



Province of Alberta

The 30th Legislature
Fourth Session

Alberta Hansard

Tuesday evening, December 6, 2022

Day 5

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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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)
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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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Loewen, Hon. Todd, ECA, Central Peace-Notley (UC)	van Dijken, Glenn, Athabasca-Barrhead-Westlock (UC)
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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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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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Sonya Savage	Minister of Environment and Protected Areas
Rajan Sawhney	Minister of Trade, Immigration and Multiculturalism
Joseph Schow	Minister without Portfolio
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Tyler Shandro	Minister of Justice
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R.J. Sigurdson	Parliamentary Secretary for EMS Reform
Devinder Toor	Parliamentary Secretary for Multiculturalism
Glenn van Dijken	Parliamentary Secretary for Agrifood Development
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Phillips
Pon

Standing Committee on Alberta's Economic Future

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Allard
Armstrong-Homeniuk
Barnes
Bilous
Carson
Feehan
McIver
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Stephan
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Standing Committee on Families and Communities

Chair: Ms Lovely
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Armstrong-Homeniuk
Carson
Dang
Fir
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Sabir
Smith, Mark
Yao
Yaseen

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Allard
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Renaud
Yao

Standing Committee on Public Accounts

Chair: Ms Phillips
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Toor
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Standing Committee on Resource Stewardship

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Aheer
Dach
Ganley
Getson
Issik
Nielsen
Orr
Sigurdson, R.J.
Singh
Turton

Legislative Assembly of Alberta

7:30 p.m.

Tuesday, December 6, 2022

[The Speaker in the chair]

The Speaker: Please be seated. As you were.

Government Motions

Ombudsman and Public Interest Commissioner

12. Mr. Schow moved:
Be it resolved that the Legislative Assembly
- (a) concur in the report of the Select Special Ombudsman and Public Interest Commissioner Search Committee tabled on December 5, 2022 (Sessional Paper 17/2022); and
 - (b) recommend to the Lieutenant Governor in Council that Kevin Brezinski be appointed as Ombudsman and Public Interest Commissioner for the province of Alberta for a five-year term commencing on December 30, 2022.

The Speaker: Hon. members, the Government House Leader has moved Government Motion 12. It is a debatable motion pursuant to Standing Order 18(1)(b). Is there anyone wishing to join in the debate?

Seeing none, I am prepared to allow the hon. the Government House Leader to close debate.

Mr. Schow: Waived.

[Government Motion 12 carried]

The Speaker: The hon. the Government House Leader.

Time Allocation on Bill 1

13. Mr. Schow moved:
Be it resolved that when further consideration of Bill 1, Alberta Sovereignty Within a United Canada Act, is resumed, not more than one hour shall be allotted to any further consideration of the bill in second reading, at which time every question necessary for the disposal of the bill at this stage shall be put forthwith.

Mr. Schow: Thank you, Mr. Speaker. Now, we've quite a lot of debate on Bill 1 thus far. We've heard cries from the members opposite on how Bill 1 is unconstitutional and how they don't believe it rings true for what Albertans want. As you know, our government seeks to reflect the voices of everyday Albertans, and the men and women of Alberta who elected us to represent them in government expect us to do our best possible.

We have heard feedback, and on Monday our government caucus met to discuss and propose clarifying amendments to this bill. Proposed amendments include clarifying that any legislative change to existing Alberta statutes outlined in a resolution and introduced and passed by the Legislative Assembly under the act must also be introduced and passed separately through the regular legislative process. These proposed amendments reflect feedback we have received from Albertans who want to see aspects of Bill 1 clarified and ensure it gets across the finish line. I'm pleased the voices of our MLAs and Albertans are being heard and respected, and I look forward to making sure those changes are made this evening. We've debated Bill 1 now for nine hours. That's plenty of

time to discuss and debate on things that are important to Albertans, but it's time to get to the conversation about amendments.

Just as a reminder, NDP members took an unprecedented step in voting against Bill 1 in first reading, Mr. Speaker. I'm just going to read from *House of Commons Procedure and Practice*, third edition, which has the following to say about first reading:

First reading allows a bill to be formally brought before the House, printed and made available publicly. [At this point] it is assigned a specific bill number. Passage of the motion for first reading involves no commitment on the part of the House beyond [agreeing] that the bill be made generally available for the information of Parliament and the public.

For the public, Mr. Speaker. We work for Albertans. It is in their best interests that they see the legislation that we are proposing.

Sadly, the members opposite chose that that was not the best course. Every single member of the NDP decided that they felt that they knew better and that no member of the public deserved to see a copy of this bill, so I think it's rich for members opposite now to embark on a process of delaying this bill. They made amply clear, Mr. Speaker – amply clear – that they had no interest in even seeing it printed, no interest in reading the bill before even voting against it. Here the members opposite say that nine hours isn't a delay tactic or a filibuster, yet we're on the second reasoned amendment. To anyone with an ounce of parliamentary experience it smacks of delaying tactics on a bill that they have no intention of allowing to get to a vote. While I encourage healthy debate, their actions since the introduction of Bill 1 have been slightly disingenuous. There has been plenty of time for members to speak.

While I do believe debate by the opposition is important, in fact essential, Albertans have already told this government what they want to see changed, and nearly nine hours of discussion for Bill 1 is more than enough time to discuss those requests. It's time the government did what it promised Albertans it would do this fall and get things done with Bill 1. I encourage and quite enjoy healthy debate in this Chamber, but when time is used to simply delay the democratic process of passing legislation, I encourage all members of the Chamber to listen to the feedback from the voices of everyday Albertans, the people that we serve, the men and women that elected us to represent them, and move forward with the process this evening.

Thank you, Mr. Speaker.

The Speaker: Hon. members, pursuant to Standing Order 21(3) a member of the opposition may respond for up to five minutes. I see the Official Opposition whip has risen.

Mr. Eggen: Well, thank you, Mr. Speaker. Thanks for the opportunity to speak to this motion this evening. Just a number of points, the first being that with this bill, it's not just any bill; it's the flagship bill of this new Premier, of this new cabinet, and so forth. There was a lot of expectation, I think, amongst the public, considering all of the issues that needed to be dealt with here in the province of Alberta with affordability, the health care crisis, and so forth. So when this Bill 1 did come forward, everybody's jaws literally dropped, not just figuratively, because here within a scant few pages was this hopeless jumble of rhetoric around freedom and so forth, you know, directly brought from some fringe element and very poorly executed – right? – with plenty of error built within it.

The very short time that we've had with the bill thus far – both the Official Opposition and the general public at large have found plenty of problems with Bill 1. Probably the best way which we could air those issues was through the debate here in the Legislature, so for the House leader to get up and suggest that, you know, delaying somehow this bill – really, what he's doing here

this evening is delaying the debate that needs to take place to clear the air around Bill 1, right? Every day we learn more things about the implications of this bill on funding at different levels, its effect on the relationship with First Nations peoples, and so forth. I think that it would be wise to reconsider having closure at this juncture on Bill 1.

Again, the House leader opposite talks about first reading and how uncommon it is for someone to perhaps vote against something on first reading. I would suggest, number one, that I saw this same UCP caucus do the very same thing when we were in government not so long ago. I mean, certainly, don't talk out both sides of your mouth, as they say, Mr. Speaker. Number two, the very existence of a sovereignty act, as it sits, is enough to send disquiet amongst the markets, amongst the economy, amongst relationships with First Nations, relationships between different levels of government. Those two words are enough to trigger all kinds of concern. We've seen that in the parallels from other jurisdictions that have done this in the past. It's caused absolute chaos, so I think it's very well to set the stage, you know, to have some people voting against this bill in first reading, and we stand by it. In fact, I think it started a very strong analysis of Bill 1 that took place in the public here right across the province, and people are still, as I say, picking up their jaws off the desk as to the astounding ineptitude of this bill.

Humbly and persuasively, hopefully, I would suggest all members vote against closure here this evening. Thank you.

[The voice vote indicated that Government Motion 13 carried]

[Several members rose calling for a division. The division bell was rung at 7:40 p.m.]

[Fifteen minutes having elapsed, the Assembly divided]

[The Speaker in the chair]

For the motion:

Armstrong-Homeniuk	Madu	Savage
Fir	McIver	Schow
Horner	Milliken	Schulz
Hunter	Nally	Singh
Issik	Neudorf	Smith, Mark
Jean	Nicolaides	Stephan
Jones	Nixon, Jeremy	Toor
Loewen	Orr	Turton
Long	Rutherford	Yao

Against the motion:

Bilous	Goehring	Schmidt
Eggen	Phillips	Sigurdson, L.
Feehan		

Totals:	For – 27	Against – 7
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[Government Motion 13 carried]

Government Bills and Orders

Second Reading

Bill 1

Alberta Sovereignty Within a United Canada Act

Ms Goehring moved that the motion for second reading of Bill 1, Alberta Sovereignty Within a United Canada Act, be amended by deleting all of the words after “that” and substituting the following:

Bill 1, Alberta Sovereignty Within a United Canada Act, be not now read a second time because the Assembly is of the view that the government has failed to adequately consult with nonprofit organizations and municipalities on the potential risks this bill

presents to federal funding for their projects, including critical infrastructure and housing initiatives.

[Adjourned debate on the amendment December 5: Ms Sigurdson]

The Speaker: The hon. member has no time remaining, so we will proceed to the next speaker on amendment RA2. As I mentioned on a number of occasions last night, it is important that members are speaking to the amendment and not to the main motion.

Mr. Schmidt: Thank you, Mr. Speaker. I'm pleased to rise and offer my thoughts on the amendment to the job-killing sovereignty act, which states that

Bill 1, Alberta Sovereignty Within a United Canada Act, be not now read a second time because the Assembly is of the view that the government has failed to adequately consult with nonprofit organizations and municipalities on the potential risks this bill presents to federal funding for their projects, including critical infrastructure and housing initiatives.

Mr. Speaker, first of all, I have to say that it is a tremendous privilege to be able to speak in this House, especially considering that Bill 1, if passed in its current form, will essentially render us completely redundant. We won't even get the opportunity to speak to legislation or even propose amendments because the bill as it's currently written condenses all of that power into the executive branch of government, bypasses the contributions of private members of the Legislature completely. We will have nothing to say. We won't even be allowed to say our piece or represent our constituents on matters of legislation because the legislation won't even have to come to the floor of the Legislature anymore for it to be created, amended, repealed. None of that will happen. So I'm very pleased to be able to speak, maybe for the last time, on a piece of legislation that comes before the House here today.

Now, of course, Mr. Speaker, recognizing your guidance, this amendment really focuses on the threat that Bill 1 poses to funding for projects, including critical infrastructure and housing initiatives, because we know that the government is, through Bill 1, giving itself the power to completely disregard the federal government and any initiative or even proposed initiative that it seems to think would be harmful to the people of Alberta.

The Speaker: I might just briefly interrupt the hon. member. My apologies for doing such. I hear a number of private conversations happening around the Chamber this evening. There's lots of space for those to happen in the lounges, in your offices. I ask that you provide, even if it's not your attention, at least your quiet to the hon. member.

Mr. Schmidt: Thank you, Mr. Speaker. I would suggest that probably all of the private members are as equally concerned about their ability to speak to bills disappearing as I am, so they're getting all of their speaking in right now, all at the same time, before that power is taken away from them completely by Bill 1.

8:00

The point I was trying to make was that I'm in favour of this amendment because it threatens federal funding. I know that my colleagues here in the Official Opposition have made a lot of arguments supporting this, but I would just like to raise one issue in particular that's very important to the people of Edmonton-Gold Bar certainly but to the francophone population in Alberta broadly speaking, and that's the issue of federal funding for Campus Saint-Jean, part of the University of Alberta.

Now, Campus Saint-Jean, of course, is a faculty of the University of Alberta that provides the only French-language postsecondary instruction in western Canada. It's done so for over a century, and

it's been a part of the University of Alberta for many decades. The Faculté Saint-Jean has gone through its ups and downs, but the future of that faculty has never been more at threat than it has been during the time that this government has been in power. In fact, it was only a couple of years ago that the Francophone association of Alberta launched a lawsuit against this government to get it to uphold its obligations that the government made, back when the faculty became a part of the University of Alberta, to continue to support the Faculté Saint-Jean and its operation here in the province of Alberta.

Now, that lawsuit, of course, continues to hang over the government, but in the meantime the federal government as well as the provincial government and the University of Alberta itself have come to an agreement to keep the lights on at Faculté Saint-Jean with the federal government announcing a \$10 million injection of funding over the next three years. Now, this is not unusual, Mr. Speaker. It has been a long-standing practice of the federal government to fund francophone education in provinces all across the country. It, of course, is an important part of making sure that Canadians from coast to coast can exercise their constitutional rights to speak either English or French and to learn in the language of their parents. Funding the University of Alberta's Faculté Saint-Jean is an important piece of allowing francophones in Alberta to live and work and get educated in French, which is often their first language.

Now, this funding offered by the federal government has long come with the expectation that the province would match funds, but this government has decided that it wanted to leave money on the table for quite some time until it was dragged kicking and screaming to sign an agreement with the federal government in which the federal government would provide \$10 million to the Faculté Saint-Jean over the next three years and then the provincial government would provide a paltry 2 and a half million dollars and the University of Alberta would kick in \$500,000 of its own money.

Now, Mr. Speaker, the reason that this is – I'm pleased to see that Faculté Saint-Jean has at least had a three-year reprieve from the assaults that this government has launched against that faculty. I'm pleased to see that the government has decided to take a pause on attacking French postsecondary education here in the province of Alberta. But I am concerned that with Bill 1 they will give themselves the ability to completely negate those sections of the Constitution which may deal with French-language education here in the province of Alberta, because under Bill 1, of course, any federal initiative that, in the opinion of the majority of the members of the House, is harmful to the people of Alberta would be subject to cabinet's decision to suspend the operation of those provisions and provide any enactment to counteract those provisions.

So if Bill 1 is passed, what would that mean for federal funding of an institution like Faculté Saint-Jean, and what would that mean for the future of francophone education here in the province of Alberta? I can tell you that francophones here in Alberta are terrified of what this might mean for the future of French-language education in this province. They have no idea what the government's intention is with respect to respecting the constitutional right to education in the French language here in the province of Alberta. We know that this government has been hostile to French-language learners during its tenure, and they have no reason to believe that it will change its course.

I mean, on the issue of hostility towards francophone education, it was only this spring when I brought parents from Gabrielle-Roy school in my riding to come to the gallery and be introduced and observe question period, wherein I asked the Education minister why she's failing to meet the government's constitutional obligations to fund the francophone education system at a level that's equivalent

to that provided to the English education system. Not only did she refuse to make the commitment to meet her constitutional obligation to fund the francophone education system appropriately; she wouldn't even take a meeting with the parents when I asked her to. She flat out refused to meet with them. It's no wonder that francophones in Alberta are terrified at what passing Bill 1 will mean.

Federal funding is an important piece of that language rights protection. [interjection] I see my friend from Edmonton-North West is rising on an intervention.

Mr. Eggen: Well, thanks, hon. Member for Edmonton-Gold Bar. You know, when we talk about the province interfering with a co-operative relationship between the federal government and the provincial government, I mean, you have to wonder what the purpose is, but there's quite often a dollar amount associated with that, too, right? It's one thing to try and make a political point about what have you, but, for example, with francophone education you literally end up leaving money on the table that is meant to serve the people of Alberta. When you go further down that same line of thought, it seems clear that not just this current UCP government, Mr. Speaker, but a long line of Conservative governments here in the province of Alberta have refused to openly accept French as an official second language here in the province of Alberta. They always say an "other languages" sort of thing, again, maybe making some political point but otherwise undermining French education here in Alberta.

The Speaker: The hon. member.

Mr. Schmidt: Thank you, Mr. Speaker, to my friend from Edmonton-North West for that intervention. He knows full well how important it is to fund and support the francophone education system here in Alberta because he did a marvellous job at that when he was the Minister of Education. Our government has a track record of expanding and actively protecting the rights of French speakers here in the province of Alberta. We were the first government in the history of this province to create a French-language policy, a policy that has been incredibly important to francophones here in Alberta and continues to do so, but it has not lived up to its full potential, shall we say, under the current UCP government. Certainly, Bill 1 as currently written threatens to throw all of that out the window. It's completely unconstitutional and is therefore a severe threat to French-language rights here in the province of Alberta.

8:10

You know, it's incredibly frustrating to me that other critical infrastructure initiatives have continued to be unfunded because the government refuses to play ball with the federal government. I have two supportive housing units in my riding, one in Mill Creek and one in the Capilano neighbourhood, that up until very recently sat empty because the government refused to work with – the federal government had already come to the table with the city of Edmonton to provide money to make sure that those facilities were built and could operate to provide supportive housing for people in desperate need of supportive housing in the city of Edmonton. What did this provincial government do? They sat on their wallets and refused to come to the table with any money until the very last minute, and that's had significant negative results, negative impacts on people in my riding.

Mr. Speaker, as you know, my riding borders Mill Creek as well as the North Saskatchewan River, and those have turned into veritable tent cities under this government's tenure. The homelessness numbers in Edmonton have skyrocketed over the last three years, and you only

need to take a quick walk through either Mill Creek ravine or the North Saskatchewan River valley to come across dozens and dozens of people living in tents, freezing to death in tents, tonight. I have no doubt that there is going to be somebody who wakes up dead tomorrow because they cannot find a house right now, and this government bears the lion's share of the blame because they haven't come to the table with money for supportive housing.

Mr. Schow: Point of order.

The Speaker: A point of order is raised. The hon. the Government House Leader.

Point of Order

Allegations against Members

Mr. Schow: Yeah. Thank you, Mr. Speaker. I rise on 23(h), (i), and (j), specifically the portion about using language that causes disruption within this Chamber. I recognize that there are tent cities in this city and that there are those who are going without homes, but to place the blame for the deaths of those who may be outside this evening, tragically, on this government squarely is totally inappropriate.

That kind of language is not appropriate or should be used in this Chamber. I know that member knows better; this is not his first term as an MLA, a former minister of the Crown. I would appreciate if he kept his remarks in line with the decorum of this Chamber, not making such statements that the death of homeless people on the streets this evening is the fault of the government.

The Speaker: The hon. Member for Edmonton-Beverly-Clareview.

Mr. Bilous: Thank you, Mr. Speaker. This is a matter of debate. This is not a point of order. I think it is a fact that all orders of government bear a certain level of responsibility as far as taking care of its citizens, and so as far as the degree to which one order of government bears that responsibility or not, that's what we debate in this Chamber all the time through budget estimates, et cetera. Although I appreciate the fact that the Government House Leader feels this is a point of order, this is a matter of debate.

The Speaker: Without the benefit of previous rulings, because I know from experience that Speaker Wanner had much to say about this particular issue and some members, perhaps of the opposition, making accusations about the government being responsible for the death of Albertans – and certainly he had much to say on this particular issue – I will provide caution to the hon. Member for Edmonton-Gold Bar that making statements as he's made certainly has the potential of being disruptive, and I hope that he will endeavour to keep them more broad or on the amendment at hand.

The hon. Member for Edmonton-Gold Bar.

Debate Continued

Mr. Schmidt: Well, thank you, Mr. Speaker, for your guidance. I just want to stress that the number of people who are living rough in this city is as high as it has ever been, and those numbers have by all estimates at least doubled over the last three years. There's no question that provincial government policy has caused the number of people living outside to skyrocket. When those people experience negative effects, like I mentioned before, there is no doubt that it is policy decisions made by the government that have led to those outcomes. There is also no doubt in my mind that if the government had met with the federal government's financial commitments, we wouldn't be in this position.

I urge all members to vote in favour of keeping the federal government at the table, providing funding for these, and vote in favour of this amendment. Thank you very much.

The Speaker: Hon. members, before the Assembly is amendment RA2.

I would like to provide some clarity on comments that I made at the beginning of the hon. Member for Edmonton-Gold Bar's speech with respect to relevance. On the amendment RA2, I would just like to say that in light of the passage of Government Motion 13 I am happy to provide a little bit more swath with respect to relevance and the amendment to members who are speaking this evening.

The hon. Member for Lethbridge-West.

Ms Phillips: Thank you, Mr. Speaker. It's my pleasure to rise and speak to this amendment, which, of course, contemplates that Bill 1 be not now read a second time because the Assembly is of the view that the government has failed to adequately consult with nonprofit organizations and municipalities on the . . . risks this bill presents to federal funding for their projects.

Now, it's useful to go and have a look at what the bill actually says. It doesn't take that long to read it. What it says here is that the Legislature will bring a motion if, in the opinion of the majority of the members of the Legislature, a federal initiative is "unconstitutional," "intrudes into an area of provincial . . . jurisdiction," or "violates the rights" under the Charter, or – and this "or" is doing some pretty heavy lifting here in section 3 – "causes or is anticipated to cause harm to Albertans."

What that resolution can do, then, is direct cabinet to identify some measures that they should consider taking, and part of those directions are that the minister can "exercise a power, duty, or function . . . by making a regulation," for example, or "issue directives to a provincial entity and [their] members." Those directives can be in respect of a federal initiative.

Now, what's important here is that those provincial entities – when one goes and has a look at definitions under section 1(e) – are public agencies, Crown corporations, "an entity that carries out a power, duty or function under an enactment." So that could be pretty well anybody. There are lots of delegated authorities within the government of Alberta. "An entity that receives a grant or other public funds from the Government that are contingent on the provision of a public service." There we have contracted service providers, many of which are nonprofits. We have here public postsecondary institutions, school boards, municipal authorities, municipal and regional police services.

Mr. Speaker, what happens here is that the Legislature could take a notion, just simply have some vibes, feelings, that something causes or is anticipated to cause harm. It could be anything. They got vibes. You know, it could be any Canada Proud Facebook meme that stirs the passions and the enthusiasms. A resolution comes in, then people, nonprofits, others, are directed to refuse federal initiatives of any law, program, policy but not even just existing ones. And this is where the vibes come in, Mr. Speaker. Under 1(c): ". . . or a proposed or anticipated federal law, program, policy, agreement or action."

So people could just hear things that might be coming and interfere in the operations of municipalities, nonprofits, anyone who wants to administer a housing program, for example, anyone who wants to administer a joint federal-provincial program of various kinds. And there are many, ranging from those that have an effect on people's daily lives such as in the area of housing, or oftentimes justice programs, Indigenous programs, and so on, to the absolutely anodyne. There are fed-prov initiatives across government, and there are always the big wheels of government

turning and changes perhaps anticipated. There are always nefarious actors out there spinning a yarn, Mr. Speaker, about what might be coming. Those are political determinations, and they certainly have no place in an act that contemplates based on what might happen in the future, a scare tactic, then yanking funding away from nonprofits.

8:20

That is why this bill should not be read a second time. That is why nonprofits were scandalized – and so were municipalities and others – when this bill came out. You know, many people thought – I was among them, Mr. Speaker – that perhaps this government would attenuate this deeply unpopular sovereignty act misadventure.

In fact, we can have a look at the numbers that Leger has just reported out – and, you know, their horse race numbers are probably the least important or interesting part of the polling set. They find, of course, that 29 per cent of Calgarians and 27 per cent of Edmontonians are supportive of the sovereignty act, meaning it's within the margin of error for Calgary and Edmonton. Even the rest of Alberta, the support there is only at 39 per cent; still, 61 per cent of their sample for the entire rest of Alberta outside of the municipal census districts of Edmonton and Calgary are not supportive of this legislation. And no wonder, Mr. Speaker, given the expansive nature of this piece of legislation.

It is not that any action has been taken towards anyone outside of our borders. What this piece of legislation is and why it has provoked such strong backlash from all aspects of Alberta society is that it is a war on ourselves. We're not teaching anyone a lesson; we're not standing up to anyone. We've just enumerated that we can interfere in the affairs of every nonprofit society, every municipality, postsecondary institution, police services, Crown agencies, anybody who does business with the federal and provincial governments, and not just based on existing programs or initiatives but based on rumours, based on feelings, emotional reactions.

There is no question that this is extremely ill-conceived on constitutionality. That is why it has been variously described as written in crayon, the worst legislation in Canadian history, and so on and so forth, in modern constitutional history, anyway. That is why it should not be read a second time. This introduces a level of uncertainty, particularly at a point that my hon. friend would say, describing around housing and homelessness, we need everyone to be pulling in the same direction on this issue. It is minus 30 out there tonight, and it's minus 20-something down in Lethbridge, where we, too, have tent cities. This is an urgent, urgent issue that requires a short-, medium-, and long-term solution at all orders of government: municipal, provincial, and federal.

It also requires, Mr. Speaker, very careful and thoughtful policy from municipalities and the province on how to ensure that the private sector will also invest in housing stock and expanding that housing stock, and in the affordable and accessible in particular. The province has a duty that they have entirely abrogated around accessible housing, certainly, and social housing, certainly, but there is a whole category of affordable housing where the private sector then works with other orders of government to ensure that we have that housing stock available. They cannot do this if there is so much uncertainty in how housing policy and how housing arrangements between federal and provincial levels of government and nonprofit organizations are, in fact, rolling out in this province.

So, too, this affects municipalities. There are a number of initiatives that rely, planning decisions and so on in municipalities, on federal funding. I'll just give a really small and otherwise perhaps insignificant and unremarkable example of some more active transportation grants that have come from the federal government.

I noticed the other day that there was some federal bike path funding that came through for Lethbridge and area and for the county as well. This makes people safer, and unlike Edmonton, you know, in southern Alberta and Lethbridge in particular we actually have nice weather down there and we can ride our bikes quite often. These are the kinds of arrangements that, then, communities are planned around. Oftentimes communities are planned around recreational infrastructure, community infrastructure, schools, and so on. So it goes to our property values, it goes to our decisions that developers are making, decisions that municipalities are making around their property assessment and their capital investments, all the rest of it.

Why would we be putting all of this at risk because the Legislature takes a notion that they don't like a particular anticipated federal decision? Not even one that's been made, but maybe they heard tell of something and they don't like it. That is not how we plan a province and how we build a province for more than 4 million people in the kind of sophisticated economy that we have here in Alberta.

It is utterly unnecessary. It is deeply unpopular. No one asked for this. Like, literally no one asked for this. They may have asked for some other, you know, statement of purpose or some other statement of principles, which is actually what I thought that the government might deliver, not this unconstitutional hot garbage that essentially directs any nonprofit that they cannot take federal funds anymore.

Nonprofits don't have time to navigate the morass of what the majority of the MLAs on the other side of the House might be thinking on any given day on federal programming and whether they should bother trying to seek out those funds or if they're going to be putting their provincial supports at risk when they do so. They don't have time for that. They don't have time for lengthy court battles. They don't have time for knowing the ins and outs of, you know, whether this legislation, as we have learned today, is a complete overstep on section 96 and the role of the courts. That's not nonprofits' jobs. That's not municipalities' jobs. That's why this amendment contemplates ensuring that this bill is not read a second time, on those grounds.

This bill does not address the problem that the government has laid out. It targets vast swaths of Alberta society with uncertainty, with chaos, with conflict, and ultimately what it does is that it takes all of our attention away from where it should be. We have municipalities, we have nonprofits all across this province who are saying that we have deep and worsening health care crises; that is to say, access to EMS, access to primary care. We have a nonprofit sector that has been saying to the government across the way that they need increases for their contracted social services agencies of various kinds: women's shelters, family supports, child and youth intervention services, disability supports. They're being squeezed by inflation and the cost of living. Their caseloads are higher. Issues and problems that they face and challenges that they are working through with their clients or those that they are contracted to support in some way, shape, or form: all of those issues have become more complex for whatever reason, and there are many over the last two and a half years of the pandemic.

Life has gotten a lot more difficult for people, and that's why Albertans are begging this government to focus on those issues, on the real priorities, not this. Municipalities have been begging for this. They've been saying: "Look, we have issues with attracting and retaining health care professionals. We have issues with respect to ensuring that we've got good EMS response times." The last thing that municipalities need to be in is some sort of bunfight with the provincial government over their municipal funding

because they're also party to a federal initiative that may change sometime in the future. That's what this legislation forces them to do. So there is no question that it needs to be rejected. There is no question that this deeply unpopular government has brought forward a deeply unpopular piece of legislation because it opens up a front of, essentially, conflict with every aspect of Alberta society.

8:30

The French in I think it was World War I built the Maginot line, which was a big trench, and all of their guns were faced east. In World War II the Germans just went around. Turrets were east, and the Germans were west. They were pinned in; their guns were pointed the wrong way. That's a lesson. The fact is that this legislation goes to war with the wrong enemy. It is not a piece of legislation – and it's not advisable to go to war with every aspect of Alberta society, which is what happens with this bill.

Thank you, Mr. Speaker.

The Speaker: On amendment RA2 are there others? The hon. the opposition whip.

Mr. Eggen: Thank you, Mr. Speaker, and thanks to the last speaker, the hon. Member for Lethbridge-West, who brought a very apt comparison, I think, in regard to – I guess there has to be some kind of tactic behind the sovereignty act, but as I said from my earlier comments, it's just so poorly executed that there's no way you could amend your way out of it, quite frankly. There's a structural problem in that it undermines different levels of government – municipal, federal, provincial, and I would include nonprofit entities into that equation – because it creates conflict between each of those levels at every possible juncture when a provincial government wants to choose to pull the trigger to enact that conflict and deem it to be somehow against the sovereign interests of the province.

I guess it has a certain elegance in its trickery – right? – because it dislodges and moves sort of 130 years or more of good governance here in the province of Alberta and suddenly puts everybody on edge. It's like: okay; what's going to happen next? Are they going to invoke a sovereignty challenge against this funding that I'm trying to get for affordable housing for people in Edmonton? Does it undermine the research funding that someone wants to choose to go to do in one of our colleges or polytechnics because it somehow doesn't fit in with the ideology of the government of the province of the day? I mean, all of these things: you don't take them frivolously. You don't think that, oh, you've created such a clever trick. Aren't we clever to make something like this? It literally unravels the fabric of how we make decisions here in the province of Alberta.

Of course, you can make changes to those things, and of course you can have conflict between those things, too, right? Lord knows the federal government needs to be carefully watched at all junctures in regard to their interpretation of the power between provinces and the feds. I mean, that's part of our job, and I think we do a pretty good job here in Alberta generally. But you don't need to have this half-baked sovereignty act to suddenly cause chaos in the way by which we execute our responsibility to fight for the powers that we are entitled to here in the province of Alberta. So that's the problem, I think. Try to amend your way out of that. Good luck, right? There's only one way to do so, and that is to withdraw this bill.

Considering, again, all of the issues that are top of mind of people – and we can look at polls or we can just talk to people on the street or we knock on their door, whatever. They sure as heck are not

going to tell you that, yeah, we've got to build a sovereignty act, and it's got to be a big one like Noah's ark, and we're going to sail it around and throw things at people. I mean, that's not what people want at this point in time, probably any time, really. You know, the affordability crisis has literally blown a hole in people's monthly grocery budgets. It has literally made it unaffordable for many young people to move ahead and to pay for tuition and pursue postsecondary education. The health care crisis has literally given us all pause that our security has been undermined by emergencies and admissions into hospitals that we can't count on from Red Deer to Edmonton and Calgary and all points in between, Boyle, Alberta.

So those are the things we need to deal with, and you need to have all hands on deck in dealing with those things. We can't just say: okay; let's give it a try, and we'll try a little money here and there. We need the municipalities, we need the federal government, we need our nonprofits to all be paddling in the same direction – right? – to meet a crisis head-on. We've done it in the past many times in Alberta. We're very successful in doing so. It's the absolutely worst time to cause any source of division by somehow suggesting that you could review any aspect of any initiative by any level of those governments and have it brought forward to the sovereignty tribunal to see if it meets the standards of their whatever they happen to be thinking about at the time. I mean, that's not the way to run a government. That's not the way to meet an affordability or a health crisis. It's just a recipe for chaos and disaster.

We can do better, right? You know, having a Bill 1 – I guess you've already used that name now, so you're kind of stuck. But you can have a Bill 1(a) or a new and improved Bill 1, I guess – I don't know – that deals with affordability, that deals with things that people are concerned about: the safety and security of families, that's undermined by a health care system that's tottering; safety and security around our roads and schools; making sure that postsecondary is affordable. All of those things are wide open for a beautiful new, refreshed, better Bill 1, and certainly that would be the wisest choice at this juncture for this government to pursue.

I really believe – I was glad that the hon. Member for Edmonton-Gold Bar mentioned the Faculté Saint-Jean as an example of how co-operation can be held or withheld, and you can have success or just frustration, right? In some ways, you know, I'd been thinking about this last night – I had a hard time going to sleep after 1 o'clock in the morning – that this government has been sort of doing practice sovereignty act activities for the last three and a half years by seeing literally federal funding for certain projects land on their desk and just sitting there and staring at it and not using it. People have to sort of even after a while inoculate themselves from the activities of this UCP government over the last three and a half years, not putting up matching funding for critical projects such as child care or funding for Faculté Saint-Jean, of which they have a constitutional responsibility to do so.

You have to take these guys to court and drag them around and bang on their door before they decide to actually do something, right? Two and a half million dollars, I think, was the end product of all of that effort. You know, it's almost like a pattern we've seen with this government without actually having the sovereignty act in their hand, yet they had it in their head with withholding funding for matching grants for initiatives here over the last three and half years.

So here we are. It's written on paper now. Good luck trying to amend it. Quite frankly, I just believe that we all deserve better. We deserve to respect the sanctity and the responsibilities of the division of power and the different levels of government. We deserve to recognize the value of free and open debate here in this Legislative Assembly, and we need more, first and foremost, to

respect the people of Alberta to (a) understand what's really written down in some of these bills and not just think you can pull the wool over their eyes, because you haven't – it's been categorically unsuccessful – and, number two, respect the needs and the responsibilities of governments to ensure the safety and security of Albertans from now and in the future as well.

I would respectfully suggest to everyone to please support this amendment as part of the rejection of Bill 1, the sovereignty act. Thanks a lot.

The Speaker: Are there others on amendment RA2?

Seeing none, I am prepared to call the question.

[The voice vote indicated that the motion on amendment RA2 lost]

[Several members rose calling for a division. The division bell was rung at 8:40 p.m.]

[Fifteen minutes having elapsed, the Assembly divided]

[The Speaker in the chair]

For the motion:

Bilous	Feehan	Schmidt
Carson	Goehring	Sigurdson, L.
Eggen	Phillips	Sweet

Against the motion:

Armstrong-Homeniuk	Madu	Savage
Barnes	McIver	Schow
Fir	Milliken	Schulz
Horner	Nally	Singh
Hunter	Neudorf	Smith, Mark
Issik	Nicolaides	Stephan
Jean	Nixon, Jeremy	Toor
Jones	Orr	Turton
Loewen	Rutherford	Yao
Long		

Totals:	For – 9	Against – 28
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[Motion on amendment RA2 lost]

The Speaker: Pursuant to Government Motion 13, Standing Order 21(3), the time for debate on second reading has now concluded. I am required to put all questions to the Assembly to dispose of second reading.

[The voice vote indicated that the motion for second reading carried]

[Several members rose calling for a division. The division bell was rung at 8:57 p.m.]

[Fifteen minutes having elapsed, the Assembly divided]

[The Speaker in the chair]

For the motion:

Armstrong-Homeniuk	Madu	Rutherford
Barnes	McIver	Savage
Fir	Milliken	Schow
Horner	Nally	Schulz
Hunter	Neudorf	Singh
Issik	Nicolaides	Smith, Mark
Jean	Nixon, Jason	Stephan
Jones	Nixon, Jeremy	Toor
Loewen	Orr	Turton
Long	Pitt	Yao

Against the motion:

Bilous	Feehan	Schmidt
Carson	Goehring	Sigurdson, L.
Eggen	Phillips	Sweet

Totals:	For – 30	Against – 9
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[Motion carried; Bill 1 read a second time]

Government Bills and Orders Committee of the Whole

[Mrs. Pitt in the chair]

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

Bill 1

Alberta Sovereignty Within a United Canada Act

The Chair: Are there members wishing to join the debate? The hon. Member for Drayton Valley-Devon.

Mr. Smith: Thank you, Madam Chair. I stand today to introduce an amendment to the House, the amendment to Bill 1, Alberta Sovereignty Within a United Canada Act.

The Chair: Hon. members, this is for your records: a two-page amendment. It's three pages for me. This will be known as amendment A1.

Hon. member, please . . . [An electronic device sounded] Is there something we're doing?

Okay. Well, go ahead. See what happens.

Mr. Smith: Do you want me to read it or just pass it out or . . .

The Chair: I think that it is okay to not read the amendment in its entirety. Just wait until all members have received a copy of the amendment, and then you can proceed with your remarks.

We're good?

Okay. Please proceed.

Mr. Smith: Thank you, Madam Chair. I rise today to speak to amendment A1. When I was a social studies teacher, I used to try to help my students to understand the process by which bills became law, and my students would often start off with a confused understanding of the parliamentary process. They would wonder why there were three readings and what a Committee of the Whole was all about, and I would try to help them to understand that, at least in theory, a bill was to be debated and that while a government bill would originate from the government, the whole Legislature, the backbenchers of the government and the opposition, all, had a vital role to play in the passing of a bill. The goal of this process was to consider the bill, even to consider how to make the bill better, and that during the Committee of the Whole there would be amendments placed before the House by either the government or the opposition with that end in mind.

The goal was, or at least it should have been, for all elected members to consider how to make a bill better, and tonight I have placed an amendment before this House which I believe will clarify this bill, Bill 1, and the intent of this bill. The Alberta Sovereignty Within a United Canada Act, or Bill 1, has on the government side of the House had a great deal of discussion. The Premier has listened carefully to her caucus, and the amendments set out before the House are a reflection of these conversations. The amendment before this House tonight is to help clarify that any changes to

existing Alberta statutes that are outlined in a motion and introduced and passed by the Legislative Assembly under the act, under Bill 1, must also be introduced and passed separately through the regular Legislative Assembly process – that is, upon passage of a motion under Bill 1 by the Legislature – and should government determine that an enactment needs to be amended, then that amendment would be introduced into the Legislature, undergo first reading, second reading, Committee of the Whole, and third reading.

9:20

The Alberta Sovereignty Within a United Canada Act has been accused of being undemocratic and unconstitutional, and often these accusations were levied before the act was even available to read. As we've debated Bill 1, we've seen many significant legal professionals identify that indeed the bill is not unconstitutional and that it is clearly democratic, for when we read within the bill, it is the elected Members of the Legislative Assembly that are debating and passing a motion that is then sent to the Executive Council.

The amendment before us tonight is simply ensuring what was the intent of the bill all along, that if a law needs to be amended in order to protect the constitutional powers or rights of Albertans . . . [An electronic device sounded] My goodness. Are we going to get control of that? I'm going to start again here. The amendment before us tonight is simply ensuring what was the intent of the bill all along, that if a law needs to be amended in order to protect the constitutional powers or rights of Albertans from a federal bill, then any amendments to a piece of legislation coming from Bill 1 would be done as part of the full democratic practice of this House.

Section 4(4) and (5) have been introduced for clarity.

(4) For greater certainty, a regulation as referred to in this section does not include an Act of the Legislative Assembly.

(5) Nothing in this Act abrogates any authority or power vested in the Legislative Assembly or the Lieutenant Governor in Council by any other enactment or by operation of law, including any authority or power of the Lieutenant Governor in Council to take action with respect to the federal initiative.

This amendment now addresses, perhaps, one of the concerns that has been expressed by some of my constituents as well as some of the people in this House. This amendment does what every good amendment should do. It helps to clarify the meaning of the bill, thereby making the bill a better bill, a bill that will better serve the people of Alberta.

The second major change in this amendment would also clarify that the harms addressed by the act are limited to federal initiatives that, in the opinion of the Legislative Assembly, are unconstitutional, affect or interfere with constitutional areas of provincial jurisdiction, or interfere or violate the Charter rights of Albertans. This is found in section 3 of the amendment when it says:

- (ii) causes or is anticipated to cause harm to Albertans on the basis that it
 - (A) affects or interferes with an area of provincial legislative jurisdiction under the Constitution of Canada, or
 - (B) interferes with the rights and freedoms of one or more Albertans under the Canadian Charter of Rights and Freedoms.

This amendment, like many amendments to any bill, is the result of listening and careful consideration. These amendments are the result of much discussion amongst the government caucus as they listen to constituents and stakeholders across Alberta. These amendments are exactly the kind of amendments that as a teacher I helped my students to understand would be part of the passage of a bill. This amendment meets the criteria of what a good amendment

should do. It is the result of listening and feedback from Albertans through their elected representatives, and it strengthens the bill.

I would encourage the House to support these amendments. I would encourage the opposition to carefully consider the wisdom of these amendments and to support these amendments and, in the process, fulfill their duty as His Majesty's Official Opposition, for their duty is not simply to oppose for the sake of opposing but to help strengthen the bill, to make it better for the people of Alberta. That is what this amendment does, so it is deserving of the support of the members of this Legislature.

Thank you, Madam Chair.

The Chair: The hon. Member for Edmonton-Beverly-Clareview.

Mr. Bilous: Thank you very much, Madam Chair. It's my pleasure to rise and speak to this amendment. I appreciate the previous member's words as far as the role of the Official Opposition. One of our roles is to hold the government accountable for their actions. I will speak about the fact that for Bill 1, a flagship bill of the Premier that she campaigned on to win leadership of the UCP – to bring in a bill that gave the government broad, sweeping powers, in fact the most undemocratic powers that a government could give in this history of this province, and then try to claim a mulligan is absurd.

I can speak from a position of having sat around the cabinet table. I brought forward bills through the cabinet process. I'm well acquainted with that cabinet process. Madam Chair, I find it very difficult to believe that the Premier wasn't aware of the broad, sweeping powers of the bill that was tabled and that cabinet was unaware. We have incredible men and women who serve in the civil service, who do the province great justice, who take their jobs seriously. They have chosen the life of service within the civil service, and their job is to provide the best possible advice. I find it very hard to believe that at no point in the process, where the bill was first a concept to the first draft, second draft, multiple drafts, this was not flagged to the Premier and cabinet, that there weren't a number of times where civil servants stood up and said: Premier and cabinet, what this bill does is give you broad, sweeping powers to change legislation, statutes, and regulations behind closed doors. That part: I just don't find it believable, having sat as a cabinet minister and having been a part and chaired a number of cabinet committees, that that is even possible.

You know, regardless, whether this is a case of the fact that the Premier got caught with her hand in the cookie jar and the opposition and Albertans caught this government trying to give itself, quite frankly, undemocratic powers – point being: today we have an amendment that will curb some of the powers that the Premier has given herself. Madam Chair, one of the roles of the opposition is not just to make amendments. That is true, and the previous speaker is correct in that the opposition can try to amend bills and legislation to improve them, but my position currently is that this bill, whether amended or not, has impacted and had a negative impact on international investment and the reputation of Alberta. Part of my job is to act in the best interest of Albertans and of our province. I believe, from what I've been told by international investors, that this bill is not in the best interest of the province and has put a chill on international investment.

Now, I've said this before. I spoke at a seniors' home this morning and said that I agree with the government that when the federal government overreaches into provincial jurisdiction, there needs to be a process and Alberta needs to stand up for ourselves and push back on the federal government. In areas of the development of our natural resources that is provincial jurisdiction, similar to our education or our health care system. In fact, Madam

Chair, these are the exact reasons that I decided to run for provincial politics. I never ran as a municipal councillor. I never ran in federal politics. The reason is that I believe our provinces have significant authority and jurisdiction and those three areas – the development of our natural resources, the delivery of our health care system, and the delivery of our education system – are three priorities for me, and that’s why I’m an MLA.

I agree that when the federal government overreaches, we not only need to slap their hand; there needs to be swift action. I can point to numerous examples in Alberta’s history when the government of Alberta has taken action. We have tools at our disposal, including taking the federal government to court. We have a court system, which is arm’s length from our political system, where they will make these decisions, and I trust in our judicial system. I have faith in it, that we have set up the right processes for that.

9:30

The challenge with this act, regardless of what amendments are brought forward: we still have an act that in title is the sovereignty act. Madam Chair, I have worked with international investors for a number of years now and know for a fact that they will look at this bill, and this will cause them trepidation. They will hit pause. They will look at other jurisdictions within Canada if they are looking at Canada and Canada makes their top-five list of potential areas to invest in globally. If there is a perception that the province has a different set of rules from the federal government, that immediately puts uncertainty into the decision of whether or not they should invest in Alberta. That in and of itself has already happened. It has happened since the Premier started talking about the sovereignty act.

This amendment, although within the walls of this Chamber – Albertans understand that the government is attempting to amend the unilateral powers that they granted themselves in this bill. For the international investment community you still have a piece of legislation that causes them to question the stability of investing in Alberta. That, for me, Madam Chair, is a big enough red flag. Despite this amendment addressing some real issues that the opposition and members of the public and the chambers have raised, it still doesn’t address the fact that we have a bill that is called the sovereignty act, that not only causes doubt but signals that there are different sets of rules between the province or the state and the federal government or a national body.

I know that members in this Chamber on both sides of the House understand that business is looking for not only predictability and stability but also a little regulations navigating as possible, and when there is a misalignment between the federal government, the provincial government, and municipal governments, it means layers of complexity. When a business goes back to their board of directors to advocate on which jurisdiction should get the next investment, this is a critical input to that decision.

As we’ve seen, this has already had negative consequences for Alberta’s reputation, and that’s my biggest concern. Yes, it frustrates me when the federal government sticks its nose where it doesn’t belong. Yes, there should be tools for Alberta to push back on the federal government, a hundred per cent. We are all Albertans in this Chamber first and foremost. We have those tools at our disposal.

I appreciate comments that colleagues of mine have made about the questions that this act will raise about the desperately needed federal dollars that we often leverage when it comes to housing, when it comes to major infrastructure projects. That’s a concern of mine as well. We need to work with the federal government because

we want their dollars. Well, they’re our dollars that we want back to be invested in our province.

The other major concern I have with this bill, despite this amendment, is the argument that if every province brought forward a bill like this, the Trans Mountain pipeline would be killed immediately and would not move forward. Other major projects would also be at risk. Alberta is an export province. We rely on trade. We rely on exports. Putting up walls around our province is going to not only create uncertainty but potentially jeopardize future projects that we desperately need.

I appreciate that the government has brought up examples of Quebec and what they’ve done. I can tell you that for 50 years Quebec went backwards when they brought in legislation. Quebec and Montreal used to be the home to all the headquarters for major financial institutions. Montreal was the headquarters in Canada. When Quebec brought in a bill like this to declare Quebec sovereignty, all of those headquarters moved out of Montreal. Where are they? All in Toronto. Will they ever move back? Nope. I mean, I don’t know. I haven’t spoken to the CEOs, but I’m going to wager a guess that they’re unlikely.

Mr. McIver: Because they’re going to come to Alberta.

Mr. Bilous: Well, here’s the challenge. I appreciate that the minister just said: well, they’ll come to Alberta. Calgary is home – the second-largest city of headquarters of financial institutions. This bill is potentially jeopardizing that, that these institutions . . .

An Hon. Member: No.

Mr. Bilous: Members cannot say no unless they’ve spoken to the CEOs of all the major banks, and I don’t think – no offence to members in this Chamber – that they’ve spoken to the CEOs of the five majors. This could jeopardize – this has the potential.

Let’s talk about, in business, risk-reward. The risk of driving major financial headquarters out of our province is not worth appealing .5 per cent of Alberta’s population. That’s who this is appealing. I can tell you that when I talk to businesses, they’re not clamouring for a sovereignty act. Do they get frustrated when the federal government overreaches? A hundred per cent. Do they want to see the province stand up for Alberta? A hundred per cent. So do we. This is not the tool to do it. This is going to have significant unintended consequences.

I was asked this morning at a seniors’ residence: should the NDP form government in the spring, will you repeal this bill if the government continues with this? One hundred per cent we will, but the problem is: what damage will already be caused between today and that day? Now, we’ll have the numbers by then. We’ll know how much damage was caused. Now, I appreciate that members of the government could say, “Well, you don’t know what that number is,” and you are right. But, again, when we do a risk analysis, I don’t think the rewards of having a bill that is essentially not going to do what the government wishes it to do – but the downside of this bill is that we could see significant companies relocating their headquarters out of Alberta. We could see companies choose not to invest in Alberta.

I’m in the process of speaking to my network, that I’ve developed internationally, of investors and the impact that this bill is already having. I can tell you that companies are not translating this bill in its entirety to try to understand what it means. What they see is that Alberta has tabled some act called the sovereignty act that means that they will have a different set of rules than the federal government, and that – that – is causing concern.

For those reasons, hon. members, I struggle to support an amendment that I get addresses some of the issues that were raised within this Chamber. [interjection] We're in committee, so to the minister – well, as soon as I sit down, sir, through you, Madam Chair, the minister is welcome to get up and speak. Friends, we will be debating this bill for some time this evening and tomorrow and the next day and the next day.

9:40

It's for those reasons, I mean this in all sincerity, that – and I appreciate the opportunity to debate the amendment and this bill. My hope is that members in this Chamber will stick to debating this and not resort to name-calling and all the rest. I mean, we're talking about an act, and I'm trying to raise genuinely the concerns that I have with the act as it's currently written and the fact that Alberta has tabled a sovereignty act.

I'll bring my comments to a close, Madam Chair, but you know I'm sure that my colleagues will highlight the fact that the amendment does not address the fact of treaty rights and that our friends in treaties 6, 7, and 8 have not been consulted. Again, it's disingenuous when a bill is tabled to say: now we're going to go out and consult. I mean, if the bill is tabled, then the bill has already been written and decisions were made, and consultation is an afterthought. I know my colleague the hon. Member for Edmonton-Rutherford is constantly in contact with the treaty chiefs, and they are not happy to be an afterthought in this government's mind on this government's flagship bill, Bill 1.

You know, I'm happy to continue the conversation as far as: what is the best mechanism or mechanisms to ensure that we're standing up for Alberta first and foremost? But the conversations I'm having with the international business community are that this is not the right vehicle, and this is going to have negative consequences for the province.

The Chair: The hon. Member for Calgary-East.

Mr. Singh: Thank you, Madam Chair. It is always a pleasure to stand and speak in this Chamber. I rise to express my support to the amendment to Bill 1, the Alberta Sovereignty Within a United Canada Act. I would like to commend the Premier for introducing this remarkable bill, that reaffirms provincial exclusive powers vested by Canada's Constitution and protects Albertans from federal legislations and policies that do not abide by the Constitution or would interfere in provincial jurisdiction, that will cause detrimental effects to Alberta and violate the Charter rights and freedoms of Albertans.

The amendment will settle the confusion regarding the cabinet's ability for introducing, amending, or repealing an enactment. It is not the intention of the bill to provide the law-making power to cabinet. This amendment, Madam Chair, will clarify that any legislative changes to existing Alberta statutes that are outlined in a resolution and introduced and passed by the Legislative Assembly under the act must also be introduced and passed separately through the regular Legislative Assembly process, thereby undergoing first reading, second reading, Committee of the Whole, and the third reading.

The amendment also seeks to clarify that the harms addressed by the act are limited to federal initiatives that, in the opinion of the Legislative Assembly, are unconstitutional, affect or interfere with Alberta's constitutional areas of provincial jurisdiction, or interfere or violate the Charter rights of Albertans.

I read some discussions and comments that the bill will be likely challenged, particularly on constitutionality. Madam Chair, anybody can raise that concern to any federal or provincial legislation, but

they cannot just assert the constitutionality of the bill based on their own perception alone. In fact, the bill promotes and respects the Constitution Act, 1867, the Constitution Act, 1930, and the Constitution Act, 1982, as the foundational documents that establish the rights and freedoms of Albertans and the relationship between the provincial and federal orders of government, including the legislative powers between them.

It also provides in section 2(a), Madam Chair:

Nothing in this Act is to be construed as

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

This will prove that this bill does not permit any order that is against the Constitution. That makes me support the bill as it respects the Constitution. Likewise, the resulting orders, resolutions, or measures are needed to be constitutional, and it upholds and respects our foundational and supreme law.

Madam Chair, I immigrated to Canada with a view in mind that I will raise and support my family better and provide a healthier future to my children. Canada's respect of the rule of law and higher regard of human rights makes this nation and its citizenry prosper and live a better life as compared to some jurisdictions. I stayed for a while in Ontario until I came to participate and attend a family event in Calgary, which made me see the great opportunity that awaits the people who work hard.

Alberta has a diverse and unique culture, surrounded by extraordinary natural creations and resources. Alberta is home to five national parks, including Canada's first national park in Banff, with amazing Rocky Mountains peaks, turquoise glacial lakes, elegant mountain towns and villages, great wildlife, and scenic drives, and it is considered the flagship of the country's park system. Canada is also third in the world for oil reserves, which are mostly located in Alberta, and the oil and gas industry is Canada's top export product. I have many things to speak of Alberta, but I don't want to go away from the amendment, Madam Chair.

These great things I just mentioned about Alberta, Madam Chair, are only a few of the reasons that make a lot of Albertans stay here, work hard, and live a happy life. However, with disturbing federal government legislation and policies Alberta has been put into a disadvantageous position, causing hundreds of billions of dollars to flee the province to other jurisdictions over the past decade.

Madam Chair, Bill 1, the Alberta Sovereignty Within a United Canada Act, will enforce the Canadian Constitution's division of powers in recognition of both the federal and provincial governments' respective, exclusive, and sovereign areas of constitutional jurisdiction. It will create opportunities for building national awareness of federal intrusion into provincial areas of exclusive jurisdiction.

9:50

We have seen the hard work of the provincial government in the recent months as we recover from the pandemic, economic stagnation, job-killing policies of the previous provincial government and their mismanagement of funds, causing the province to incur multibillion dollars of debt. Alberta's government, with a great vision and determination to recover and progress, was able to bring back more than 200,000 jobs, open new opportunities, diversify our economy, balance our provincial budget, and brought in multibillion dollars of investments with the lowering of corporate tax to 8 per cent and a lot more initiatives.

After many challenging years of economic and pandemic hardship Alberta is finally moving forward once again. The government's focused, responsible fiscal management and relentless pursuit of economic growth has put the province on a more sustainable fiscal trajectory, creating expanded financial capacity, resulting in

additional government revenues. The job-creating corporate tax cut introduced by Alberta's government, Madam Chair, is proving to be the more sensible approach than the increasing of taxes imposed by the previous government. These works prove that Alberta's government's approach is working, but I know that there's more to be done.

I hear of some concerns from my constituents, including improvement on the health care system by reducing emergency wait times, making EMS response faster, and lowering surgical wait times. As we head into the recent weeks, the government appointed an administrator that will be working full-time and will be delivering the needed improvements in the health care system, both in the short and long term, so that the health services needed by Albertans are prompt and unhampered while maintaining the same high quality of care.

Madam Chair, as the provincial government continues these initiatives and works that will improve the lives of Albertans, we also know that the federal government will continue to overreach on the provincial rights and powers, as we have seen in the past, that would unfairly prejudice Albertans. It seems that the federal government has no concern and couldn't care less about the prosperity of our province by its legislation and policies that were sure to regulate and control Alberta's natural resources and economic development, like Bill C-69 and Bill C-48.

They also want to penalize our province's energy and agricultural sectors by the implementation of mandatory fertilizer cuts and arbitrary emissions reductions initiatives that would devastate Alberta's economy, not to mention the control on the delivery of health care, education, and other programs by providing so many strings attached on funding and other controlling federal policies and the confiscation of legally owned firearms, which interferes with our private property rights. The Liberal-NDP alliance would aim to raise the bars of penalizing Albertans as they heat their homes and workplaces this winter by a tremendous increase of the federal carbon tax. These are only some of the upfront attacks by the federal government on Canadian federalism, our Constitution, and Alberta's economy and Albertans.

Like I mentioned a while ago, Madam Chair, the approach of Alberta's government is working, and it's getting more Albertans working and bringing our finances back in the black. Through many provincial government initiatives we are experiencing broad-based investment, economic diversification in our province.

Amazon Web Services announced its plan to establish a second cloud computing hub in Calgary, amounting to \$4.3 billion, while Infosys has recently opened its Digital Centre in Calgary and is committed to create a thousand jobs. Mphasis also opened their Canadian headquarters this year in Calgary with 200 jobs and will expand to create a thousand tech jobs. RBC has also opened a tech hub in Calgary, which will create about 300 jobs, while EY, impressed with the talented workforce, opened in September this year a new finance hub that will create about 200 jobs in Calgary.

Northern Petrochemical also announced a \$2.5 billion project in the municipal district of Greenview, and Dow Chemical plans to work on a project that would be the world's first net-zero carbon emissions petrochemical plant, which is predicted to cost about \$10 billion.

Another huge investment that has landed in Alberta is Lynx Air. Madam Chair, Canada's newest low-cost airline joins Flair and WestJet as Alberta-based airlines.

These are just some of many investments creating jobs in Alberta, boosting our economy, Madam Chair. As we saw the unemployment rate dip down to 5.2 per cent in October, we are also seeing the continuous entry of job creators in our province. Whether new

businesses or business expansions, Alberta's government is helping employers create exciting futures for Albertans.

Madam Chair, we do not want to be stopped or pushed back by federal government legislation and policies as we continue to bring more prosperity to Alberta's economy. This bill will work to re-establish the rule of constitutional law back into the Canadian legal system and create more stability and credibility for businesses over both the short and long term. Bill 1 will help protect Alberta's freedoms, interests, economic growth, and prosperity from intrusive federal policies and legislation that have caused hundreds of billions of dollars to flee Alberta to other jurisdictions over the past decade. Furthermore, Bill 1 is intended to solidify Alberta's position in the federation. It will not cause separation from it. It is aimed to restore and respect the constitutional rights of our creative and diverse provinces, including Alberta.

The distribution of legislative power between the Parliament of Canada and provincial legislators under the Constitution is clear, but the federal government could not resist to go beyond what has been provided for them. Bill 1 proposes a legislative framework that shifts 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 wait years for a decision while those same federal laws or policies harm Alberta day in and day out.

Saskatchewan introduced the Saskatchewan First Act in their Legislature, Madam Chair, and it is aimed to confirm its exclusive provincial authority over its natural resources by setting up a tribunal independent from government to review whether or not a federal measure is harmful, unconstitutional, and provides recommendation to cabinet. What Bill 1 does provide is that instead of creating the same tribunal, that authority is provided to the democratically elected Members of this Legislative Assembly to determine and review federal government legislation and policies and debate recommendations for cabinet consideration.

In conclusion, Madam Chair, let me just express that the government has a clear mandate to stand for Albertans, promote their interests, and protect them from continued economic and harmful policies from the federal government. I encourage all the members of this House to support this bill as it promotes respect of our Constitution and enforces and recognizes the division of legislative powers between the federal and provincial governments.

Thank you, Madam Chair.

10:00

The Chair: Others to join the debate? The hon. Member for Cypress-Medicine Hat.

Mr. Barnes: Thank you, Madam Chair, and thanks to my hon. colleague who spoke before me. Today, first of all, I rise to offer a subamendment for the amendment the government just presented to Bill 1. I have 95 copies.

The Chair: Perfect. Just wait until I get a copy, and then we will proceed. Do you have the original?

Mr. Barnes: I'm sorry. I have the original here.

The Chair: Hon. member, I'm just confirming: was this approved by Parliamentary Counsel?

Mr. Barnes: Yes, it was.

The Chair: Okay. We will proceed with this amendment. This will be known as amendment SA1. Copies will be distributed to all members. It's about a page and a half amendment.

I don't require you to read it into the record, but just give us a few moments so that every member in here has a copy before you proceed. Hon. member, please proceed.

Mr. Barnes: Okay. Thank you, Madam Chair. To start with, I wish to be clear that the Alberta Sovereignty Within a United Canada Act, Bill 1, is a bill that I personally support, as do most Albertans and many, many of the good folks of Cypress-Medicine Hat.

Now, Madam Chair, this is a relatively simple and straightforward subamendment to the government's amendment, and it is designed to clear up some of the public misconceptions regarding this proposed legislation and some of the legitimate concerns. Allow me, first, to preface my remarks by reminding this Assembly that my support for strengthening Alberta's autonomy is absolute.

I was proud to serve on the government's Fair Deal Panel, starting in 2019, and, Madam Chair, when I felt that the panel's recommendations didn't go far enough to reflect the public concerns, I publicly offered additional recommendations directly to the Premier to enhance Alberta's autonomy and to make Alberta the freest and most prosperous place.

I will also remind everyone here that I personally campaigned on the winning side of the equalization referendum even when some UCP members withheld or were quiet with their support.

Madam Chair, I then brought forward Motion 505, which was adopted by this Assembly, unanimously I believe, calling on the government to "deploy every legal, economic, and constitutional tool at the province's disposal to . . . [win] a fair deal for Alberta" and, of course, Alberta families.

In addition, in the past six months I personally supported and publicly argued in favour of a proposed sovereignty act in interviews with national media, including the CBC. My support for strengthening Alberta's autonomy has never wavered even when some members of our current cabinet attempted to play politics with this issue.

The bottom line, Madam Chair, is that I want Bill 1 to be approved by this Assembly, but more importantly I want this legislation to work for Albertans, and for that to happen, Bill 1, Alberta Sovereignty Within a United Canada Act, needs to be widely accepted and deeply supported by the public. This will ensure that it remains in place no matter which party forms government in the future.

With all of that being said, by far – by far – the most common concern I've heard about Bill 1 is that it will grant cabinet too much power to unilaterally alter existing legislation, too much power in the hands of cabinet. While this concern may be inconvenient for the government, the fact is that this concern is not limited to just supporters of the Official Opposition. In fact, I've repeatedly heard this concern from voters that I would personally describe as lifelong conservatives, and given the events of the past three years this should not come as a surprise to anyone. Conservatives, more than any other group of Albertans, have grave concerns about the centralization of power by government within our democratic system.

To its credit this current government is committed to limiting government overreach in a number of areas. However, when it comes to this bill, so far the message has been muddled. The government has claimed that under Bill 1 no legislative changes can be made without clear direction being given by the Assembly. That is technically true – technically – but the fact is that when it comes to raising the bar on proper democratic representation, we can do much better and much better than the amendment the government just presented, which is why I presented a subamendment.

My subamendment is designed to ensure that any legislative changes proposed by cabinet, even when they are made at the

Assembly's request, must ultimately be ratified again by the Assembly with a majority vote. By making this one small change, I believe we can put to rest the largest concern that most nonpartisan Albertans have about this legislation. Not only does this clear the air on some rather muddled messaging, but it will also significantly strengthen this legislation, and ultimately the purpose of the bill is to make a strong statement to Albertans, to the federal government, to Ottawa, and to all Canadians that Alberta is done with being pushed around.

So I ask you, my fellow members of the Assembly, what ultimately makes a stronger statement: an order delivered by cabinet following a closed-door meeting or the democratically expressed wishes of the people's representatives delivered in this Chamber for the whole world to see? For the whole world to see.

10:10

Madam Chair, democracy doesn't matter less when you're dealing with difficult issues like Alberta's autonomy. In fact, it matters more. So let's give the public more democracy, let's accept my subamendment to the government's amendment, and let's continue to fight for Alberta families and making Alberta the freest and most prosperous place.

Madam Chair and colleagues, my concern with the government amendment is that it left two key areas out: where for ratification, for actually using the sovereignty act, cabinet does not have to come back to the Legislature for a majority vote, majority ratification. So my subamendment in, of course, 4(a)(1) and then over to (1.1) states that

a Minister may not make an order under subsection (1)(a) until each of the following occurs in successive order:

- (a) the Minister tables a copy of the order, as proposed, in the Legislative Assembly;
- (b) within 7 calendar days of the tabling made under clause (a), the Legislative Assembly approves a resolution that confirms that the proposed order is consistent with the resolution approved under section 3 to which it relates;
- (c) the Lieutenant Governor in Council approves the making of the proposed order.

The minister has oversight when it comes to implementation of the sovereignty act from the 87 representatives of Alberta. Section 4(b)(1.2):

The Lieutenant Governor in Council may not make an order under subsection (1) to direct a Minister under clause (b) or issue a directive under clause (c) until each of the following occurs in successive order:

again,

- (a) a member of the Executive Council tables a copy of the order, as proposed . . .
- (b) within 7 calendar days . . .

to this Legislature, to the 87 of us,

That's in (1.2)(b). And we have our opportunity to ratify it.

That one, Madam Chair, I feel is especially important because a directive to one of Alberta's agencies, when it comes to the sovereignty act, needs the eyes and the oversight of the 87 elected MLAs, who are tasked with speaking on behalf of Albertans. A ministerial directive to ATB, to AIMCo, to Alberta petroleum, to AFSC: I feel it's essential under the sovereignty act that that comes back to this Legislature for all the eyes of Albertans to have their final say on it before it's approved.

Madam Chair, in closing, I will just resubmit that I've been a consistent, steady supporter of Alberta being the freest and most prosperous place in Canada. To do that, we have to strive for a fair deal. Nothing moves unless it's pushed. The Alberta Sovereignty Within a United Canada Act is a mechanism and a step towards that, but let's enhance democracy. Let's shine sunlight on this for

all Albertans to get behind this law and make it as strong as possible for years going forward.

Thank you, all. Thank you, Madam Chair.

The Chair: The hon. Deputy Premier on subamendment SA1.

Mr. Madu: Thank you so much, Madam Chair. It is a privilege for me to speak to the subamendment SA1 that has just been tabled by the Member for Cypress-Medicine Hat. I want to begin by thanking the member for taking a hard look at Bill 1 before this Assembly and for his interest in making sure that we get the bill right. I think that is something that all of us can agree with. But I think, if you take a careful look at the subamendment proposed by the member and his concerns, that is exactly what the amendment that we put forward seeks to address.

The concern that we heard from government caucus members and the concerns that we heard from Albertans, the confusion, with all due respect to the Member for Cypress-Medicine Hat, is a confusion that lies in the understanding between the role of the Executive Council and that of the Legislative Assembly.

Before any act is taken pursuant to Bill 1, there is going to be a resolution passed in this Assembly. That resolution will spell out what it is that the members of Executive Council might act on or direct a cabinet minister or the Lieutenant Governor in Council, in which case the cabinet, to make an order or to deal with either by a ministerial order or by an order in council.

I think that is where the Member for Cypress-Medicine Hat has got it wrong. We can never confuse the role of Executive Council and the role of the Legislative Assembly. We have three branches of government. We have the Legislature, we have the executive branch, and we have the judiciary. Our system, our Constitution, our parliamentary system envisions that those distinct bodies work in a certain way. So what the member is proposing, in a nutshell, is to say . . .

Ms Sweet: That you can't just make it up and do whatever you want.

Mr. Madu: I can hear the Member for Edmonton-Manning. She had an opportunity. The members opposite had an opportunity to put forward an amendment. They chose not to.

Madam Chair, this subamendment, while I value the good intention behind it, is mistaken and misplaced because what you are seeking to do with this amendment is to say that, one, a copy of the order that is made by the Executive Council has to be then brought back to the Assembly when that particular order is made pursuant to a resolution of the Legislative Assembly, and that resolution will spell out the nature of what cabinet is to act on.

That really is the intention of your amendment. That responsibility is that of the Lieutenant Governor in Council. That power, that role, is reserved under our system to the Lieutenant Governor in Council, which is cabinet. The role of the Assembly is (a) under our system and under how Bill 1 is designed. Number one is to say that any resolution pursuant to Bill 1 has to be made by the Assembly. Number two, pursuant to the amendment we've made, the Lieutenant Governor in Council may not amend a statute that is meant to come before this Assembly as a bill. I think, to the Member for Cypress-Medicine Hat, the amendment that we have made and the difference between the roles of Executive Council and the Assembly have taken care of the intentions behind the amendment we have put forward.

On that particular basis, I will urge the members of this Assembly to vote against subamendment SA1. Thank you, Madam Chair.

The Chair: Are there other members that wish to join the debate on this subamendment? The hon. Member for Cypress-Medicine Hat.

Mr. Barnes: Thank you, and thanks to the hon. minister for weighing in. I guess some concerns that I have are that I don't see this as a situation where the Legislature is interfering with a cabinet decision. We're just ratifying it. In my remarks I talked a lot and the Official Opposition has been quite clear that many, many Albertans either don't support this yet or don't understand it.

10:20

To me, one of the best ways to gain support, especially five years, 10 years, 20 years from now, is to give a greater opportunity to shine some light on this, so I'm wondering why cabinet would be concerned about saying: here's the mechanism that we've decided to put in place; ratify that for us. I mean, Ottawa, the Constitution: this is a hundred-year-and-more situation, and it's a continual situation where we are consistently going to have to fight and have Albertans strive for a better deal for Alberta within a united Canada. So why would we minimize that?

When I especially think of the situation where cabinet may direct a minister to send a directive to an Alberta agency – you know, my goodness, look at how many strong, good agencies we have with hard-working people that their fingers are in every day of our lives. I mean, AFSC, ATB, Alberta Petroleum Marketing Commission were just three that I mentioned when I spoke. If cabinet got part of that wrong, it could very, very much tie us up into litigation. It could cost hardship and income and careers for Albertans. So again, to the government and to you, Mr. Minister: I'm surprised why you wouldn't want that extra ratification of the 87 of us, who are in the coffee shops of Alberta, who are talking to Albertans.

Rest assured that when the sovereignty act is enacted and instructed on one part of Ottawa's overreach, all the eyes of Canada are going to be on this, so why not give Albertans, those that built this great province, those that pay taxes, those that raise the family – why not give them, through the 87 of us, the extra opportunity to do that? Why not have that extra oversight? I guess I'd say that I disagree with your remarks in the sense that I'm not suggesting that I should interfere with a cabinet decision and cabinet discussion, but I should have the opportunity to stand up and put in my yes or no and have my vote, as should all my colleagues.

I'm sorry. I'm going to ask all the MLAs and my colleagues to support my subamendment. I'm also going to ask them to support your amendment with my subamendment and the sovereignty act. Let's make Alberta the freest and most prosperous place.

Thank you.

The Chair: Any others to speak to the subamendment?

Seeing none, I will call the question on subamendment SA1 as moved by the hon. Member for Cypress-Medicine Hat.

[Motion on subamendment SA1 lost]

The Chair: We are back on amendment A1. The hon. Member for Edmonton-Gold Bar.

Mr. Schmidt: Thank you, Madam Chair. I'm pleased to rise and offer some thoughts on the amendments that the government has brought forward to its job-killing sovereignty act. The amendments seek to clarify the powers of Executive Council with respect to the powers of the Legislature but, in fact, do very little to clarify anything that's in the bill. I don't think that anybody should trust this Premier or this government to do what they say they're going to do with respect to this piece of legislation. More importantly, this

amendment doesn't address some of the significant concerns that the bill has created.

On the issue of the power of Executive Council with respect to the power of the Legislature it's interesting, Madam Chair, to have heard the Deputy Premier give the Member for Cypress-Medicine Hat a lecture on separation of powers and division of powers in the Canadian federal system while supporting a bill that upends all of those things. It boggles the mind that the Deputy Premier seems so confident in his understanding of how the Canadian democratic system works that he can lecture at length the Member for Cypress-Medicine Hat, who, in his defence, is trying to get this government back on the rails when it comes to Bill 1, yet his own cabinet is bringing forward this bill, that seeks to completely throw all of that out the window and consolidate judicial, legislative, and executive power as well as federal, municipal, and provincial power in the hands of the Premier and this cabinet.

This bill doesn't really address any of those concerns. Now, I've heard the government members stand up and say: well, now we've backed away from this attempt to seize legislative power and put that in the hands of the cabinet, and now we're only going to clarify that it's only regulatory power that we can exercise, which the government already has. One wonders why this section of the bill is even necessary if it's amended to reflect this wording when that is the role of Executive Council.

I want everyone watching tonight and every Albertan who has concerns about the sovereignty act to make sure that they do not rest easy because the government has passed this amendment, because we know that this government has tried and failed a couple of times to give itself unprecedented powers. We saw that in Bill 10 a couple of sessions ago. We saw it here with the original form of Bill 1, and I have no reason to believe, Madam Chair, that that's the end of it. What I think will happen: well, now we will see that instead of Executive Council being able to create, modify, or suspend any enactment, they'll just create enabling legislation here in the Legislature that's so vaguely worded, give itself all of the powers that should belong to the Legislature to itself through regulations, and subvert the power of the Legislature that way.

Imagine, if you will, the government bringing forward an act to override the federal government, and it says: this act gives the regulatory powers to the Lieutenant Governor in Council to make regulations on whatever it chooses with respect to federal legislation. That's theoretically possible. This bill won't change that possibility from happening, and no one can trust this government to not try again to consolidate legislative power in the executive branch; it's just not going to happen tonight. No one should rest easy that this government's attempts to tear down the pillars of democracy that are built upon the concept of the separation of powers are through.

What this amendment doesn't address is the consolidation of executive, legislative, and judicial powers. This amendment does nothing to remove the government's ability to act as if it were a court interpreting the constitutionality of federal legislation. It still says clear as day here in the amendment that the Legislature can pass a motion stating that any federal initiative – so widely defined that, as my friend from Lethbridge-West said, it doesn't even have to exist. It can exist only in the minds of the provincial government. If, in the opinion of a majority of the members of this Assembly, that initiative is unconstitutional, well, we'll just vote on it and it is thus. That's outrageous. That is not the role of the Legislative Assembly, nor is it the role of Executive Council to interpret federal legislation. That is properly the role of the courts.

10:30

I had to laugh when I heard the Member for Calgary-East talking about shifting the burden from the province to the federal

government to take one another to court over laws that they thought were unconstitutional. Well, that's not the intent of the bill. Firstly, the intent of the bill is to circumvent the courts completely and just declare some federal initiative unconstitutional for reasons. What was also hilarious, Madam Chair, was that he suggested that that would somehow speed up the court process, that rather than going through the lengthy process of a province taking the federal government to court when they believe that something that the federal government did was unconstitutional, well, the reverse would happen. The federal government would take the province to court, and somehow that would be done more quickly. It boggles the mind, the extent to which we hear government members either misunderstand or spin what this does, what this act and this amendment do.

This issue of consolidating executive, legislative, and judicial power into the legislative branch is still an issue that remains unresolved and will cause incredible uncertainty and chaos in our economy because how is anybody in business going to know which federal laws will apply to them here in the province of Alberta? All it takes is a majority vote of the Legislative Assembly to suspend or attempt to suspend or overturn any federal initiative. That's the opposite of creating certainty.

The other part of the bill still remains, that the government is giving itself the power to direct any provincial entity broadly defined here in the act. The regulatory powers give cabinet even more ability, even broader ability to spell out who is considered a provincial entity and who isn't. It can direct those provincial entities "and its members, officers and agents, [as well as] the Crown and its Ministers and agents, in respect of the federal initiative" to disobey the federal law. Well, that goes against the concept of federalism, Madam Chair. We need to know that the federal laws will apply in Alberta just as they apply everywhere else, and more importantly, businesses and investors need to know that.

Let me remind the House about the federal laws that could be suspended, modified, or provincial agencies will be directed not to enforce. The federal government has wide powers over a whole host of areas that have significant impacts on the operation of our economy. Taxation. Will businesses working in Alberta be required to pay federal taxes? Well, we don't know because the Legislature could decide that, just by a motion of the members, those don't apply.

What currency we will use is potentially at threat. We've heard time and again members of the government caucus go on about the wonders of cryptocurrency. Could you imagine, Madam Chair – you probably can – government bringing forward a motion declaring that Bitcoin is now the official currency of the province of Alberta? [interjections] They're laughing. It's ridiculous, but that's exactly what this bill would do. The former Member for Calgary-Elbow was touting the development of an office of FTX in June this year, and then that outfit went bankrupt here just a few weeks ago. We know that this government has unbridled enthusiasm for cryptocurrency, and we can't put it past them that they would use this bill to do something as ridiculous as make it official currency of the province of Alberta.

Bankruptcy laws are the purview of the federal government, but if, in the opinion of a majority of the Members of the Legislative Assembly of Alberta, bankruptcy laws don't apply here in Alberta, well, then what will businesses do when they need to be protected from their creditors? Nobody knows.

Patents and copyrights: this is incredibly important in the postsecondary sector. Research and development: the creation and protection of intellectual property is of fundamental importance to that sector. That is federal jurisdiction until a majority of members vote by motion to suspend that here in Alberta. Then where will that

leave our universities? Where will that leave our research and development projects? We don't know.

Citizenship and immigration are the purview of the federal government. We keep hearing from members opposite about labour shortages. In the past Conservative governments have turned to temporary foreign workers to fill those vacancies, but those programs are developed at the federal level. Will the government suspend that enforcement of those programs and create its own temporary foreign worker program here in the province of Alberta? We have no idea.

Even something as simple and as basic as the Criminal Code: parts of it would no longer be enforced by the police. Could you imagine what impacts that might have on the business community if, by majority vote of the members of the Legislature, we decided that fraud was no longer a crime here in the province of Alberta? Police would be directed to no longer enforce that provision of the Criminal Code.

It's incredibly concerning, Madam Chair, that the government is still giving itself the power to issue these directives to provincial entities to ignore, refuse to comply with any federal law that it wants, and that's the kind of chaos and uncertainty that is causing incredible concern in the business community. My friend from Edmonton-Beverly-Clareview has talked about the concerns that he's hearing from people in the international investment community that he knows. We certainly hear from the Calgary Chamber of commerce that they're very concerned about this. We heard just today the deputy solicitor of the city of Calgary talking about the concerns that they have about this power that the government is giving itself to direct any provincial entity, including municipalities, to ignore or not comply with federal law.

This amendment doesn't do a single thing to address any of those concerns. This amendment doesn't change those sections of Bill 1 that give cabinet the ability to "issue directives to a provincial entity and its members, officers and agents, and the Crown and its Ministers and agents, in respect of the federal initiative." We cannot support this amendment, Madam Chair, as it's written because it doesn't undo the harm that is present in Bill 1. For those reasons, I would urge all members of the Assembly to vote down this amendment and vote down the bill.

Thank you very much.

10:40

The Chair: The hon. Minister of Seniors, Community and Social Services.

Mr. Jeremy Nixon: Thank you, Madam Chair, and thank you for the opportunity to be able to speak today to this amendment. I honestly am a little bit flabbergasted by the last statement there by the Member for Edmonton-Gold Bar to just completely dismiss this amendment and an opportunity to address the concerns that we've been hearing from the opposition over the last couple of days. This amendment does just that. Is it perfect? Does it address all the concerns of the opposition? No, but this does address many of the concerns that we've heard from the opposition, and this is an opportunity for us right now to improve this bill.

I think it's important to note – and the Member for Drayton Valley-Devon was talking about this earlier – the obligation of the opposition. At the end of the day, this isn't just the obligation of the opposition; this is the obligation of this House, all of us, everybody here, to work towards improving this bill to make it the best bill it possibly can be. Whether or not you vote for the bill in the end: that's beside the point. We have an amendment in front of us right now to improve this bill, to make this bill better for Albertans. To ignore that, to just say, "Oh, I don't like the overall bill; I'm going

to vote against this amendment," I think is a failure to represent your constituents because, at the end of the day, take a look at the merits of this amendment. We have an obligation right now, Madam Chair, to improve this bill. This amendment does exactly just that.

Now, that just said, I just sat here and listened to all sorts of weird rabbit trails about how we're going to bring in cryptocurrency and all sorts of other nonsense, Madam Chair. Maybe we need to take a step back. It's actually the Member for Edmonton-Beverly-Clareview that made a statement that resonated with me, and I think that if we can actually get back to a point where we agree on something, then maybe we can move forward from that point. I agreed with the member when he said that there is federal government overreach. There is federal government overreach. If we can agree on that, then maybe let's start there, and let's figure out how we help make this bill a bill that helps protect Albertans from federal government overreach. Thank you to the Member for Edmonton-Beverly-Clareview for stating that, for making it clear that the federal government has stepped beyond its boundaries. We know that, and Albertans know that. Albertans have an expectation, whether or not they understand or agree with this bill. They have an expectation right now that the members of this Chamber, this Legislature, their representatives, step up and protect us Albertans from federal government overreach. We need to push back on that.

And it's not just Alberta. We are not the only province that's frustrated with federal government overreach. Right across this country provincial governments are pushing back because they're frustrated with the federal government coming in and stepping into provincial jurisdiction. These are constitutionally protected rights of provinces the federal government has started to push back on, so we have an obligation as a Legislature, as representatives of Albertans, to make sure that we are addressing that concern, the concern brought up by the Member for Edmonton-Beverly-Clareview that the federal government has overreached. They have overstepped. They have pushed into provincial jurisdiction, and we members of this Legislature have an obligation to address that concern. Period. Full stop. That's our job.

So if this bill as it is written doesn't do that, then I anxiously await members of the opposition to propose ideas for how we fix this bill, how we make this bill do that, or otherwise to be able to push back on the federal government and get a better deal for Albertans, to make sure that we're standing up for Albertans. I look forward in the next election to door-knocking and telling my constituents that I'm . . .

Mr. Eggen: You'd better start now.

Mr. Jeremy Nixon: Oh, don't you worry. I've already started door-knocking.

I look forward to, and I have been, telling my constituents that this government is going to stand up for Albertans. Last election they sincerely believed, a lot of my constituents, that the NDP was going to stand up for them. The failure right now by the opposition to look at this bill meaningfully, just to completely dismiss it right from reading one, is shameful.

My constituents expect of me, at the very least, to read this and figure out: how do we help make this bill support Albertans as we push back on the federal government for their overreach? Again, let's go back to that point of agreement. I don't know if all the members of the opposition agree on this, but I sincerely thank Edmonton-Beverly-Clareview for his stance, his recognition that the federal government has overreached.

So I challenge the opposition right now, challenge them and all government members, if this bill doesn't get it done, then we have

an obligation right now to have a frank conversation, partisan politics aside, because this is too important, to talk about: how do we use this bill? How do we fix this bill? How do we build this bill to make sure that we are standing up for Albertans?

Mr. Eggen: You just introduced it. How did you break it so fast?

Mr. Jeremy Nixon: So fix it.

You guys – sorry, Madam Chair. There is a general refusal right now by the opposition to even propose sincere amendments or to look at sincere amendments to make this bill better. This is a great amendment. This amendment makes this bill better, and just to simply dismiss it I think is shameful. I think and I hope that the constituents of Edmonton-Gold Bar consider that as they vote in the next election.

The other thing I wanted to talk about – and the Member for Edmonton-Beverly-Clareview brought it up – is our flagship bill, that this is our flagship bill. The flagship bill of this government was Bill 1 to repeal the carbon tax because the carbon tax has been extremely harmful for Albertans, among other things, in regard to just the general increase in costs. A large part of why we are where we are is because of the carbon tax. The carbon tax has increased the cost of everything, not just for Albertans but for Canadians, the ability to fill up your tank, a \$25-a-month increase for Albertans to be able to heat their homes. We're concerned about seniors who can't afford to pay their bills; \$25 a month is a lot of food on the table, Madam Chair.

So again I just want to challenge the opposition at this point and remind them and all government members here that we have an obligation right now to put partisan politics aside, to take a look at this bill, to take a look at this amendment, and sincerely have a conversation right now about how we are going to improve this bill so that we can better represent Albertans, that we can make sure that Albertans' interests are kept in mind, that we can put Ottawa in its lane, because there's an agreement, at least amongst some of the members over there, that Ottawa has overreached, and make sure that Albertans are best represented.

So take a look at it. This amendment is a great amendment. I think it improves the bill, and I'm happy to be able to stand here today and support it.

Thank you, Madam Chair.

The Chair: The hon. Member for Edmonton-Manning.

Ms Sweet: Well, thank you, Madam Chair. It's an honour to rise and to speak to the amendment that the government has put forward in regard to their Bill 1, Alberta Sovereignty Within a United Canada Act. Now, I just do want to follow up with some of the comments that the minister just made, actually, in regard to representation of our constituents and how there is an expectation by the people of Alberta that the government listen, that the government work in collaboration with the opposition and ensure that we are standing up for the people of this province. I don't disagree. I think that there's an opportunity to ensure that we are getting the best opportunities that we can and that the federal government is listening to the expectations from the province.

[Mr. Orr in the chair]

But what I can also say is that when the minister says, "Well, the people of Alberta expect that we listen and expect that we are standing up for them, and they expect that the government is working on their behalf," then this bill shouldn't exist because I can tell you right now, based on the polling, that there are only 30 per cent of Albertans that actually agree with this act. What that tells

you is that the majority of Albertans disagree, and they disagreed with this legislation before it was ever introduced because Albertans don't agree with this tactic. They don't agree with it, Minister. You can argue across the floor with me about the reality of it, but that is what is happening.

10:50

Albertans didn't agree with this direction before this legislation was introduced. They understand that there need to be adults at the table being willing to engage in conversations, that there are mechanisms that currently exist within the way that our legislation works, within the court process and the judicial system that work, and they do not agree with a bill like this being introduced into this Chamber and this tactic that the government has decided to use as the tool. Do they agree that we need to have a different relationship with the federal government? Absolutely. I don't think anybody in this Chamber disagrees with that. But the mechanism that this government has chosen to use through the sovereignty act is not the mechanism that Albertans agree with.

So, as the minister clearly said, if we were listening to our constituents in this Chamber, if every member in this Chamber was listening to their constituents, they would say that this bill should not proceed. It should not proceed even as amended, because the reality of it is that Albertans disagreed with it before they even saw it. So what happened was that the opposition listened to Albertans, heard that they did not agree with this move, talked to the majority of Albertans, and said: "You know what? This isn't the tool that Albertans expect us to use."

Only 30 per cent of Albertans agree with this. We know that if the government actually was listening to Albertans, they would know that only 30 per cent of Albertans agree with this. The economy and the people that are trying to invest in our province disagree with this. It is creating economic uncertainty in our province. Not only are the people that are going to vote in the next election saying that this is a bad idea, this should not proceed; investors are saying the same thing within Alberta and outside of Alberta.

I would think that this week would have educated the government to say: "You know what? Well, we definitely need to amend this, but in fact maybe we should just admit we made a mistake and get rid of it." The amendment doesn't fix the concerns, because if the amendment fixed the concerns, then the bill would just not be read. That is what Albertans are telling all of us in this Chamber.

You know, we hear ministers stand up and talk about: well, when I go door-knocking, people talk to me about this. Well, I'm really curious what people are hearing, because when I'm door-knocking, I can tell you right now that people are choked about this piece of legislation. They do not like it. They don't trust this government to be open and transparent with them about what they're doing behind closed doors. That is the fundamental underlying issue related to this piece of legislation but really the government as a whole.

Albertans don't trust this government. They don't trust this Premier. They don't believe that with how this piece of legislation is written, even with the amendments, to be clear, there will be an openness and transparency to Albertans about what this government is choosing to do. What fights are they choosing to pick? How are they going to battle? There are serious questions that are associated with that.

Again, I said this last night, when we were we were speaking in second reading, that there is a substantial amount of money that comes from the federal government to support our local economies. Significant. Agriculture was a prime example that I spoke about last night, and I rattled off a whole bunch of grants, and then I ran out of time because there are that many and there's that amount of

money that is being transferred. It was \$48 million that supports agriculture diversification in this province from the federal government on an annual basis.

Well, let's talk about oil and gas, then, just for fun, because I decided to pull that up, too. I can't give you the full numbers, but I can tell you for sure that the grant programs include: greener home efficiency; green infrastructure phase 2; federal internal energy R and D; Impact Canada; oil spill response challenges; energy innovation programs; critical minerals research development and demonstration program; ecoenergy for renewable power; oil and gas clean tech programs; oil spill response science program; clean tech challenge; clean grown in the natural resource sector program; the office of energy research and development and other federal programs around clean energy funding and incentives; additional partnerships for innovation, technology, collaboration, and partnerships; labour; finance incentives for provinces in relation to database incentive programs; and tax savings for industry, which I think would be the favourite for the members on the opposite side.

[Mrs. Pitt in the chair]

There is significant involvement when it comes to attracting investment into this province and, again, specifically to oil and gas under a variety of different programs. When the government starts to say, "We're going to start putting motions forward because we don't agree and we don't like this," like I said last night, two of the major things that drive investment in any jurisdiction are stable economies and stable democracies. This is not a stable democracy. This legislation does not demonstrate a stable democracy and a relationship between the crossjurisdictions. It just doesn't. [interjections] I mean, the ministers can all laugh across the floor, but the reality of it is that we just clearly heard the minister say that a court ruling from the Supreme Court of Canada wasn't a good enough response for this government, so they're going to be looking at trying to figure out a different way to deal with it. Clearly said it.

Carbon tax: Supreme Court of Canada already decided. Get it, government? You don't like it. But the minister clearly said: well, we've got a plan to get around that. Curious what that's going to be. So you're just going to ignore the Supreme Court of Canada now, create your own piece of legislation under the sovereignty act, create a motion, and then just pretend that nobody knows it happened.

Mr. Madu: Keep making stuff up.

Ms Sweet: Well, Minister, if you want to stand up and speak to me, I'm happy to have that dialogue. Calling across the floor isn't going to help you because the reality is . . .

The Chair: Hon. member, I'd just remind you to speak through the chair.

Ms Sweet: Sure. I'm happy to do that.

I'm standing up for the majority of Albertans that disagree with this piece of legislation. I don't care; the government can continue to say that it's actually not doing what we say that it's doing, but the majority of Albertans agree that it is. People who are looking at investing in Alberta have come out and spoken against it. There is a significant amount of economic opportunity that is going to be lost when it comes to this piece of legislation.

You know, we really haven't heard a good rationale from this government as to why they do not want to use the current mechanisms that already exist. They've had the opportunity to bring motions into the House. They do it all the time; they used to do it significantly, like, almost weekly last session. There are court challenges that are currently happening in relation to decisions that

the federal government has made that the provinces decided they don't like, yet for some reason the government has decided that that's not good enough.

So if using the tools that exist under our democracy aren't good enough, then what exactly is the plan by this government to supersede those tools? To ignore them? To ignore court rulings? To try to create new regulations that somehow find a way to go around the current court rulings? [interjections] I know it bothers the minister when I speak of these things, but those are the mechanisms that exist. They exist. That's how this bill is written. Even with the changes of this amendment, they don't fix those questions. [interjections] And the reality is that the minister wants to continue to speak over me and yell over me because he doesn't actually like what I'm saying because the truth sometimes hurts. [interjections] So here's the reality, right? We know that when governments start and we hear ministers start heckling across the floor, it's because you've hit the nerve and they don't like it.

Madam Chair, the amendment doesn't work. It doesn't fix the problems that Albertans are talking about. What would fix the problem is: the bill has got to go. Albertans don't want it. Investors don't want it. The polling tells the government this. If they actually believed this was a good bill, they would, one, be standing up and talking about all the great things that it's going to do, which we actually still haven't heard, what kind of motions would be brought forward, how the government would use the tool.

We haven't been walked through that process. If it actually worked and it was open and it was transparent and investors and Albertans could trust it, then we'd be hearing all about how great it's going to be. What's actually happening is that the government is rushing through debate. They're putting time allocation in to make sure we can't talk about it for very long because it's so bad and they're getting such a bad and negative response because of it. They don't want to talk about it anymore. When it's good: let's talk about it forever, right? But the reality of it is that they're hearing the same things that we're hearing on this side.

11:00

Mr. Nally: From CAPP.

Ms Sweet: Well, I mean, if the minister wants to mock being from CAPP, then I guess that's a problem for the minister. I don't know why that would be a fun heckle. I mean, oil and gas being upset and being concerned about investment opportunity should be a concern.

It's not just CAPP. We're hearing from chambers of commerce that are speaking about this. We're hearing from investors. We're hearing from investment capitalists. We're hearing from people who access grants through federal governments that are concerned about whether or not their grant funding is going to be removed. We're hearing from Indigenous communities that feel like they've been ignored. The government has actually managed to create allies among groups that have never been allies before. I mean, good on you. I appreciate the allyship that is coming and talking to us, but that is the reality.

Mr. Nally: Are you talking to CAPP?

Ms Sweet: When there is a reality of the fact that – I don't know why they're so fixated on CAPP.

Anyway, the reality of it is that 30 per cent of Albertans support this; the majority don't. If the government doesn't like that and they want to continue to yell over me because they feel that that is the best thing, then I would encourage them to stand up and walk Albertans through why this makes sense, why this is going to be good, because they don't think it is. The government really needs to understand, Madam Chair, that Albertans just don't trust the government. That's

why they don't like this bill, because they actually don't believe that this government has had the capacity to be open and transparent throughout their whole ability as government.

I mean, we saw this under Bill 10, when there were extraordinary powers being brought forward under the health legislation that this government introduced, which was then later repealed because the government realized: oh, we made a mistake; we may have overreached on that. Bill 81 attempted to subvert the democratic process and resulted in numerous UCP caucus members speaking out against the bill and voting against it and then having their voices silenced in the Legislature. Now we've got Bill 1, significant overreach.

Mr. Nally: Which you still haven't read.

Ms Sweet: You know, we've heard from leadership contestants that spoke about the fact that they didn't like this bill – I continue to hear from one of the ministers across the way that continues to obviously have strong feelings about this piece of legislation – speaking about how it was a bad idea. But, of course, when cabinet grows, voices get quiet, and that's what we've seen happening here.

It's a quick flip-flop, which is a consistent theme that this government does, and Albertans don't believe it. They don't trust it. They don't trust the ministers. They don't trust the Premier. The reality of it is that this bill is going to hurt our economy, and it's going to create havoc and chaos for Albertans. What this government should have been focusing on is dealing with the crisis in health care, making sure our kids are taken care of when they have to go to hospital, and they should have been addressing the issues that Albertans are facing when it comes to trying to pay their bills. That should have been Bill 1, taking care of the priorities that matter to Albertans. This is not a priority. Clearly, everybody knows that. The government clearly does because they've done nothing but heckle me back, so obviously we've hit the nerve.

I would encourage the government not to, one, support the amendment but also to kill the bill.

The Chair: Are there others to speak to amendment A1? The hon. Member for Edmonton-Rutherford.

Mr. Feehan: Thank you, Madam Chair. I appreciate the opportunity to address this amendment and some of the comments that have been made over the course of this evening. I will clearly be speaking to not to accept this amendment, and the fundamental reason why is that it really does not address the issues that were inherent in the bill itself and it doesn't fix what needs to be fixed. Now, clearly, in reading the amendment, the government has come to accept that which they denied for the first week and a half after introducing this bill; that is, it actually does infringe on constitutionality, and this bill allowed extraordinary powers to the provincial government. Now, I understand that they didn't understand what they were doing and that after being educated by people who do understand the law, they decided that they must come back into the House and get rid of the famously known as the Henry VIII clause that would allow this provincial government to do extraordinary things outside the democratic process.

We know that they clearly didn't understand what they were doing, and they fixed that one piece, but I want to suggest that there are a variety of other things that this does not address; therefore, it's not a successful amendment. There's just too much there, so much so that I know that, in speaking with the representatives of the First Nations who have been calling me in droves over the last little while, they simply are asking this government not to proceed with this bill at all, not saying: could you please make some amendments; would you make some changes? They very clearly

said publicly that they would like to see this bill removed completely from the Legislature, and because this amendment doesn't do that – we offered that to that to the House, but they didn't pick it up – we are in this position now of not being able to proceed with the things that need to actually happen with this bill; that is, put it aside to fix the multiple problems that are in the bill and then consider its return, perhaps after an election in the spring.

Let me talk about some of the particulars that are of concern here. Now, we've already talked about the fact that there is an issue of constitutionality with the bill itself; that is, can a provincial Legislature deny the laws established by a federal Legislature? That's been brought up many times, and of course the vast majority of constitutional lawyers in the country have said that indeed this bill is problematic.

Another analysis has just come out over the last day or so by Olszynski and Bankes that says that – let me just quote a little piece of it here just for our conversation. The article, by the way, is entitled *Running Afoul the Separation, Division, and Delegation of Powers: The Alberta Sovereignty Within a United Canada Act*, by Olszynski and Bankes. I will submit copies to the House in due course. The piece that I think is very important here is the section where they say:

In an entire legislative scheme that is constitutionally suspect, subsection 2(a) amounts to a constitutional fig leaf, especially when the provision is merely directed at interpretation ("nothing... is to be construed"). Subsection 2(b) is more significant: in our view, this wording clearly does contemplate something more than mere non-enforcement of federal laws and regulations, [for example], a future directive compelling provincial entities to engage in an act that would be contrary to federal law.

That's what we're hearing from the constitutional experts that are out there, that you're just doing so many things that are contrary to the democratic processes that we have established in the Westminster system over the course of hundreds of years. You're subverting democracy as we know it.

They're saying that the fact that you put in a little section that says nothing is to be construed as problematic is, in their words, just "a constitutional fig leaf." In other words, it doesn't mean anything. Just because you say, in your own words, "Well, this doesn't break the law," it doesn't mean it doesn't break the law. It does break the law. It's like when you're having an argument with someone and they say to you: well, I don't want to be insulting, but you're an idiot. You know, they can say they're not insulting you, but they are insulting you. That's exactly what all the constitutional lawyers are saying about this bill, that you're saying one thing at the beginning, but then you go on to defy your own statement for the rest of the bill, and that's why the bill has to be withdrawn.

11:10

It's not merely one section of the bill; it's multiple sections of the bill that are doing this. I'll go through a few of them here. One of them that I think continues to be of deep concern to the First Nations is this section 2 that I just referred to here. While it says that nothing is to be construed as somehow abrogating Indigenous treaty rights, we know from this interpretation that I've just read to you that that doesn't mean anything because the bill goes on to actually suggest that they will be doing that very thing, that they will be abrogating treaty rights.

I know that First Nations are very concerned about: well, what is the intention of this bill? What are the kinds of things that the federal government might do that this provincial government might suggest are somehow not in the interests of the people of the province of Alberta? The first thing that comes to mind when the First Nations are talking to me is that they're saying: it's going to

be about environmental legislation, isn't it? When the federal government comes forward and says that we want to protect our air, our water, and our lands, this provincial government will take the position that: "Wait a minute. If we have to protect our air, water, and lands, we're going to lose some money, so we don't want to do that. It's not in the interests of the public." The First Nations communities are saying to me: so what you're saying, then, is that if we have interest in protecting the air and water and lands, we don't count as part of the public that you're trying to protect, that you are going to use this as a chance to undermine the environmental legislation that has been brought forward by the federal government in the protection of the lands that we are responsible for?

That's why they're concerned about it. That's why they're saying that you can't proceed with this bill, because it's not just that it's unconstitutional, but even in its intent, even if it does the things that you want it to do, you are going to be subverting the interests of the First Nations communities, and therefore they cannot stand with it. They cannot in any way say that you can modify certain clauses and proceed with this, because the fundamental intent of the bill is a contradiction of the interests of the First Nations people.

They know that you've made statements that somehow you will protect treaty rights, but they understand treaty rights very differently than this government has demonstrated an understanding of treaty rights, that treaty rights extend to the environment, extend to the land, extend to protecting that land for the benefit of future generations. If you are trying to subvert laws that protect that land because you're afraid that you will lose some money if you enact the environmental laws, then you are taking a stance against the First Nations people. They've clearly said to me over and over again that this bill is predicated on a single clause of only taking steps when it's in the public interest, but there is no clarity as to what public interest is or, more importantly, I guess, perhaps, whose public interest is being supported and protected here. They know that you'll be very interested in supporting the public interests of industries, but they do not know that you'll be interested in supporting the public interests of First Nations people.

That's the concern here. I've spoken about that a few times, and I was certainly hoping to see some changes in this amendment that would be able to address or satisfy the concerns from the Indigenous community although they have very clearly said to me: it doesn't matter what they amend; we are fundamentally against this bill, and we believe it's time for it to be withdrawn.

Of course, what they're asking for is true and proper consultation, to have a chance to sit down with the government and ensure that the notion of public interest is not going to be used to defeat the collective interests of the Indigenous community. I think that's something that the government has to understand.

We know that sometimes the federal government is going to do things that make us unhappy in the province of Alberta. We get that. Nobody has ever said that that's not true on this side of the House. We know that sometimes you have to stand up to the federal government and say: we do not like what you're doing. But lo and behold, it turns out that we already have a mechanism for doing that. The mechanism is twofold. One of them, of course, is to stand up and say to the federal government: we do not like this, and we expect to be sitting down at a table with you and having a conversation about what's wrong with this bill that you're trying to enact or this regulation that you have and asking you to change that in the constructive way that parliamentarians are supposed to be able to do. Now, that would be the natural first step: you actually sit down with the federal government, and you try to fix things.

Now, we know that there have been concerns by members opposite that they haven't been successful doing that. Okay. They haven't been successful. So what have they done when they were

unsuccessful? They've taken things, issues that they have with the federal government, to the courts. The courts have made decisions, and, lo and behold, sometimes the courts actually decide that the provincial government is wrong and that the federal government is well within their jurisdiction to make these kinds of decisions and has every right to proceed in the way they do.

What this provincial government is saying is that the courts only count if we win. If the courts don't allow us to win, then it doesn't count anymore. You know, I remember playing football with friends when we were in grades 7 and 8, and that's how rules were made back then: well, if I don't get my way, then we can't play; I'm going to take my ball and go home. That's not how a provincial government should be acting.

You should not create legislation merely because you have sour grapes about losing at the highest court in the land. If the highest court has said that this is a legitimate way to go, then you are left with the same process that everybody shares in this country, and that is the democratic process of trying to defeat the federal government in a democratic way, not in an unconstitutional way. The fact that you have sour grapes about having lost in the legitimate legal processes that are established in this country does not give you a right to start to undermine democracy. It's just not an acceptable thing to do, and we can't support it on this side of the House because we cannot support any bill whose actual intent is to destroy the structures of the rule of law that this country is based on, and that's what you're asking us to do.

You know, I wish this amendment had done more. I wish this amendment had been written in such a way that could actually address some of the concerns that I've expressed in my few minutes here in the House and others have expressed, but it doesn't. Furthermore, I'm very deeply concerned that it's going to set up citizens in the province of Alberta to actually engage in behaviours which are contrary to the laws of Canada, that they're actually encouraging people to deny the laws of Canada, to not follow through. In fact, it's suggesting, as in the quote I just read earlier, that it will actually "[compel] provincial entities to engage in an act that would be contrary to federal law." You're actually suggesting that citizens of the province of Alberta engage in illegal activities.

Then you go on in section 8 to say: "Don't worry. We'll protect you. That is, if you do something under this act, you won't be breaking the law in the province of Alberta." That doesn't mean you're not breaking the law in the country of Canada. What it says in section 8 is that the province of Alberta will not charge you and put you in jail, but it has no control over the federal government. The provincial legislation cannot tell the federal government: you're not allowed to charge our citizens. The Canadian law still stands, so it means that if you actually compel people – and it's not just suggest or encourage; it's actually compel – in the province of Alberta to break the law, then you're setting them up to go to jail or to pay a fine, to get a record. You actually have no control over the federal jurisdiction on these laws, and in spite of how much you might support what somebody does, what one of your institutions that you've compelled to act has done, the federal government doesn't have to listen to that. The federal government can charge people. The federal government can enforce their laws.

11:20

We are in a very dangerous place. We're in a place where the province is trying to act outside of the democratic process and the province is trying to encourage citizens to act outside of the legal process. And then they say: well, can you work with us to fix this bill? I can certainly tell you that we tried twice yesterday. Twice we introduced reasoned amendments that would have stopped this bill and go and fix it, and this government denied that. This government

refused to take the time to actually fix this bill and tells me that they are not listening to the criticisms that are out there in the community and certainly not listening to the First Nations in this province, which I think is deeply, deeply problematic.

You know, I have just been kind of flabbergasted by this whole process because the government has been down this road before. With Bill 10 they tried to take on extraordinary powers, and they had to repeal that. They should have learned from that lesson. With Bill 81 they tried to subvert the democratic process, which actually resulted in some of their own people voting against their own bill, something we almost never see in this House. Yet they haven't learned that the people who are trying to overstep the bounds of their authority in this country are not the federal government. It is the provincial government. This provincial government has consistently and routinely tried to overstep its authority with regard to the democratic process and the laws in this province.

Certainly, I agree, sometimes the federal government does stuff that drives me crazy, and I don't like it. But I lived in the province of Alberta under Conservative rule for 44 years. I can tell you that they drove me crazy every single day for 44 years, but I didn't break the law. I worked hard to get myself into a place where I could write new laws through the democratic process and successfully did so. I'm very proud of the laws that we brought in.

That's the process that we have designed in democracy. If you don't like it, you fight it in the ballot box. You do not fight it by ignoring the institution of democracy and the institution of the rule of law. This is what this government is doing, this is why it's problematic, and this is why we stand here saying that you cannot fix this bill. It's not about sort of being misdirected. It's not about just simply one that needs a little tweak or a little fudge along the way. This is a bill that is trying to pervert what we have created in western democratic systems throughout the world, and as such we cannot stand here and play games of move a paragraph, change a comma, add a sentence. We can't do that. It's too fundamentally important.

I want to be able to go back and speak to the First Nations that I've talked to and say to them: look, we've done everything that we possibly can do to stop this bill. That's why we will not be supporting these amendments. That's why we will vote in no way to support this bill.

Thank you.

The Chair: Are there others to speak to amendment A1? The hon. Member for Edmonton-Riverview.

Ms Sigurdson: Well, thank you very much, Madam Chair. It's my pleasure to join the debate on amendment A1 regarding Bill 1, the sovereignty act. Certainly, we have, as my colleagues have shared already, heard far and wide from the business community, Indigenous leaders, academics, journalists, and even elected representatives from the governing party that the sovereignty act is legislation that will hurt Alberta. We know that Bill 1 is hurting our business sector by creating significant uncertainty, which has already created fear in investors. Investors like stability. Of course, the UCP likes to say that they're champions for business, but this legislation is not supporting business because it is creating significant uncertainty in the business sector.

This amendment to Bill 1 – of course, we know that this is the leading bill, Bill 1, of the new Premier of the UCP. She campaigned on this bill, saying that it was very important for Alberta to have a sovereignty act. She wanted to challenge the federal government because she believed they had overreached into our province, so she was going to create legislation that indeed did actually challenge the Constitution of our country.

So here it is. We have this bill before us. The Premier said at the outset, after some criticism of the bill that was pretty significant – I'd say nation-wide – and getting national press for all the wrong reasons, that she was not aware of the sweeping powers that Bill 1 gives to Executive Council. She said: no, no, no; we'd always come back to the legislative branch of government and make sure that enactments of new laws and legislation would go through that process. But this amendment says very, very loudly that that was not indeed the case, because it would not have been brought forward if the legislation, you know, did have those checks and balances.

Of course, any healthy democracy has different branches of government that have – we call them checks and balances. It's just not the executive branch – Executive Council, the ministers, the Premier – who make decisions. They must bring that information back to the Legislature for all MLAs to scrutinize and certainly speak to debate. But for some reason – I mean, the Premier herself said very clearly: no, no, no; those checks and balances are in place. But here we are, you know, a week later and we have this amendment before us indicating to us that indeed that was not the case and there was some mistake.

There has been some type of a failure here by the UCP government. It could be a failure that the Premier just didn't read the legislation and didn't understand it or that she wasn't properly briefed by people in the public service or her political staffers, people who are supposed to be obviously supporting the legislation that she wants to bring forward. So it does look like a bit of a shemuzzle, really. It's a big mess.

I mean, this amendment before us today, A1, is living proof that our concerns were valid, as the Official Opposition, that indeed this legislation was dangerous, that it eroded democracy in Alberta. I, for one, am very proud to stand with my caucus colleagues and many other Albertans who have spoken out about this legislation. I myself in my own constituency have received many calls, e-mails from really engaged, concerned constituents that this legislation is creating all sorts of havoc in our province and that it should not go ahead even with this amendment although I will give you that this amendment does make it better because, again, it restores some level of democracy to this legislation.

As the amendment does specify, section 4 of Bill 1, which has been referred to as the Henry VIII clause – of course, that's referring to a 15th-century sovereign . . .

11:30

Mr. Eggen: Sixteenth century.

Ms Sigurdson: Is it 16th century?

Mr. Eggen: Yeah.

Ms Sigurdson: Okay. A 16th-century sovereign. Thank you for that correction.

. . . that had, you know, significant sort of dictatorial ways of operating in his rulings or reigning. The amendment changed that section so that Executive Council doesn't have the sweeping powers of enactment, which is an important amendment, giving back legislative accountability to the process, restoring some level of democracy to Alberta.

[Mr. Orr in the chair]

I believe that we in the opposition have every right to really distrust this government because of this type of legislation that they've brought forward and previous ones within this mandate, this mandate that they got in 2019. Not only Bill 1 but other UCP pieces of legislation give excessive powers that we've seen here, so

that's why it's so important, our role as the Official Opposition, that we bring up these concerns. We know that back in 2020 the UCP brought forward Bill 10, the Public Health (Emergency Powers) Amendment Act, 2020, and this bill gave new power to create laws without Legislative Assembly approval. Bill 10 was pushed through by the UCP in 48 hours – 48 hours; it was just rammed through this Legislature – and the bill gave cabinet ministers unilateral authority, without consultation, to impose new laws on the citizens of Alberta.

Despite the UCP's profession of, you know, wanting to create more democracy, wanting to make sure that citizens of Alberta have involvement and input into the process, this legislation – Bill 10 and Bill 1, which we see before us right now, both sort of fly in the face of that and are absolutely not creating more democracy in our province but really hindering that. Again, as Bill 1 just did, Bill 10 ignored the legislative branch of government and gave all authority to the executive branch, and as we did back then, the Official Opposition stood up against this undemocratic legislation.

It doesn't end there. I mean, there are many pieces of legislation that are really quite egregious. The Member for Edmonton-Rutherford just talked about Bill 81, which also was, you know, another piece of legislation that did not give full democracy to our citizens.

One I want to talk about now is Bill 78, the Alberta Housing Amendment Act, 2021, that gave the minister power to define affordable housing. No criteria were specified in the bill. It's so the minister can designate what units are affordable or not. Again, it's just like the sweeping powers given to, well, in this case, one member of the executive branch without any kind of criteria or understanding about what that actually means.

Quite frankly, I mean, one of the things that is extremely disturbing about what is happening in housing – it doesn't really have a ministry anymore; there's no ministry with that name, but it is, I understand, within Seniors, Community and Social Services – is that even before, when it was seniors and housing, so little was done on that file. In fact, one of the major areas that it's really incumbent on the government to get involved in is social housing, and this government has not invested in social housing, really, since they've been elected, and we can see the challenges on our streets everywhere because of that. Is that because the minister is now not defining social housing as affordable housing? Was the previous minister only talking about affordable housing being a little bit below market? I mean, that seems to be the case, so it's very confusing.

This authority given to that one minister is really making it very difficult to see what positive progress is being made in that area. Frankly, there isn't any positive progress in that area. We're in a housing crisis in this province, and it is getting worse every day. You know, we see it on our streets, certainly, in the city of Edmonton. We know so many people are living in horrific conditions considering how cold it is outside, and we know that Albertans are dying. We know that there have been amputations because of being in the cold for long periods of time, and these folks need that social housing. They need that permanent supportive housing, but this government just is not stepping up to support them in that way.

I guess these are just examples of legislation that the UCP government brought in previously that, of course, are not really respecting the democratic process in our province. These are key issues. Of course, the amendment to take back some of this Henry VIII extraordinary power is a step in the right direction. However, it's not enough in terms of making this bill better. This bill still is a deeply flawed piece of legislation, and that's why we voted against it in first reading, which we know is a rare event in this House. It's

not something that we took lightly, but we looked at the legislation, and we saw that this legislation did warrant because it was deeply flawed and it would hurt Albertans. So we stood up, and we're very proud of that. This amendment shows how right we were to do that because this is fundamentally flawed, and as I said, this is only one aspect of the difficulties with this bill.

You know, I think it's important for us to have some perspective on what we do. We're not just focusing on this bill, but there is a whole – well, I mean, the UCP does have a legacy a bit now, about three and a half years of governance. We can call it a legacy maybe. I don't know if that's the right word exactly. But we voted against two other pieces of legislation in first reading as well, and that was Bill 9, the Public Sector Wage Arbitration Deferral Act, and then Bill 22, the Reform of Agencies, Boards and Commissions and Government Enterprises Act, 2019. Just to help some of the members in this Assembly remember why we voted against those in first reading, like we did about Bill 1 – and we do this rarely. I guess it's been three bills in this entire three and a half years of UCP rule, but these are very egregious pieces of legislation, so that's why we decided to vote in first reading against them.

Of course, Bill 9, the Public Sector Wage Arbitration Deferral Act, imposed a delay on wage talks for front-line workers who took pay freezes in the first years of their contracts and then had the right to reopen pay negotiations with arbitration, if needed, in 2019. Of course, this bill stopped all of that. They weren't allowed to open their contracts, and this betrayed many Alberta Union of Provincial Employees' members that were employed at Alberta Health Services, the government of Alberta, postsecondary education boards, and agencies. Of course, we wanted to vote against that, and we did because this is really adding salt to the wound, this betrayal of workers. Here they have an agreement, you know, that the government is supposed to respect, but instead they bring in legislation to wipe that off so that they don't have any kind of integrity in that legislation.

I'll remind members again. There was such an air of arrogance during that debate that Premier Kenney – and I can say his name because he's no longer in the Chamber – walked around and handed out earplugs to his members so they didn't have to listen to the debate. I don't know. That's nothing to be proud of. To me, that's disgusting, but that is incumbent of a government that thinks that they don't have to listen, and they do it literally. I mean, it was, I think, kind of a nightmare for them in terms of communications afterwards because it showed just how cavalier and uncaring they were.

11:40

We knew that legislation would hurt workers deeply, just like we know that Bill 1 is hurting Alberta businesses. I know that the UCP purports to say that they do absolutely support business much more than we do. They like to say that we don't care about business, but that's not true, because this legislation does hurt business. It creates much instability in the sector, and we know that businesses want stability, so it doesn't make sort of any logical sense.

But it is, you know, based on a pretty narrow ideological view, I think, of the Premier and her supporters and the 1 or 2 per cent of Albertans that voted for her so that she could become Premier. I think it'll be really interesting to see when we do actually have an election and she faces the whole Alberta electorate and not just a small section of it. This was just a stunning show of disrespect by this UCP government, and again, as we do now, we stood up against that.

I just want to mention, too, the second one just to remind everybody, Bill 22. The key concern we had was that the bill terminated the contract of Alberta's Election Commissioner, Lorne

Gibson. And why was the UCP wanting to do that? Well, they did that because there was an investigation into the allegations of illegal donations in the 2017 UCP leadership race. We were assured that the investigation would continue by Jason Kenney at the time, but what actually happened is that everything went dark, and in fact some members may remember that the Leader of the Official Opposition was even removed from this Chamber because she accused the government of obstructing justice by firing the Election Commissioner.

These are the three bills during this mandate that we have voted against in first reading, and as I explained those three bills to this House, I feel proud of the opposition caucus that we stood up and said: no; it's not all right for these bills to go ahead. You know, the betrayal of workers, stopping an investigation into illegal donations in the UCP leadership race because you're taking away the person who's running that investigation, and now the sovereignty act, which sort of defies any kind of logic that I understand myself about: what's a way to be part of a country and serve the citizens?

[Mrs. Pitt in the chair]

This is creating quite a bit of instability in many sectors. Of course, we talked a lot about the business community, but I just want to talk a little bit about the nonprofit community, too, because they're very impacted by this legislation because, of course, they do receive federal money. If I talk again about housing, many nonprofits – and again a sad part of what is going on currently with the UCP government is that oftentimes federal governments, municipal governments, and people who are donating to nonprofits are working together to create housing initiatives, to create new housing, and we know that we need much more than we have, and the province is really missing in action. Those federal dollars are so important to the sector of housing, but for some reason the UCP doesn't seem to think that housing is that important.

You know, we know that when we look at their record. When they came into office, back in 2019, they cut the rental supplement by 24 per cent. That's horrific. It's such a program that should actually, really be expanded, but that's one of the first things they did, cut the rent supplement program by 24 per cent. They cut \$53 million in maintenance for housing management bodies over three years, starting in the 2020 budget.

The Chair: Are there others to join the debate? The hon. Member for Edmonton-West Henday.

Mr. Carson: Well, thank you, Madam Chair. It's an honour to rise this evening, almost this morning, to speak to this amendment. I will, like many of my colleagues, not be supporting it, and we'll see how much I can get on the record here. I think that my colleagues in the Official Opposition have done a great job of sharing their concerns and my concerns of why I don't plan on supporting this amendment but, further, why it is not going to fix this bill to any extent to make it something that I or the Official Opposition would be able to support.

As previous members have, I want to take a moment to look at some of the comments that were made by members who are now in cabinet, of course, at this time. Well, some of them were in cabinet, but this member in particular I do not believe was, and that would be the now Deputy Premier, the Member for Lethbridge-East, who at the time of these conversations around the idea of a sovereignty act – and I believe this quote was from when the leadership race was happening. If I'm wrong, then the member can feel free to clarify that, but at the time the Member for Lethbridge-East, now the Deputy Premier, said that no one person should be able to enact regulations without consultation. Even with the amendment that is

before us, that is going to continue to be the case, so it's very interesting to see that member continue to defend this legislation and, by extension, this amendment.

You know, further to that, we again saw another comment from that member more recently, I believe, when the bill had been tabled and people were raising concerns about the King Henry VIII clause and other potentially overreaching clauses within this legislation or sections within this legislation. Again that member took the opportunity to speak to media and say: I believe safeguards are in place for this legislation. And again it was asked if they had actually looked at or read the legislation, and they said: no, I haven't.

So we have a government that continues on this pattern of, first of all, not consulting on the legislation that they're putting forward, not necessarily even reading it, and then standing up to defend it, and we see that again and again from other members of the government caucus and cabinet. It's been put on the record, but the current Finance minister during the leadership debate saying that this was a ticking time bomb, the now jobs minister saying that this legislation was a fairy tale, and I continue to wonder, you know, without seeing it at that point and still being willing to stand up against it at that time even without seeing the legislation – and now that we've seen it, I think in many cases it is worse than most people, the majority of Albertans, might have expected it to be, yet these ministers and these caucus members within the UCP government have completely flip-flopped.

When reflecting on the amendment that is being put forward, I would argue that it really doesn't fix anything within the legislation, Madam Chair, and even if we were to take it at face value, that it is going to potentially add one extra step that the government has to bring forward to the Legislature, the fact is that even with what is being amended or proposed in this amendment, there are ways to circumvent it, and we will continue to see the exact same thing that is originally proposed in the legislation, so I don't think that the issue that it's particularly trying to solve is being solved in itself.

I think the Member for Edmonton-Gold Bar raised a very fair point that all this government needs to do is bring forward a piece of enabling legislation, something very general, you know, sovereignty against the federal government or a federal-government-is-wrong act, and all of a sudden they're able to put forward regulations and add pieces within that act without having to come before the House. So when we look at this amendment, we have to recognize that it is part of a bigger picture, and even if we were to accept this amendment and do what it is asking, even though, further, the government at the time and the Premier when bringing this forward said that there was absolutely nothing wrong with this legislation and the powers that the opposition and many Albertans are bringing forward concerns around is not a power that's actually enabled by the legislation, here we are seeing an amendment by this government.

11:50

Unfortunately, even if we were to allow this amendment to go through – of course, with the government having a majority, I would never try to, you know, foreshadow or, I guess, foresee how the government might vote on this. I'm suspecting that the government caucus, with all of the many people who have previously spoken against being able to enact regulation without consultation – I imagine that they are going to vote in favour of this amendment. Unfortunately, I will not because, again, even if this is going to be accepted and were to be accepted, the fact is that there are several other pieces within this legislation that continue to be concerning, and it really doesn't solve some of the main issues within this legislation. Whether it were to come back to the House and be debated or not is somewhat beside the point when we are

talking about potentially putting forward or debating the ideas of constitutionality before this House when, as has been said again and again, that is not our job.

I continue to hear heckling throughout the debate of other speakers when the Official Opposition is speaking from members of the government saying: “Oh, you know, this isn’t unconstitutional. This isn’t how it works. We in the Legislature should have the ability to debate whether something is constitutional or not.” Of course, that is what this government is trying to move forward with here, but the fact is, as I said previously, that just because you write in the legislation that it is following the Constitution or it is not violating or intruding on the Constitution of Canada – just because you wrote it in here doesn’t make it the case.

Now, again, the main concern here, when we are discussing this, is the driving away of investment through this legislation. This amendment by no means fixes the concerns within this legislation that this Premier and this government are potentially trying to overreach.

I think that we’ve heard through the debate and through the decisions of this government yesterday – well, I guess it was today at this point. Very early this morning I had raised a point, the fact that this government has left so many dollars on the table from the federal government around, particularly, wage top-ups through the pandemic, dollars that the federal government had provided to many provinces and, in several cases, to the tune of tens of millions of dollars if not hundreds of millions of dollars. This government left that money on the table. In some situations that was – I guess I can’t speak for the government, nor would I defend their decisions, but it potentially seems like they weren’t willing to match any of that funding from the federal government to provide top-up dollars to the hard-working men and women and the heroes on the front lines of our health care system. Again, tens of millions of dollars were left on the table because of this UCP government’s indifference to either those workers or the federal government willing to try and help.

Now, going back, if this UCP government was concerned about how that money was being used, what it was going to be spent on, that is a right of theirs, and that argument can be made, absolutely. Those conversations need to take place, as I’m sure they did. But just because they aren’t happy with a decision that the federal government has made about how dollars are going to be spent in one province or another doesn’t make it unconstitutional, Madam Chair. But what this UCP government is trying to argue is that they believe they should have the power to make that decision, that the Legislative Assembly should have the ability to make that decision, which is simply not the case. As has been said again and again, we have a court system to make those decisions, and this government has tried to challenge the constitutionality of decisions that the federal government has made in the past.

I have concerns, as I’m sure many Albertans do, and investors across Canada but across all jurisdictions internationally are, I’m sure, concerned about how this legislation is going to infect – affect the investment environment. A bit of a Freudian slip there. Again, this government potentially is trying to use unconstitutional and undemocratic powers to challenge the federal government in places where they simply should not. In many cases – that was sort of a double entendre that they should not be challenging the federal government in this Legislature because, of course, that is very likely going to be unconstitutional or would not hold up in court, but they should be doing that in the courts.

When we talk about a government who is going to try and unilaterally make decisions about the constitutionality of things, you know, it’s very concerning, again, for me as a citizen and as a member of the Legislature and to investors across the world. It kind of reminds me of a situation of something that’s come up in the

past: this idea of freeman on the land, that I can make decisions about whether I’m going to pay taxes or whether I’m going to follow certain rules based on something arbitrary or something that is not actually within the rule of law within the Constitution. It seems that in some cases there are some similarities between what this UCP government is trying to do and the idea of that, again, going back to the idea that just because you say it’s so, that something is constitutional or not constitutional, doesn’t necessarily make it the case.

As previous members have said, we’ve seen this government try to use their majority in this Legislature to pass draconian legislation. We saw it particularly in Bill 10. At that time it was very clear that within the government’s own conservative circles there were people pushing back on the extraordinary powers that this government was giving itself within Bill 10 and eventually came back to repeal that, but we find ourselves in a very similar situation, where this government is trying to give themselves extraordinary power to make decisions that may or may not be constitutional.

Going back to the idea that there are many potentially innocent bystanders in the crosshairs of this legislation – namely, the entities that are listed within the definitions of this legislation and how that’s going to impact their relationship not only with the provincial government but also the federal government if they find themselves in a situation where the federal government is asking them to follow through on certain initiatives and the province is telling them: “Absolutely not. We are not supporting that. In our opinion of the Legislative Assembly, which really shouldn’t be making these decisions at all, we find this to be an unconstitutional decision, that it’s within our, you know, ability to make decisions around this.”

Municipalities, among other entities that are listed here, whether it be postsecondary institutions within the Post-secondary Learning Act, whether it be police forces within the Police Act, the entities that are listed in here, again, anyone that is receiving a grant or other public funds from the government that are contingent on the provision of a public service: the list is long, and so many organizations and municipalities and other government organizations are going to be affected and are affected by the relationship between the provincial and federal government and are going to be forced to make decisions based on the powers that this UCP government is trying to give themselves.

Again, this amendment does not address those concerns by any means. Even if this amendment were to go through, we continue to see a bill that gives this UCP government extraordinary powers and this cabinet extraordinary powers, and again, I just wonder what happened to the many members of caucus in the government that were willing to speak out against this legislation. The fact is that we saw during the leadership contests with the current government and this current Premier that the Premier was barely able to get this idea across the finish line within their own party. So it’s very interesting that – again, we look back on all of the issues within Alberta – Bill 1 is what this government brought forward, because it certainly isn’t a priority for the many members that I’ve spoken to in my community, many members of the public.

12:00

Of course, they are concerned about, whether it be the amount of money that’s coming from the federal government, whether it be, you know, how that money is being spent – I think that many members have talked about this issue through this debate, but again going back to the fact that it doesn’t mean that just because we disagree with something, it is unconstitutional. I have grave concerns, and I think the business community has grave concerns that this government is trying to give themselves the power to make those decisions and to pass legislation or motions and directives that

are going to affect so many entities within our community, trying to give those directions even if they may be against federal laws or the Constitution itself.

Just so many pieces within this legislation, whether it be around the judicial review section, changing timelines or changing standard of reviews, or trying to put in immunity for cabinet and for members of the Legislature in case a directive is carried out that actually was against the law. I mean, it's just ridiculous, Madam Chair, that we've gotten to a point where this government, again, with all of the libertarian tendencies that I thought were in that caucus, is willing to give themselves so much power, to create so much uncertainty within the investment environment, within the rule of law.

The list is long for reasons of why we should not be moving forward with this legislation, and of course, again, this amendment does not fix any of that. We've heard about the concerns around treaty rights, that those have not been addressed. We've heard from large organizations across the province that have business interests here that they are concerned about how this might be used and the potential consequences of this government putting forward unconstitutional changes. We have a system in place that, as has been explained again and again – I really don't understand why this government is so unwilling to just face the facts that we have a court system in place for the very issues that they might be concerned about.

All they are doing is creating uncertainty here for a bill that some members of the government profess to not even have read before they were defending it. Before even reading it, through that leadership process, just hearing the name, the idea of a sovereignty act, members of the government were willing to reject it and say that it was going to have grave consequences, yet now, when I stand here to support the points that they had brought forward at that time, they heckle me, Madam Chair. It's really unbelievable how much changes over a couple of months and a couple of cabinet promotions.

Madam Chair, this amendment should not pass. This entire piece of legislation should go back to the drawing board, or just put it in the shredder. I understand the concerns of this government when it comes to wanting to see more action from the federal government, wanting to have a better partnership with them, that potentially the federal government is not listening to their concerns. I know that many Albertans, potentially and very likely the majority of Albertans, want to see a strengthened relationship, want to see a federal government that is going to listen to the concerns of Albertans through the pandemic and through these historic levels of inflation. Unfortunately, this legislation and this amendment are not addressing those concerns and instead are creating uncertainty.

Thank you.

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

Mr. Nicolaidis: Thank you, Madam Chair. Good morning. It's midnight, and here we are continuing this very important and lively debate about where our province is going and what the future of our province looks like. I think an important part of this debate is how we as a province are asserting our authority and how we are asserting our rights over our areas of exclusive jurisdiction and, in particular, over our ability to develop our natural resources and to exercise the powers that are given to us within the Constitution, that are clearly defined and delineated to be areas of provincial power and authority.

Earlier, Madam Chair, I went for a walk – not very far; I have to stay close by – just around the third floor here around the portraits. I found myself taking a look at some of those portraits, primarily

taking a look at the portraits of our former Premiers, in particular some of the first Premiers of the province. It got me thinking and wondering: what were some of the challenges that they faced? What were some of the challenges and policy matters that they had to debate during their time? I was quite intrigued when I did a little bit more homework because I found that, interestingly, not a lot has changed since the early days of Confederation and to where we are today in our debate.

You know, of course, I'm sure as we all know, in 1905 Alberta joined Confederation. Alberta became a province in Confederation, and our first Premier, Alexander Rutherford, of course, inherited some monumental tasks with establishing the foundation of the province of Alberta. Now, I don't think he completely knew or realized at the time, but Premier Rutherford also found himself in the middle of some very challenging and difficult policy debates and questions. As an example, one of the areas where he, I believe, inadvertently realized that there was some significant policy discourse and discussion needed was around the area of the province's authority and rights over natural resources.

Now, many members of the Assembly may know or may not know that when other provinces joined Confederation, in particular British Columbia and Prince Edward Island, they were automatically given exclusive rights to their natural resources. It was automatic, an automatic condition of their entry into Confederation. However, when Alberta and Saskatchewan joined Confederation in 1905, those same rights were not afforded to those two provinces. They did not have, at that time, exclusive rights over their natural resources. So, of course, conversation started very early on about the importance of this new province having control over its natural resources.

In 1910 under Arthur Sifton, the second Premier of Alberta, the conversation heated up, and greater conversation occurred on the topic of Alberta's natural resources. Sifton stated – I'm going to quote here, Madam Chair – as follows, just to give you a window into the conversation that was happening at the time: "We should administer our mines and timber. The question is not . . . whether we would like to control our natural resources, but what is the best way to get them." It's interesting. Of course, these are comments from Premier Sifton, but if we dig a little bit deeper, we can see more comments from other parliamentarians and Members of the Legislative Assembly at the time that show the extent to which this debate was raging within Alberta.

12:10

In particular, I want to draw attention to a former Member of the Legislative Assembly, the member elected to the electoral district of Alexandra who served only one term. That's Alwyn Bramley-Moore. As I mentioned, he was elected for just one term. He was elected in 1909 and served until 1913. A year after, of course, he was no longer in the Legislative Assembly. In 1914 we saw the outbreak of World War I, and Bramley-Moore volunteered to serve in the Canadian Forces in World War I, was dispatched overseas into Europe, and unfortunately in 1916 was killed by a German sniper.

That being said, during his time as a Member of the Legislative Assembly he contributed to the debate about Alberta's exclusive right to develop its natural resources, so much so that in 1911 he published a book entitled *Canada and Her Colonies; Or Home Rule for Alberta*. In his book he spoke about the need to end protective tariffs that were designed to build up Canadian industries, most notably in central parts of Canada, in Quebec and Ontario, of course, and in other places. However, what's of more significance: he also called upon the federal government to grant Alberta control over its natural resources and Crown lands.

Now, as I mentioned, shortly after his tenure we saw the outbreak of World War I, and that, of course, shifted public debate not just in Alberta but across the entire country as Canadians from coast to coast took up the call to serve and fight for freedom and liberty in the First World War. Regrettably, the conversation around Alberta's right to develop its natural resources took a back seat for the next few years.

In 1920, though, Madam Chair, at the conclusion of the war, the federal government did indeed commit in principle to give Alberta exclusive rights to its natural resources, but it would take several years until that would actually be developed. It took several years of wrangling and political back and forth until that could finally be accomplished.

It wouldn't be until 1929 that a deal would be reached during the tenure of Premier John Edward Brownlee to have full authority over our natural resources. Brownlee was celebrated as a hero. In fact, when he returned to Alberta, when he arrived back at the rail station in Edmonton, over 3,000 Albertans came to greet him and welcome him and welcomed him as a hero. There are stories of fireworks, of bonfires, of live music to celebrate this important milestone in the development of this great province, the ability for us to have exclusive control and jurisdiction over our natural resources, truly critical to the development of our province and to our prosperity.

But, unfortunately, Madam Chair, as we see here tonight, the conversation continues. Despite the success of so many of these great Albertans, questions around our ability to develop our natural resources continue to remain at the very top of debate, as we're seeing here today, which, of course, is the foundational premise of the bill that we're discussing, which is to assert Alberta's jurisdiction over our ability to develop our natural resources and our exclusive rights on other areas that are outlined in the Constitution.

Now, the conversation has changed a little bit, of course, over these decades, and although today the powers to develop our natural resources are indeed clearly enshrined and delineated within legislation, the federal government, unfortunately, continues to intrude on our ability to develop those resources. What good is it if we have exclusive jurisdiction over our natural resources but cannot get those resources to market, cannot develop them?

The federal government has made it very clear what their intention is and what they would like to see happen in Alberta. The federal government has made it very clear that they want to phase out the oil sands. It wants to phase out and limit our ability to develop our resources, but, Madam Chair, of course, actions always speak louder than words.

So it's important for us to reflect on some of the more recent actions that have taken place over the last few decades, including – for example, we're all aware of the national energy policy in the 1980s under the leadership of Pierre Trudeau, who tried to nationalize our energy sector, intruding on our ability, on our exclusive jurisdiction to develop our resources. We've seen more recent examples with Bill C-69, the no-more-pipelines law, again, which restricts our ability to develop our natural resources; other pieces of legislation and federal government policy, including the tanker ban on the west coast; and the recent proposals from the federal government this past summer to impose an emissions cap on Alberta. All of these measures are designed to limit our ability to develop our resources.

Here we are, 117 years later from the beginning of Alberta's entry into Confederation, and we continue to have many of the same conversations that we had back then. I think it's important, Madam Chair, for us to recognize these important historical pieces. I believe it's truly important for us to understand where we've been, where we were in order to understand how we move forward. From its

very inception, as I have just articulated, Alberta, from the very beginning, has had to fight just to be treated equally. While other provinces automatically enjoyed the right to develop their natural resources upon entry into Confederation, those rights weren't granted to Alberta and Saskatchewan. Those rights had to be fought for over the course of several decades just to have equal standing in Confederation.

It's a question that I continue to hear every day from my constituents. They don't believe we are treated fairly in Confederation. They don't believe the equalization rules are fair. They don't believe the interests of Alberta are taken seriously at the national level. So it's critical, Madam Chair, as is represented through the bill, that we continue to defend Alberta's interests, that we not waver in our commitment to defend Alberta's interests, and that we continue to fight for the priorities of our province, which are etched right above the Speaker's chair, the words "Fortis et Liber," strong and free, the true representation of the province of Alberta. We must keep these words alive as we continue to have this debate to ensure that Alberta remains strong and free for all of its citizens, continues to have exclusive control over its resources, continues to have authority to develop those resources and benefit from the prosperity that is provided through those resources.

I'll end because I know the House leader doesn't want me to go on for too long. I'll end quickly here. Madam Chair, perhaps I'll just end with a comment from a member who stood in this very Legislature a hundred years ago. I mentioned earlier the member for the district of Alexandra, MLA Bramley-Moore, who wrote a book. I've just ordered it on Amazon. I'll be happy to give the House an update when it arrives and I've had an opportunity to sit down and read that book from 1911 from cover to cover. Perhaps there may be some more interesting insights, but one of the things that the member said, which I found quite interesting, which I think I'll leave the Assembly with, was a very simple comment, a very simple statement: Alberta first, last, and forever.

Thank you.

The Chair: The hon. Member for Edmonton-Castle Downs.

Ms Goehring: Thank you very much, Madam Chair. It's my pleasure to rise this evening to speak to amendment A1 regarding the Alberta Sovereignty Within a United Canada Act.

12:20

You know, we've been talking about this bill, and Albertans are talking about this bill, and unfortunately it doesn't matter what type of amendments are proposed by this government. The mere introduction of this piece of legislation is signalling to international investors that Alberta has a different set of rules than the rest of Canada. That is very troubling and is chasing away investment, out of Alberta. I'm confused why, when the Official Opposition put forward two amendments, two reasoned amendments in the last two days, they were both voted down. We were speaking on behalf of so many Albertans that are concerned, whether it's business leaders, economists, lawyers, Indigenous communities. There's an amount of resources that we've been able to tap into to talk about the devastating impacts on the economy of this piece of legislation, yet here we are debating a bill with an introduction that, frankly, doesn't do anything. The only clear solution to proceed with this piece of legislation is to kill the bill.

But we're here to talk about amendment A1, so I'm going to do that, Madam Chair. We've been hearing from Albertans that this is a piece of legislation that is quite concerning. We know from a recent poll that it's only 32 per cent of Albertans that support this piece of legislation. Thirty-two per cent. We are sitting in front of a

government where their own members were in disagreement with this legislation before it even came to light.

So I just am puzzled that we're here today debating this government's flagship bill, Bill 1, Alberta Sovereignty Within a United Canada Act, and it's still moving forward. It's been loud and clear that this piece of legislation creates chaos and instability. It is signalling to investors that Alberta is an unstable economic place and there's uncertainty whether or not they should be investing in Alberta. We know that businesses thrive when there are some simple things, Madam Chair: the rules and regulations are reasonable and transparent. Unfortunately, this piece of legislation has not been transparent.

We have asked the government to provide the legal opinion that was provided by the Minister of Justice, and unfortunately that hasn't been disclosed. We're curious because so many members of this government have spoken out against this piece of legislation, yet all of a sudden they have changed their tune. So we're curious about what's happened to change that. When we look at this amendment, it just is not enough. It is not signalling to business and investors that this is a safe place to invest right now. What's happening is that it is creating absolute chaos. When we look at the potential of funding and grants being left off the table from the federal government, we're talking about things that Albertans need right now, things like affordable housing, things like support for newcomers.

We know that federal funding can support so many things, and we haven't heard that so many Albertan organizations, nonprofits, charities are confident that that's going to remain. We have a province that has people that are struggling, people that are hurting. The health care system is in crisis. This piece of legislation is not going to bring forward a sense of stability. It's going to do the exact opposite. Not only is it going to scare away future investment; we're worried about what people are saying about the current status of what it's doing.

When you have a province that is struggling and the people are hurting and they are pleading for supports and resources, the very first piece of legislation shouldn't be a bill that does the exact opposite to support Albertans. This is not something Albertans want; 32 per cent agree. That's a staggeringly low number to put forward a piece of legislation as the flagship.

We haven't heard who this government has consulted with. Who have they talked to? Who is asking for this piece of legislation? We've heard loud and clear from members of their government, their cabinet what their thoughts were regarding this legislation. I would ask the government, as we're in Committee of the Whole: who did they consult with? Who was it that said that this is what Alberta needs right now, in the middle of this absolute affordability crisis? I think it's a fair question. Who is asking for this?

What is it projecting for our economic impact? Has a study been done? When we're listening to people talk about the economy, they're saying that this is completely disruptive. It is not going to drive investment into the province. So I would like to hear who was saying that this is the right step, that this is what Alberta needs right now to create economic stability, because when we listen to Albertans and we listen to the experts all around the province, this is not it. The only thing that we can do to signal to business, to signal to investment, to signal to nonprofits, to health care is to stop this piece of legislation, to not proceed.

I think business leaders have talked about what their needs are. We've been listening to what they want. They need stability. They need a government that is drawing investment in. What does that government look like? I've said it: stable, transparent. When a company is considering investing in a province, they need to know that where they're investing is going to be a wonderful place not just for their business or their organization but for the people that they employ and are asking to come and move to this province to invest in their dream. When you have a government that is creating absolute chaos, it's going to be a really hard sell for those considering investing here to find employees that want to come and live here.

We have a health care system right now with children's health care absolutely in dire straits. We have children's hospitals setting up trailers, 15- to 20-hour waits for kids. I can't imagine a CEO talking to their potential employees to come and saying: this is what's happening in the province of Alberta. Not only is the economic impact of this piece of legislation frightening, but everything else that this government is simply ignoring is frightening. It's scary. And it's just really concerning that this is what we're here talking about today.

So I will not be supporting this amendment A1, and I would really urge the rest of the members in this Chamber to not support it either.

With that, Madam Chair, I would like to adjourn debate.

[Motion to adjourn debate carried]

The Chair: The hon. Government House Leader.

Mr. Schow: Thank you, Madam Chair. I move that we rise and report progress on Bill 1.

[Motion carried]

[The Deputy Speaker in the chair]

The Deputy Speaker: The hon. Member for Spruce Grove-Stony Plain.

12:30

Mr. Turton: Thank you, Madam Speaker. The Committee of the Whole has had under consideration a certain bill. The committee reports progress on the following bill: Bill 1. I wish to table copies of all the amendments considered by Committee of the Whole on this date for the official records of the Assembly.

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

Hon. Members: Aye.

The Deputy Speaker: Any opposed, please say no. That is carried.
The hon. Government House Leader.

Mr. Schow: Thank you, Madam Speaker. We've had some wonderful debate this evening. I appreciate everyone's participation, but at this time I move that we adjourn the Assembly until tomorrow at 1.30 p.m., Wednesday, December 7, 2022.

[Motion carried; the Assembly adjourned at 12:31 a.m. on Wednesday]

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