with their intimate partner. Police will show up at the residence, and rather than believe what the woman is saying and how she's been attacked or assaulted, somehow it's like the men are just allowed to carry on.

9:50

Even within our police system we need to, like, make sure that we are doing more to address and educate people when it comes to sexual assault awareness, especially when it comes to intimate partner violence. As was indicated by the Member for Edmonton-Riverview, Edmonton and Calgary are two of the worst cities to live in for women, and this is one of the factors. This intimate partner violence is one of the factors, so it's surprising that the associate minister would leave this out of the legislation.

The Court of Queen's Bench undertakes training for federally appointed judges and new judges. So then it begs the question: what body is responsible for the training of judges and justices of the peace in the Provincial Court? Who's actually going to take this on? That's why the proposed amendment last night was dealing with this. How is this going to be done? Who is going to participate? Are individuals who are the survivors of sexual assault going to be permitted to at least provide insight into the education program? I think that that's something that would've been really good for the associate minister to actually include in this piece of legislation.

Of course, as with other bills, I can only imagine that perhaps the associate minister will be like: well, this will be set in regulation. We on this side of the House are left to just having to trust, and the Alberta public is having to trust that the government is actually

going to include this in regulation, but we have no indication as to whether it will be or not.

This bill legislates a requirement that in the future anyone seeking appointment as a provincial judge will be required to undertake sexual assault law and social context training. Who will be responsible for this training given that they are not yet judges? How much is this expected to cost, and how will those funds be delivered to the delivering bodies? How will it be guaranteed that the pretraining and posttraining will line up and ensure cohesiveness in the justice system, particularly for sexual assault and intimate partner violence cases? Of course, these are some of the questions that we still have, I would say, unanswered when it comes to this piece of legislation.

The Acting Speaker: Any other members looking to add to debate? I see the hon. Member for Edmonton-Castle Downs.

Ms Goehring: Thank you, Mr. Speaker. It's nice to see you in the chair this morning. I rise today to speak to Bill 14, the Provincial Court (Sexual Assault Awareness Training) Amendment Act, 2022. Like my hon. colleague, I also want to acknowledge that today, May 5, is Red Dress Day. Today is a day that brings awareness and calls to all Canadians to speak about violence against Indigenous women, girls, and gender-diverse people. I think that that's important to note specifically regarding this debate.

This is a call to action, and I think that when we look at our judges and our justice system, there's so much that needs to be done, and I think that seeing a requirement for sexual assault and social context training in order to be appointed as a provincial judge is a wonderful first step. However, you know, I've been on the record before that I believe that this is something that should be extended to all sitting judges.

I believe that we in Canada have made progress when it comes to awareness and rights. However, it's fairly new still, Mr. Speaker. It wasn't until 2016 that we celebrated the 100-year anniversary of women's right to vote. I proudly wear my Mace pin that has the 100 years. As a woman in politics it's something that I absolutely do not take for granted. That's new in Canada.

I think that we need to ensure that the education is happening to those that have such an impact on individuals that have suffered often traumatic crimes. When we look at Canada and our justice system, it wasn't until, actually, January 4, 1983, that it became a criminal offence for a man's sexual assault against his wife. Nineteen eighty-three.

Unfortunately, there is still a marital myth that exists within our justice system. We saw in 2017 a justice use the marital rape myth in his decision between a husband and wife and whether or not a sexual assault occurred. His ruling quoted incredible, disgusting remarks about this marital myth. That's 2017. It was put on the record that it was clear to him that her allegations were an attempt to influence the family law proceeding that was before the courts at the time, that a woman couldn't claim sexual assault from her partner, and that the intention was to have an outcome and an impact on their family law court matter that was before the courts. I can tell you that this is something that occurs today. This was 2017.

There are many, many myths that exist around sexual violence, sexual assault, sexual harassment. There is so much language when it comes to definitions of consent and an understanding of rape culture. We're still at a place where it's upon the victim to defend themselves and to provide enough context and understanding about what's happening in this situation.

[The Speaker in the chair]

That's by the time it gets to court. We've heard in this Chamber significant statistics around sexual assault and sexual violence and sexual harassment. We know that for it to actually get to the court process is a very, very unlikely outcome.

There are so many barriers when it comes to individuals reporting sexual violence. When we look at sexual violence on men, the stigma exists to even tell someone that it occurred. We have a society that has so much judgment around sexual violence, sexual assault, sexual harassment. To be brave enough and courageous enough to tell someone and then, hopefully, that individual is believed: hearing the words "I believe you" can have such an impact on what happens next.

I know that as a social worker I participated in group training. It was a program that was between Children's Services and the Edmonton police, and it was specific around children and sexual abuse. I can tell you of the experience of listening to the police officers and the anxiety that they indicated they got when they received a call and it was child sexual abuse. Many indicated that they did not feel equipped to respond to that call. It's because there wasn't an education, there wasn't an understanding of how we support individuals that are reporting sexual assault. This training was for those that expressed an interest in wanting to come forward and have more understanding and be able to better respond to those calls.

10:00

When we look at Bill 14, it shouldn't be a choice. We look at the existing judges that are out there, and I think that having this training would be so beneficial to Albertans in better outcomes, and it would have a ripple effect on those that come forward, those that report. I think that this is a good first step, but it could be so much better, Mr. Speaker.

With that, I'd like to end my remarks. Thank you.

The Speaker: Are there others?

Seeing none, I am prepared to call the hon. associate minister to close debate.

Ms Issik: Waived.

[Motion carried; Bill 14 read a third time]

Government Bills and Orders Second Reading

Bill 22

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

[Adjourned debate May 4: Member Irwin]

The Speaker: Are there others? The hon. Member for Edmonton-West Henday has risen.

Mr. Carson: Well, thank you, Mr. Speaker. It's a privilege to rise to speak to Bill 22, Electricity Statutes (Modernizing Alberta's Electricity Grid) Amendment Act, 2022. It's a long name, but I think that within it we see some changes that are quite reasonable and positive. You know, in this bill we see some proposals that are likely to modernize Alberta's electricity grid and, if implemented, will likely have positive long-term impacts on our electricity system and impacts for Albertans across the board, whether we're talking about opportunities for investment or opportunities to have more affordable electricity. I've appreciated the debate that we've heard so far, and it's nice to be able to stand in this House every once in

a while, not too often but every once in a while, and be able to agree with the decisions that this government is making.

Obviously, the idea of modernizing the system specifically in one key area we are talking about in terms of battery storage: it's an important step forward and something that is increasingly becoming prominent in terms of our ability to provide sustainable and reliable energy to Albertans and to all of the world, really. Again, when we look at battery storage resources, it seems like there is a lot of potential here, quite clearly, and also a lot of concern, I suppose, about the ability of it to disrupt the status quo, especially in a system like our own, where for so long we have been dependent on coal. We continue down a path of transitioning away from that, which is positive, in my opinion, Mr. Speaker. While we in the opposition and the current UCP government might disagree about how we get there, I think that through this legislation, specifically, again, around the opportunity for – providing a regulatory framework for, in this instance, battery storage is an important move and something that we need to move forward as quickly as we can as long as we get it right.

Now, I would highlight, as many other members, many other colleagues of mine have brought forward, that we had seen similar legislation introduced last fall. The government made a decision to essentially abandon that, and now we see it reintroduced six months later. I'd be interested to find out exactly what happened through that process, if maybe they got some pieces wrong, if some new, supplemental information came forward that they felt was important and was potentially missing from the legislation previously. I'd be interested to find out what has changed over that six months. Maybe the minister can answer that.

Again, while this legislation is incredibly important as we look to transition to more renewables, which is an important endeavour, Mr. Speaker, the fact is that we currently are faced with skyrocketing bills. While this legislation is important for the long-term sustainability, reliability of our system and ensuring that we are able to manage costs to consumers, the unfortunate piece that is missing from this government in terms of their own policies and direction is real support now, today, and in the near future to ensure that Albertans are able to afford their electricity right now, because so many Albertans have come forward sharing their concerns with the cost of electricity, the cost of utilities across the board. Unfortunately, we have seen a real lack of commitment on that issue from this UCP government.

Of course, they've removed caps that would have protected Albertans on their utilities, among many other issues that we've talked about in this House, also including tuition and automobile insurance. You know, these are all impacts or costs that are having consequences for Alberta families because this government is so unwilling to take action on those. I really hope that this government has been able to implement or pass legislation regarding rebates for utilities, that in the near future – it should have happened weeks if not months ago, Mr. Speaker. We've been talking about it for several months now, and the government has made that commitment several months ago, that Albertans would see rebates and support on their utilities, but unfortunately that hasn't been the case so far. Now that they have that opportunity, hopefully we will see that very shortly. Better late than never, I suppose. The fact is that thousands of Albertans are currently being cut off from their utilities. That is simply not acceptable, and this government must take action.

I will digress from that point for now, Mr. Speaker. I do want to get back to Bill 22 and look at some of the main areas that are being considered through this legislation. Defining energy storage is a big one and something that is incredibly important as we consider moving forward with the regulations and ensuring that we are able to set up a system that provides opportunities for companies to join

in on this important work and to, I guess, have the certainty that Alberta has the framework in place to ensure that when they are coming to the government with proposals for whether it be renewable projects or energy storage projects, the framework is in place to support that work and to ensure that their investment is well placed.

Another main area in here is the self-supply and export piece, which is another very important piece of this legislation; beyond that, requiring distribution facility owners to prepare long-term distribution system plans, which will have to receive regulatory approval; and finally, sections dealing with the dissolving of the Balancing Pool. You know, when we look at preparing for the long-term distribution system's plans, again, this is an important piece along with energy storage to ensure that the market is going to work effectively and that it's sustainable and that we aren't creating any, I guess, undue issues as we transition to a grid that is more based on renewables and less on the traditional burning of fossil fuels or, specifically, coal generation.

Again, these are issues that we in the opposition take very seriously. It's important that we do make that transition, so ensuring that there is legislation and a framework in place is very important. Again, when we look at the move to define energy storage, the lack of definition previously prevented effective regulations and made these storage projects more difficult to move forward, so this will provide certainty to Alberta investors or investors that are looking to Alberta for opportunities.

10:10

Now, the International Energy Agency states that "Global installed storage capacity is forecast to expand by 56% in the next five years to reach over 270 [gigawatts] by 2026." This is an incredible figure, in my opinion, Mr. Speaker, and something that we can't take lightly. I think that as Albertans we want to take part in this energy transformation, and we need to ensure, again, that the regulatory framework is in place to be a part of that. We see investors and institutions increasingly looking to opportunities to invest in renewable and less so in the more traditional generation, specifically again looking at coal. While we look to make that transition, it has always been a concern in terms of reliability, so the move to provide opportunities and a framework for energy storage is so important as we move forward.

Again, the main driver for this is an increasing need for system flexibility and storage around the world to fully utilize and integrate larger shares of variable renewable energy into power systems. There's no doubt that there are concerns about reliability with our renewable energy options. While Alberta is, I would say, one of the best places in the world to consider building a renewable energy project, whether we're talking about solar, whether we're talking about wind, there are issues in terms of ensuring that that system is reliable and available to all Albertans at any time of the day, no matter when they need it. So this move to define energy storage, again, is an important move that I completely support. But I do wonder as well why it took quite this long and why we saw the legislation come forward in previous sessions, about six months ago, I believe, and didn't see that move forward at that time.

I think that there are many opportunities for investors that will be enabled by this framework, specifically around the idea of value stacking and opportunities to potentially make more money based on when we are releasing that energy back onto the market. I can appreciate that as well, more opportunities for investors. Again, while we may disagree quite often about specifically how we transition away from coal-fired generation and how we support those workers in that transition and potentially even what projects we might believe to be the way of the future in terms of whether it's

renewable and how we support those investors to bring their dollars and those jobs to our province, I think that, at the end of the day, with this legislation it is ensuring that there is a framework in place to support a sustainable energy market into the future, to in the long term provide relief to Albertans.

You know, Mr. Speaker, the fact is that while this is good news for our economy and our electricity system in the long term, Albertans are expecting more from this government when it comes to support in the short term for so many who have been affected by the pandemic. The job loss and the loss of economic opportunities have left a lot of Albertans feeling the pinch, and they need support today. Unfortunately, this government made the decision, again, to not extend the cap on utilities that we had previously put in place, and many Albertans are feeling that pain now. While I support this legislation, so much more needs to be done by this government because they have failed to support the Albertans who need it most. Unfortunately, right now many of them are facing power cut-offs. If that hasn't happened already, that might be happening in the very near future.

With that, Mr. Speaker, I'll take my seat, but I do appreciate the opportunity to speak to Bill 22, the Electricity Statutes (Modernizing Alberta's Electricity Grid) Amendment Act, 2022. I do see myself supporting that, and with that I'll take my seat.

Thank you.

The Speaker: The hon. Member for Edmonton-Ellerslie.

Member Loyola: Thank you very much, Mr. Speaker. Again, like many of my colleagues, I see the positive aspects of this bill and just wanted to summarize some of the things that are within my understanding. In this bill we have four main areas. There's defining energy storage, the self-supply and export, then we have the requiring distribution facility owners to prepare long-term distribution system plans which will have to receive regulatory approval, and sections dealing with the dissolving of the Balancing Pool.

Of course, energy storage was previously undefined, and this is largely because energy storage has traditionally not been a factor in electricity grids. The definition seems to enable energy storage projects, and the lack of definition previously prevented effective regulations and made energy storage projects more difficult to move forward. This will allow energy storage to be integrated into distribution and transmission, which could help lower transmission costs over time. Energy storage will also be important to guarantee reliability and lower power costs going forward.

On that note, I just want to say that for constituents of mine who have been focused on being as environmentally friendly as possible, who have even put solar panels up on their houses, on their roofs, some of them on the roof of their house and their garage, one of the things that they would constantly talk to me about is, "Okay; well, being able to be off-grid but then also being able to sell some of that energy back into the system," so this is an important step. I think that for those constituents that have been ahead of the game for a while now – I'm talking about constituents that have had solar panels on the top of their house for a decade if not two already, who made the initial investment a long time ago because they knew it was the right way to go – they'll be happy to know that this government is catching us up in legislation by actually defining energy storage, bringing that into the bill. I think that those constituents will be highly supportive of something like this.

Then, of course, that will truly help the industry as a whole or the economy as a whole, as it involves several industry players, to help move in that particular direction, which will bring us to more

environmentally friendly practices here in the province of Alberta. That I highly encourage, what this government is doing.

The bill defines energy storage to recognize the unique role energy storage can play in our electricity system and support more energy storage projects to go forward, and then the Electric Utilities Act defines energy storage resource as the energy that is stored for the purpose of energy storage as separate from a generation unit. It says:

the component of an energy storage facility that uses a technology or process that is capable of using electric energy as an input, storing the energy for a period of time and then discharging electric energy as an output, and includes a share of the following associated facilities that are necessary for the safe, reliable and economic operation of the energy storage resource, which may be used in common with other energy storage resources.

In the Hydro and Electric Energy Act it defines an energy storage facility as "a facility that uses any technology or process that is capable of using electric energy as an input, storing the energy for a period of time and then discharging electric energy as an output."

10:20

The Alberta Utilities Commission Act brings energy storage under the Alberta Utilities Commission's process and clarifies how storage has to follow the rules and mandates of the electricity market. It enables storage as part of the distribution and transmission systems, but these storage facilities, owned by distribution facility owners and transmission facility owners, are prohibited from participating in the competitive energy-only market. They recover their costs through the guaranteed rate of return that they receive from other transmission and distribution infrastructure. So to go that route, DFOs have to prove that a competitive option is not in the public interest or possible. This does not currently apply to the transmission facility owners, of course.

The bill speaks of allowing unlimited supply with export. Of course, it defines, under the Electric Utilities Act, "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." Given the minimum scale of five megawatts this will likely only affect industrial consumers. Previously a self-supplier had to get an exemption to export. Cogeneration facilities that feed it back to the grid are an example of that. Homeowners with solar panels that sell back to the grid are not affected by this as the Alberta Utilities Commission has its own process for that.

Under Bill 22 companies that are self-supplying and exporting can be required to pay a tariff by the Alberta Utilities Commission. Previously self-supply and export facilities did not pay a tariff, which allowed them to lower their transmission costs, which then ultimately had to be paid by other consumers. If done correctly, this could lower transmission costs in the long term. So facilities that were operational before January 1, 2022, can apply to continue to be classified as industrial systems and continue under the rules that they currently operate. And certain facilities that technically fall under self-supply and export, but it might be desirable for them to produce electricity, can be regulated separately. Flare gas is one example that this may apply to. Nigel Bankes estimated that in 2020 around 5,004 megawatts of approved capacity in Alberta was classified as industrial systems. Alberta had a total capacity close to 16,000 megawatts.

The bill also speaks about, as I mentioned at the beginning, requiring distribution facility owners, or DFOs, to prepare long-term distribution system plans, which will have to receive regulatory approval. The model is in place for transmission. This can help with planning for the transition to increased electrification such as more use in electric vehicles, for example. Currently it can

be the case that the person that causes a need for a distribution system update has to bear the cost, which could be a user of an electric vehicle. It does require distribution facility owners to consider nonwire alternatives where they are economic. The act does not define nonwires. The Hydro and Electric Energy Act definition of transmission line includes wires, which “means a system or arrangement of lines of wire or other conductors and transformation equipment, wholly in Alberta, whereby electric energy, however produced, is transmitted in bulk, and includes” the transmission circuits composed of conductors that form the minimum set required to so transmit electric energy and insulating and supportive structures, substations, and operational and control devices.

The bill also talks about sections dealing with the dissolution of the Balancing Pool. It allows an administrative fee to be charged to finance the Alberta utility advocate – the advocate was previously funded through the Balancing Pool – so the fee would go on Albertans’ bills, but it would likely be rather low or not impact Albertans substantially.

It moves the administration of small-scale generation from the Balancing Pool to the independent system operator. According to the government it is intended to work the same, and owners will likely not notice the difference. The Balancing Pool used to contract the bidding to an independent contractor. Now the independent operator will do the same and bid into the market the same way. It allows the government to designate an entity to make regulation with regard to municipality-owned utilities such as payments under the payment of tax under the Income Tax Act at the federal level or the Alberta Corporate Tax Act or other payments that would have gone to the Balancing Pool. Previously the power was with the Balancing Pool.

Of course, this is the, I would say, second reiteration of this particular bill. The minister took a while in having to bring back this particular piece of legislation. Essentially, the previous one was just kind of, like, abandoned. Now he’s brought back this similar bill, so I think it’s important to highlight the differences between the last bill and this one. Of course, the previous bill had no provisions dealing with the dissolution of the Balancing Pool. You know, rather than the highly charged rhetoric that we are getting from the associate minister, it would be ideal if he could actually bring insight into the debate on why this is being included now so that we could hear it from his own perspective. Under the previous bill there was no provision for current industrial systems to apply to continue under their current arrangements. So these are some of the questions that I have of the minister.

On that note, I would just say that the debate on this particular bill has been highly charged. I understand, Mr. Speaker, that on both sides of the House, you know, there’s rhetoric shared, I would say. But with this particular bill I have to say how disappointed I am because even right off the bat this minister has just attempted to create discord in the House. How can I say it? It’s just – well, what I will say is that the minister, including in question period, makes personal attacks on the critic for that position. I would really appreciate it if this minister could really stick to the legislation, as I have tried in debate on this particular Bill 22, to discuss the issues, understand why in this reiteration of the bill specifically he is going to be cancelling out the Balancing Pool, and the insights that he has gained from stakeholders, perhaps, on why that is the most appropriate move to make.

As I’ve mentioned before in debate, one of the ideological perspectives of the members on the other side is that by introducing competition, it will bring the price down. Honestly, since 1996 this has not been the case for a lot of Albertans. When we moved from

the traditional system to the market-only system, it was promised that the price of electricity would go down, and of course that’s not what we’re seeing. Like, they’ve had since 1996 to actually demonstrate this would fail.

Thank you, Mr. Speaker.

10:30

The Speaker: The hon. Member for Calgary-Bhullar-McCall.

Mr. Sabir: Thank you, Mr. Speaker. I rise to speak to this Bill 22, which actually makes a number of positive changes to modernize our electricity grid. I’m sure that, if done correctly, these changes will have positive long-term impacts. However, we have also seen that Albertans are struggling with the rising utility costs, and they’re looking for something in terms of relief that they can avail right now. The government so far has been dithering on that file, and they have used the debate on this bill to make accusations that somehow the rising utility costs are because of overbuilds in the transmission system that we are responsible for somehow, that coal-fired plants that were retired earlier than their actual retirement date, which was done under our government, are the reason for the soaring energy prices.

I will briefly touch on that, too, but let me say that the concept of energy storage is critical to a reliable and efficient electricity grid. It is critical to reducing GHG emissions. We have technology now. There are enough technological developments that we can produce energy, when conditions are favourable, through solar, through wind, and through renewable resources, and we can store it for later use. That certainly is a step in the right direction, and that will help us make our grid more efficient, more reliable, and more environmentally friendly. So that is a good step.

Similarly, I think the bill requires the distribution facility owners to produce long-term distribution system plans. Usually government doesn’t like planning because they believe in free market, but now they’re requiring those distribution facility owners to have those long-term plans through the regulatory process, of course. That will, again, certainly help us make our electricity system a bit more reliable, a bit more predictable. That’s about this.

They’re also dissolving the Balancing Pool. Again, that was the PC’s doing back in the day when they deregulated the market and gave sweetheart deals to their insiders through PPAs and all that. They’re now dissolving that. But six months ago they had similar legislation that they abandoned, and they never said anything about it.

Let’s look at who was building transmission lines. They often blame that they were built under our government. I was elected seven years ago today, and I don’t remember in those seven years that there was any major transmission project undertaken. So that must be before we were elected.

Back in 2009-2010 the PCs even granted themselves powers to approve transmission lines without any public consultations whatsoever, and that’s when they started building transmission lines. I was the critic for a little bit of this file, and the major lines – that is, the western Alberta transmission line and the eastern Alberta transmission line – were both approved in 2012, Mr. Speaker. For the record we got elected on May 5, 2015, so that was certainly before we were elected to this Legislature, before we were the government. That was their predecessors who went on to build these transmission lines. My colleagues who were then part of this Legislature – the Member for Edmonton-North West, the Member for Edmonton-Beverly-Clareview, and the leader back then, Brian Mason – were all opposed to this. They all cautioned the government of the day that that will result in spikes in utility costs. But, no, they did not listen.

Somehow when the minister or anyone from the UCP gets up and says, “Oh, it’s because of the NDP; they built transmission lines,” two things come to mind. Either they’re completely unaware of this file, what happened, incompetent, or they’re not up front with Albertans about this. I find it dishonest that the government will try to kind of jam every blame between 2015 and ’19 and forget about the rest of Alberta’s history. Those transmission lines that the government mentions every day, that the minister mentions every day, were built by their predecessors, by the PCs, and we were opposed to those lines then.

The second thing. The minister even suggested: oh, well, they didn’t build it, but they didn’t cancel it. There is a thing called a contract, and when it’s signed – especially when they were signed by the PCs, they were so onerous and restrictive to get out of that it would have cost Albertans more to get out of those contracts. That’s what they have done with PPAs. The profit goes to private companies; losses come to the Balancing Pool, to be shared by all Albertans. That’s what they did with the Redwater Sturgeon refinery contracts. That’s what they did with those contracts for seniors’ homes. That’s how they used to write contracts. The profits will be privatized – they will go to corporate owners – and losses will be socialized. These contracts were no different. That was the reason that no government would be able to get out of those contracts.

Another thing that we get to hear is that we retired the coal power plants, and somehow that is the reason for energy spikes. Before that, again in 2012, there were 18 coal plants in Alberta, and 12 of those plants were shut down by Stephen Harper’s Conservative government, that the Premier was a part of. Twelve out of 18 plants: they were shut down under a regulation called reduction of carbon dioxide emissions from coal-fired generation of electricity regulations statutory orders and regulations 2012-167.

10:40

Before, I guess, talking about coal plants, I would urge the minister to learn his file, to read the developments, quite recent developments, that have occurred under federal and provincial Conservatives. There were only six of the 18 plants remaining. TransAlta, ATCO, and Capital Power: they own them. Not only did we work with these companies; we also worked and consulted with those who were working at these sites. We provided \$40 million to make sure that those who work at these plants have an opportunity to get retrained, have an opportunity to adapt and be able to maintain their jobs with upgrading in other sectors; \$40 million was spent on that.

Then government talks about \$1.36 billion. Sure. That was the money that was pledged over 14 years to convert these six plants to gas so that Albertans have a reliable supply of electricity going forward. That was investment in our grid. It was not an investment like KXL, a pipeline to absolutely nowhere, just a blind bet on Donald Trump getting re-elected, \$1.3 billion. That’s the background when the government gets up and says that we shut down coal plants or we built electricity grids and that’s why we are seeing spikes in the prices.

There is another thing. They never mention why we are seeing rising utility costs, and they’re so scared of saying that, and that’s that the corporate profits are through the roof in the last six to 12 months. Every time the minister gets up, he talks about everything but will never mention that there is that corporate profit thing that is reason one for rising utility costs. Then for the last three or four months the minister has been promising rebates, and he has not been able to get that right, get that \$50 cheque. He has not yet figured out how to send that to Albertans.

So the changes, as they stand in this legislation, are good, but I don’t trust this minister or this government that they will be able to get it right. It’s important that we get these changes right and we make sure that our grid has storage capacity and, whenever we can, we utilize more wind, more solar, more renewables and save them so that we can use them at a future date. That will help us reduce our greenhouse gas emissions as well. That is good for our grid, and that is good for our environment as well.

How much time, Mr. Speaker, do I have?

The Speaker: Eight seconds.

Mr. Sabir: Thank you.

The Speaker: Are there others?

Seeing none, I am prepared to call the question.

[Motion carried; Bill 22 read a second time]

Bill 21

Red Tape Reduction Statutes Amendment Act, 2022

[Adjourned debate May 4: Mr. Shepherd]

The Speaker: Hon. members, second reading of Bill 21. It seems to me the hon. Member for Edmonton-North West is rising.

Mr. Eggen: Yes. Thank you. You saw my clue there. I had my mask hooked onto my glasses. I don’t know if any of you have ever done that, projected your glasses across the room with the elastic from your mask. I’ve done it several times over the last couple of years.

Thanks for the opportunity to speak to Bill 21. In reviewing this bill, one thing that strikes me is that, you know, with these red tape reduction bills – right? – it’s kind of like throwing a new coat of paint on a very old idea, an idea that I just generally as a legislator don’t accept, which is omnibus legislation from a whole wide range of different areas and departments and ministries, with no particular connection to one or the other.

Mr. Speaker, you know as well as I do that in using omnibus legislation, or in this case, as I say, putting a new coat of paint on it and calling it a red tape reduction bill, by having perhaps some ideas that have merit combined together in the same bill with something that’s obscure and probably slightly devious or even malicious, they cancel each other out. Quite frankly, if you have ideas that are all just kind of jammed together in what I would say is sort of omnibus legislation, then you’ve created something that is usually pretty hard to vote for unless you are just a well-whipped government member. Then, you know, good luck, right? So this is kind of that, I think, Bill 21.

It has 16 different sections to it, amending different acts in a whole number of different departments. There’s an Animal Health Act change. There’s a Child, Youth and Family Enhancement Act change. There’s a change to the Cooperatives Act, the Education Act, health statutes, highways, the Local Authorities Election Act, the Motor Vehicles Accident Claims Act, the Municipal Government Act, pharmacy, provincial parks, lands, railways, residential tenancies, rural utilities, and surveys. The challenge: if you can find a thread through any of those things, I mean, good luck, right? Of course, the government will say: “Well, it’s all red tape – right? – and away we go. That’s what we’re here for, to reduce red tape.” But, you know, you have to look at each thing. You just can’t have a checklist and say, “We can measure how many regulations we’ve removed by weight,” somehow just putting them all in a box and weighing the box and saying, “We took out 15 kilograms of red tape, so that’s a good thing.”

10:50

You have to actually analyze these things and just make sure that there is no compromise to the public good and public safety and all of those things, why people have made regulations and laws in the first place. Sometimes laws are outdated, right? You might have a law around, you know, which wagon should give way on Jasper Avenue: oxen or horses? Maybe there are not so many oxen and horse carts on Jasper Avenue anymore, so you can change that law, right? But some laws work pretty well in perpetuity, too, around stealing and public safety, public health, and so forth. Let's just take a look at some of these and see what actually this UCP government is trying to do with Bill 21.

The first one is around the Animal Health Act, removing regulation and removing the need to report notifiable diseases within 24 hours from legislation down to regulation, so sort of downgrading this protection for animals and so forth. You know, we just don't have to look any further than the front page of the news to be concerned about this downgrading of protection to our agriculture industry, because, of course, we're right in the midst of an avian flu outbreak – right? – which is spreading across the province and the country and North America at quite a rapid rate, so any compromise to the obligation to report notifiable diseases and to do it in a timely manner is a cause for concern.

I remember – probably many of us do – the mad cow disease issue, right? It was really causing a lot of concern around our beef industry, and when the Premier of the day intimated that you shoot, shovel, and shut up, that didn't go over really well. Of course, not only was it compromising one of our essential agriculture industries, the beef industry, but it had an element of dishonesty and a lack of accountability built into it. Really, when we make laws here and regulations and so forth, that is what they are all founded on, which is reliability and security and trust.

You know, making this change to the Animal Health Act, degrading the reporting of the presence of notifiable disease within 24 hours from legislation to regulation, you've got to wonder what and why that is taking place here. Perhaps the minister can explain that to us.

The second one, the second section that I see, is in regard to the Child, Youth and Family Enhancement Act. You know, again, you don't have to look any further than the front page of the news to see that we've just witnessed the most deadly year on record for children in care, and then this red tape section is removing statutory time limits on residential facilities in the child intervention system, again just pulling up an electric third rail of concern that we have around the Child, Youth and Family Enhancement Act. This change says that it only will apply to renewals, but really, if this government was serious about only wanting this change to apply to renewals, they could have amended the act to state that explicitly. Instead, they've failed to do so, and again that whole foundation of trust is compromised, I would suggest. So concern number two. Just rolling through here.

The third section that is being changed in this Bill 21 is around the Cooperatives Act. I just want to know on these changes: have they been consulted on? Is it something that co-operatives have in fact asked for, right? There are so many different versions of co-operatives, Mr. Speaker, as you probably know, and they're engaged in so many different industries and not necessarily having a lot in common. Is there some particular part of the co-operative community in Alberta that was looking for changes? There are, in fact, 90 subsections that are making changes here to the Cooperatives Act, so it's not insubstantial.

One of the ones that's most significant is that the bill now would only require 25 per cent of members of a co-operative to have

Canadian citizenship as opposed to 50 per cent. I mean, I think that that is probably not unreasonable. I'm just curious to know what precipitated that, though. The government also is stating changes to make more use of electronic records and processes for a lot of the paperwork that's concerned around co-operatives. I mean, that seems pretty straightforward. Then there are lots of clauses that seem to update sections with new language, talking about directorships, commissions, and so forth.

Again, my question, Mr. Speaker, is just that this seems to be looking at specific types of co-operatives, and I'm curious to know how this was consulted on. Were these changes brought forward by co-operatives, or was it the government just presuming that this was some version of modernization? Are they just looking for ways to check that box to throw more regulations into the bin so that they can hit their quota of red tape reduction?

The next section that is in this Bill 21 is around the Education Act, and this is talking about private schools and the collection of tuition fees. We saw some quite public confusion when this was announced, some discrepancy between the red tape minister's version of events and the Minister of Education's. You know, again, I think that all that did was help to add to the confusion around the financing of different types of schools here in the province. It didn't help to clarify anything at all, really. Making this kind of a change – right? – in the Education Act as part of an omnibus bill, again, immediately raises suspicion amongst people as to what is being changed and why and why there would be confusion. Confusion, Mr. Speaker, of course, breeds suspicion always.

I'm just curious to know how the government managed to get so far off message. Were they trying one thing and thought quickly that it's not going to work, so they scrambled to do another? I'm not the only one who would like to know. I mean, it seems fairly obvious that they were trying to play some kind of politics, to curry favour with some groups, and all it really did was add to the confusion and uncertainty around education in this province.

The next section that this Bill 21 seems to be dealing with is in regard to the Health Statutes Amendment Act. I have never heard the minister – probably the Health minister would be better to explain it and not add that confusion of two ministers, like we saw with the Education Act changes. Why is this necessary? You know, this was an amendment act that just came through here last year, right? I seem to remember debating it, so it's not a very old one. I'm just curious to know what the changes are.

I mean, again, this could be something that could be part of a miscellaneous statutes act, right? That's another common tool that's used in parliamentary systems. What you do, in case you don't know, folks out there, is that you talk to all parties in the Legislature, in this case the Official Opposition, and you make an agreement beforehand so that the miscellaneous statutes don't get in the way of more substantial debate that needs to be taken here in the Legislature, right?

Instead, we seem to be blurring those lines by building this new thing, which is really an old thing, as I said, a new coat of paint on this red tape reduction scheme that the government has come up with. Really, something like this could belong in a miscellaneous statutes act, which, I suspect, will still come forward here, Mr. Speaker, before the end of this legislative session. I fully expect we will see one of those. Maybe this section 5 could have been part of that. It's entirely possible. Some free advice from me, through you, to the government.

The next section, the Highways Development and Protection Act, seems to be something that we have no concern about. But, again, using that suggestion that I just put forward, when you're making such a minor change like this, just throw it into a miscellaneous

statutes act, have a prior agreement with the Official Opposition, and Bob's your uncle, right? That's the way you do it.

11:00

The next section is the Local Authorities Election Act, section 7: again, you know, fairly straightforward, talking about making the campaign disclosures for municipal and school board elections. It's interesting that the Edmonton municipal political contribution lists were just kind of coming out here today in the news. Again, this is absolutely essential information for people to see how much people are spending on their municipal campaigns and who is contributing, right? It is worth while to know, and it is certainly an important part of our democracy. Any time you have a campaign on any level, even if it's a leadership campaign, and you are not properly disclosing who is financing that leadership campaign, then it compromises the integrity of that election, and it compromises people's trust again. You know, we don't have to go any further than to look at the outstanding campaign contribution files that should have been disclosed by the UCP during their leadership campaign. As these things hang on for years, so grows the lack of trust and the greater suspicion, like, of what was really going on.

Again, moving forward on the red tape reduction, section 9 . . . [Mr. Eggen's speaking time expired] Oh, dear. Time flies when you're having fun, eh?

The Speaker: Hon. members, the bill before the Assembly is the red tape reduction act. I see the hon. Member for Edmonton-Riverview.

Ms Sigurdson: Thank you, Mr. Speaker. It's my pleasure to join the debate on Bill 21 – the book, really – Red Tape Reduction Statutes Amendment Act, 2022. Yeah. It's a little over 100 pages, so it really had to be bound. This is an omnibus bill, of course. It seems like the ministry of red tape reduction is responsible for – I haven't kept count, actually, but there have been several of these bills. You know, it's always interesting to me to see what difference it makes when the UCP was in opposition and when the UCP is in government. When they were in opposition, if we dared to bring any kind of omnibus legislation, even a couple of acts together to present a bill, they would cry foul and say: "This is way too much legislation to have together. This is way too much for us to have to analyze. It's unfair of the government. You're ramming this through, and this isn't okay." But, as I said, we've had several of these omnibus bills from specifically the red tape ministry.

You know, it's just very cavalierly done; as the member before me spoke, saying that it's like 15 different pieces of legislation that are sort of all put together in this bill without necessarily any congruence, any relatedness. Some of it is administrative, certainly, but other parts of it make a significant difference, and other parts of it are just plain confusing. So for us to understand the legislation, I think it's important for the government to, you know, parse that out, make sense of it for Albertans because if we as legislators need to tackle this, I mean, the average Albertan is certainly going to be confused by the magnitude and, yeah, the confusing things.

Even ministers of the government have said that are not – you know, one minister said one thing, and one minister says the other, and they're not the same. Let me just say that, you know, it really questions the competence of this government. Certainly, I know that the UCP wants us to trust them, but unfortunately so many times they are not trustworthy, and that is a great tragedy. We want our governments to be trustworthy, and we want them to fulfill on what they say they will and have integrity, but sadly it seems like that's not the playbook of this government.

I'm going to start with the public lands piece of this legislation because I think this is perhaps one of the key issues with this legislation. The changes proposed will, you know, sort of create a patchwork of rules and weaken environmental protections. This isn't our Official Opposition saying this, necessarily. It's the Canadian Parks and Wilderness Society. They certainly expressed a deep concern, and they want certainly to be heard by the government. They want consultation before adopting this legislation into law.

What they identify: some of the issues are just the breadth of the changes. It's so tremendously broad. You know, to hear the minister speak, it's just like: oh, it's just about changing a few signs in a particular park. Mr. Speaker, that's ridiculous. It's not about that, and you can see that right in the legislation. I'm just looking on page 95, and it just says:

Minister's directives and codes

1.2 The Minister may set standards, directives, practices, codes, guidelines, objectives or other rules relating to any matter in respect of which a regulation may be made under this Act.

Well, that's not just changing signs, Mr. Speaker. That's just government rhetoric. This is a profound shift and gives the minister extraordinary powers that, you know, he doesn't have any oversight regarding.

Of course, this is an organization, the Canadian Parks and Wilderness Society, that cares very much about Alberta parks and is dedicated to making sure – and they are certainly one of the stakeholders that should be consulted with. They're asking the government: please let's meet to discuss this because this seems to be much broader than certainly indicated by the talking notes of the minister. Of course, the issues are the breadth of the changes, so broad, going well beyond the changing of the signage, which is what the minister wants us all to believe.

I'll just say once again that we know we can't trust what the minister is saying. Certainly, the society is concerned that inappropriate recreational usage may create conflict for Albertans using public lands. There could be quite distinct and different expectations, rules, guidelines – what are all the things? – objectives at individual parks. You know, they went to one provincial park last weekend, and now we're going to another one this weekend, but actually you can't do those same kinds of activities, so who's going to enforce all of that? Is that just going to be left to regular Albertans to try to say, "Well, I'm just here to ride my bike"? Someone else has a motorized vehicle of some sort, and they think that they can both coexist, and sometimes the coexistence is difficult. Having no continuity will create some havoc, I would say.

I do want to, you know, I guess, commend the government to listen, to listen to the Canadian Parks and Wilderness Society, whose, I think, concerns are quite valid. Certainly, our critic for Environment and Parks has concurred with the concerns that have been presented and has spoken about that. I do recommend that the government listen and make sure that they're not creating more problems. Hopefully, legislation changes are improving our province, not creating more havoc in our province. That is a significant part of the bill that I think is questionable and certainly is of concern.

I guess one of the concerns of this government for me is just that they have continued to give ministers extraordinary powers in areas that show no oversight. I know that Bill 78 gives the Minister of Seniors and Housing – she can designate affordable housing. What's affordable housing? She gets to just decide that, and that can have huge implications for funding, for support, for people having access to affordable housing. You know, this is something that we've seen previously from this government, and I just caution

them that again they are doing that with little oversight. Will they be creating more confusion and concerns rather than helping the situation? Despite the minister's comments it is much more than just changing a sign. It is very, very broad, what they're indicating they will have the power to change or the minister will have the authority to do.

11:10

We also know – again, this is another area of the bill, the Animal Health Act. It moves important pieces of legislation into regulation. Why is that? Why is information that was in legislation being moved to regulation? I mean, obviously, something that is in legislation: it's statutory. There's an accountability piece that's very strong compared to something that's in regulation. Like, a minister can just change whatever is in a regulation. They don't have to present that regulation here in the House. We don't have to – you know, it doesn't have to be seen by all members of elected office here in this Legislature, whether you're in opposition, whether you're independent, whether you're part of the government. It can be done behind closed doors. That's the key piece with legislation: it makes it transparent, we all get to see what it is, and Albertans, of course, can tune in and see what's going on. Reporters cover issues so that we understand what is going on.

But when you move information from statutory legislation into regulations, then people may not know about it, and it can be kind of sequestered away, secretly done, and then where is the accountability? When this is being done in the Animal Health Act, section 1, we ask about accountability. Why is the government doing that? We want to make sure – I mean, I know that the UCP has certainly said that they want accountability. They want things to be transparent. You know, they talk a lot about wanting democracy – the more involvement the better – yet this flies in the face of that. It's sort of the opposite kind of a policy. I guess I ask all those questions, make all those comments to the minister regarding this because it seems like the opposite is true, that actually the UCP does not want to be accountable, and they're keeping things behind closed doors and giving extraordinary powers to ministers. Yeah, that's an absolute concern for me.

Let's move on now because we have so many bills to cover here. Let's go to the Child, Youth and Family Enhancement Act. This is a very important piece of legislation. Really, you know, my involvement even in being in elected office sort of comes from the work I did in child welfare. I used to be a caseworker and also a supervisor in Children's Services. It's now over 20 years ago, but I certainly was deeply concerned about how the ministry supported children in care. That experience really awoke my political concerns, and I wondered what the government was doing. I was concerned that they weren't very focused on caring for vulnerable children, supporting families to stay intact, to be able to overcome so many barriers to their healthy functioning. I always felt, when I worked for child welfare, Children's Services, that it was all about budget. It wasn't about actually caring about people or individuals; it was very much about budget. Consequently, I think it really awoke my political interest, and here I am today as an elected official because I had deep concerns about the choices of government at that time and continue to.

[The Deputy Speaker in the chair]

In this Child, Youth and Family Enhancement Act they are removing some statutory limits on residential facilities used in the child intervention system. We know that renewals will be only up to three years, but previously it was a maximum of one year, so

moving from more scrutiny to less. Again, this is something that sort of surprises me a bit. Certainly, the UCP do like to express that they care very much about accountability, but, you know, having every three years as opposed to every one year a review of facilities that serve children in care shows less scrutiny, I guess. I wonder if that's a wise decision. I think that it was brought in back in 2003 because of multiple allegations of a lack of care, issues in the system, and that, of course, at the time was a Conservative government. There was a class-action suit, which the Conservative government lost, so they did bring in this level of scrutiny. It seems like, I guess, all these years later the UCP think that is not needed, but it may still very well be needed. I mean, tragically, we've heard certainly . . .

The Deputy Speaker: Are there others to speak to Bill 21? The hon. Member for Lethbridge-West.

Ms Phillips: Thank you, Madam Speaker. I rise at this second reading stage of debate to provide some comments on Bill 21, a very large piece of legislation proposed before this House that makes amendments to a number of different acts. As has been observed by my hon. colleagues on the Official Opposition side, this is a sort of omnibus set of changes to various different acts, some of which do not rise much above the level of miscellaneous statutes. In review of this bill the majority of the changes, I would say, are less omnibus than they are omniboring, and I wonder about the job satisfaction of the red tape reduction minister, satisfying a deputy ministers' committee and some sort of bureaucratic metrics exercises, little relation to well-being and improving people's lives in measurable ways, which I suppose is why, you know, if a lot of the business of this bill could have been placed in miscellaneous statutes or close to it – some of it is still relatively substantive and, frankly, unproblematic but is very, very straightforward. One would think, then, that on the pieces of legislation that might arouse more public comment, public question, scrutiny in the media, and so on, the minister would have a much better understanding of what the legislation actually accomplishes in those areas where there's going to be significant public scrutiny.

I'm thinking here of the education portion of this legislation. Now, there is no question that education is vote determining for Albertans. Certainly, when I have been out on the doorsteps in Calgary and in Lethbridge-East and in Lethbridge-West, I have heard concerns about education on the doorstep from previous UCP voters who have assured me that they will not do any such thing once again. When I get that sort of feedback on the doorstep, it does remind me of late 2014 and into the first quarter of 2015 being out on the doorstep, when there were a number of cuts to the education system at that time, and sort of these, you know, middle-of-the-road kind of PC voters saying to me: no; this is vote determining for me, and I am deeply disappointed in the approach to the K to 12 education system.

11:20

You know, oftentimes what shows up in our public opinion polling – when you read the ranking of people's issues of most concern, when you read the public domain publications of issue ranking in Alberta politics and, frankly, across the country, usually one sees the economy and health care, often both federally and provincially, and health care is always a matter of concern for people, but the extent to which it's vote determining often depends on the social conditions such as a pandemic, for example, but also any changes that the government has made, or the public expects them to make, and they have not done so.

But education flies under the radar a little bit, and I think that because the other two issues are a bit more universal, sometimes we lose sight of the extent to which people really do care about the K to 12 education system. It's not just people with kids, like me. It's not just teachers or retired teachers or people who are working in schools as educational assistants or even on the custodial maintenance side or in school divisions. It's not just those folks at all.

The other day I had a guy I was talking to on his doorstep. He was a heavy-duty mechanic, and I said, "So what's on your mind these days?" He said, "Well, education, the curriculum, no question." I saw his kids running around, and I said, "Oh, do you work in education?" He said, "No, and my kids will be out of elementary school by the time they introduce this curriculum, and I'm a heavy-duty mechanic, but I really care about this issue and this one thing alone cements it for me." I said, "All right." He'll put up a sign, and that'll be great.

But that's kind of a long way to get around to saying, Madam Speaker, that I was, frankly, agape at watching the red tape reduction minister state one thing in no uncertain terms to the media and to the public, creating a great deal of confusion, and the Education minister or her staff or whoever tweeting out at, like, 10 o'clock at night a complete repudiation and a one-eighty on what was said a few hours previous at the news conference.

No one seemed to know what was going on in this bill for a good 24 hours until it was sort of clarified, and that was the minister of red tape reduction claiming that private schools – that is to say, schools where people have to pay a certain amount of tuition – will no longer have to produce financial data, like what it collects in tuition fees, and the Minister of Education bouncing up and down and saying: "No, that isn't true. Audited statements, including tuition fees, would still be required." Then, all the more confusing for Albertans, the government did produce a media handout stating that tuition fee data would not be collected, but then the amendments through this legislation make it quite clear that financial data will be reported. Well, what a tangled web we weave when we practise to not know what we are doing. It would be hilarious if it wasn't so sad, Madam Speaker.

You know, the minister of red tape reduction: all she has to do once a session is read through her legislation, figure out what it means, communicate it, and she's done. That's all she's got to do. Take the recommendations from the various deputy minister committees or whatever with their little metrics and their little beans and say: "Okay; throw this all into an act, most of which is miscellaneous statutes. I'm the minister of stuff that sails through the Legislature because it concerns itself mostly with commas." Congratulations. I guess you get a fleet car. Wonderful for you.

You know, but this piece, that is so deeply important to people in the manners which I have described, she couldn't get her head around and communicate appropriately. I can well appreciate that sometimes it's tough to three-legged race a file in government with other ministries, and that's fair. But this is just: read the talking points off the page and get it straight. Like, they couldn't even do that, right?

You know, for that reason alone, leaving aside the parks issues, that are fundamental and ultimately indicate that they don't want to bring forward a free-standing piece of legislation, if they want to actually change parks, we have some significant concerns with this bill, Madam Speaker.

With that, I will conclude my comments and move to adjourn debate.

[Motion to adjourn debate carried]

Bill 19 Condominium Property Amendment Act, 2022

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

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

[Adjourned debate on the amendment May 3: Ms Pancholi]

The Deputy Speaker: Hon. members, we are on Bill 19 in second reading, on referral amendment REF1. I see the hon. Member for Edmonton-West Henday rising to speak.

Mr. Carson: Well, thank you, Madam Speaker. It's an honour to rise to speak to Bill 19, the Condominium Property Amendment Act, 2022, of course, as you mentioned, specifically on the referral amendment. I completely agree with my colleagues that this should be referred to a standing committee because the fact is that it's simply not ready, as I will get into. There are advocates within the industry who believe that to be the case in terms of it not being ready because, you know, we see some changes here, some more substantial than others.

First of all, I guess, I'll discuss the changes around voting to streamline and simplify the voting process, which are presented in Bill 19, and just start off by saying that I completely support what the minister has put forward and what people in the industry have asked for in terms of simplifying this voting process specifically for procedural things like accepting an agenda or, you know, moving minutes or things that shouldn't be burdensome for condo boards or associations. No doubt these are reasonable changes that are quite easy, in my opinion, to support. With that being said, if an owner feels that they want to have the more thorough voting process, at any point they are able to ask for that and it will be granted to them, as far as I can tell, through the legislation. So that is something that's easy to support.

Now, where we begin to have concerns are the changes that are being proposed by the minister specific to the idea of chargeback in this legislation. Of course, owning a condo is – well, buying a condo in the first place is one of the most costly investments that you might consider. It is life changing, obviously, and very expensive and in most cases a very positive experience, and living in a condo, just the same, is often a very positive experience. But we have seen and will continue to see forevermore, whether we support this legislation or don't or make other changes regarding tribunal systems, which I will get into – the fact is that it's a complex relationship that you have with not only your own neighbours, in the instance of living in a condo, where you have neighbours on potentially both sides, potentially under and on top of you. That is a lot of interaction to have, not only, of course, when you're living inside your unit and hearing the noise and whatever else is going on but also when you are sharing things like common areas, which are more specific to the idea of chargebacks in this legislation.

Now, I completely understand that condo corporations and condo boards and the industry as a whole are concerned about increasing costs based on having to take on losses that are potentially happening because of negligence from a condo owner or damages that are caused. I completely understand that. We've heard – it comes up quite often in the media and just in conversations – the idea of special assessments on condominium properties and how burdensome that can be to find out. Obviously, you're planning your budget and have an expectation of X being the cost of your

rent or the cost of your mortgage, and all of a sudden because of something, potentially damage that happened to a common area within a condominium property, you are having a special assessment because of somebody else that's at fault. I completely understand how frustrating that might be. That has affected so many Albertans across this province, so we need to take action, no doubt, Madam Speaker.

11:30

Now, my concern comes from the fact that what we are seeing in this legislation in regard to chargeback is essentially a complete reversal of the responsibility, going from a process where a condo owner who is being potentially fined or charged by a condominium corporation or by a board is right now essentially innocent until proven guilty, and what this legislation is going to do is reverse that role and make them guilty until proven innocent. So if a condo corporation comes to them and says, "It seems that you created this damage," and they may or may not have clear evidence – and that is something that this minister has clarified has to be done through regulations, which I understand.

But, again, based on many decisions that this government has made and this minister, it is quite hard to accept things at face value and accept that the hard work of ensuring that the framework is in place is going to be dealt with through regulations and not come through the Legislature. That is always a concern.

We have this changing dynamic between the relationship and the ability of an owner to have due process, in my opinion, Madam Speaker. I understand, again, the frustrations that are here. When any other owner who was not responsible for the damage to a common area has to pay for somebody else's negligence, that, I know, can be extremely frustrating.

I would accept, I think, the idea of chargebacks – we see it in many other jurisdictions – if there was a framework for a dispute resolution mechanism put in place. Unfortunately, even though this government and this minister have been having these conversations about dispute resolutions or civil resolution tribunals – they have been having these conversations since 2020 but have not been able to bring forward, well, anything, let alone something substantial, to support condo owners as well as condo corporations and condo boards.

Now, again, my concern becomes that without the tribunal system in place, condo owners are not going to be able to defend themselves from these costs without going to court, which is truly unacceptable, in my opinion, Madam Speaker. First of all, the point of this legislation was supposed to be to reduce the amount of time spent in court. I mean, it's very possible now that unit owners are going to have to go to court to prove their own innocence, which very likely will cost more than the damage that is being charged against them in the first place. That's a concern. And the amount of time that we are going to potentially see spent in court for these things: while it might be reduced, I don't necessarily think it's for the right reasons.

With all the time that the minister has had and all of the resources and information that are at the minister's disposal and that have been brought forward and the education provided by so many people within the condominium industry and condo owners and advocates and managers – they have all been very clear, even with the introduction of this legislation, that what they wanted more than anything was to have a tribunal system put in place. Unfortunately, we don't see that. The minister says, you know, that it's not necessarily – let's see here. An *Edmonton Journal* article says it "is not at the top of the government's list of immediate priorities." Well, why, Madam Speaker? The top priority should be keeping

these cases out of court, yet we are going to continue down this path.

We, again, had advocates representing condo owners coming forward. Specifically in this case, Terry Gibson, the president of the Condo Owners Forum Society of Alberta, told Postmedia that the delay came as a "big disappointment," and I completely agree. He goes on to say that "we've lost years" and it's not uncommon during disputes for collective court costs to hit \$100,000. I don't think anyone wants to pay that kind of money for potentially a relatively simple or minor dispute. Whether it be the condo corporation or a condo owner, I don't think either side wants to continue down this path of going to court.

Unfortunately, this minister says that it's a matter of a lack of resources, so here we have a minister admitting that because they're not willing to put forward however much it might cost, the court system is going to continue bearing that cost, and the nature and relationship between condo owners, potentially neighbours, potentially the relationship between a condo owner and the condo corporation are going to continue down a negative path, in my opinion, in many of these circumstances. This goes on, I would say, to show the lack of vision within this ministry, lack of vision from this government.

We saw back in, I believe, January of 2020 that Service Alberta laid off 26 of their managers. When we talk about having the infrastructure in place to put forward civil resolution tribunals like the one that we see in British Columbia, something that, as far as I can tell, is working relatively well and keeping many of these cases out of the court and actually expanding the opportunities for both sides to hold each other accountable – it's truly disappointing, but it's not surprising because of the actions of this government, of this minister to reduce very helpful staff in their own departments, managers who understand these issues, specifically on the IT side of things. When we talk about comparing to British Columbia's online tribunal, I can only imagine that dealing with things like this, implementing systems like this becomes quite a bit harder if you don't have the staff in your own ministry.

I want to take a moment to look at British Columbia's resolution tribunal if I have time here, Madam Speaker, because the fact is that I don't necessarily think that there's that much work that has to go into this. Obviously, we need to consider differences between Alberta and British Columbia, which I'm sure is the case, but I don't think it should take several years to implement this because the fact is that there are systems across Canada that at least have a framework for us to consider. At least we could bring these tribunal ideas to the table and decide what we like about them and what we don't like about them.

What we can see from the Civil Resolution Tribunal in British Columbia is that not only does it deal with things of chargeback when damage happens to common areas, but it also deals with things like bylaw infractions. If a condo board tries to fine somebody potentially for leaving something in a common area, not necessarily damaging it but creating an insurance concern potentially or maybe a parking ticket fine or maybe, you know, you took a left turn into oncoming traffic in the parking lot of the condominium complex – I mean, there are many reasons that a condominium board or corporation brings forward fines when somebody is potentially in contravention of the bylaws, but again, there should be mechanisms and appeal processes in place for owners or renters of these condominiums to have their voices heard and ensure that there is a due process.

Again, not only have we not taken the first steps to ensure there's a tribunal process in place for chargebacks where there's potential damage to common areas, but we aren't even considering right now the idea of offering these tribunals for bylaw infractions as well.

Again, I don't think we have to reinvent the wheel here. I'm sure that there are amendments and changes that we can make to the tribunal systems that we see across Canada, but for the government to not have any plan in place, prepared to share with us and instead just come forward with this very one-sided proposal that takes away, in my opinion, due process or the ability for a condo owner as part of this dispute to have an appeal process is relatively one-sided, Madam Speaker.

I don't think that this legislation is nearly finished enough. I think it's deeply unfortunate that instead of finishing what needs to get done in respect to supporting condo corporations and condo owners and the complex relationship between the two, instead of finishing the work that has to be done there, the minister instead brought something that was half finished to this Legislature, which is incredibly disappointing.

11:40

I hope that in the very near future, even though the minister claims that it's not a top priority of this government, we see a civil resolution process come forward, because it will strengthen the relationship between owners and boards and corporations. It is something that is desperately missing from legislation and regulations in this province, and we owe it to these homeowners, which make up about 12 per cent of the population, as far as I can tell. Upwards of 500,000 people are in these condominium complexes, and they deserve legislation that supports them and ensures that they are able to have a positive relationship with every party involved.

Thank you.

The Deputy Speaker: Are there others to speak to the referral amendment? The hon. Member for Edmonton Beverly-Clareview.

Mr. Bilous: Thank you very much, Madam Speaker. It's my pleasure to rise and speak to the amendment. I believe this is a referral amendment to committee, which I support. I have spoken to this bill once and want to thank my colleague the hon. Member for Edmonton-West Henday for his comments. You know, he's been our Service Alberta critic for some time and is quite engaged on this file and has spoken with a number of industry experts and leaders within the condominium space who have been weighing in on this bill and, quite frankly, previous pieces of legislation that were brought forward under our government as well as under the UCP government. I think it's very important for us to get this right. I know that there are a lot of different interests that need to be represented and balanced.

Here we have certain elements of this bill that, like my colleagues, I can support. You know, again, changes to the voting process to make it easier and more efficient I think are a great step to bring existing condominium rules and legislation into today's reality of being able to do so in an easier way as opposed to continuing on the same path of the past. That's a positive step forward. I appreciate, well, the changes to the voting: all of it, the changes under the unit factor vote as well as how unit owners can vote in meetings.

Now, the damage chargebacks that allow the condo board to charge condo owners for damage: I appreciate that the government has communicated that these will be small fees, but we don't know. Those are going to be left up to regulation. The challenge with that, Madam Speaker – you know, I'll go through the argument that government often gives, which is that if we put those fees into legislation and we didn't get them right, then it's onerous to bring legislation, through the process, back into the Chamber as opposed to regulations, where if we don't get those fine figures correct, then

it's very easy to change. I don't disagree with that. The challenge is that those fees and those figures are decided behind closed doors by cabinet. Again, when we hear comments from government such as "Trust us" and "Take our word for it" and "We will engage," there's a whole host of examples where the current government has done the opposite and actually has broken the trust of Albertans and said one thing and done another.

You know, an example that is in the face of Albertans right now as we face record-high inflation: you have a government that campaigned on not increasing taxes, yet in the past three years user fees and costs under this government have shot up dramatically. I hope that members of the UCP shake their heads or at least feel a tad ashamed of the fact that their leader 20 years ago was screaming at the federal government for bracket creep, for deindexing personal income tax, calling it a sneaky tax grab and pernicious – I mean, there are many clips, and I encourage Albertans to take a look at that online, that show that he was vehemently opposed to it – yet 20 years later: "No. It's not a tax increase. No, no, no. It's perfectly fine. It's good."

Now, I'm not saying that people can't change their positions over time, but, I mean, give me a break. These are increased costs on Albertans, and with the accelerated increase in inflation that figure is close to a billion dollars that the Alberta government is taking out of the pockets of Albertans at a time when costs have shot through the roof, whether it's at the pump, whether it's on your groceries, on your utilities. By the way, I do want to just mention, Madam Speaker, that yesterday the government did talk about the gas tax rebate, but if the rebate is still going on – as of today gas is about \$1.60 and going up – either the retailers have said, "Thank you very much; we'll pocket that difference and still charge \$1.60," or that rebate has ended and the government hasn't yet told Albertans that it ended. I'm sure we'll get some clarification on that in the coming days.

Regardless, the supports that the government has provided to Albertans have been minimal. I mean, \$50 a month on your electricity bill when bills have doubled for many Albertans is actually a joke, and if Albertans weren't in such a difficult position of having to afford groceries and keep their lights and heat on, it would actually be laughable; \$50 a month, \$150 over three months, doesn't even provide relief for the majority of Albertans for one month, but that was this government's solution.

Now, the tax rebate. You know, you could argue that it did have an impact for a short period of time for Albertans and help them, but as I've pointed out, conversations that were taking place on the radio yesterday were on the fact that gas prices have shot back up. Many people were asking whether that break on gas taxes was still in effect, because you can't tell. If it is still in effect, it's lost its benefit unless the government is going to jump up and say: "No. Actually, gas should be \$1.73, and we're saving that 13 cents."

The point of this, Madam Speaker, is that times are very tough for Albertans, right? I mean, the other challenge that Canadians are going to be facing is that interest rates are going to continue to go up. I mean, everyone has forecast that those are going to go up. I know that yesterday the Federal Reserve bumped it by .5 per cent. I'm not weighing in on whether or not they should or shouldn't – I'll leave that to the experts – and I appreciate that these are efforts to combat the high and continually rising inflation rates. But the implication of that, what it means for the average Albertan, is that their borrowing costs have just gone up, so that also will impact their pocketbook.

All of this is built on the theme of the government saying: trust us. Where this comes back to this bill, Bill 19, and why I'm supporting the referral is because the amount that a condo owner

can be charged will be decided in the regulations. That's the first challenge that I have.

11:50

The second is that there is no recourse or there is no process set out in this bill for condominium owners to have due process. There's no tribunal process indicated in this. Again, we have a government that has said: well, that'll come later on in the regs. Well, no. That should be in the legislation. It should be a law and not in regulations as far as what that process looks like. That was something, Madam Speaker, that the UCP government promised Albertans. They said that the tribunal process would be included in this piece of legislation, and it's not. That's the main reason that I'm supporting this referral motion and why I cannot support that this bill continue forward, because it's only half done, and a major piece that will impact condominium owners is, again, their right to due process.

I know that when we look to our neighbours, there is a tribunal process in British Columbia that has supported condominium owners and given them that right to a fair dispute mechanism. That's something that I can tell you, Madam Speaker. I was Service Alberta minister for about six months when we were first elected – I held the twin portfolios of Municipal Affairs and Service Alberta – and I engaged in a number of condominium consultations with folks. I know that there is a varied opinion on it, and I know that there are some challenges that exist within the condominium act.

You know, one of the things that we were working on as government was just that, that process, that formation of a dispute resolution tribunal, which is critical. Quite frankly, I believe that had we formed government in 2019, we would have already had that implemented. But here we have an opportunity for the government to tap the brakes on this bill in its current state. Let's bring in a few stakeholders by sending this to committee, and let's add that to the bill and get that dispute resolution mechanism into this bill. I'm confident that the opposition could support this bill with that piece added to it, because it is so critical.

Madam Speaker, with that, I will take my seat and allow my colleagues to continue the discussion on this, but I strongly urge members to consider voting in favour of this referral. Let's get it right, let's get it right now, and we can all celebrate together.

Thank you.

The Deputy Speaker: Are there others? The hon. Member for Calgary-Bhullar-McCall.

Mr. Sabir: Thank you, Madam Speaker, and thank you to my colleague from Edmonton-Beverly-Clareview for his thoughtful comments. I will also be speaking strongly in support of this. You know that in 2020 on June 13 a huge hailstorm hit northeast Calgary, and people's homes, people's vehicles, their businesses – everything was destroyed. While I do not have many condominiums

in my riding, there are a few. Mostly, the people who live in those condominiums are senior citizens, and they are people on fixed incomes.

After that hailstorm I was reached out to by condominium owners who thought that their corporation didn't deal with them fairly. They were slapped with those special assessments, and at the same time they felt like their corporation also didn't share what the negotiations were between them and the insurance company. There was clearly a dispute, and I wasn't able to help them much other than that the corporation was taking them to court, and they had to follow the lawsuit and go through the pain of hiring a lawyer – not that lawyers are not good, but legal fees and all that – and pursue the lawsuit. Clearly, there was an issue between the owners and corporations, and there was absolutely no mechanism whatsoever to resolve that. On one hand, now the corporation was incurring expenses on legal fees, and now the residents, who are mostly seniors who are on fixed incomes, are also forced to hire a lawyer and proceed with the lawsuit.

The reason this referral is important, that we do know – we hear that in our ridings – is that we do need a dispute resolution mechanism that is more accessible, that is more efficient, and that is less costly as well. And as my colleague mentioned, the UCP government promised that there will be a tribunal, and we do not see that tribunal in this legislation. I think that the single most important thing that condominium owners need is a tribunal where they can go and adjudicate these issues without going through the court. That will help us address these issues facing condominium owners and corporations. While this condominium ownership is not known to common law, it's a very unique kind of ownership. It comes with certain legal rights, responsibilities, and financial obligations as well, and having that tribunal will certainly help corporations and owners to efficiently adjudicate any disputes that may arise from those rights, obligations, and responsibilities.

The second thing, the reason I support that this bill be sent to the committee, is that the government is now giving corporations certain rights that they can take the owners to court. That will also impact court resources. That will strain our court resources, which are already stretched because of this UCP government's cutting the Justice department budget, because of the pandemic putting pressures on courts, and because of the Supreme Court decisions in the Jordan case. There are already so many cases that are pending in court. They are already stretched, and I do not believe that sending further matters, that could easily be dealt with in a different setting, to courts is wise.

The Deputy Speaker: I hesitate to interrupt, hon. member, but the clock strikes 12. The House stands adjourned until 1:30 this afternoon.

[The Assembly adjourned at 12 p.m.]

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