



Province of Alberta

The 30th Legislature
Fourth Session

Alberta Hansard

Wednesday evening, November 30, 2022

Day 2

The Honourable Nathan M. Cooper, Speaker

Legislative Assembly of Alberta
The 30th Legislature
Fourth Session

Cooper, Hon. Nathan M., Olds-Didsbury-Three Hills (UC), Speaker
Pitt, Angela D., Airdrie-East (UC), Deputy Speaker and Chair of Committees
Reid, Roger W., Livingstone-Macleod (UC), Deputy Chair of Committees

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Armstrong-Homeniuk, Hon. Jackie, ECA, Fort Saskatchewan-Vegreville (UC)	Nixon, Hon. Jeremy P., ECA, Calgary-Klein (UC)
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Bilous, Hon. Deron, ECA, Edmonton-Beverly-Clareview (NDP)	Orr, Hon. Ronald, ECA, Lacombe-Ponoka (UC)
Carson, Jonathon, Edmonton-West Henday (NDP)	Pancholi, Rakhi, Edmonton-Whitemud (NDP)
Ceci, Hon. Joe, ECA, Calgary-Buffalo (NDP)	Panda, Hon. Prasad, ECA, Calgary-Edgemont (UC)
Copping, Hon. Jason C., ECA, Calgary-Varsity (UC)	Phillips, Hon. Shannon, ECA, Lethbridge-West (NDP)
Dach, Lorne, Edmonton-McClung (NDP)	Pon, Hon. Josephine, ECA, Calgary-Beddington (UC)
Dang, Thomas, Edmonton-South (Ind)	Rehn, Pat, Lesser Slave Lake (UC)
Deol, Jasvir, Edmonton-Meadows (NDP)	Renaud, Marie F., St. Albert (NDP)
Dreeshen, Hon. Devin, ECA, Innisfail-Sylvan Lake (UC)	Rosin, Miranda D., Banff-Kananaskis (UC)
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Ellis, Hon. Mike, ECA, Calgary-West (UC)	Rutherford, Hon. Brad, ECA, Leduc-Beaumont (UC), Government Whip
Feehan, Hon. Richard, ECA, Edmonton-Rutherford (NDP)	Sabir, Hon. Irfan, ECA, Calgary-Bhullar-McCall (NDP), Official Opposition Deputy House Leader
Fir, Hon. Tanya, ECA, Calgary-Peigan (UC)	Savage, Hon. Sonya, ECA, KC, Calgary-North West (UC)
Ganley, Hon. Kathleen T., ECA, Calgary-Mountain View (NDP)	Sawhney, Hon. Rajan, ECA, Calgary-North East (UC)
Getson, Shane C., Lac Ste. Anne-Parkland (UC)	Schmidt, Hon. Marlin, ECA, Edmonton-Gold Bar (NDP)
Glubish, Hon. Nate, ECA, Strathcona-Sherwood Park (UC)	Schow, Hon. Joseph R., ECA, Cardston-Siksika (UC), Government House Leader
Goehring, Nicole, Edmonton-Castle Downs (NDP)	Schulz, Hon. Rebecca, ECA, Calgary-Shaw (UC)
Gotfried, Richard, Calgary-Fish Creek (UC)	Shandro, Hon. Tyler, ECA, KC, Calgary-Acadia (UC)
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Guthrie, Hon. Peter F., ECA, Airdrie-Cochrane (UC)	Sigurdson, Hon. Lori, ECA, Edmonton-Riverview (NDP)
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Hunter, Hon. Grant R., ECA, Taber-Warner (UC)	Smith, Mark W., Drayton Valley-Devon (UC)
Irwin, Janis, Edmonton-Highlands-Norwood (NDP), Official Opposition Deputy Whip	Stephan, Jason, Red Deer-South (UC)
Issik, Hon. Whitney, ECA, Calgary-Glenmore (UC)	Sweet, Heather, Edmonton-Manning (NDP)
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LaGrange, Hon. Adriana, ECA, Red Deer-North (UC)	Turton, Searle, Spruce Grove-Stony Plain (UC)
Loewen, Hon. Todd, ECA, Central Peace-Notley (UC)	van Dijken, Glenn, Athabasca-Barrhead-Westlock (UC)
Long, Martin M., West Yellowhead (UC)	Walker, Jordan, Sherwood Park (UC)
Lovely, Jacqueline, Camrose (UC)	Williams, Dan D.A., Peace River (UC), Deputy Government Whip
Loyola, Rod, Edmonton-Ellerslie (NDP)	Wilson, Hon. Rick D., ECA, Maskwacis-Wetaskiwin (UC)
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Madu, Hon. Kaycee, ECA, KC, Edmonton-South West (UC), Deputy Premier, Deputy Government House Leader	Yaseen, Hon. Muhammad, ECA, Calgary-North (UC)
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Nally, Hon. Dale, ECA, Morinville-St. Albert (UC)	
Neudorf, Hon. Nathan T., ECA, Lethbridge-East (UC), Deputy Premier	

Party standings:

United Conservative: 60

New Democrat: 23

Independent: 2

Vacant: 2

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Legislative Assembly of Alberta

7:30 p.m.

Wednesday, November 30, 2022

[The Deputy Speaker in the chair]

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

Consideration of Her Honour the Lieutenant Governor's Speech

Mr. Toor moved, seconded by Ms Lovely, that an humble address be presented to Her Honour the Honourable the Lieutenant Governor as follows:

To Her Honour the Honourable Salma Lakhani, AOE, BSc, LL.D, the Lieutenant Governor of the province of Alberta:

We, His Majesty's most dutiful and loyal subjects, the Legislative Assembly, now assembled, beg leave to thank Your Honour for the gracious speech Your Honour has been pleased to address to us at the opening of the present session.

[Adjourned debate: Mr. Eggen]

The Deputy Speaker: Are there members wishing to join the debate? The hon. Member for Calgary-*Buffalo*.

Member Ceci: Thank you very much, Madam Speaker. You know, as I listened to this government's Speech from the Throne, my heart sank. This is a government that doesn't understand Albertans' priorities, and it is refusing to listen to the people of this province who just don't see themselves in this government's agenda. The throne speech made it clear that this government is focused above all on the job-killing sovereignty act. They're not going to address the crisis in children's health care. They're going to generate a whole new constitutional crisis. They're not going to support Albertans facing an affordability crisis. They're going to create a made-in-the-Premier's-office economic crisis. The truth is that when this government finally introduced the full text of the job-killing sovereignty act on Tuesday, yesterday, part of me was glad because it gave Albertans the full picture of what is at stake, not just our economy but our democracy itself.

Madam Speaker, we already knew that the sovereignty act would be catastrophic for Alberta before it was introduced. We knew that because the very same UCP cabinet members who lined up to vote for it on Tuesday have spent months telling us how bad it is. The Finance minister has said that the so-called sovereignty act would create "job-killing economic chaos." The Minister of Jobs, Economy and Northern Development said that the sovereignty act is nothing more than, quote, virtue signalling and a fiscal fairy tale that doesn't make any sense and won't work. The Minister of Environment and Protected Areas said that the sovereignty act "would create instability and chaos." The Minister of Trade, Immigration and Multiculturalism said that the sovereignty act is intended to "provoke a constitutional crisis as a path to separation (as the authors of the Act seem to want)." The Minister of Municipal Affairs called it the Anarchy Act, saying that it's, quote, a false dream that will turn into a nightmare. It's not often that I agree with the UCP cabinet ministers, but I endorse every single one of those quotations.

But you know what's even more frightening? Those ministers were speaking before they knew exactly how bad the job-killing sovereignty act is. They didn't know it would include an antidemocratic, Henry VIII clause allowing the Premier and cabinet

to bypass the legislative processes and unilaterally amend provincial laws. They didn't know that it would severely limit the rights of Alberta citizens to challenge the act's extraordinary powers in court. The fact is that the job-killing sovereignty act seeks to upend Canada's constitutional order. It undermines the rule of law, it undermines our democracy, and it's going to be a disaster for our economy.

Madam Speaker, I am the proud MLA for Calgary-*Buffalo*, a place filled with generous, open-minded people who want what's best for our province. Calgary is the engine of Alberta's economy, but this legislation is going to be a disaster for my city and for the entire province. It will interfere with our ability to attract workers because no one wants to come to a province where the Premier is trying to set herself up with virtually dictatorial powers. It will undermine the ability of our energy sector to work collaboratively with the federal government through initiatives such as the Pathways Alliance, which is currently seeking federal support for a proposed multibillion-dollar carbon capture and storage project. It will undermine new investment by creating uncertainty, and it will leave many Calgary businesses looking to set up in more stable jurisdictions, whether they are local small businesses or large companies with head offices in Calgary. As the Calgary Chamber of Commerce CEO, Deborah Yedlin, said, quote: there is no shred of evidence that this act will lead to economic growth. End quote.

Madam Speaker, we don't have to shoot ourselves in the foot with this disastrous bill. There is a better way. The Alberta NDP opposition's alternative throne speech sets out a vision of a better future for Alberta. With the help of ATB former chief economist, senior economist Todd Hirsch we will build a resilient economy with good jobs that Albertans can rely on for generations. We will release a new investment framework which will outline how we can incentivize private-sector investment, pursue innovation, and grow Alberta companies by fostering economic certainty with a competitive regulatory environment. We will bring real, sustained action to help families struggling to pay their bills, and we will bring forward legislation that ensures public health care is protected and strengthened and that establishes health care service standards.

These are the things we should be focused on. Instead, we are here, waiting to see exactly how many UCP MLAs are going to vote to undermine our democracy, our economy, and our entire province.

The Deputy Speaker: Are there others wishing to join in on the debate? The hon. Member for Calgary-*Mountain View*.

Ms Ganley: Thank you very much, Madam Speaker. I'm pleased to rise and speak to the Speech from the Throne. I think this Speech from the Throne is in some ways emblematic of this government because it is nothing but a giant bait and switch. It's a speech that went on to talk about the things that are important to Albertans, to talk about health care, affordability, jobs, but then the very next thing this government did was turn around and introduce an act that will worsen the affordability crisis and destroy investment and jobs in this province.

You know, the Speech from the Throne was filled with some pretty words, words that even acknowledged that the Constitution covers the division of power, not an act passed by this government, but in the very next breath turns around and claims that they can create a constitutional shield. It's a Speech from the Throne, I think, that was intended to placate Albertans, and, Madam Speaker, I think that that is the worst thing this government could be doing. Albertans need real help. They need a government that is focused on solving the problem, not pretending to solve the problem or pretending that there is no problem.

This is a government that, you know, claims to care about health care but picked fights with doctors, picked fights with nurses, drove the health care system to the brink of collapse repeatedly. We have a Premier who has mused about bringing in health care spending accounts that maybe pay for other things but maybe pay for your doctor. She's been back and forth and all over the map, won't give a clear message, and it's incredibly concerning because Albertans deserve to know that those services will be there for them.

I am a parent of a child, Madam Speaker, as I know you are a parent as well. I speak to other parents, and people are worried. They are worried that their children will get sick and that they will spend hours waiting outside a hospital to get triaged because of the actions of this government. Rather than being laser focused on solving that problem, on fixing the crisis in hospitals, on giving the people of this province confidence that if their children get sick, the health care system will be there for them, that they'll be able to go to the emergency room or call an ambulance or see their family doctor, this government is focused on bringing in an act that purports to do something which it cannot do, that is clearly unconstitutional, and that will create mass uncertainty. I think that that is an enormous problem.

7:40

This is, you know, a government that came forward and talked about affordability, that pretends to be doing something about the crisis, but their measures are entirely short-term and temporary fixes. We see no attempt to solve the larger problem, which is that inflation is high and wages aren't keeping pace. We see no attempt to reverse their damaging policies. Insurance skyrocketed under this government. Electricity rates skyrocketed under this government. They may have finally chosen to reverse their tax grab, but they haven't gone back in time and fixed the problem in retrospective years for Albertans. They certainly haven't done anything about the policies of theirs which have forced property taxes up throughout the province: the cutting of MSI, the downloading of policing costs onto municipalities. These things raised people's property taxes in some rural areas with their policing thing up to \$400 a household. That's a lot of money, Madam Speaker. This is a government that is all about lip service and not at all about solutions.

Albertans are looking to see their future here. They want their children to look to this province and see a future with good-paying, sustainable jobs, jobs on which they can afford to have a mortgage and pay their bills and have a reasonable lifestyle, just like we all have had in this province. Instead of doing something to build that economy in the future, to build those sustainable jobs, to ensure that we are investing in the right way, this is a government that is bringing in an act which began driving away investment before it was even tabled.

The problem is the uncertainty. The problem is that investors want to look to this province and be able to know what the laws are. That's not, I think, a huge request. We see this the world over. When there is uncertainty about what the laws in a jurisdiction are, investment flees, and that is exactly what is happening and what will continue to happen here in Alberta because this government has introduced an act that will allow them to overwrite laws, laws of this Legislature, in cabinet.

That's a huge problem. It means laws could change on a moment's notice. It means investors look to this jurisdiction and say: we can't predict what the outcome of our investment will be. That is a huge problem going forward into the future. If there is one thing that industry has been asking for consistently, it is certainty. They want to know what the rules will be so they can make investment decisions on that basis. That is not an unreasonable request. It kind of feels like in an advanced democracy the very least

we can do for investors is to provide them with certainty, but this government has brought in an act that will create mass uncertainty.

It isn't just me saying that. UCP cabinet ministers, UCP members have said that about this act, have promised Albertans that they would stand up against it. Now they're turning around and trying to mislead Albertans about what the act does, and I think that that is incredibly problematic. They're trying to say: oh, I had concerns, but those concerns have been placated. Well, honestly, Madam Speaker, this act is worse than I expected it to be – and I expected it to be bad – because in addition to being an attack on the Constitution, it is also fundamentally undemocratic. It uses the same language that caused Albertans so much concern when this government passed it in Bill 10 and apparently has learned zero lessons from that.

I would say, Madam Speaker, that at the end of the day my concern with this throne speech is that it does not address the pressing issues which presently face Albertans, and they are incredibly pressing issues. We have e-mails into my office all the time of people who can't find doctors, who can't get an ambulance, who are terrified that their children will get sick and that they will be waiting outside the children's hospital. We have messages every day of people who can't keep up with the cost of living, much of which was created by decisions this government made to raise taxes, to raise insurance rates, to allow electricity rates to skyrocket, to force up tuition and interest on student loans and all sorts of costs at a time when Albertans can least afford them. Add to that the fact that wages are nowhere near keeping pace, and people are concerned about their jobs and about having jobs that can cover their mortgage. This government has chosen not to do anything about that either, to make the situation worse by creating uncertainty that will drive away investment and drive out jobs.

I would say I am incredibly concerned, Madam Speaker, about this Speech from the Throne. I would say it is an attempt to pay, at best, lip service to the real and pressing and urgent concerns of the people in this province, people that every single one of us in this room was sent here to serve. I would urge the members opposite to consider that solemn duty that has been placed in us and take some real action on the real problems that face their constituents.

Thank you.

The Deputy Speaker: Are there others to join in the debate? The hon. Member for Edmonton-McClung.

Mr. Dach: Thank you, Madam Speaker. Very pleased this evening to rise and speak to the throne speech and join the debate that has been started by members on my side of the House.

I'll start by talking about some of the reactions to the lead-up to the throne speech that I've heard in my constituency. They are not my adjectives, Madam Speaker; they are those words used by constituents in my riding as I was door-knocking in places that normally I wouldn't expect to have heard these adjectives, words like: nuts, crackers, whacko, dangerous. These words, along with words like "hijacked," are words used by constituents who are in their 80s and 90s, particularly women, to describe what they were hearing coming in the form of policy from the UCP government leading up to the throne speech, where we find the standing-up-to-Ottawa clause is really the skeleton upon which the throne speech is hung.

What they're asking and wondering aloud, long-term former Conservative supporters who will never vote Conservative again according to them, those women who were telling me these adjectives to describe what they felt the UCP policy was meaning to them, these seniors in particular are wondering: why? What is it all about? Why in the world do the Conservative members feel the

need to come up with a policy right now in the midst of the fear that they have for their own livelihoods – why bring on this uncertainty in the attack against Ottawa at this point in time when they're worried about making ends meet? They're worried about being able to afford a bus pass or maybe having to go to the food bank for the first time in their life.

I've never, Madam Speaker, had an 80- or 90-year-old woman, former Conservative voter, declare to me that they were never going to vote Conservative again and use words like "nuts" and "whacko" and "crackers," to quote directly from them, talking about their Conservative government that they feel has been hijacked. Indeed, the tail has been wagging the dog for a while in the party that's currently making government policy right now. It seems to be the fact that the tail is actually at the front bench, and the rump of the party is making those decisions. Indeed, there seems to be some truth to the word "hijacked," in the words of the constituents I'm talking to, in terms of who is actually in control of policy-making in the party, and it's Albertans who will suffer as a result of this hijacking.

The uncertainty that the standing-up-to-Ottawa portion of the job-killing sovereignty act inclusion in the Speech from the Throne is already something that's been remarked about by organizations as important as the Calgary Chamber of commerce, who have come out saying that it's going to be a detriment to our economy.

7:50

The focus really isn't something that should be on something like the sovereignty act right now; the focus should be on looking after those seniors who are concerned about their livelihood, making sure students feel that they can have a job to go to after they graduate if they decide to go to university here in the province at all, the people who were on AISH, who now are asked to give thanks to the government for giving back what they took from them before and, in fact, leaving them \$3,000 less well off than they otherwise would have been under an NDP policy. It's like drilling a hole in a boat and then asking the passengers to thank you for throwing them a life preserver. That's the analogy that comes to mind when I think of what the government has done with respect to benefits like AISH. The cruelty of it behooves me. Why indeed would the Premier decide it was a good thing to do to seek the thanks and generous goodwill of the people who are now getting AISH benefits reindexed when, in fact, they're \$3,000 less well off than they otherwise would have been?

I can think of some choice words that those constituents might use at the doorsteps regarding the government policy and the sovereignty act that's going to kill jobs because of the uncertainty it creates in this province, but "Why now; what for?" is the big question I'm hearing at the doors. Standing up to Ottawa? Sure. Protection of your interests? Sure. But focus on what's going on in the province right now, whether it's the small businesses that are in my constituency hoping that this Christmas shopping season just might allow them to survive into the next year, hoping that individuals might have enough money, perhaps, to spend in their stores to allow them to hire that one extra student to work part-time, hoping that the focus of the government is going to be on making sure that the support payments that people have relied upon are not going to be yanked and then handed back on an elastic-band method of looking after people in this province.

The uncertainty that the sovereignty act, that is included in the Speech from the Throne, is creating is being heralded as the exact wrong thing for the province to be considering right now, when, in fact, we're coming out of a pandemic, Madam Speaker. We're, hopefully, going to be seeing an incidence of smaller numbers

filling our emergency wards and children's emergency wards, but that's not happening right now. We have people who can't get medication for their children, children whose surgeries are being postponed. These are life-threatening issues, and what we're having the government focused on is creating a fight with Ottawa. That is something that's leaving people scratching their heads, not only the seniors in my riding but students and business owners as well, thinking: what in the world is the priority of this government doing, looking at something like picking a constitutional fight with Ottawa when, in fact, we've got some serious business at home to look after? Jobs, economy, health care, affordability: these things should be the focus of the government.

Yet the government is telling us, with respect to this sovereignty act, that indeed it doesn't do what we say it does. In fact, what it does: it gives them powers to change legislation without going back to the House. I've heard even the Premier, Madam Speaker, say that, no, that's not what it does. Well, we can read. Albertans are being taken for fools, because they can read as well, and that's exactly what this act allows the government to do. In fact, it's created quite a stir across the country because people are aghast that any government would have the audacity to try to grant these powers unto themselves, to usurp the legislative authority, to go around the course. That is alarming.

On many fronts this throne speech is an affront to Albertans, and I'm hearing that loud and clear at the doors. Madam Speaker, they're telling me that they want the election to happen sooner rather than later. They're ready. We're ready.

Let's adjourn debate, please.

[Motion to adjourn debate carried]

Government Bills and Orders Second Reading

Bill 1

Alberta Sovereignty Within a United Canada Act

[Adjourned debate: Mr. Williams]

The Deputy Speaker: The hon. Member for Drayton Valley-Devon.

Mr. Smith: Thank you, Madam Speaker. It gives me a great deal of pleasure to rise today and to take a few minutes to address the Alberta Sovereignty Within a United Canada Act, Bill 1. I think it's appropriate that we bring this into this Legislature to have this discussion.

Canada is a federal nation where the power to govern is divided between the federal government and the provincial governments across this nation. We are the second-largest nation in the world by geography, and we are a diverse people with unique languages and cultures. It is not possible to provide the government that this great nation needs and deserves by centralizing the power of government in one national body. Our founding fathers of Confederation understood this, so they crafted a constitution that recognizes this fact.

A strong federal system recognizes that national decisions need to be made by a national government and that the more local decisions must reflect the local realities and must be represented by the provincial levels of government. This federal relationship is not one of a parent-child relationship. Our federal system does not build in a power imbalance between a national government and the 10 provinces of this nation. The national government and the provinces are partners, having been given different responsibilities and different capacities to make law in the governing of our great nation.

These powers are outlined in the Canadian Constitution, primarily in sections 91 and 92, and it is the reason that we can clearly defend the statement that the powers set out in section 92 to the provinces of Canada are their sovereign powers or their rights. These rights are not, in most cases, constrained by the federal government or overseen by the federal government. They are not given to the provinces by the federal government, so they are the provinces' sovereign rights. For instance, the federal government oversees the funding and the deployment of the Canadian Armed Forces and the protection of our national sovereignty. Provinces have been derogated the power to oversee areas like education and health care. As of the passage of the Statute of Westminster in 1931, Alberta has the right to ownership and to oversee the harvesting and the deployment of our natural resources.

Albertans have a long and, at times, acrimonious relationship with the federal government when the federal government attempts to interfere in our provincial rights, that are clearly outlined and defined in the Canadian Constitution. The Alberta Sovereignty Within a United Canada Act has been drafted and, should it be passed, will, firstly, protect Albertans from federal legislation or policies that are unconstitutional or harmful to our province, to our people, or to our economic prosperity. It will enforce the Canadian Constitution's division of powers in recognition of both the federal and the provincial governments' respective and exclusive and sovereign areas of constitutional jurisdiction. In other words, unlike what some people will argue, this legislation actually upholds the democratic institution of federalism in this nation.

This will provide authority to the cabinet, when authorized by this Legislative Assembly, under the act to direct provincial entities to not enforce specific federal laws or policies with regard to provincial resources. It could create opportunities for building national awareness of federal intrusion into provincial areas that are the exclusive jurisdiction of this province, and it would shift the burden to the federal government to legally challenge Alberta's refusal to enforce unconstitutional or harmful federal laws or policies instead of Alberta having to initiate legal challenges and waiting years for a decision while those same federal laws or policies harm Albertans day in and day out.

Madam Speaker, in the short time that this bill has been before the House, His Majesty's Official Opposition has exaggerated and mischaracterized this bill. It is therefore time to set aside the spurious objections of the NDP and time to address how the Alberta Sovereignty Within a United Canada Act, should it be passed through this Legislature, will actually function and work.

8:00

A member of the Executive Council – that is, any minister, including the Premier – would introduce a motion in the Legislative Assembly for a proposed use of the act. This motion would identify a federal initiative, like a policy or a piece of legislation, as being, in the opinion of the consensus of the Legislative Assembly, unconstitutional, contrary to the Charter, or otherwise harmful to Albertans along with the nature of that harm.

In section 2 of the Alberta Sovereignty Within a United Canada Act the bill clearly states:

Nothing in this Act is to be construed as

- (a) authorizing any order that would be contrary to the Constitution of Canada.

Full stop. I hope the opposition is listening.

- (b) authorizing any directive to a person, other than a provincial entity, that would compel the person to act contrary to or otherwise in violation of any federal law.

This act is saying that no one can be forced to break the law.

- (c) abrogating or derogating from any existing aboriginal and treaty rights of the aboriginal peoples of Canada that are recognized and affirmed by section 35 of the Constitution Act.

There goes away another one of those arguments that we're taking away Canada's First Nations' rights. Hmm. Maybe they ought to read the act.

Clearly, many of the concerns of the opposition should be put to rest with this section of the bill. No action by the government of Alberta when enacting the provisions of this bill will "be contrary to the Constitution of Canada." This bill will not let the Alberta government pass legislation or enact regulations that will, unlike the actions of the federal government, intervene in an unconstitutional fashion in the rights of another level of government. This bill will not direct any person or provincial entity or business to be in violation of any federal law, and this bill recognizes and affirms Aboriginal treaty rights under section 35 of the Constitution Act. Many of the Official Opposition's concerns are either the result of not reading the bill set before this House, or they are more interested in opposing for the sake of opposing rather than doing the actual job of being in opposition.

One of the mischaracterizations of the Alberta Sovereignty Within a United Canada Act is that it is undemocratic. The Saskatchewan government has also passed a bill to address their concerns regarding the federal overreach into provincial jurisdiction called the Saskatchewan First Act, with the support, by the way, of the Saskatchewan NDP. Now, this act from the province of my birth is meant to confirm its exclusive provincial authority over its natural resources. Yet there is one key difference between the two acts. Saskatchewan's act sets up a tribunal, independent from the government, to determine if a federal measure is harmful or unconstitutional, and that tribunal makes recommendations to cabinet. Well, Alberta gives that authority to the people that should actually have it, the elected Members of the Legislative Assembly, to determine if a federal measure is harmful or unconstitutional. [interjection] Sir.

Mr. McIver: I was just listening intently to the speaker, and I was just curious if you had an opinion on why the Saskatchewan NDP is so much smarter than the Alberta NDP.

Mr. Smith: Thank you, sir. I would harbour that perhaps, like many of the farmers in Saskatchewan and across this province of Alberta, they tend to be very practical people, unlike perhaps some of the NDP that inhabit Alberta, and we see that this group of people look out for the interests of the people of Saskatchewan, just as the United Conservative Party is trying to look out for the people of Alberta.

The Alberta act gives the authority to decide if something is constitutional or unconstitutional to the Members of the Legislative Assembly, and that just makes sense. We're the ones that have been elected. We're the ones that should be looking at it. We're the ones that should be deciding on the interests and on behalf of the people of Alberta whether or not this should move forward, and we should look at whether an act or a bill that's been passed through the federal Parliament is actually unconstitutional.

In order to enhance the democratic transparency of this process, the government has committed to allowing free votes of all members in the consideration of the motion brought before the Chamber. Free debate, dialogue, and consideration of constituents' concerns will be the primary consideration, not party solidarity, not party discipline, but a free vote by the members of the Legislature.

If, in the collective wisdom of the Legislature, they pass a motion that

- (a) states that the resolution is made in accordance with this Act,
- (b) states that, in the opinion of the Legislative Assembly, a federal initiative
 - (i) is unconstitutional on the basis that it
 - (A) intrudes into an area of provincial legislative jurisdiction under the Constitution of Canada, or
 - (B) violates the rights and freedoms of one or more Albertans under the Canadian Charter of Rights and Freedoms,
 - or
 - (ii) causes or is anticipated to cause harm to Albertans . . .
- (d) identifies a measure or measures that the Lieutenant Governor in Council should consider taking in respect of the federal initiative . . .

So three things.

Regardless of the fearmongering surrounding this bill, it clearly states in this bill that it must have the democratic support of the Legislature. Our elected representatives must agree that the federal initiative is either unconstitutional or likely to create great harm to Albertans' rights and, finally and clearly, identify what should be done to address this federal overreach, all duly passed by this Legislature and constituting the democratic will of the people of Alberta through their elected representatives.

Mature democracies have a system of checks and balances, and the Alberta Sovereignty Within a United Canada Act ensures that this happens by building in a judicial review within 30 days after the date of the decision or act. While some will suggest that 30 days is not long enough, I would argue that it is long enough and quite possible for a judicial challenge to move forward within this period of time.

Madam Speaker, to this point I've only covered what a federal system of government is and what the Alberta Sovereignty Within a United Canada Act will actually do and how it will actually function. There are so many historical examples that could be used to justify the passage of this act, but today I'm only going to focus in on one example of why this act is so critical if Albertans and Canadians are going to continue to live within a federal system of government.

In its division of powers Canada's Constitution does not assign the environment to either the federal Parliament or to the provincial Legislatures. The Parliament can pass environmental law in an area of federal jurisdiction like fisheries and the provinces within their constitutional jurisdictions.

In June 2019 the federal government enacted Bill C-69, the Impact Assessment Act, or what became known in Alberta as the no-more-pipelines act. This act was passed through the House of Commons by the federal Liberal Party with the support of the federal NDP. This act established various types of federal assessments for oil and gas projects like pipelines. Alberta has argued that the Impact Assessment Act provided an effective federal veto over the development of Alberta owned and constitutionally recognized resources.

The actions of the federal government in passing this legislation have destabilized the economy of Alberta, it scared billions of dollars of capital out of the province, and it's resulted in hundreds if not thousands of businesses and individuals going bankrupt and becoming unemployed.

While the NDP were unwilling to confront this directly, the United Conservative Party government was willing to take this to the Alberta Court of Appeal and to get a ruling as to whether this

federal intrusion into Alberta's constitutional right to develop its resources was actually constitutional. While the court was listening to the arguments and considering its ruling, Albertans suffered. While the court took many months, finally the Alberta Court of Appeal ruled on May 10, 2022.

What did the Court of Appeal decide? One, they found the IAA to be, in their words, a "breathtaking pre-emption of provincial legislative authority." [Mr. Smith's speaking time expired] I'm going to have to leave it there.

8:10

The Deputy Speaker: Are there others to join the debate? The hon. Member for Calgary-Mountain View.

Ms Ganley: Thank you very much, Madam Speaker. The sovereignty act. There is no shred of evidence that this act will lead to economic growth: that's not me; it's Deborah Yedlin, the CEO of the Calgary Chamber of commerce. She talked about how the details of this act have gone further than business even expected, so essentially the act is worse than people feared it would be.

A ticking time bomb for the UCP's future: that's the Minister of Finance. It will create a constitutional and economic crisis that will hurt Alberta: that is the former Minister of Transportation and current minister of . . .

An Hon. Member: It doesn't matter.

Ms Ganley: It doesn't matter. Okay.

The minister of economic development: it's counterproductive and harmful.

I could go on. The CEO of the Calgary Chamber of commerce referred to it as an act that would create transactional friction and cause companies to rethink their decisions to come to Alberta. She went on to say that for people wanting to come here and build a life in this province, to take advantage of the opportunities that we have, the views that are being presented right now are not necessarily supporting the attraction of talent that we need.

The current minister of environment, former Minister of Energy, said, "I can tell you for certain, that the Sovereignty Act is not the solution . . . The Sovereignty Act [will] create instability and chaos."

This act is incredibly damaging. Madam Speaker, what investment needs is to know what the rules are. People who are making investment decisions, particularly large investment decisions, particularly in projects like carbon capture and storage, which are essential to the economic future of our province, look at those investment decisions very seriously. They look to the jurisdiction they are about to invest in, and do you know what one of the first things they look at is? Whether or not the rules will continue to be the rules into the future, whether or not they can have certainty that the rules under which they make their investment decisions will continue to be the rules that govern that decision while the investment is recouped and begins producing revenues.

That is absolutely essential. We saw it when Quebec threatened to leave the country. We have seen it in other nations that have had legal and political uncertainty. Investment flees. It is a consistent and well-documented . . . [interjection] Oh, I will cede the floor.

Ms Gray: Thank you very much to my colleague. We're using some very strong language right now about the chilling effect on investment of a bill that was introduced yesterday, and I know that this is because that chilling effect on investment has been in place and working for many, many months as this bill was debated throughout the UCP leadership race. That chilling effect, what we're hearing from chambers of commerce, from the energy

industry, from business and investors, was one of the key reasons why the Official Opposition caucus decided to not just oppose Bill 1 at first reading but cause a standing division, to make clear our objection to this piece of legislation, which is already damaging the Alberta economy. I wondered if my hon. colleague would be able to speak a little bit to what we are hearing from business not just since the bill has been introduced but as it has already been in place for the last several months.

Ms Ganley: Yes, and thank you very much to my hon. colleague for the question. The bill has started having an effect already. What we are hearing from people in the business sector, from people in the oil and gas sector is that the impact on investment was being felt before the bill was even introduced. Now, that may seem odd, but again the problem, Madam Speaker, is the destabilizing effect, and it has that destabilizing effect regardless of what the actual impacts are. Bringing forward a bill on behalf of the government that is essentially intended to allow the government to overwrite different jurisdictions and different legislation is incredibly problematic. It gives people uncertainty as to what the rules are.

The truth is that with respect to this bill, with respect to the sovereignty act, it was never, under any circumstances, able to do what the government claimed it would do. The division of powers is set out in the Constitution. They can pass whatever act they want on the government side, and it won't change that fact. The division of powers is set out in the Constitution. Acts that federal and provincial governments undertake are illegal or they are not.

What the sovereignty act does do is create mass uncertainty. It means that people invest, and then someone can challenge the law or the government can attempt to overwrite the law and they have to sue, and they are tied up in court for years. I don't know, Madam Speaker, if you've ever been involved in a legal action, especially large commercial actions, but they can take years to make their way through the court system. In the interim that money that has been invested is not generating a return. So why would anyone ever choose to invest their money where it could be tied up in years of legal action, having no returns, while we try to sort out whether or not the government can overwrite the Constitution – they can't; that will be the answer – but that doesn't mean that it won't take an incredibly long time for this to go through the system.

That's where I'd like to begin. I'd like to also turn to the act, because, fortunately, it's incredibly short, so I've had the opportunity to read it since it was introduced, multiple times. [interjection] It's true.

The substance of the act is in section 4. What it allows the government to do is that – and these are the operative words – the Lieutenant Governor in Council, cabinet, can

suspend or modify the application or operation of all or part of an enactment . . . or specify or set out provisions that apply in addition to, or instead of, any provision of an enactment.

An enactment is legislation. That means that Executive Council, i.e. cabinet, is essentially deleting and rewriting legislation – that is pretty fundamentally antidemocratic – legislation which my constituents, incidentally, sent me here to review. I think that that is incredibly concerning.

Member Ceci: Can I cut in?

Ms Ganley: Yeah. Absolutely.

Member Ceci: Thank you, Colleague. It's part 4 that I've heard described as a Henry VIII clause. I wonder if you could talk about the antidemocratic or dictatorial process that then got codified as a Henry VIII clause. That would be helpful.

Ms Ganley: Thank you very much to my hon. colleague for that question. That's a delightful, legal nerd question, so I'm happy to answer it. A Henry VIII clause is titled after Henry VIII because he essentially attempted to circumvent the Parliament so as to allow himself to legislate without the Parliament or the legislative branch. And that's exactly what this does. These things are referred to as Henry VIII clauses when they make an attempt to work around the legislative branch, because in our system of democracy the Legislature serves a certain function. Now, it happens to be the case that when you have a majority government, they can normally get their legislation passed.

But I think the opposition still serves an incredibly important democratic function, regardless of who sits in opposition, because they do several things. They can propose amendments – maybe those amendments get voted down, but in this place, this room, everything we do and say is on the record. What that means is that the citizens of this province, who are governed by those laws, can listen to what we say. They can read what we say. The media can come into this place. They can hear what we say, and they can report on it. That means that the public knows what's going on in here.

8:20

The public does not know what's going on in cabinet. Those discussions occur behind closed doors. Even government private members aren't necessarily privy to the discussions that are occurring in that room, to the decisions that are being made in that room, so circumventing the Legislature is incredibly problematic for democracy because it means that laws are becoming laws before the public has had a chance to see them.

The thing about the legislative branch is that it takes a while to legislate. It takes a while for acts to pass through this House. The importance of that isn't what we all in here get to say about the acts; it's that that information gets to the public. People in the public who understand the area of law, who will be governed by these laws have the opportunity to stand up and object and say: you know, that's not going to work for the following reason. They have the opportunity to bring their values and their expertise to bear and to essentially shine sunlight on what's going on, and then other people can object. I mean, that's how democracy is supposed to work at its core, so that's incredibly problematic.

Now, as the member stated, in order for cabinet, the Lieutenant Governor in Council, to have this power, we have to pass a motion in this House. I think the important distinction here is that the motion doesn't say what the law that cabinet ultimately writes is going to do. It's just a motion that says, essentially: we think what the federal government did was bad. That's what the substance of the motion is. I mean, that doesn't tell the public what the law is going to say. That doesn't serve the same function that the legislative branch is supposed to serve. The motion is not what my constituents sent me here to debate. My constituents did not send me here to bless a motion that says, "We don't like some law of the federal government's" and then have that law rewritten behind closed doors in the privacy of a cabinet room. That is not how democracy is intended to work, and it is fundamentally antidemocratic. [interjection]

Ms Gray: Thank you to my colleague. In the debate on Bill 1 there seems to be an argument between the government and all experts and the opposition around what needs to happen in the Legislature in order to enable these things to happen. One of my main concerns is the fact that it will take only a motion passed by the majority here to enable changing of legislation.

Right now, when we make laws, as we are doing with the debate of Bill 1, bills become introduced, they are debated at multiple stages, there is a Committee of the Whole process, there is transparency, and we are all involved in that, and it's a lot of work. But a single government motion to then kick off a cabinet making changes to laws is a completely different thing, and I don't think we're talking about apples to apples. We're talking about something else entirely, and saying that the motion is sufficient strikes me as ridiculous.

Does the legislation, I ask my colleague, define how the motion needs to read?

Ms Ganley: Thank you very much for the question. The legislation does in fact talk about what the motion needs to do, and I think that this is incredibly important because in legislation what the actual words say is incredibly important. In this case there is a very critical "or" in the legislation. It talks about the Assembly approving a resolution. It needs to be made in accordance with the act, and it needs to state either/or that "in the opinion of the Legislative Assembly a federal initiative is unconstitutional [because] it intrudes into provincial . . . jurisdiction" – I'm not really sure why the Legislative Assembly is having a legal opinion, but there we go – or it "violates the rights and freedoms" or – a very important "or" – "causes or is anticipated to cause harm to Albertans." Then it has to set out the harm but only if the harm was the basis of the motion.

So what it means is that there are two different paths, potentially, for this motion to come through the House, and it doesn't necessarily need to set out exactly what the problem is. It could just say that, in the opinion of the Legislative Assembly, it's unconstitutional, which, given some of the legal opinions we've been hearing in here today, is, I would say, deeply troubling.

It also talks about identifying measures that they should consider. Well, I mean, that's not helpful. Again: should consider. It doesn't in any way impede cabinet's ability to do a lot more or a lot less than that. That is highly problematic. It also – again, a motion is different than an act. An act has to be debated at multiple stages, and it's not about the number of hours of debate; it's about the number of hours that the thing is before the House.

The real democratic process isn't just occurring in here; it's occurring out there in the public. It means that reporters need to be live to the concern; they need to write stories, stories that get to the public. People talk to each other, more stories are generated, people call their MLAs, MLAs say things in the House, and it goes to more stories: that's how democracy is supposed to work. That sort of public, media portion of that is absolutely critical. So the idea that you could pass a motion in one afternoon or one evening and that it somehow serves the same function as a fulsome public debate on legislation is just absurd. It's absurd.

Now, the members also seem to like to mention this interpretation section, section 2, which I would honestly call basically the legal equivalent of an incantation, as if the government thinks that it can wave its hand over something and say, "Unconstitutional," and that somehow renders it so. That's not how it works, Madam Speaker. It's not how it works. You can't just – the way the act operates is either unconstitutional or it isn't. Simply naming it constitutional – they could've called it the constitutional act; that wouldn't have changed it either. The operation of the act is what renders it constitutional or unconstitutional. Calling it that is entirely unhelpful. I think that, you know, obviously the government is attempting – attempting – to achieve something here, but I think they're failing on the clear substance of the issue.

It's also worth talking about the judicial review provisions. I know that my hon. colleague who spoke before me was saying that 30 days is plenty of time; I would beg to differ. First of all,

it's 30 days not just to file but to serve. It needs to be filed and served within 30 days, so someone has to object to the decision, get to a lawyer, get it drafted, have the legal research done, get an opinion, get it filed in the court, and then manage to serve it as well. I mean, it's a lot for 30 days, and it's going to really reduce the number of people and public agencies that are able to engage in this process.

In addition, I think one of the things that's funny about this, that's worth noting anyway, is that the government has suggested that the standard of review to be applied by the court is patent unreasonableness. The interesting thing is that in 2008 the Supreme Court did away with the three standards of review. There used to be correctness, reasonableness, and patent unreasonableness, and the court said: "You know, this is a bit silly to have these three standards. We're just going to have, like, either you're reviewing it for correctness or you're reviewing it for reasonableness."

Now, I'm not saying that the Legislature can't put that language in; they certainly can, but it's a really obvious and transparent attempt to try to oust the constitutional jurisdiction of the court as much as possible. It's essentially the government saying: we don't think our decisions would stand up to a normal standard of review, so we're going to try to impose this additional standard of review, and we're going to try to shorten the timeframe as much as possible to keep people out. All of these steps, every section of this legislation is essentially intended to oust democracy, to allow cabinet to pass laws under secrecy. This, to return to the original point, is what creates the economic chaos.

8:30

The Deputy Speaker: Are there members wishing to join the debate? The hon. Member for Athabasca-Barrhead-Westlock.

Mr. van Dijken: Thank you, Madam Speaker. It is an honour for me to rise to speak to Bill 1, the Alberta Sovereignty Within a United Canada Act. This bill will be one of the most important put forth by this government, and I am proud to speak and be a part of its review in this House.

[Mr. Reid in the chair]

To start with, I would like to read the preamble to give a sense of the purpose of the bill and the reasons for introducing this act. The preamble states:

Whereas Albertans possess a unique culture and shared identity within Canada;

I would agree.

Whereas it is the role of the Legislative Assembly of Alberta and the Government of Alberta to preserve and promote this unique culture and shared identity;

Whereas the Constitution Act, 1867, the Constitution Act, 1930 and the Constitution Act, 1982 are foundational documents that establish the rights and freedoms of Albertans and the relationship between the provincial and federal orders of government, including the division of legislative powers between them;

Whereas the Province of Alberta is granted rights and powers under the Constitution Act, 1867, the Constitution Act, 1930 and the Constitution Act, 1982 and is not subordinate to the Government of Canada;

Whereas actions taken by the Parliament of Canada and the Government of Canada have infringed on these sovereign provincial rights and powers with increasing frequency and have unfairly prejudiced Albertans;

Whereas actions taken by the Parliament of Canada and the Government of Canada have infringed on the rights and freedoms of Albertans enshrined in the Canadian Charter of Rights and Freedoms in an unjustified and unconstitutional manner;

Whereas the people of Alberta expect the Parliament of Canada and the Government of Canada to respect the Constitution Act, 1867, the Constitution Act, 1930 and the Constitution Act, 1982 as the governing documents of the relationship between Canada and Alberta and to abide by the division of powers and other provisions set out in those documents;

Whereas the people of Alberta expect the Parliament of Canada and the Government of Canada to respect the rights and freedoms of Albertans enshrined in the Canadian Charter of Rights and Freedoms; and

Whereas it is necessary and appropriate for the Legislative Assembly of Alberta to set out measures that the Lieutenant Governor in Council should consider taking in respect of actions of the Parliament of Canada and the Government of Canada that are unconstitutional or harmful to Albertans and for Members of the Legislative Assembly of Alberta to have a free vote on such measures according to their individual judgment . . .

Now, Mr. Speaker, our government was elected to represent the interests and values of Albertans. However, when our government is prevented from exercising its full capacity to govern, it must take the necessary steps to regain its power. For too long Alberta has been a victim of federal overreach within multiple areas of our jurisdiction. As a result, our economic development and our rights have been impeded by those at the federal level of government. This means that Albertans are being held back, which is something that pains me to see.

The sovereignty act addresses this by providing a mechanism for our province to identify areas where the federal government has been reaching beyond its jurisdiction or significantly harming Albertans. From there, the House would debate resolutions and regain our rightful authority over the decision-making process. When our government has the ability to exercise itself fully, we have the ability to do what the good people of this province have entrusted us to do, and that's put Alberta first. Bill 1 allows us to fight back against unjustified mandates that rob our citizens of the right to choose their own path and follow the Alberta dream.

As the parliamentary secretary for agrifood and someone who has been heavily involved in the agricultural industry for my entire life, this bill restores my hope for the agricultural sector, a hope that has been threatened because of ill-informed and intrusive federal policy. For example, the federal government has recently vowed to reduce Canadian agriculture emissions by 30 per cent by 2030 with no clear plan to get there. In seven short years they expect to reduce agricultural emissions by 30 per cent. Mr. Speaker, to me, this is a clear display of their complete lack of understanding and, if I can be quite frank, the complete devaluation of Alberta's farming industry. In the name of reducing GHG emissions by .045 of a per cent, the federal government is supporting a project that will harm farmers and put Alberta's food supply at risk.

The price of fertilizer has already gone up due to many factors. One of them is the increasing energy costs; another is global instability in trade sanctions with Russia and the export curbs in China, two of the world's largest fertilizer exporters. But now farmers are being told that these necessary supplies are Trudeau's next target. Fertilizer use directly improves crop yield; we all know that. When agricultural production suffers, the price of food increases. This means that in addition to the financial difficulties facilitated by poor federal inflation policy and the rising cost of gas and energy, grocery bills will continue to rise. Once again, working Albertans will suffer the consequences of tone-deaf federal goals.

Mr. Speaker, Albertans are exhausted from the constant war the federal government is waging on our pivotal industries. I am proud to be a part of a government that refuses to sit back and have our province's economy stripped away. That is why Bill 1 exists. It's

not just farmers that the Alberta Sovereignty Within a United Canada Act aims to protect. It is firearms owners. It is those who want to choose their own medical treatments. It is everyone affected by the stunting of Alberta's energy sectors, from business owners to the oil workers. It is all Albertans who are tired of being left behind, forgotten, and disregarded until, of course, it is time for the federal government to come collect their taxes.

Our government standing up for Alberta does not mean we are looking to cause major disruption. We will follow any Supreme Court rulings regarding our use of Bill 1, and it's important to note that this bill is designed to be used only when it is drastically necessary. Our provincial government is willing to work with the federal government wherever we can reasonably do so, and we have shown that through our co-operation over the years. However, when we are ordered to uphold laws and regulations that are unconstitutional or otherwise harmful, we cannot sit back at the mercy of any institution that violates the rights of our citizens.

I also want to assure Albertans that this legislation is in no way meant to cause division between our provincial government and our federal counterparts. We are actually looking to unify, not divide. However, that can only be done when Alberta is respected as a partner and a major contributor to our country, and while it is unfortunate that we must take such measures to do so, we are justified in using this legislation to demand our rightful place in this Confederation. Mr. Speaker, I am sure all members in this House are immensely proud to call Canada home. I wake up every day with gratitude for the opportunity to live, work, and be a part of history within this great country.

In allowing our provincial government to act in accordance with our constitutional jurisdiction, this act will ease the clear tensions that have been caused by federal overreach. It is with the security this act provides that we can begin to move forward as partners with, rather than subjects of, the federal government. It is because of the immense respect I have for the work that has gone into making our country what it is that I believe we should honour the Constitution that founded the country of Canada to begin with. Within this Constitution provinces are given the right to govern areas of their domain, matters of local nature, with confidence. It is through the Alberta Sovereignty Within a United Canada Act that we aim to protect this right. I look forward to seeing many members here stand with me in support of this act, in support of our province, in support of Alberta and all Albertans.

Thank you, Mr. Speaker.

The Acting Speaker: Are there members wishing to add to debate? I see the hon. Member for Edmonton . . .

Ms Pancholi: Whitemud.

The Acting Speaker: Edmonton-Whitemud.

Ms Pancholi: Come on.

The Acting Speaker: It's been a long time.

8:40

Ms Pancholi: Thank you, Mr. Speaker. It has been a long time, and it's a pleasure to rise to speak today to Bill 1, which I think – let's be honest; we all know it's called the Alberta sovereignty act. We'll just leave it at that because that's what it is.

Mr. Speaker, I really struggle to know where to begin because there are so many fundamental flaws not only with the bill itself but actually with the nature of the debate that we are hearing in the Legislature today. If there is ever any proof or evidence needed as to why it is inappropriate for Members of this Legislative Assembly

to be the determining body of whether or not something is unconstitutional or not, it is just the quality of debate that we're hearing tonight from the UCP members that will confirm that, because they clearly do not understand the Constitution. They do not understand the rule of law. They do not understand their role as legislators when it comes to enacting legislation and reviewing legislation. They do not understand the separation of powers between the executive, legislative, and judicial branches of our government. They do not understand federalism and division of powers. So clearly the current members of the government caucus are not qualified to be making any sort of determination about, you know, what's constitutional, what causes harm.

I can tell you, Mr. Speaker, that, from my position, when I think about what causes and is causing harm to Albertans right now, it's perhaps this government's ignoring of a crisis in children's health care. That is causing harm to Albertans, but they don't seem to be caring about that, so I don't really trust the government's judgment when it comes to making determinations about what causes harm to Albertans when they are the ones causing harm.

Let's go back, because it's been very interesting to hear members of the government caucus pick and choose sort of the clauses of the bill that clearly they've been told to read out to show that this is a constitutional bill and it'll be fine and it's not so bad without actually getting into the meat of the bill. Now, I know that not all members of the cabinet had actually even read the bill before they declared they were going to support it. We know that the deputy-deputy Premier, co-Deputy Premier, second to the right-hand man of the right-hand man of the Premier – not entirely sure what the Member for Lethbridge-East's current title is, but he acknowledged publicly that he had not even read the bill before he decided that he was in support of it. So to help him along and any other members of the UCP caucus that haven't taken the lengthy amount of time it takes to read seven pages, Mr. Speaker, of their government Bill 1, we'll help them out because I think it's very important that all Albertans are clear about what's actually contained in this bill.

First of all, let's begin by citing out and reading out the whereas clauses. That's very flowery and very nice, but that is not actually the meat and potatoes of the act. The whereas clauses are very nice to sort of set the tone, but they are actually not legally enforceable the way Members of this Legislative Assembly on the government side would like to believe.

Similarly, simply in section 2 stating, "Don't worry; this is all constitutional; don't worry; we're not going to abrogate or derogate from any existing Aboriginal rights," does not make it so, Mr. Speaker, just like saying, "This is a lawful law," does not make it lawful. They actually have to look at the rest of the provisions of the bill and in the act and see how they would be applied, how they'd be interpreted, how they will be in operation to actually determine whether or not it's constitutional. Let's do that, because I think that's critically important.

Now, I want to highlight that the members of the government caucus would like to think that it is the NDP who are criticizing this bill, and I am not surprised that that would be very, I guess, convenient for them in terms of their understanding of the world and sort of what's happening here. It's just easy to make it political partisanship.

Mr. Speaker, I don't know if you got a chance. I enjoyed watching the press conference as the Premier tried to speak to Bill 1 and her Minister of Justice, who couldn't even answer questions fundamentally about the bill, was trying to bring in his deputy minister to answer questions, who, by the way, refused to. It was very clear, from the technical briefing and from everything we've heard since, that the press, the media, political scientists, constitutional

lawyers across this province, across this country have been very clear that the intent of this act, the implications of this act, and actually how it will be operationalized is not only an affront to the Constitution, but it's an affront to democracy and to the rule of law. They can try to pin this on the opposition – I understand why it might be convenient for their little zone of echo chamber – but the reality is that Albertans, experts, constitutional lawyers across this country have noted that there are significant problems with this bill not just around the unconstitutionality. [interjection] Yes, I give way.

Ms Gray: Thank you very much to my hon. colleague. I just was going to suggest that, yes, there have been so many lawyers and analysts, reporters who have written stories and are doing analysis on this bill. I was just looking at one titled Danielle Smith and the War Against Ottawa Measures Act, that has nearly 9,000 comments, with the most liked comment being: "Incredibly Draconian attempt at a power grab from an embarrassing political party." This is just one of hundreds of articles and commentary pieces that lawyers and many, many others are putting out there because of how badly this impacts Alberta's ability to go forward and to be seen as a great place to do business. It is putting a chill on investment, and people are watching very, very closely the debate that is happening here in this place and the concerns that are being raised.

I simply wanted to say that I think it's important to note that.

Ms Pancholi: Yeah. I want to thank you for adding to my comments, to the Member for Edmonton-Mill Woods, because it's true. It is widespread concern and, frankly, outrage from Albertans and Canadians about the content of this bill. What's important, Mr. Speaker, is – I've read the sort of tortured clarification or explanation that came out from the Premier today trying to clarify how this bill will work, but none of what was clarified is actually what's in the content of the bill.

Let's be clear that the bill, in section 3, indicates that a motion may be brought forward by a cabinet member and that the Legislative Assembly may approve that motion. Contrary to what the Member for Drayton Valley-Devon said, it's not a unanimous motion that needs to be passed; it's merely by a majority. The Legislative Assembly can simply pass a motion saying we believe something is unconstitutional or we believe it "causes or is anticipated to cause harm to Albertans." They just have to claim that they're making this motion under this act, and then they can, under subsection (d), "identify a measure or measures that the Lieutenant Governor in Council should consider taking in respect of the federal initiative."

This is important, Mr. Speaker, because today we heard the Premier try to claim that in the motion any amendments that would happen to an enactment, any changes, any suspensions would be contained in the motion that is passed by the Legislative Assembly. That is, frankly, not what is in the bill. The bill actually frames it very clearly in subsection (d) that the motion that would be passed by the Legislative Assembly would be a recommendation. It would be something where they would identify "a measure or measures" – not specific legislative amendments to bills – that the cabinet should consider. "Consider" means they can choose to do otherwise. It is a recommendation, and that is all.

So this motion is not a substitute, Mr. Speaker, for the legislative process, which I would think all of the members of this House would have a vested interest in ensuring that we protect. That process is, of course – apparently, we need to remind the members on the government side how legislation is passed, but it requires three readings. There's an opportunity for amendments at Committee of the Whole. There's the time that is spent and invested

in making sure that all members have the opportunity to speak at length and at three different readings about the content of the bill.

Member Irwin: Mr. Speaker?

Ms Pancholi: I'll give way.

Member Irwin: Thank you for that. You know, I had to jump up because I had the honour of sitting in while the Premier spoke to this bill on first reading earlier. You know, I should have looked at *Hansard*, but I was actually paying fairly close attention. She said something along the lines of being open to working with opposition and being open to discussion here on the Chamber floor. To your point, I'll be very curious because we've not heard – there are some lawyers on that side of the House as well, and we've not heard from them yet. I'm not saying they won't join debate; I'm certain they will. I am actually quite curious to see if the members on that side of the House will be open to discussion and to possible amendments from our side of the House. As it seems so far, they're not. In fact, from some of the comments we've heard tonight, they seem to be in denial of the substance of the bill.

8:50

Ms Pancholi: Well, I want to thank the Member for Edmonton-Highlands-Norwood for bringing that up because I actually think there should be a potential for significant amendments that would come from the government side. The reason for that is that I can imagine that there should be a lot of concern, particularly from private members of the government caucus, about the fact that their ability as legislators is being significantly hamstrung by this bill. What it is doing is that they're giving up their privileges and entitlements as private members to be able to represent their constituents in debating amendments to legislation. They're giving that up, and they're giving it to their cabinet colleagues.

Now, let's be clear. At this point in time, of the government caucus – what? – almost half, three-quarters are now part of cabinet. I don't know; it's such a large cabinet amongst all of their cabinet ministers and parliamentary secretaries. Most of them feel pretty okay about it because I guess they get to be part of that cabinet that gets to make changes to legislation without going through the Legislative Assembly. But there's still a handful, I think, a few government members that are not in cabinet, and those ones, Mr. Speaker, I think would have a vested interest in making sure that their rights as an elected member of this House and their privileges to be able to debate legislation are preserved.

This is my challenge to the government members. If they are so okay with this idea that changes to legislation can be made solely by cabinet on the recommendation, perhaps, of the Legislative Assembly, that the cabinet can then go away and suspend or modify or add to legislation by an order in council, if they are comfortable with that, I ask them to consider if they would be comfortable with that if the Alberta NDP were in government and it was an Alberta NDP cabinet.

This is precisely, this bill – I know that this government is pretty short-sighted in how it makes decisions and how it implements things and how it brings forward things, but they're bringing this forward to really centralize power in the cabinet and the Premier, Mr. Speaker. That's what this does. It allows the cabinet to make legislation and to take away the privileges of private members. If they're not concerned about it now because they are the government, I ask them to think how they will feel six months from now, when some of them are still here as opposition members and they think of the prospect of an Alberta NDP government doing the same thing.

You ask to give way?

Member Irwin: Yes. Thank you. You know, I just wanted to quickly jump in – and then we won't intervene anymore; I promise – and echo that point. It was actually our colleague from Lethbridge-West who has been quite vocal on Bill 1. I'd like to just quote her. She mentioned a very similar point, saying: "If the NDP win in May, would the UCP want us to have these grossly undemocratic and dictator-like powers? If not... why do the UCP..."

An Hon. Member: Fearmongering.

Member Irwin: "... think it's a good idea that they have them?"

Fearmongering, sure. This is the heckling that we're hearing from the other side. I'd love to hear, perhaps, you know, the Member for Lethbridge-East; he might want to weigh in. As has been noted also by my colleague for Lethbridge-West, the Deputy Premier supports the act, although he admitted he hadn't read it all, and he did mention that the Premier's office didn't tell him how to vote on it. I'd love to hear him join debate and perhaps defend his position on a bill that he's not read. Yay. Listen, I'm no lawyer. I've said that – oh, I don't know – a thousand times in this House, but even I've read the bill multiple times. Did I understand it all? Maybe not, but I've read it.

Ms Pancholi: Well, thank you to the Member for Edmonton-Highlands-Norwood. You know, as I mentioned, I'm willing to maybe even read it out to the Member for Lethbridge-East. It won't take very long; it's a very short bill. It is important to note that this is the key point, I think, for the government members. We hear the minister for – I'm sorry; I'm going to forget. He was Infrastructure. I can't keep up now with all the changes.

The Member for Calgary-Currie had talked about how this is fearmongering, right? You know, that member, I believe, is also a lawyer, I understand. So I wonder, you know, what he thinks about the idea of section 4 of the bill. Subsection (1)(a) actually says:

- (a) if the Lieutenant Governor in Council is satisfied that doing so is in the public interest ...

Again, that's cabinet.

... [may] direct a Minister responsible for an enactment ... under ... the Government Organization Act to, by order,

Those two words, "by order," are carrying a lot of weight. Basically, what it says is that by an order in council the cabinet can

- (i) suspend or modify the application or operation of all or part of an enactment ...
- (ii) specify or set out provisions that apply in addition to, or instead of, any provision of an enactment.

That basically means, Mr. Speaker – we've been through this as this Legislature. This group of MLAs has been through this before. This is the same language that appeared in the Public Health Act, that granted emergency powers to cabinet to change legislation.

This is the same language of legislation that drew the outrage and ire not only generally of Albertans but particularly of members of the UCP party, Mr. Speaker, members who are on the far right, who said: this is the centralization of too much power into cabinet and into the Premier's hands. They were deeply concerned. In fact, I would have to look – and there's a whole slew of information I'd have to go through to dig it up – but I'm sure that our Premier now had commented on the Public Health Act, and I'm sure she was outraged about that granting of emergency powers in the context of public health to cabinet and the Premier because it is so extraordinary to bypass the function of the Legislative Assembly.

Those provisions: I don't need to remind this government about what happened when they tried to make those changes to the Public

Health Act. We ended up having a committee and a review. They tried to reverse – and they did – most of the changes that they made because it so outraged Albertans and Canadians. So when members now of this government caucus say that we are fearmongering, this is the exact same language that caused them no end of grief.

You know what, Mr. Speaker? Honestly, I sit here and I think: I don't want to convince these members to change their minds. They clearly haven't been convinced by the law, by their constituents, by, you know, the business community, who's saying: you're absolutely creating uncertainty; you're going to be creating economic chaos; you're going to drive away investors and development and growth; there's nothing in this act that's going to actually contribute to economic growth. They're not listening to that. That's fine. I would like all of these UCP MLAs to be on the record, as they already are, in support of this bill because that is showing Albertans who they truly are.

In particular, I have to highlight the stellar cast of leadership candidates, who all went on the record to say how outrageous the sovereignty act is with the economic uncertainty, the chaos, that this was going to be for sure an election loser for them. The current Minister of Municipal Affairs, the current Minister of Finance – I can't remember – the current Minister of Jobs, Economy, and Northern Development, of trade and immigration: all those candidates stood up and talked about how bad the sovereignty act would be for Alberta, how bad it would be for their party. Yet, ooh, a title change in the name of the bill or – I don't know – maybe being given a cushy cabinet position and then not just given a cushy cabinet position but given all these powers under the sovereignty act as a cabinet member to be able to make legislative changes: well, we know how strong their principles are and how deeply they run, Mr. Speaker. Now they're on record to show Albertans.

Now, we've always in the opposition been pretty clear as to what we believed the values of this party to be, which, frankly, has been really hard to follow. They don't seem to be guided by values but by self-preservation, although, honestly, clearly they're not even very good at that because I don't think this bill is going to help them with that at all. But let's be clear about who we are, right? And I think that's actually what the UCP is doing. The Premier and every MLA and every cabinet minister are being pretty clear about who they are. They are very comfortable, Mr. Speaker, with undermining democracy, with usurping democratic institutions, with centralizing power in a cabinet, with undermining the rights of locally elected representatives to represent their constituents, to be engaged in debate on legislation, to do their jobs as legislators. They are very comfortable with all of that being thrown under the water if they think they can stick it to Ottawa. And that's fine. I think: be on the record; be on the record for who you are.

Meanwhile, Mr. Speaker, I can tell you that in my constituency nobody brings this up. Nobody cares about this. Actually, I should mention, not just in my constituency. I spent a fair bit of time in constituencies all across this province, from Fort McMurray to Calgary, all over Calgary, to Lethbridge, to Medicine Hat, and I've talked to constituents all over this province. And guess what? What they care about is affordability. They care about being able to pay their bills. They care about being able to access health care for their senior parents, for their own needs, and for their children. That's what they care about. They care about a resilient jobs economy, not scaring away investment, not scaring away talent.

Mr. Speaker, if you listen to anybody in Calgary right now who is talking about the number one challenge they face in their economy, it is attracting talent. That's where it's all at. Who is going to want to come and invest their dollars, their life, their family in Alberta when they have a dictatorial provincial government who

is creating incredible uncertainty and a lack of predictability? We've already seen the implications of that.

The UCP members of this Assembly want to focus on putting their name on the record for centralizing power in the growing, maybe, cabinet. That's fine, Mr. Speaker.

9:00

The Acting Speaker: I see the hon. Member for Taber-Warner is going to add to the debate tonight.

Mr. Hunter: Thank you, Mr. Speaker, for recognizing me here tonight. I want to stand and be on the record to say that I support the Alberta Sovereignty Within a United Canada Act.

I want to talk about this from maybe a little different perspective. I want to talk about how we actually got here. Why did Albertans ask us to introduce a bill that reminds everyone in Canada what constitutional rights we have as a province? Because our equal partner – not parent or senior partner but an equal partner – in Confederation is driving drunk. They just can't stay in their lane, Mr. Speaker, and this is the reason why this bill has come forward now.

When we take a look, when Albertans take a look at these types of legislation, I think that they need to take a look at: what is their litmus test? What's the litmus test that Albertans can use to determine which way to go on this issue? I recommend that they read or watch CBC. You heard me right, Mr. Speaker. After all, CBC, which receives 1.2 billion of Trudeau bucks every year is simply just state media. If you hear it on CBC, you can be sure that the Trudeau-NDP coalition wrote it. So my recommendation is that if you hear it on CBC, you know exactly which way you need to go in Alberta.

What we've heard here tonight, even in this Chamber, is the NDP constantly going with their leader Jagmeet Singh and his close friend and ally and coalition member Justin Trudeau to continue to stop what is the Alberta advantage. The NDP here in Alberta had four years to be able prove to Albertans whether or not they could do it better, and in 2019 a million Albertans said: no more; we won't do that again. Fool me once, shame on you; fool me twice, shame on me. Mr. Speaker, they will not be fooled again.

Mr. Speaker, I want to talk about another reason why we are where we are here today. According to the Library of Parliament, in 2018 Alberta sent \$46.7 billion of tax revenue to Ottawa. What did we receive back? Twenty-nine point five billion in expenditures into Alberta. That comes in the health transfers, social transfers. But what's the difference? Seventeen point two billion dollars stayed in Ottawa. What did they do with it? Did they take that to make a better Canada? Did they make it a better place? No, they used it to buy votes in eastern Canada. This is what's bothering Albertans and has been bothering Albertans for decades. This is the reason why we are here now talking about a piece of legislation that reminds Ottawa, reminds Justin Trudeau and his close friend Jagmeet Singh that they need to stay in their own lane.

We have enumerated constitutional rights. This Constitution shows us as equal partners in Confederation, but we have seen anything but an equal partnership. Now, in the 1950s and '60s – I'll give you an example in terms of health spending – the feds gave us back 50 per cent. In other words, we transferred money over; they gave us back 50 per cent. Well, that's terrible, you'd think, because we should get back the full 100 per cent, but we don't. They gave us back 50 per cent, but is that bad? It's bad, but you know what? It's worse today. They only give us 21.5 per cent for health transfers back into our province today. Where's the rest of the money, Mr. Speaker?

This is what's bothering Albertans – this is what bothers Albertans – to know that this money, that they work hard for, is

going over to Ottawa for their own pet projects, not coming back into Alberta to make Alberta a great place to raise a family, to start a business, to be able to have prosperity. Mr. Speaker, on this side of the House the Conservatives will continue always to fight for the prosperity of Albertans. That's our first and primary responsibility in this House. Yet all we've heard tonight – and I've been listening carefully to the members opposite – is them running a block for their good friend Justin Trudeau in Ottawa.

What would the federal response be, Mr. Speaker, if we decided to move outside of our lane and go into federally protected constitutional rights? What if we went and collected our own income tax and said: "You know what? We'll cut you a cheque for what you're worth." Maybe Albertans might be okay with that, but that is not our constitutional right, and that's why we don't do it. You have never heard arguments in this House or arguments in Alberta to go into federally protected constitutional territory. But on a regular basis what we see from the federal government is moving into provincial territory.

Not only do they do that, Mr. Speaker – and I just showed you those health transfer funds – are they giving us less for the money that we send over there, but also any money that we actually do give them: there are always strings attached to it; we have to do it their way. Well, the things that are done in Alberta are different than they are done in Toronto. We need to recognize that. Our society here runs differently than it does over – maybe the NDP does the same thing as in Toronto, and maybe they should move there if they want to. But here in Alberta we'd like to be able to keep what we have, and we'd also like to be able to make sure that we have good-quality products, services, health, and education. Keeping some of that money here to be able to provide for Albertans' needs is what I'd like to see.

Mr. Speaker, you know all too well the golden rule: he who has the gold makes the rules. Unfortunately, this is what we've seen from Ottawa on a regular basis. They've got the ability to tax, they take the money, and they decide what's going to happen in Alberta, and this is what's bothering Albertans.

I want to finish with an example here. In my riding, Lantic sugar, better known as Rogers sugar, is the only place that they actually produce sugar beets to create sugar. We compete: Lantic sugar in Taber, Alberta, against cane sugar, which comes from other jurisdictions. We don't obviously produce cane here in Canada. On

a regular basis, I have these guys, the owners of Lantic sugar, telling me: "You know what, sir? We are constantly asking ourselves: when the United States does not have a carbon tax, why do we do it up here in Canada, just across the border?" Mr. Speaker, as you know, my riding of Taber-Warner is right on the border. I am always seeing businesses saying: "Why wouldn't we go down over the border? They don't have a carbon tax down there." But we have a federal government that thinks the solution is to triple that carbon tax. Is that the solution to be able to keep Lantic sugar in Taber, Alberta? Is that the answer to keep businesses in Edmonton, that these members opposite are supposed to be championing? I doubt it.

We've chased too many businesses out of this province through the carbon tax, through bad policy when the NDP were in there. In fact, I think there was an interesting report that I read a few years ago that said that the NDP, when they were in power, chased billions, tens of billions of dollars out of this province through the introduction of the carbon tax and other egregious pieces of legislation. Mr. Speaker, it's rich to hear the members opposite lecturing us on a bill that's going to chase out businesses when, when they were in government, for four years they chased out tens of billions of dollars because of their poor business understanding.

[The Deputy Speaker in the chair]

Madam Speaker, I just want to finish by once again stating what I started with. It is my pleasure to be able to support the Alberta Sovereignty Within a United Canada Act to hopefully hold Ottawa in their lane so that we can have a strong Canada foundation to be able to build a prosperous society for all people rather than having them dictate to us how we should do things in Alberta.

9:10

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

[Motion to adjourn debate carried]

The Deputy Speaker: The hon. government whip.

Mr. Rutherford: Thank you, Madam Speaker. I move that the Assembly be adjourned until 1:30 p.m., Thursday, December 1.

[Motion carried; the Assembly adjourned at 9:11 p.m.]

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