



Province of Alberta

The 30th Legislature
Fourth Session

Alberta Hansard

Wednesday evening, December 7, 2022

Day 6

The Honourable Nathan M. Cooper, Speaker

Legislative Assembly of Alberta
The 30th Legislature
Fourth Session

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Party standings:

United Conservative: 60

New Democrat: 23

Independent: 2

Vacant: 2

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Legislative Assembly of Alberta

7:30 p.m.

Wednesday, December 7, 2022

[Mr. Reid in the chair]

The Acting Speaker: Hon. members, please be seated.

Government Bills and Orders Committee of the Whole

[Mr. Reid in the chair]

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

Bill 1

Alberta Sovereignty Within a United Canada Act

The Deputy Chair: The Committee of the Whole has under consideration government amendment A1 under the Alberta Sovereignty Within a United Canada Act. Are there any comments, questions, or amendments to be offered with respect to this amendment? I see the hon. Member for Edmonton-City Centre.

Mr. Shepherd: Well, thank you, Mr. Chair. I appreciate the opportunity to rise and speak to the amendment on Bill 1. You know, when I was a kid, my dad had a favourite joke he used to like to tell us. This was one of a couple of jokes that he told us that he had learned growing up in Trinidad. This is a joke called wisdom pie.

The way it goes is that there was a man who didn't have much. He lived on the streets. He was forced to use his wits to survive. One day he had an idea. He managed to scrape together enough coins – begged, found – to get a little bit of butter, flour, and an egg, whipped up a sort of pie crust. He filled that pie crust with a substance that was in, shall we say, copious supply in a nearby cow pasture. He mixed it in with a little bit of cocoa that he found, covered it with a bit of cane sugar, and he baked it over an open fire. He took that pie, and he went out and knocked on a door in the community. When the homeowner came to answer, the man declared: "Hey, this is your lucky day, sir. You have a chance to be the first to try my special recipe, wisdom pie." The homeowner said: "Oh, wisdom pie. Well, what's that?" The poor man said: "Ah. Well, it's the most wonderful thing. You know, it's a magical pie. It's made from the freshest natural ingredients. It's guaranteed to give you a tremendous burst of energy, to raise your awareness, and to give you a long memory, and all this from a single bite."

Well, the homeowner was impressed. He thought it sounded like a wonderful thing, so he haggled with the seller for a few minutes before they settled on a price for the pie, and the seller quickly hurried off with his money. The homeowner went inside to sample this amazing purchase. He cut a slice, and he took a bite. As soon as he tasted what was in that pie, he instantly sat up and ran out the door to chase that seller down. He found the seller a few streets over, and he started giving him a pretty good chewing out, saying, you know, that he'd been cruelly tricked. The seller said: "No, no, no. Not at all. You see, clearly, one bite of that pie gave you a tremendous burst of energy that allowed you to run here so quickly, you're clearly far more aware than you were before, and I'm sure this is a memory that will last the rest of your life."

Mr. Chair, what we have before us in Bill 1 is a heaping serving of wisdom pie. The fact is that, yes, the bill has been amended, but – you know what? – no amount of cinnamon and spice and extra sugar changes what is at the heart of this bill. It does not change what is at the heart of that wisdom pie.

You know, I think back, Mr. Chair, to this spring, when I had the honour of introducing a private member's bill. I remember at that time being told my bill was not worthy of debate, being told that I had not consulted enough, in particular that I had not consulted enough with racialized communities, including Indigenous communities. I remember being told by one of the ministers, indeed the minister of what is essentially now labour, and his comments were:

Mr. Speaker . . . a bill of this nature requires a great deal of consultation, not just from the activist class or from the academic class but from a wide range of cultural communities.

The minister went to say:

Rather than taking into consultation different communities, they propose an unwieldy bill that would make it harder for government departments to function.

"A political football," he called it, Mr. Chair, and said that on that side of the aisle they were not interested in party and foolish politics.

That minister, Mr. Chair, has been one of the chief people stumping for this hot mess of a job-killing bill, an embarrassment of an act that did not see a single bit of consultation with Indigenous communities, who are owed the duty to consult under treaty rights. This minister stands in favour of that. If my bill was not worthy of debate, then this bill was not even worthy of ever being introduced. Far more thought and care went into that bill than has been spent in any of this bill that we have sent here. This bill is an embarrassment, is going to be incredibly damaging to our economy, and the government should be ashamed of ever having brought it into this House.

You know, we've been down this road before. Now, the bill is being amended, and the amendment is removing sweeping powers that this government chose to award to itself. The minister, of course, tried to deny this multiple times on social media, but the fact is that they are now essentially admitting it is true because they are amending to take it out. Now, of course, this just goes to show either how little thought the government put into this bill and that they failed to recognize the incredibly sweeping powers they were giving to themselves and are now amending out of existence, or they intended to do so and just got caught.

You know, I think back, Mr. Chair. Again, this is a government that is very fond of awarding itself extraordinary powers. We have another bill in front of this House right now, Bill 4, with which this government is taking back a power. When they brought in Bill 21, they said, "Well, we're just clarifying a power that we always feel we had," this being a government that is pretty presumptive, arrogant, entitled. I think those are appropriate words.

I think back to Bill 10, Mr. Chair. I remember the debate on Bill 10, where they expanded the powers that they had that were similar to this under the Public Health Act, going even beyond what they've tried to award themselves here in Bill 1, going so far as to allow themselves to create entirely new legislation without ever setting foot in the Legislature. Now, at least then that was within the context of a public health emergency, so at least there were some boundaries on it there. As embarrassing as that was and as much as they, in the end, then had to go and walk that entire thing back, strike an entire legislative committee, spend weeks with multiple MLAs to undo that bit of arrogance that they refused to listen when we were debating it here in the Chamber and we told them exactly what they were doing. But it blew back on them from their own supporters.

What we have in front of us now, we have clearly seen over the last week, is receiving incredible blowback from many in the community, to the point that we are now here debating this amendment to the bill today, an amendment which certainly removes a problematic portion of the bill, but ultimately, Mr. Chair, this bill at its core is wisdom pie. There is nothing to redeem here. There is nothing of

value in this act. This amendment does not go far enough. The only amendment that would be appropriate would be an amendment that removed every single clause in every single portion of this bill.

Speaking back to consultation, Mr. Chair, we saw clearly today that the chiefs from the Assembly of First Nations spoke very clearly about what they think about this bill. Let's be clear. The duty to consult is not a duty to appoint someone to maybe go and talk to a few people after you've already introduced the legislation. It is not a duty to say that we'll send someone over to explain that to you because you don't understand what we're talking about. It is not a duty to say, "We'll pass the legislation; we'll put it in place; we'll put a little clause in saying that we promise to be nice to you; just trust us" and that's good enough.

7:40

The duty to consult means that you sit down with dignity and respect with Indigenous leaders, with First Nations, and you talk to them about what you are thinking of doing or what you are intending to do. You genuinely listen to their feedback in a way that allows them to actually participate in the process before you attempt to move legislation that affects them.

This government did none of those things because this government was in such a rush to bring in this flagship bill. It's clear that they barely even sat down and thought it through. They were so desperate to try to fulfill this radical promise of the Premier that she was going to give Alberta the power to never have to listen to anything the federal government ever said again, taken from a cockeyed idea from Alberta separatists who intentionally wanted to pick a political fight, a constitutional fight, who said: "Yeah. Absolutely, this legislation is one hundred per cent unconstitutional, and that's the point."

So the Premier had to try to find a way in a few short weeks to adapt that hot mess into this hot mess, into something that she could somehow get past all of the leadership candidates who now sit in her cabinet who spoke out against the very concept and idea of this bill repeatedly, on the record, talked about how destructive it would be for Alberta, how destructive it would be for our economy, the chaos it would cause.

What we have before us, Mr. Chair, is not a bill that's intended to do things better for Albertans. This is not a bill that is intended to improve our economy. It will not even improve things for our energy industry. It is here because it was a campaign promise for this Premier. It is about her political fortunes. It is about this government's intent to play political games in desperate hopes of re-election next May.

You know, again speaking of that consultation piece, Mr. Chair, as we look at this amendment, as this government tries to make a bad bill better and fails miserably because there is no redeeming it, one of the reasons that we have had so many challenges getting pipelines to tidewater built is because Conservative governments have done such a terrible job on the duty to consult. The fact is that we saw this repeatedly under Conservative federal governments. We saw that happen with Northern Gateway. It was killed because they tried to do a runaround on the duty to consult, to do it shorthand, find a shortcut, skip their homework, and they got called out by the courts.

And you know what? Even the Liberal government, when they came in and were working at getting TMX through, had to go back and backtrack and make sure they did that consultation. Now, of course, they were having to work on the poor foundation that had been laid before them, but the fact is that it still came down to the only reason that we have a pipeline to tidewater that will be in operation next year is because the Liberal government sat down and redid that consultation.

Our current mayor here in the city of Edmonton, actually, Mayor Amarjeet Sohi, in his role as the Minister of Natural Resources sat down and redid that consultation and made sure it was done thoroughly and before the facts, and that got the approval to allow that pipeline to be built. Well, that, of course, and the advocacy of the Leader of the Official Opposition, the MLA for Edmonton-Strathcona, who was relentless in holding the Prime Minister to account to ensure that pipeline was funded and built. She did it, Mr. Chair, without a grandstanding hot mess of a piece of legislation that threatens to potentially scuttle any further energy infrastructure ever being built for the province of Alberta.

So we have here this amendment today which is removing some of the sweeping powers this government awarded itself. Again, that was certainly the largest concern that was raised, but it's not the only one, and multiple constitutional scholars have spoken out with concerns. Now, of course, this government has dug deep and spent days working to find the 1 in 10 dentists that will say that sugar does not cause cavities. They've managed to find a handful of those, but we know that the vast majority of constitutional scholars, lawyers, individuals have spoken out and said what we are saying: this bill is a hot mess. It's something that never should've seen the light of day in the Legislature, and it's something that will cause untold headaches and costs for Albertans and potential damage to our economy.

In the words of Ian Holloway, dean of the law school at the University of Calgary: "If I was grading one of my first-year law students on the actual writing of the bill, I'd give them a C minus at best. It's so poorly drafted, so riddled with internal contradictions. It's trying to thread a needle that's very hard to be threaded. To my mind, this is about as clearly an unconstitutional gambit as I have ever seen in my professional lifetime. The Premier is engaging in a game of political chicken. This is not really about asserting greater sovereignty for Alberta but, rather, winning the election and goading the federal government into saying or doing something intemperate."

Mr. Chair, this is what this government makes its Bill 1. It's what it's obsessed with. It is what it's pouring all its energy into at a time when we have real problems here in the province of Alberta: a health care crisis, a health care crisis for children. On that, this Premier has next to nothing to say other than: perhaps we'll get you some Tylenol in four to six weeks. But they have all the time in the world, all the power, all the resources to pour into this hot mess, this steaming wisdom pie.

Even with removing the sweeping powers that the government awarded itself in this bill and then attempted to say that it was not in fact actually awarding itself and then said, "Well, maybe," and then said, "Oh, oops, sorry; we'll pull that out" – even without that, there are several legal problems that remain that make it very likely that this bill is utterly unconstitutional, including trying to award powers to the Legislature which belong to the courts.

Now, I find that incredibly presumptive, Mr. Chair. I'm not a lawyer. I'm not a constitutional scholar. I do not believe that I have the personal ability as an elected legislator to determine what is and is not constitutional. Neither does any member on that side of the House or this side of the House. Even those that are lawyers do not have that ability. Now, each of us may have an opinion. Certainly, we're all allowed to have one of those. You know what the saying is: everyone has an opinion. But that is far, far different than saying that our opinion should carry the weight of the rule of law.

Now, of course, we as legislators are given enormous power to indeed introduce, debate, and to pass laws. For that, there is no requirement. There is no IQ test. There is no experience requirement because, of course, we want people of all experience, knowledge,

skill sets to have the opportunity to represent the people of this province. But it is a far, far different thing, Mr. Chair, to say that anyone elected to this Legislature has the skill, the knowledge to be able to determine at the same level as our Supreme Court what is constitutional or that they should.

Now, I get it. It can be really frustrating, really aggravating when someone else does something you don't like. It can be absolutely frustrating when you feel that you do not have the power to retaliate or that the means of, I guess, pushing back take time, take effort, that you can't have instant satisfaction. But that is simply the reality of life, Mr. Chair. That is what it means to be an adult.

7:50

We have a system in place. If there is an issue of constitutionality, if we question whether or not something is constitutional, then we go to the courts, and the folks that are appointed to do that work, who have decades, in some cases, of experience, knowledge, training in making these: a group of them together will make that determination.

What we have here is a government that is insisting they have the right to throw a temper tantrum when something happens that they don't like, that because they don't like the time it would take to go through the courts – and let's be clear, Mr. Chair. This is a government that is happy to put that burden on other people. This is not a government that's been ashamed to trample on potentially labour rights and say: "Hey, if you don't like what we did, go to the court. In the meantime we're going to do what we like." They certainly weren't ashamed to do that in terms of taking away, again, with what we were debating . . .

The Deputy Chair: Hon. members, any other members looking to add – I see the hon. Member for Edmonton-North West.

Mr. Eggen: Yes. Thank you, Chair. I appreciate the acknowledgement and the chance to speak on the amendment to Bill 1 and just a couple of things that occurred to me when we saw this introduced last night. First of all, I was astonished to see that this amendment was almost half the size of the entire act, right? A very similar amount of rhetoric and talk, legalese and so forth, and similarly jumbled and well paired with the original bill as it was brought forward to us in its contradictions and its sort of vague associations from one thing to another.

Again, when we're looking for clues, like Sherlock Holmes, to see how this whole thing was made up, we can see that's it's been very haphazard and sort of glued together in the very quickest sort of way to satisfy some kind of need for – I don't know – internal problems that this UCP government might have or internal problems within their caucus. Whatever. But here it is, foisted upon the people of Alberta. We have to deal with this here in the Legislature.

You know, I've learned over the years as a legislator that you only really have two most valuable commodities available to you. You have time, and the time is rapidly ticking down on this government, I can tell you, right? It's slipping away to a matter of months to do something effective to deal with what Albertans actually want their government to deal with at this moment, this juncture in history: a 40-year high of unaffordable cost of living in all sort of ways possible, a public health system that is not there when you need it for yourself and your family, and all of the insecurity that is associated with those two immediate emergencies that need to be dealt with. And here we are burning time – right? – the very limited time that this government has left, discussing something that really needs to be dealt with in other ways.

Yes, of course, a government has to step up to Ottawa. I mean, provinces do it all the time. It's an important thing. We did it as government, and we will continue to do so again when we form the government again. But to put up these half-baked bills – they're more like a call to arms to I don't know what; some fringe group of our society – is a terrible waste of time.

The other thing, the other commodity that we have, I believe, as legislators – again, this government is burning through it like, you know, gambling in Las Vegas – is integrity. If people don't believe that your integrity is intact and that you're serving the people of this province, then it doesn't matter what you bring forward. Once your integrity is gone, they simply won't believe you. This is a huge dose of integrity compromise, Bill 1, and this amendment does nothing to fix that. It feels like, you know, you're trying to bail out the boat with a cup somehow – right? – and it just keeps on getting worse, and it's just not working. Yes, indeed.

I have categorical problems – I've said it before, right? – of the very existence of a sovereignty act being brought forward into this Legislature. Those very words cause turmoil. They cause issues around integrity, of course, but also around – people are just not sure what's going to happen next, right? The implications and the responsibility of this provincial body extend to postsecondary institutions, to nonprofits, to all of the associations we have with the federal government and the funding of important programs that we are responsible for. It puts all of those things into question. People have to sort of say: okay; are they going to bring forward some sovereignty tribunal to look and see whether they should build that affordable housing in Lethbridge, or should they, you know, think twice? It's not governance; it's just somehow subverting the whole notion of governance.

People don't like it, right? I mean, maybe, sure, they say: well, Ottawa is encroaching on our province. You know, sometimes we have a right to think that, for sure, and we need to fight back on it, but this is not fighting back. This is a lazy way by which to make people angry or try to make people angry, but – you know what? – they're getting angry for the wrong reasons, and I'm getting angry about the issue of Ottawa. They're getting angry with the government not doing their job. That's what they're angry about.

You know, I always am happy to give free advice. My advice to this government now is to pull back on this now. We can see in Saskatchewan that they're doing the same thing, right? Their Saskatchewan First Act, or whatever, is not even in the same league as this one in terms of offensive breaches of constitutionality and so forth. Their watered-down version of Saskatchewan first: they're backing off on it. They're saying, "Maybe we're not going to do this right now" because they can see similar backlash from groups like just what's happening here in Alberta.

The AFN, for example, Assembly of First Nations, spoke out in the most clear terms possible that this Bill 1, the sovereignty act, in Alberta and the Saskatchewan First Act need to be dumped immediately. They're illegal. They breach the terms of treaties across this country and in Alberta and Saskatchewan specifically. It's an insult, quite frankly, to the premise of treaties and the agreements signed therein.

We know that investors are shaken by this as well, and we know that all of the institutions that are under the purview of this provincial body are also shaken and wondering as well. They're coming to me from the postsecondary sector. They're saying: what on earth can they overrule? Are they going to overrule on research? Are they going to overrule on expansion? Are they going to determine, you know, what we have to teach and otherwise pull back on those things?

In some ways I think that this UCP government has been practising for the sovereignty act over the last three and a half years – right? – with all of this leaving money on the table with the federal government, dictating which courses need to be taught at postsecondary institutions, you know, backing off on so many promises and responsibilities. It almost feels like it's just been kind of a warm-up to this bill that we have before us today.

Certainly, Mr. Chair, I believe that this amendment that has been brought forward, again, is equal only in the sense that it is equally as incompetent as the original bill that we have been given a few days ago.

Just as one more, a couple of words – and I certainly will speak on it again. I mean, it just seems to show a lack of understanding of the separation of powers. It makes the legislative body and the cabinet judge, jury, and executioner for a whole range of initiatives that we need to deal with in the normal way that the Westminster system does lay out over a period of 120 years here and probably 400 years throughout the world.

With that, I'll leave it. You know, the committee is a good chance for us to have different speakers in different circumstances, and I'm glad to continue the debate here this evening.

The Deputy Chair: Other members wishing to add to debate tonight? I see the hon. Leader of the Official Opposition.

8:00

Ms Notley: Well, thank you very much, Mr. Chair. I am pleased to be able to rise to speak on this matter in Committee of the Whole and to speak as well about the relevance, the impact, the import of the amendment to Bill 1 that is being put forward by this government.

Let me start from the overarching position to just review relatively quickly why it is that this act as a whole is a bad idea and why as a whole it is quite unfixable. In essence, this act, Mr. Chair, generates an unprecedented amount of uncertainty in the province relative to the rule of law, and it does so in a way that undermines investor certainty not only here in Alberta but outside of Alberta, in the rest of Canada, and indeed outside of Canada amongst investors internationally.

It does so through a number of different means. First of all, quite honestly, the whole rollout of this Premier's flagship bill is a lesson in legislative incompetence. We had the Premier introduce the bill on throne speech day, and within an hour or so we'd all had a chance to look at it, and we understood that this Premier was attempting to take for herself unprecedented antidemocratic powers in a broad-ranging way outside of an emergency, in a way that we'd never seen in a proposed piece of legislation in the province of Alberta before.

Then we had the Premier and various and sundry agents of the Premier insist that what the bill said was not what the bill said. They claimed we hadn't read the bill, Mr. Chair, and they claimed we didn't understand the bill. They claimed that it didn't say what it said. So that was very surprising. It became increasingly clear to those Albertans who really pay attention to these things that the Premier herself had either not read her own bill or, alternatively, was incredibly poorly briefed on her bill, which makes us question the capacity of the folks who are around her, or actually did know what was in the bill and was just deciding to say something else. That in and of itself is deeply troubling.

That whole drama, for lack of a better term, around the impact of the King Henry VIII clause – what it meant, the fact that it was there – leading up to last night, when the government finally introduced an amendment, which we are discussing today, that in part included the elimination of that clause, does not generate confidence in any way, shape, or form. I have heard that from so many folks across the province over the course of the last seven days. They truly worry

about who is at the helm and what they know about the job they've been asked to do by the 1 per cent of the population that selected the Premier to lead the government caucus last month. That display in and of itself drives a tremendously deep level of uncertainty across this province.

Now, there are also, of course, things in the legislation that created a tremendous amount of lack of clarity: this whole issue of who it is the government can direct, the language around anyone with a fiscal relationship with the government. It's actually not clear to us how far and deep into the private sector the government would purport to go with this bill. Once again, of course, that creates a lack of clarity. The consequences of this government declaring that federal laws are not applicable or not enforceable here in Alberta, of course, creates a tremendous lack of just clarity in terms of what the bill is intended to do.

Then, of course, uncertainty also is driven by the likely unconstitutionality of elements of this legislation. The Member for Edmonton-City Centre as well as the Member for Edmonton-North West were just outlining those points again today even. I will say – and I'll talk in just a moment – that there is nothing in these amendments that appears to undo the primary concerns around the constitutionality of this piece of legislation.

And then, finally, it is very clear to us that we have a very, very serious problem embedded within this legislation as it relates to treaty rights in this province. That also creates a tremendous amount of uncertainty.

Now, Mr. Chair, this is not me sitting around, coming up with fun, exciting ways to suggest that this bill creates uncertainty. This is me listening to Albertans. We have heard from the head of CAPP that any bill that creates uncertainty for investors is a bill that is a bad idea for the province.

We have heard from the Calgary Chamber of commerce that this bill creates uncertainty for many members, a range of members within the Calgary Chamber of commerce. I understand that the Premier likes to talk about those anonymous folks who allegedly called her one day and said that they don't agree with the head of the chamber, but I will say that, you know, we dispatched three of our MLAs to go to a chamber function a couple of days ago and they spoke to a multiplicity of chamber members at that function, and, actually, they all kind of agreed with the head of the Calgary Chamber of commerce and said that, yeah, this is very, very concerning and it creates a lot of economic and investor uncertainty. They spoke actually to investors, in fact. We also heard from the Canadian Chamber of Commerce, who also said that this bill creates tremendous economic uncertainty.

Then today we were pleased to stand with a former governor of the Bank of Canada, David Dodge, who outlined in great detail the means through which this legislation created uncertainty, essentially saying that the incompatibility of this legislation with provincial and federal laws and the inability of international investors to predict which laws would apply to the investment that they might or might not make would inevitably lead to those folks choosing other jurisdictions and that that was a huge problem because we are in a place right now where everybody is competing for international investment dollars and we are only one jurisdiction and we are doing the exact opposite of delivering a message that this is the place where those dollars should come. That came from the former Bank of Canada governor David Dodge, someone who, just to review, served under former Prime Minister Stephen Harper.

The final problem with this bill as a whole, of course – and it has, again, been touched on by other members of my caucus – is that it is to a large degree diverting this government's attention from the issues that actually do matter to Albertans. There have been now

multiple polls that have been both publicly and quietly published on this issue. I know members opposite get access to some of those private, nonpublished polls that we do that reinforce the fact that this is absolutely not what the people of this province want to hear their government talking about right now, yet that's what they are doing.

What does that mean? Well, it means that in the midst of the probably single most damaging flu, COVID, RSV epidemic impacting children in decades in this province, we have a Premier who, on one hand, is unwilling to stand and recommend that children get the flu vaccine and, on the other hand, was unable to answer the question I asked her yesterday about the resignation of the two deputy chief medical officers of health. Why? Probably because she was spending so much time trying to finally understand what the bill she had introduced meant after she finally decided to read it.

The point is that what she wasn't doing was finding out or being briefed on the fact that actually the top three public health positions in this province right now are vacant. I mean, yeah, we have someone who is theoretically called the chief medical officer of health, but he's got a full-time job already. Really, he's doing this literally off the side of his desk without an extra cent, so he's a volunteer. Then now the other two positions: we have resignations with both of them. And we have a Premier who apparently didn't know that that was happening at a time when our emergency rooms are overwhelmed with far too many children desperate for medical care. That's what happens when the government is diverted from the issues they should be dealing with.

8:10

Now we have a government that has introduced amendments. Let me be perfectly clear about the consequences of these amendments. I will say on the first matter that, no question, the amendments now effectively eliminate the Henry VIII clause. It now clarifies that we are no longer dealing with statutes, pieces of legislation. Rather, we are dealing with regulations, and that is fine. That is good, a good step forward. I don't know why we needed to be subjected to so many arrogant insults from the Premier.

I wish that on the first day, when we had pointed out what she had done, she would have risen, apologized, thanked us for pointing out the mistake, and just indicated right then that she would fix it, but no. Apparently, she did not quite learn the lessons she claims to have learned from former Premier Ralph Klein. Nonetheless, that's the first thing that this amendment does, and that is good. It does not, however, for all the reasons I've just outlined, address the much bigger problems embedded in this bill.

The second thing that this amendment does is that it attempts to limit the lack of clarity in one element of the bill by more directly defining what amounts to harmful. I thought what they had done, actually, when I'd first heard about these amendments, Mr. Chair, was eliminate reference to "harmful" altogether and otherwise just said, you know, that this would be a matter that is brought before the House when, in the opinion of the House, we think that there's been an unconstitutional act on the part of the federal government, but no. It turns out that, nope, that's actually not what they did.

They didn't actually even do that either. They kept the possibility of passing a resolution if it is harmful, and then they went on to say that harmful means that the range of actions that are covered by this piece of legislation, that the federal government may take, affect something that's in provincial jurisdiction. That's all that has to happen; then it's harmful. It affects – that's what the legislation says. Just want you to be clear. It doesn't have to hurt something that's in provincial jurisdiction. It doesn't have to diminish something that's in provincial jurisdiction. It just needs to affect it.

And if it affects something that's in provincial jurisdiction, then it is officially harmful.

Let's walk down the list of things that would fall under that definition, Mr. Chair. Well, we had a very good-news announcement on the part of the government a little over a month ago in the Industrial Heartland, where a new project – \$1.2 billion, \$1.3 billion – was announced by Air Products, and that particular project, an excellent project, is a project focused on developing hydrogen, reducing emissions while still taking advantage of our energy resources here, a very good project. In that project – I think it was about \$1.2 billion, so \$1.2 billion, \$1.4 billion – \$140 million was committed by the provincial government through what is now the successor to our original PDP program, and \$300 million was committed by the federal government.

Well, pretty sure that amounts to an initiative on the part of the federal government that affects a matter that is within provincial jurisdiction. Yep. Sure does. It does, Mr. Chair. But that is how they have changed the definition to include "harmful" or "to be harmful." In fact, they've not limited the scope of this word "harmful" at all. In fact, it still could even relate to things that the Premier has articulated her extreme displeasure with, like, for instance, the billions of dollars that the provincial government is receiving in order to support young families across this province through finally bringing in a robust child care program.

So the second amendment, then, Mr. Chair, does nothing to effectively limit the definition of "harmful," and it does not eliminate the provision which actually is at the heart of what is one of the two most unconstitutional elements of this bill, which is the belief that the Legislature can step into the shoes of the courts and make a determination about the constitutionality of a federal action or a federal initiative or a federal act. As a result of that still being in there, they have not actually touched one bit, not by one iota, the most offending part of this legislation as it relates to that particular head of unconstitutionality. There is no change here. They still allow themselves the ability to make a motion that says that in the brilliant opinion of this UCP majority government, the folks who literally spent seven days telling us that what was written in their bill was not written in their bill, that with their brilliant guidance we're going to determine what is now unconstitutional on the part of the federal government, and then we're going to do a range of things that we don't really describe to a range of people who we can't really identify.

It's this kind of thing, Mr. Chair, that drives investors to say: yeah, you know, I could open my tech company or my digital media company in Calgary, or I could just go to B.C., where they're a little less close to diving off the deep end and where I've got a better sense of what the laws are. That, I'm afraid, is what one of the consequences of this horrible piece of legislation is going to be.

Now, the other thing that is critically important about this bill and the reason why it must be rejected out of hand, which is completely unaffected by the amendments brought forward last night, in the dark of night, by this government, is the fact that we do not address the fundamentally flawed approach taken by this government when it comes to addressing the rights of Indigenous people in this province.

We have a legal obligation to acknowledge treaty rights. That's not done here. We have a moral obligation to pursue genuine reconciliation. By refusing to speak to a single one of the grand chiefs of the treaties here in Alberta, the Premier has failed to demonstrate any modicum of reconciliation. By repeatedly claiming that she has one person that she's spoken to and then at the same time failing to apologize for the fact that her minister claimed to have spoken to the actual representatives of the treaties,

failing to apologize for the fact that he claimed to do that when he had not, that is the opposite of reconciliation.

Finally, this government also has a practical obligation to acknowledge the treaty rights of Indigenous people, because that is the only way you can actually build a genuine partnership in economic growth and development. Acknowledging treaty rights and pursuing reconciliation does not mean that you say to Indigenous Albertans: we'll give you this one-time opportunity to partner with us on this one economic deal that we picked. That is not reconciliation. That is not treaty rights. They have an opportunity to partner, yes, but they have a right to choose not to and instead to ask that they be treated as the treaty leaders that they are. This government failed to do that.

They have now picked a fight with Indigenous leaders and treaty chiefs across this country, and they have injected a higher level of legal instability into our whole regulatory regime than had existed for years. So they have really messed this up, Mr. Chair. The fact of the matter is that it is not at all touched on by the amendments, and to pursue the objective of passing this legislation today, tonight, tomorrow, without pulling back and engaging in meaningful consultation is to ensure that this will be challenged in moments and that it will be found to be unconstitutional and is to absolutely torch the critically important nation-to-nation relationship that should exist between this Premier and the leaders of the treaties. [Ms Notley's speaking time expired] All right.

8:20

The Deputy Chair: Other members looking to add to debate tonight? I see the hon. Member for Lethbridge-West.

Ms Phillips: Thank you, Mr. Chair. I rise to speak to the amendment on Bill 1, the hot mess express that is Bill 1. I'm going to speak first about the separation of powers a little bit and usurping of the role of the courts, which is what this legislation does and the amendment does not touch, and then I would like to make a few comments about the democratic implications of such a project and the bad-faith conduct, essentially, that is characterized by both the introduction of this bill, the amendment process, and ultimately the time allocation and so on of this bill.

Why is this happening right now? Why does this legislation take the form that it does? I would argue that this is happening by design of usurping of the role of the courts and a politicization of the courts by certain elements of the far right who have now adhered themselves to the UCP electoral coalition and have made themselves much more prominent by the election of this particular leader.

This bill – when one looks at the free Alberta strategy, one can just read what they have said, which is that the federally appointed judges are accused in that strategy of “blatant judicial activism [and] bias against the constitutionally enshrined jurisdictional rights of Alberta,” which is, I guess, an odd thing to say about a Supreme Court that remains majority appointed by Stephen Harper, but here we are. The fact of the matter is that this bill has its provenance out of a wing of the conservative movement that has become more prominent, that has in fact taken over the conservative movement in this country, and that has no regard for the rule of law, for the separation of powers, and for our institutions of liberal democracy. In fact, it is *sui generis* to this movement that they undermine those aspects of what makes for a good life for all of us at every available turn.

Here in this bill – and the Leader of the Official Opposition just spoke to many of its implications in terms of investment and so on. I want to do something that probably she wishes that she could, because I know her well enough by now, which is that I'm going to

get into a little bit of detail about separation of powers. Let's buckle up here.

One of the core functions of any liberal democracy and any place that grounds itself in the rule of law is that the judiciary is independent, and in Canada, of course – of course – it's not just judicial independence for the purposes of staying away from the sort of feckless and reckless flightiness of elected Legislatures. No. It's also intimately bound up in the concept of jurisdiction since Confederation. So the court's concerns for protecting that independence is not just to protect us all from decisions that might target one group of individuals or one region or so on and upset the balance in that way, that balance of our own individual security of the person and various collective rights; it also has to do with intrusion from provincial Legislatures over the years into the levels of the federal judiciary.

Bankes and Olszynski, which my friend from Edmonton-Rutherford tabled earlier this afternoon, go into some detail on this, and I'll quote from it. “Grounded in the judicature provisions of the Constitution Act, 1867” – and just as, you know, to open a bracket here, we've heard the Premier variously go on and on about the founders, as if we live in America, and the integrity of our foundational documents, which is, of course, the Constitution Act of 1982 brought in by Pierre Elliott Trudeau, but she overlooks that because the rhetorical flourish makes, I guess, her feel better about what she's about to do – “both legislative and executive bodies are incapable of intruding upon the core jurisdiction of superior courts or infringing upon the independence of the judiciary.”

One of the reasons for this is, of course, that concern of federalism, which is always integral to everything that we do in this giant place we often call a country, but it's also because then it avoids the development of a shadow court system, a parallel court system; that is to say, there is only one place where decisions get made. So, for example, if you are the parent of two teenage boys, there is only one place where the decisions get made, and that is mom. In a liberal democracy there is only one place where those decisions get made in a final instance, and that is the courts. You can't go around making yourself a parallel system of justice. That doesn't work for anyone.

The rules apply to everyone, and they apply in the same way, and that's how they protect us all. That's the entire jurisprudence of what's called section 96 of the Constitution, and there are a number of Supreme Court decisions laying out all of the various ins and outs of this. One of those decisions was, in fact, around one of the Supreme Court justices writing for, in fact, the dissent in the carbon tax reference, wherein Suzanne Côté wrote that the “infringing upon the independence of the judiciary . . . includes the duty to maintain the rule of law and protect citizens from arbitrary action by supervising state action.” That is to say, there is a final arbiter on any capriciousness that may come out of the Legislature, as we are seeing right now.

Now, “Bill 1 may not remove a core jurisdiction,” as Bankes and Olszynski write, “from a section 96 court.” What it does is that it “contemplates the creation of a parallel court,” because in this Legislature, apparently, we will decide what is constitutional and what is not, and the entire Bill 1 then derives from that original trigger. I would argue that this attack on the judiciary, as I quoted that so-called free Alberta strategy, is, in fact, a feature and not a bug. This is of a piece of the entire – it's not even an ideology. It is a grab bag of ideas, but insofar as it is an ideology, it involves the attack on collective knowledge, on the rule of law, on liberal democratic institutions, and ultimately on trust, which is what our entire system runs on. From property rights to security of the person to traffic laws, our entire system runs on trust.

This is of a piece, and you know that because all you have to do is listen to this Premier. She has variously attacked science, public health, our national security establishment – oh, just asking questions about Ukraine, you know – flood mitigation, amnesty for people who broke the law. That’s not a thing in Canada, just so that we’re all clear. She’s just asking questions, just kicking down the foundations of everything that has led to the longevity, equality, individual liberties, protected us from reckless or feckless decisions by those in power, that protect our security of the person, our section 7 Charter rights, our property rights, all of it.

This is, too, an attack on every aspect of civil society. That amount remains unamended in this legislation. How do you know that? You look at section 1 of this bill. This is not a war with Ottawa. This is going to war with ourselves. It disrupts the activities of nonprofits, Crown agencies, housing authorities, municipalities, delegated authorities, police services. No wonder it’s so deeply unpopular. That’s just the politics of it, not even the constitutionality of it.

I asked one of my friends the other day – he’s a senior lawyer in Calgary, corporate and commercial. I said, “What do you think about this thing?” He said, “It’s ridiculous and it makes us look ridiculous.” I asked another friend of mine, a businessman in Calgary. I said, “What do you think about this?” And he said: “Don’t worry. May is coming, and that’s how we’ll deal with it.”

You know, I guess ultimately on the one hand this is very bad for democracy, and I will use a quote to talk about that from a member from across the way. Quote: to present to Albertans in any way that there is some magical solution that the Legislature could pass tomorrow that would somehow make all these problems – that is to say, fed-prov relations – go away is not factual. That person also suggested that the sovereignty bill would not only lead to uncertainty for business investment but also foster bad blood with party members and voters by promising something that can’t be fulfilled. Quote: the number one way to make Albertans mad at us would be to promise that you can do things with certain legislation that you cannot do and then not deliver; that will make them very upset. I would caution anyone who wants to lead the UCP to make sure they have all their ducks in a row.

That person also went on to say: I would be surprised if a bill as described would pass inside the Legislature; it would be calling for the breaking of the law, which is just not something the Legislature would do. Well, maybe not that member, the Member for Rimbey-Rocky Mountain House-Sundre, who said those words during the campaign, but certainly, apparently, the Legislature will do it, and everyone will just get in line.

8:30

The proposal is no different, by the way. What those members were responding to and was actually put before us: there’s no difference. Ultimately, this is bad for democracy in the ways that the Member for Rimbey-Rocky Mountain House-Sundre – and I cannot believe I am saying this: I agree with him – describes here . . .

An Hon. Member: Whoa. Whoa.

Ms Phillips: Yeah. Yeah. Everybody just hold on.

. . . because the fact of the matter is that it does make people mad to promise something that you can’t deliver. That is exactly what has happened, to try to do some sort of trickery to people that is bad for democracy. That is what’s happening here.

But I guess in terms of – I will go back to the feedback that I heard from many other people, which is, you know, democracy will speak in May. If the publicly available data set – folks were in the field from Leger between November 24 to 28 – is anything to go

by, before the bill was introduced to much hue and cry and exhortation everywhere, I think that the numbers will only be reduced at that time. Here we are: statistically insignificant difference between voters in Edmonton and Calgary at over 60 per cent, both of them, disagreeing with this bill.

There is no question that the amendment or set of amendments or whatever these several pages are do not save the fundamental unconstitutionality of this bill. It does not save the overpromising by the Premier. It does not save the fact that this is just a continuation of grievance politics by a fringe of the far right that has now adhered itself to the conservative movement in this province.

There is no question that this bill remains a fundamental attack on institutions and groups of people and decision-makers within the boundaries of Alberta, not outside. Ottawa is unmoved by this particular appearance of clown shoes on the floor of the Alberta Legislature. However, municipalities, Crown agencies, any contracted service provider: they are not unmoved. They are nervous. They have a lot of questions about the priorities of this government. They have not, obviously, been listened to, as the hon. Leader of the Official Opposition has gone on and described at some length in terms of treaty rights. I think Albertans are noticing just what a devastating error this was, both an error in judgment, an error of priorities, an error in law, that this bill is and remains with the introduction of the amendment.

I will conclude with one observation, which is that there is a continuing sort of insistence from the government side within the context of this amendment but, of course, within the bill itself as well: oh, well, we said that we’re not doing anything illegal, and we won’t do anything unconstitutional; therefore, it’s not. This is the equivalent – and I think it was my very erudite friend from Calgary-Mountain View who said this – of driving down the highway at 200 kilometres an hour and saying: I’m not breaking the law. Well, now we have the amendment. We got rid of the Henry VIII clause, so now we’re driving down the highway at 190 kilometres an hour saying the same thing. It doesn’t matter that you say, “Oh, it’s not unconstitutional,” when it goes on to detail a number of ways in which it is unconstitutional. It does not save it. It matters what the bill actually does, just as in this life it matters what you do a little more than what you say.

What this bill does is distract us fundamentally from the really pressing concerns of our time. We face 40-year-high inflation. We just had another rate hike from the Bank of Canada. This is going to profoundly affect people’s bottom line right before Christmas and afterwards. We are going into a global recession. We don’t know what that means for the price of oil and so on and all of the geopolitical instability, the European Union’s price cap on Russian oil and how or if that is going to make any difference to global oil markets given that as it is, it’s not a question of supply or demand but whether Lloyd’s of London actually insures tankers, and they won’t over 60 bucks a barrel. It’s all very complicated.

We don’t know what the future holds, and Albertans are feeling that uncertainty in all of those headlines that swirl in the business news and in the reporting out of Russia and Ukraine and so on. What we know is that life is getting more complicated, that people have been to hell and back, many people have, during the pandemic through jobs and health and kids being home and all of these challenges. They feel like they are bearing down on us, and what is our government doing? I mean, you can’t even explain it to people. People say to you, “Like, what is happening over there?” And you say: “Oh, never mind. Like, tell me about your concerns about health care, about affordability, about economic development. Tell me about your ideas because I cannot even – you know, do you have a half an hour to go through the days of our lives of this particular bill?”

It is so far removed from ordinary people's lives. All they see is that once again we're into year 3-plus of this, a government that should be just focused on doing the business of health care and education, social services. All that's hard enough, folks. You can just stick to your knitting and do the hard things because running those systems is a big deal, and it matters to people. We have a government who won't do that. They're just wandering around all the time looking at their own drama, focused on themselves, talking about their own jobs instead of people's jobs, talking about, you know, their own weird ideas about health care rather than what we know in public health matters and what people are looking for and what doctors and experts and others are telling us.

It is for that reason – I mean, amend away this hot mess express, as I began my comments. It does not save it unless this bill is entirely pulled. Pass as many motions as you like, you know, government motions saying mean things about various people outside of the Legislature. If that's how you want to spend your time, that's also fine. That is completely within our role as legislators. When it comes time to really stand up to Ottawa, do that, too; also completely within the ambit of this Legislature. It's been done on both sides of the House.

But ultimately what needs to happen is that this bill needs to be pulled because it is not an appropriate signal to anyone that government is working for them, that democracy can actually solve problems in their lives, that our liberal democratic institutions matter, that the rule of law matters and, within that, the separation of powers matters, that treaty rights matter, section 35 of the Constitution matters. Let's focus on that, the really hard stuff, which is health care, education, keeping people healthy, helping. You know, I always say that the people's money is for little babies and old people. Let's focus on the really, really hard stuff, the important stuff that people are asking us to do, not this stuff that undermines the fabric of who we are and goes to war with our own institutions and our own ways of making sure that we are building a good life for all Albertans.

Thank you, Mr. Chair.

The Deputy Chair: The hon. Government House Leader.

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

[Motion carried]

[Mr. Reid in the chair]

Mr. Walker: Mr. Speaker, the Committee of the Whole has had under consideration a certain bill. The committee reports progress on the following bill: Bill 1.

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

Hon. Members: Aye.

The Acting Speaker: Opposed? So ordered.

8:40 Government Motions

The Acting Speaker: The hon. Government House Leader.

Time Allocation on Bill 1

14. 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 Committee of the Whole, 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, I rose in this House earlier this week to share how much time and effort has been put into this bill this fall session. I now rise again to highlight once again the fact that the opposition members continue to filibuster a bill that they made amply clear they had no interest in even seeing printed. Didn't want Albertans to see the bill. As a reminder, the Official Opposition also made it abundantly clear they had no interest in reading the bill before they voted against it. Members of the opposition have decided to prolong the legislative process on Bill 1, continuing debate over 14 hours. How much time do they need when they already announced that they would not support any amendments that the government put forward? If the opposition has no amendments to put forward in Committee of the Whole, then we are going to stop wasting the time of the Assembly and move on with the people's business of the province.

The Acting Speaker: Anyone else wishing to speak to the motion? Seeing none, I'm prepared to call the question.

[The voice vote indicated that Government Motion 14 carried]

[Several members rose calling for a division. The division bell was rung at 8:42 p.m.]

[Fifteen minutes having elapsed, the Assembly divided]

[Mr. Reid in the chair]

For the motion:

Copping	Lovely	Shandro
Dreeshen	Luan	Smith, Mark
Ellis	Madu	Turton
Fir	Nixon, Jason	Walker
Guthrie	Pon	Williams
Hanson	Rehn	Wilson
Hunter	Rowswell	Yao
Jones	Schow	Yaseen
LaGrange		

Against the motion:

Carson	Eggen	Notley
Dach	Feehan	Phillips
Deol	Irwin	Sweet
Totals:	For – 25	Against – 9

[Government Motion 14 carried]

Government Bills and Orders Committee of the Whole

[Mr. Reid in the chair]

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

Bill 1 Alberta Sovereignty Within a United Canada Act (continued)

The Deputy Chair: The committee has under consideration amendment A1. Anyone wishing to add to debate tonight? I see the hon. Leader of the Official Opposition.

9:00

Ms Notley: Thank you very much, Mr. Chair. I will try not to take very much time, but I was not quite finished when I last spoke to the many challenges that are embedded in the fact that this government is jamming forward this legislation this evening notwithstanding the clear opposition of the grand chiefs of the treaties here in Alberta and treaty leadership.

In particular, the minister himself acknowledged today: perhaps we didn't consult enough. Now, the answer to that obvious failure is to wait and to refer this to committee and then take the time to actually engage in meaningful consultation. Anybody who knows anything about engaging in meaningful consultation understands that there must be a little bit of back and forth. Perhaps you don't ultimately agree on everything, but it is not a mere notification process, nor is it a: we'll talk to you after we've done the thing we've already decided on and passed the legislation. That was the point I was trying to make.

Before I got a chance to make that point, the members opposite decided to engage in the motion of time allocation, limiting our ability to talk about this issue to a further one hour. Rather unprecedented. This bill was only introduced last Tuesday. Second reading began on Wednesday. We are now Wednesday night, and it will be jammed through all stages. That's incredibly unnecessary, particularly given the call from the treaty chiefs today contradicting the assurances made by the minister and by the Premier around whether they were ever consulted and asking that this bill be withdrawn.

So I would just like to take this moment. Given that instead of doing that, we are rushing forward at an unprecedented, unwarranted, accelerated speed to jam through this incredibly unconstitutional, disrespectful piece of legislation, I would like to take the opportunity to read into the record the quotes from several treaty leaders from today.

Chief Tony Alexis, who has been designated to speak on behalf of Treaty 6 as a whole, says: let's be honest; this all comes down to land and resources; we are yet again the inconvenient Indian standing in the way of unprotected resource extraction and other exploitation of treaty lands. End quote. He went on to say: the act puts a lot of uncertainty in investment; if you have a provincial government fighting with the federal government who is not including our First Nation, with a lot of disrespect within, it will not be easy to bring investment to this environment; it will hurt the economic fabric of our commerce in all regions.

A portion of Bears paw First Nation. Chief Darcy Dixon from Bears paw First Nation said this about the act, quote: this is a warning to Canadians; if you care about these lands, if you care about your country, you should care about this bill; it is not a First Nations issue; this impacts us all. End quote. He went on to say: Bill 1 is just part of a political game; that may be true, but we see in it a disguised attempt to disregard treaty and as a way to gain unlawful access to our lands without restrictions, similar to what they have attempted already with the Alberta Police Act, to overreach and attempt to gain access in jurisdictions where they do not belong and therefore cause more harm to communities.

We understand that the vast majority of treaty rights have, in practice, been honoured through the actions of the federal government. Today we have an uncertain declaration that this government will unlawfully interfere with any range of undetermined actions on the part of the federal government. They have done this without engaging with treaty chiefs. They have done this without consulting. They have now taken that error, and rather than trying to apologize and putting things off – say, for instance, like in Saskatchewan, where the whole matter has been deferred

until March – instead what we have is this group trying to jam it through through time allocation motions at 5 after 9 on Wednesday night, seven days after this bill first was introduced for second reading.

This is an incredible affront. It will spark an incredible deterioration in relations between the government of Alberta and treaty leadership across this province. It is a black mark on the record of this government with a government that actually has a lot of black marks on the record, but this one is pretty darn historic. I would once again ask members of the government opposite to vote with their conscience, to think about what the long-standing legacy of the relationship is with treaty leadership in this province and vote against this bill in committee.

Thank you, Mr. Chair.

The Deputy Chair: Other members wishing to add to debate tonight? I see the hon. Member for Edmonton-McClung has the floor.

Mr. Dach: Thank you, Mr. Chair. I'm glad to rise in Committee of the Whole to speak this evening to Bill 1. What we've just witnessed is something that is pretty shocking and disappointing to most Albertans, who have a respect for these institutions that we serve, particularly here in the Legislature or our judicial system or our court system.

I know that traditionally, Mr. Chair, Alberta students in grade 6 will be invited to come to the Legislature to spend time here, to do the School at the Legislature to understand the workings of our parliamentary system, our Westminster system. Part of that day that they may spend here is spent in study of that Westminster system, and one of the guides they use used to be called *The Citizen's Guide* – now it's published by the Legislative Assembly – but part of that is now called the parliamentary education guide, and there's a PDF on the Legislative Assembly website which is quite instructive.

I wish that the members opposite, the government of the day, including the Premier, would've availed themselves of it because grade 6 students learn about this and our system of government and the separation of powers when they're here for the day. It would've been helpful as a guide, I think, for the Premier and her government, when they were drafting Bill 1, to follow, because they may have decided not to go through with it at all.

It's fairly elementary, Mr. Chair, because it is designed for elementary students to read, and it's an introductory system to our Westminster system of government, which goes on to say that in the Westminster system there's

a style of government with an executive branch (Premier and Ministers), a legislative body (made up of elected officials), a judicial branch (an impartial court system), and a ceremonial head of state (Lieutenant Governor). The name derives from the Palace of Westminster in London, England, where Parliament developed and remains today.

That's what our grade 6 students are taught about our Westminster system of government.

The next element of the guide. It goes on to talk about the separation of powers in Alberta. Of course, they outline and delineate the executive branch, the legislative branch, and the judicial branch and the various responsibilities laden upon each of those branches of our parliamentary system.

In grade 6, Mr. Chair, we expect our students to grasp these tenets of our parliamentary democracy, yet our government doesn't seem to have them nailed down as the government of Alberta. Had they taken the time to even read the grade 6 parliamentary guide that's available on our Legislative Assembly website – I'll table it for them tomorrow if indeed they would like to read it. If indeed they'd

followed it, they probably would not have gone through with the legislation that they are now trying to salvage by amending it.

Albertans are ashamed and embarrassed about it. There may be an element of support for the legislation, but that's found in the fairly far extreme right wings of the UCP support for their party. I used to describe that transition that's taken place, Mr. Chair, as now the tail wagging the dog in just trying to describe how the party has been hijacked by the extreme right wing of their political caucus, of their political membership. In fact, I think I need to amend that analogy and suggest that now the tail has become the dog. In fact, if you look at the front benches to see who's closest to the Premier and the new arrangement of the deck chairs on the UCP *Titanic*, those closest to the Premier are, not surprisingly, the most extreme right flank of the former party known as Conservatives. Indeed, the deck chairs on the UCP *Titanic* have been rearranged, and what we have as a result of the leadership being taken over by an extreme right-wing flank is legislation such as Bill 1.

9:10

Fortunately, part of it has been walked back. Now we're looking at another potential amendment, but the bill itself is critically flawed. On this side of the House we are urging all members of the government to reflect on what even a grade 6 student might say to them in analyzing what they've come up with as a piece of legislation, as their flagship piece of legislation, and to simply withdraw the bill instead of going to the extremes of limiting the debate on the legislation.

The time allocation that we've just seen imposed upon this Legislature of Bill 1, accusing the opposition of misusing the time of the House and therefore justifying time allocation: totally to the contrary, Mr. Chair. Indeed, it's a primary responsibility of all of us as legislators to protect our Charter of Rights and our constitutional rights and the rights we stand guardian for for our constituents. The government is acting with a total disregard for our Constitution because it suits their own political ideological agenda.

Cabinet was about to give themselves the right to make laws unto themselves without further passage by the Legislature of the pieces of legislation that were referred to cabinet for consideration. Indeed, they were given law-making abilities that were the prerogative of this Legislature. That, thankfully, has been amended and brought back, so the so-called Henry VIII clause was no more part of this bill, but it doesn't make it palatable, Mr. Chair, to have this legislation still contain elements which disregard the courts. That is one of the elements of our fundamental democracy, our Westminster system, the separation of powers that we expect a grade 6 student to understand.

Indeed, Mr. Chair, the power of the courts is still being circumvented by this piece of legislation, which, in the opinion of legal scholars such as Martin Olszynski and Nigel Bankes, there are still serious and persistent legal problems with the bill. Therefore, the bill remains unconstitutional and, as such, should be referred to the Alberta Court of Appeal to rule on the constitutionality of the bill. Why, in fact, would the government not be willing to do this? Why are we looking at imposing time allocation on such an important, fundamental piece of legislation? To the government, they see no need to proceed with caution. They see no need to refer it to the Alberta Court of Appeal to rule on the constitutionality of the bill, perhaps because they are trying to give the right to themselves in cabinet to determine what is constitutional and what is not.

We, in fact, as legislators here are not expected to be the court. We are a separate branch of government, Mr. Chair; we're the legislative branch. There is another branch of government, under our separation of powers in the Westminster system, that is the judicial branch, and that's our Alberta Court of Appeal, which is a

supreme court in Alberta, the Court of King's Bench, the Alberta Provincial Court, which I think is called the Alberta court of justice, which needs to be updated on this website.

In any case, Mr. Chair, the courts exist for a reason, and to circumvent the courts or attempt to do so to fulfill the political agenda that you have because it's inconvenient to do otherwise is a very sad commentary on the dedication or commitment to our parliamentary system, our Westminster system, that this government has. In fact, it's a total disregard for it.

I don't know, indeed, what, say, students coming to do their one-day tour of the Legislature tomorrow are going to face when those tour guides and those instructors and the teachers that are along with them are trying to explain what's happening in the Legislature now as they go to the parliamentary education guide and talk about our separations of powers in Alberta and they try to explain to students: "Well, you know what? This is the way it's supposed to work. This is the way it's laid out, but currently we have a government right now that's kind of mixing them up and looking at maybe giving this power of judicial oversight to themselves so that they can determine what indeed will become law without further oversight by the courts." That's something that a grade 6 student will probably scratch their head at, Mr. Chair, and wonder: well, how can they actually do that? Well, the fact is that it probably will be found not to be able to do that and that courts will actually be asked to rule.

This legislation is going to be held up in court for a long time, and I don't know if the government will be granted, if this legislation actually passes, the opportunity to have and continue while indeed the court passes judgment on it. But what it does create, Mr. Chair, not only in the minds of the grade 6 students trying to understand exactly what their government is doing in contrast to what the separation of powers the government's own website suggests should be done – listen to the comments of people most recently that I heard at the Piper law event recently, the Piper law winter reception.

I was there a little bit later on in the reception, which was held a few days ago at a local hotel. The Premier had given her speech and left, and I was in the wake of the Premier, listening to some comments about what folks who had listened to her had said. They were construction people at high levels; they were lawyers, fairly high-powered lawyers, investors, project stakeholders. The room had been packed when the Premier was there because they, of course, want to hear what's going on with such a devastating blow to democracy in the works. In fact, what people were saying to me is that it's up to the Premier to convince this crowd. This is the crowd that they have to convince. Well, I beg to differ slightly with that; I think the whole population of the province needs to be convinced.

But this crowd of lawyers, high-powered lawyers, project stakeholders, construction people, investors were waiting to be convinced that what the Premier was up to was in fact going to be useful and productive. They were not convinced, Mr. Chair. That room full of folks who went there hoping to have the Premier convince them remained skeptical and concerned. The people that I spoke to directly weren't of the opinion that their questions were answered and their fears were allayed. They're going to be continuing to look for more answers from this Premier and from this government which won't be found in the legislation that we have before us, even as amended.

Mr. Chair, the concerns of all of the province and, of course, the business leaders in the province are still out there. The fear is, of course, that it's going to be very difficult to make business decisions that will affect projects and that long-term projects may be delayed or postponed while this type of legislation is in the books because it's still unclear, even in its amended form, what the effect will be

on legislation that might affect their project or their company or their industry. You can't have that type of uncertainty and go ahead with multimillion-dollar projects.

Now, certainly, not everything in the province is going to stop, but there are lots of things, Mr. Chair, which can be postponed, and when you have a situation where a major project is being contemplated by investors who are seeking multimillion-dollar loans and financing for that project, the lawyers and the investors and the project stakeholders are all sitting on tenterhooks wondering whether or not the legislation that's before us is actually going to put the kibosh to their project, whether the court challenge is going to be the result of the intrusion by the province into the judicial process. That in and of itself has sent a chill down the spine of the business community in this province notwithstanding the reassurances of the Premier and other ministers who try to get up and say: "Nah, don't worry. They're okay with it; no problem whatsoever."

9:20

We've got the former governor of the Bank of Canada expressing concerns about this. You know, the government is trying to shoot the messenger on it, but the fact is that Mr. David Dodge was appointed and served under Conservative Prime Ministers as well, and his reputation is pretty unsullied. To have a former governor of the Bank of Canada tell the public and be willing to stand and say publicly that this is damaging to the economy, that it creates uncertainty, I think has to be taken pretty seriously.

Mr. Chair, I'm pretty concerned even about the legislation as it stands before us today in its amended form. I hope that the government still sees fit to pull it from the Order Paper and perhaps do as the government of Saskatchewan has done: take a time out and really address what the feelings of the population of the province are for real and respect indeed the opinions of legal scholars, of constitutional experts who are saying that this is going to be very, very damaging legislation. The government of Saskatchewan has seen fit to do that; perhaps they will back it out of the public view later on. Right now they've suspended their legislation until the spring.

I invite the government to do the same thing, and perhaps they can just simply let it die on the Order Paper or realize and respect the province's population that says, "This is not what we want; this is not what we expect" at a time when we have an unprecedented number of people occupying our emergency rooms, particularly children, when families are scared about having to make ends meet on a day-to-day basis, when the Indigenous population in particular is saying: "You're trampling all over our constitutional rights. You have failed to consult with us. It's a constitutional right we have; it's a treaty right that we have." The government is trying to explain that they did, but in fact the Indigenous population and leadership is saying: uh-uh, this didn't happen at all.

The fact that they're saying so in the face of denial by the current minister doesn't look very good for this government, Mr. Chair. The public knows who they're going to believe. For the Indigenous leadership of this province to have to once again come back and gear up for a fight with this provincial government after the provincial government, the UCP government, has tried to claim that they were making amends and following a path of reconciliation is pretty disappointing. It's evidence that they haven't learned a thing.

[Mrs. Pitt in the chair]

You can hear them talking about the relationship that they think they have with First Nations leadership and populations in the province when they announce partnerships on project A or project B, but those one-off projects, Madam Chair, are not reconciliation;

those are business partnerships. Indeed, overarching all of that you have to have a consultation process that is respectful, and that means an open dialogue and a back-and-forth exchange. We have a government here telling us that after the fact they're going to actually speak to Indigenous leadership. They're saying that tomorrow, maybe tomorrow afternoon, we'll go ahead and have deeper consultations.

In fact, if we add up the number of hours of debate that we might have left here, Madam Chair, there could maybe be total passage of this Bill 1 before the end of the night if the government decides to keep on talking tonight. That consultation is not going to happen. I can only imagine the legal battles and the money that's going to be spent, the wasted dollars on both the part of the Indigenous leadership and their organizations and in the government in trying to defend this foolhardy legislation. That's totally unnecessary. Absolutely unnecessary.

There's no way in the world that Albertans are looking at this government with respect and saying: this is what we needed right now. They're looking at their wallets, and they're saying: I can't afford rent. They're looking at their children and thinking: holy smokes, I hope to God one of my kids doesn't get sick and end up in the hospital, because there's, like, a 20-hour wait and potentially no bed for them to go into, into care. Children's hospitals are overflowing, the emergency wards. There's a trailer being used as a waiting room in one of our emergency wards in this province. It's unprecedented. It doesn't matter where you go in the province.

The government will say: well, goodness gracious, that's all over the country; that's all over the world. Well, tell you what: this government is responsible for what's happening in their part of the world – it's called Alberta – and they have to take responsibility and take action that's meaningful.

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

Mr. Deol: Thank you, Madam Chair. This is my pleasure to rise in the House and have the opportunity to speak to the bill, Bill 1, Alberta Sovereignty Within a United Canada Act, on behalf of my constituents as well as concerned Albertans, particularly racialized Albertans. I will not be taking very much time as the government has imposed the time limit on this debate after avoiding spotlights for the full last week.

The government understands – like, for the past whole week I see this bill is not being debated at all during the day, because the government was avoiding facing the controversies and the questions and concerns and the opposition against this bill not only from opposition but the large majority of Albertans as well as from experts, economists, journalists, and business organizations. Sticking to and being so – I'm just trying to word it – stubborn to get this bill through this last phase shows, actually reflects, the lack of vision this UCP government basically has. Not only this; also, it reflects their lack of ability, actually, to, you know, have a vision at all.

This bill is being opposed by – we were discussing this morning, and my colleague the MLA for Edmonton-McClung mentioned the former governor of the Canadian bank David Dodge and the former senior economist with ATB. The biggest thing – the majority of the UCP leadership contenders did not only oppose it but got together, rallied together against this narrative and the Premier's leadership mandate to oppose this during the leadership debate. Not only this; this Premier, I hope, if she has the decency, would understand that she was not elected on this mandate. Not only this; during the race, when I'm looking at the first ballot, not even the UCP members, kindly we'll say, voted for this issue. The majority of the UCP

members in the race actually voted against the Premier on this issue. It is a surprise to see that the UCP is not willing to learn from their past experience. They're so intent to, you know, keep carrying their legacy as they have been in the past in this province, changing their leaders during their term. In the past four or five terms, I believe since 2012, they don't even have one single term where their leader actually completed his full term as the leader of the party or the Premier of the province.

9:30

Whatever their vision is, whatever they are trying to do in this House after being elected, it is not helping the majority of Albertans. Due to this, their popularity in the province sank, and every time there is, you know, pressure to leave the position. The same thing happened in this province not long ago. It was quite surprising to see some of these UCP leadership contenders sitting on Executive Council being tone deaf for the last three and a half years by not touching those issues that were important in the province during the leadership race. As soon as they came back to the cabinet table, they changed their minds again. They were discussing the issue of affordability. They were discussing the issues of health care, education, and as soon as they're back at the cabinet table, they seem to have changed their minds. They totally forgot their own weight, their own positions on this bill, and they're not speaking up.

This bill basically is not going to help Albertans. What I wanted to say is that it will not of course help the United Conservative Party and the government caucus members because Albertans are very upset, and they're waiting for May 2023 or maybe any time before. When they have an opportunity, they will definitely give their answer. That is what I'm hearing in my community, in my riding from my constituents.

The Premier is talking about sovereignty – and sovereignty, I would say, in inverted commas – within a united country. Sovereignty within a united country, similar to what the Minister of Finance said this afternoon: broad but targeted and focused. So with the surprising terms they are coming up with, it seems like they are not understanding what they are saying or what they are trying to do. You're talking about sovereignty of the province; that is not really what this bill is proposing. At the same time, you are not able to understand what Albertans and communities and minorities in this province are feeling when you're making comments like, "Unvaccinated people are the most discriminated against group in this province," not being able to understand the racialized and marginalized communities facing racism in this province and living in fear in their communities when racism is rising in the province big time and failing to understand what you're saying. When you were given the opportunity in this House, you failed to recognize that. So what exactly does sovereignty mean for those very people?

Immigrants are afraid. When they move here, when they move to Canada, when they move to this country, they don't certainly move to one province. There's a lot more to do to help those individuals so that they are not being exploited, so they feel safe, so they are able to contribute to our economy in their full capacity. Instead of touching on the real issues, the United Conservative government actually came up with this I would call it a political stunt, a political gambit that is not really going to help Alberta, the Alberta economy, and people looking for jobs. We know that 15,000 jobs have been lost since this Premier came into office, two months ago, last October. So people are scared, like: what will happen to the economy?

The Conservative government did not understand what they were doing in the past three and a half years. They were just, you know, wasting taxpayers' money, and the corporations were taking their

business out of the country, out of the provinces, to the east. The same thing will happen again, the Calgary business Chamber is warning, and business organizations are calling for it. But it seems to be that the government – I would say that some members actually don't have guts anymore to stand up on behalf of their constituents on what they were saying during the leadership debate, for those Albertans and those UCP members who trusted them and voted for them in that position. All of a sudden they came back to the cabinet table and they lost the whole interest in representing those views within their own party.

To be on the record, I wanted to use this opportunity in this House on behalf of my constituents, the majority of my constituents, and most of those who came to my office after seeing this bill moving forward and the people in racialized communities who are openly speaking against it. I want it to be on the record that we strongly oppose this bill. The reason for the opposition to this is that this is not helping Albertans. This is not helping the Alberta economy. It will destroy the economy, and as my colleague already said very effectively, it's against the mandate of the Westminster parliamentary process and procedures. That's what I've learned.

You know, I got the opportunity to be at the CPA, the Commonwealth Parliamentary Association, seminar in London, England, with some of the UCP members and also Conservative Members of Parliament, and that's not what was being discussed. We were discussing more about how to build collaborations, coalitions with equal representations on the committees to help the society at large. But this is not what we are seeing this bill doing. On the contrary, this is actually attacking that very process, our democratic process, that took centuries and centuries to come to this.

What this bill is trying to do is replace the role of the judicial branch to interpret what is legal and what is not legal and, more than this, to give unilateral power to the 1 per cent in the House, the ministry, to write what is legal and what is not legal and what is to follow, what is not to follow, and, further, to go beyond this and direct the provincial agencies to follow what it seems to them is not legal or to the benefit of, in the best interests of the province.

9:40

This is a very dangerous move. This is not supported by anyone, particularly not by the majority of Albertans, and Indigenous leadership is not even frightened but very angry about how this bill is trying to impinge on their treaty rights. This move is very much misguided. This is not a benefit to the province. It will kill our economy; it's killing jobs already. It will not help the UCP at all.

With this, I conclude my remarks. I will request, actually, the members of this House, on both sides, to look once again at what we are debating here. It's going to change the political direction in this province for the next six months. That will be very harmful for the province and for our future generations. Think again, and oppose this bill.

Thank you, Madam Chair.

The Chair: Are there others to speak? The hon. Member for Edmonton-Highlands-Norwood.

Member Irwin: Thank you, Madam Chair. You know, I just have to acknowledge that I'm speaking here from Treaty 6 territory. I don't typically do a treaty acknowledgement before I speak, but I think it's quite fitting given the absolute infringement on treaty rights that is happening with Bill 1, which I'll get to shortly. I usually give a shout-out to all the people tuning in at home, and usually it's just a couple, so it's a joke. You know, it's the Member for Edmonton-Gold Bar's mom, that sort of thing. But tonight I

actually know that there are a whole heck of a lot of people tuning in because they've told me that they are, including folks from Indigenous communities, including folks who've written us as MLAs, calling on us to oppose Bill 1. I'm grateful for those people who are tuning in tonight. Like I said, I know that there are a lot of them. They're watching. Albertans are watching, and in fact people from across Canada are watching, and they're paying attention to what's happening here in Alberta.

You know, that's part of why we took the not unprecedented but rare step of voting against Bill 1, the sovereignty act, at first reading.

Ms Hoffman: Heck, yes.

Member Irwin: Yeah. You know what? The Member for Edmonton-Glenora just said, "Heck, yes." You know, I can say that there were people that right away responded to us saying: well, why would you do that? We knew – we knew – that it was going to be damaging. We knew that it was going to be dangerous. Did we know that it would be this incredibly damaging and incredibly dangerous to Albertans, to the future of our province, to investors who are speaking out, to business leaders, to chiefs, as I alluded to earlier? I don't think any of us predicted it would be just this bad.

Now, this is, in fact, my first time speaking to this bill. Gosh, it's hard to know where to begin. You'd think that in a fairly thin bill there might not be a whole lot to speak about, but there is a whole heck of a lot. For those folks watching, this is the UCP's Bill 1, so you know it's their most important, their flagship sort of bill. Gosh, I have to admit it was quite surprising to me that at a time when we are in the midst of an absolute crisis in health care, particularly in pediatric health care, in children's health care, at a time when all of us are hearing from our constituents about the affordability crisis, about people who are struggling to make ends meet, this was this government's priority.

We've asked the members opposite multiple times why they refuse to speak to the crisis that is health care. What did we see on Monday in the span of a few minutes? First of all, that was our first opportunity as the Official Opposition to address what had broken on Friday night. That was the news that Rotary Flames House, which supports children who are needing palliative care, respite services, the list goes on: those services were going to be paused, and children receiving respite services were going to be discharged. We heard that news. It broke on Friday night. People were absolutely up in arms. People were heartbroken to hear that news.

At the first opportunity we had when this Legislature sat again, Monday afternoon, our members, in fact my colleague from Edmonton-City Centre, stood up and demanded that we have an emergency debate on this absolute crisis in children's health. What did this government do? They denied it.

A few minutes later the Official Opposition leader, the Member for Edmonton-Strathcona, stood up with her opportunity to present Bill 201, which was her private member's bill, that would address some of the serious crises in health care. It was her opportunity as a private member to try to support and, in fact, collaborate with this government. What did they do? They killed that one, too. Absolutely. They moved it down the Order Paper. Basically, they deprioritized it, so we won't even get to that bill.

We asked the members opposite: why won't you speak about health care? Why won't you address the crisis that you are all hearing from your constituents on? They're silent, and they continue to be silent.

At a time when health care is being ignored, like I mentioned earlier, affordability is probably – probably for me, from the conversations that I've had with constituents – second to health care, people struggling right now. It would have been a great opportunity

to – I don't know – address the affordability crisis, do more than just reverse the cuts that this same government already made, like the reindexing of AISH.

But, no. They chose instead to go with Bill 1, the sovereignty act. Sorry. The Alberta Sovereignty Within a United Canada Act.

Ms Hoffman: Sorry. The job-killing sovereignty act.

Member Irwin: Sorry. The job-killing sovereignty act, more accurately. I don't know if we've got to that amendment yet, Member for Edmonton-Glenora.

But, truly, it says a lot. It says a lot about this government's priorities. I had an opportunity the other night. I don't know. Clearly, I still don't have enough of a social life. I had the opportunity to tune into the debate that was happening in this Chamber, and some of our members were talking about Bill 1. One of the members asked another member if, you know, they were hearing about the sovereignty act at the doors. One of the members said: no, actually; to be honest, I haven't heard much about it.

I can say that – you know what? – I hadn't. Like, organically nobody would ever. I always, when I door-knock, come to a door and ask: what issues are top of mind for you? Nobody organically, prior to this bill being introduced, would have ever said: oh, you know, I'm really worried about Alberta's sovereignty. No. Not at all, and that that's the honest truth. [interjection] Exactly, right?

I can say that from not just Edmonton-Highlands-Norwood. You might say: well, you're in an orange paradise there in Edmonton-Highlands-Norwood. I am. You're correct. But I've door-knocked in Edmonton-South West. I've door-knocked . . .

Ms Notley: Everywhere.

Member Irwin: I've door-knocked everywhere. Thank you to the Member for Edmonton-Strathcona for giving me a boost tonight.

I've door-knocked a lot. All over this province. That's a fact. Medicine Hat, where the Premier currently – I was going to say currently resides, but that's not true. She doesn't live there. She does represent it, though. I think she visited a couple of times during the campaign.

An Hon. Member: Has she even been there since?

Member Irwin: I don't think since she's won the election. That's unfortunate.

I can tell you that I door-knocked five times with our amazing candidate Gwendoline Dirk there and had a lot of conversations with people. Health care, education, affordability: top three issues, absolutely. The Member for Lethbridge-West: same thing. She door-knocked there. She can corroborate that.

I have one story from door-knocking in Medicine Hat that sticks with me. I'll tell you. I walked up with a volunteer, and – I can picture the house still – there was a big truck backed up into the driveway, and I thought: okay; this will be interesting. You never know. You never want to assume. I'm like: let's check this one out. Get to the door, a young guy, hat on, answers the door. I was like, "Hey," you know, do my little spiel. "We're out with Gwendoline Dirk. She's running to be your MLA here. What issues are top of mind?" I swear to you – and you can ask that volunteer. What did he say to me? He said, "You are getting our support, the NDP, because I'm an Albertan and I'm a Canadian, and it's Alberta, Canada." That was his message. And we said, "Oh, so you're talking about sovereignty." He's like, "Absolutely." And I asked him, I said, "Have you voted NDP in the past?" He said, "No, I never have." So it did come up at the doors, but not in the way that this government would hope.

9:50

I tell those stories because – you know, I can give the example of door-knocking recently in Edmonton-South West. Same thing. I had a long time . . . [interjection] The Member for Edmonton-South West is noting something as well. I had a long-time conservative who said that he's alarmed about the sovereignty act as well. And I think everybody – I see my colleagues on our side of the House nodding their heads, right? You're hearing . . . [interjection] Sorry. I'm getting some heckles, that I'm not quite hearing, from the Member for Edmonton-South West, but I'm sure he will join debate here shortly. I'm certain he will do that and share his thoughts.

Mr. Williams: No time. No time.

Member Irwin: No time. No time because this UCP government, the same UCP government that is putting forth what has been called the most undemocratic piece of legislation in Alberta's history, is also – is also – implementing time allocation, which means they're limiting debate on this very bill that countless Albertans, including that Member for Edmonton-South West's constituents, have spoken out against. So I would give this perhaps as a warning to that member and other members on that side of the House, that they might want to start listening to their constituents. If not: early retirement. [interjection] He continues to heckle me, for those folks watching at home who can't quite hear that.

It's not just long-time conservatives in that member's riding that are concerned. It's economists. It's constitutional law experts. It's the former Bank of Canada governor David Dodge, who many people have spoken about today, who shared his concerns on that bill as well. It's their own MLAs. It's their own cabinet ministers who've spoken out but have suddenly changed their minds. You know, the same cabinet ministers like the Deputy Premier, who said . . .

Ms Notley: That cabinet pay bump is very convincing. Very convincing.

Member Irwin: That cabinet pay bump, the Member for Edmonton-Strathcona says, must be enough to change their minds, because one of the Deputy Premiers, which is hard enough to say, with a leader in a government that claims to care about small government – largest cabinet in history as well. The now Deputy Premier from Lethbridge-East said that no one person should be able to enact regulations without consultation. The Finance minister called it an economic time bomb. The jobs minister called it a fairy tale. The Municipal Affairs minister called it anarchy, and the minister of trade said it was like shooting ourselves in the foot. Those are just some. There are many more quotes that I could share but, again, not enough time.

Those are just some – some – of the quotes from this government's own cabinet ministers, and when asked and when pressed by us in question period about why they've changed their minds, what's changed for them, we didn't get clarity. I'd welcome the opportunity for any of those ministers to clarify for us: what changed? Don't tell me it was just the pay bump. What changed? [interjections]

It is so interesting. Again, I know the people watching at home can't quite hear everything that's going on here, but it's so interesting that you get a lot of heckling from that side of the House, but they're not willing to stand up and defend their position on this bill. I guarantee – I don't know if any of them are knocking on doors, but I guarantee you that they are going to be hearing from their constituents if they do. How could you support Bill 1? How could you sit silently, other than heckling, in that Legislature and not get on the record?

One of the things that I'm most concerned about when it comes to Bill 1, the sovereignty act, is the fact that Indigenous folks have not been adequately consulted, and that became very clear – very clear – today by noting that the Minister of Indigenous Relations has completely dropped the ball on this file. I mean, we're not totally sure if it's fully him or if it's the Premier as well, or perhaps it's other members of cabinet.

Ms Notley: It all starts at the top.

Member Irwin: It all starts at the top. As somebody who was Premier, she understands that, you know, you would apologize, and you would take a hit. We don't see that from this government.

That minister basically said that he had consulted those Treaty 6, 7, and 8 chiefs when, in fact, he hadn't. And what did we hear from Chief Alexis, who's speaking on behalf of Treaty 6? He said: "Let's be honest. This all comes down to land and resources. We are yet again the inconvenient Indian standing in the way of unprotected resource extraction and other exploitation of treaty lands." Wow. Some pretty powerful words. What else does he go on to say? "This act puts a lot of uncertainty in investment. If you have a provincial government fighting with the federal government who is not including our First Nation, with a lot of disrespect within, it will not be easy to bring investment to this environment. It will hurt the economic fabric of our commerce in all regions."

That should be alarming to these UCP members. That should be absolutely alarming. I'd love to hear the MLAs from the area that Chief Alexis represents go on the record and explain how they could possibly support a bill when the treaty chief for their area is raising the alarm. Unbelievable.

Chief Darcy Dixon is from Bearspaw First Nation. Chief Dixon says: "This is a warning to all Canadians. If you care about these lands, if you care about your country, you should care about this bill. It's not just a First Nations issue; this impacts us all." Wow. It's not just a First Nations issue; this impacts us all. He goes on to say: it's part of a political game; that may be true, but we see it as a disguised attempt to disregard treaty and see it as a way to gain unlawful access to our lands without restrictions, similar to what they have attempted with the Alberta Police Act, to overreach and attempt to gain access in jurisdictions where they do not belong and where they cause more harm to communities.

Wow. Powerful words from the chief from Bearspaw First Nation, and he's right. He's right. We'd be . . . [interjections] Yeah. Sorry. I'm getting heckled from one of the members over there, one of the same members who we never seem to hear from in this Chamber.

The Chair: Hon. member, I hesitate to interrupt so late into your speech. Just a caution to speak through the chair.

Member Irwin: Yeah. Oh, yes.

The Chair: Go ahead.

Member Irwin: Thank you for that warning, Madam Chair. I just find it so interesting that we've seen this multiple times in the few days that we've been in the Chamber. This government claims to care about so many of these issues – like health care, like sovereignty, apparently, like property rights – yet they're not standing up and defending their positions. I don't know.

Okay. I've got a few more things that I want to say on the record. I don't know how much time I have left, but I could go on for hours. Luckily, we will. Well, only for hours, unfortunately.

Ms Hoffman: One.

Member Irwin: One. That's right.

One of the other – you know, I guess I want Albertans to know, because there are a lot of Albertans watching from home who are concerned and rightly concerned about what they see in this bill. I want Albertans that are watching to know that there is hope out there and that this is, unfortunately, a short blip that we're all going to have to deal with but that change is closer than it's ever been, because Albertans are asking for stable and responsible and honest leadership. You know, we had the opportunity not long ago to present an alternate Speech from the Throne. That was our opportunity to say to Albertans . . .

The Chair: Hon. member, I hesitate to interrupt, but pursuant to Government Motion 14, agreed to earlier in this Assembly, I must now dispose of Bill 1 in Committee of the Whole and put the question.

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

[Several members rose calling for a division. The division bell was rung at 9:59 p.m.]

[Fifteen minutes having elapsed, the committee divided]

[Mrs. Pitt in the chair]

For the motion:

Copping	Lovely	Schow
Dreeshen	Luan	Shandro
Ellis	Madu	Smith, Mark
Fir	Neudorf	Turton
Guthrie	Nixon, Jason	Walker
Hanson	Pon	Williams
Hunter	Rehn	Wilson
Jones	Reid	Yao
LaGrange	Rowswell	Yaseen

Against the motion:

Bilous	Eggen	Irwin
Carson	Feehan	Notley
Dach	Goehring	Phillips
Deol	Hoffman	Sweet

Totals: For – 27 Against – 12

[Motion on amendment A1 carried]

The Chair: Now I'll call the question on Bill 1, the Alberta Sovereignty Within a United Canada Act.

[The voice vote indicated that the remaining clauses of Bill 1 were agreed to]

[Several members rose calling for a division. The division bell was rung at 10:16 p.m.]

[One minute having elapsed, the committee divided]

[Mrs. Pitt in the chair]

For:

Copping	Lovely	Schow
Dreeshen	Luan	Shandro
Ellis	Madu	Smith, Mark
Fir	Neudorf	Turton
Guthrie	Nixon, Jason	Walker
Hanson	Pon	Williams
Hunter	Rehn	Wilson

Jones	Reid	Yao
LaGrange	Rowswell	Yaseen

10:20

Against:

Bilous	Eggen	Irwin
Carson	Feehan	Notley
Dach	Goehring	Phillips
Deol	Hoffman	Sweet

Totals: For – 27 Against – 12

[The remaining clauses of Bill 1 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Chair: Any opposed? That is carried.
The hon. Government House Leader.

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

[Motion carried]

[Mr. Reid in the chair]

The Acting Speaker: The hon. Member for Airdrie-East.

Mrs. Pitt: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration certain bills. The committee reports the following bill with some amendments: Bill 1. I wish to table copies of an amendment considered by Committee of the Whole on this date for the official records of the Assembly.

The Acting Speaker: Thank you, hon. member.
Does the Assembly concur with the report? All those in favour?

Hon. Members: Aye.

The Acting Speaker: Opposed? So ordered.

Government Bills and Orders Third Reading

Bill 1

Alberta Sovereignty Within a United Canada Act

The Acting Speaker: The hon. Deputy Premier.

Mr. Madu: Thank you so much, Mr. Speaker. It gives me great pleasure to rise on behalf of the hon. Premier to move third reading of Bill 1, the Alberta Sovereignty Within a United Canada Act.

If passed, the act will become a tool, a shield that allows the Alberta government to push back on federal legislation, policy, or measures that are unconstitutional or harmful to our province, our people, and our economic prosperity. Mr. Speaker, the Constitution of Canada provides sovereign, exclusive jurisdictional powers to the federal government and the provinces. They are called exclusive federal powers and exclusive provincial powers.

Alberta has its exclusive provincial powers that are sovereign, and the federal government is not allowed to legislate in those areas. The federal government is not allowed to hide under any pretense to intrude on exclusive provincial powers. These three foundational legal documents taken together constitute the Constitution of our

country: the Constitution Act, 1867; the Constitution Act, 1930; and the Constitution Act, 1982, otherwise known as the Canadian Charter of Rights and Freedoms.

Mr. Speaker, it is important to reiterate to our fellow citizens that the rights and powers granted to Alberta by this constitutional document are not subordinate to the government of Canada. To the contrary, exclusive provincial powers outlined in sections 92 and 92A include: “Property and Civil Rights in the Province,” laws respecting “Non-renewable Natural Resources, Forestry Resources and Electrical Energy:”

- (a) exploration for non-renewable natural resources . . .
- (b) development, conservation and management of non-renewable natural . . . and forestry resources . . . including laws in relation to the rate of primary production . . .
- (c) development, conservation and management of sites and facilities in the province for the generation and production of electrical energy

and laws respecting exports of nonrenewable natural resources from one province to another. These are exclusive provincial jurisdictions. Of course, Mr. Speaker, section 93, that deals with education, and indeed the concurrent powers in section 95 respecting agriculture and immigration.

Mr. Speaker, Bill 1 is therefore constitutionally structured in a manner that gives Alberta the legislative framework and a democratic approach to affirm and defend the federal-provincial division of powers while absolutely respecting Canada’s Constitution, the court, and indeed the treaty rights that are constitutionally guaranteed. A review of Bill 1 will show clearly – and I’m going to read directly from the text of Bill 1. It affirms in section 2 that nothing in Bill 1 affects the treaty rights guaranteed in the Constitution in section 35.

For decades and despite Alberta’s best efforts to get the federal government to respect our jurisdictions and ensure equal and fair treatment to all provinces, the federal government ignores the cries and pleas of our people and government. This unfortunate state of affairs has been made worse by the current Liberal government under this Prime Minister, Justin Trudeau. As if that is not bad enough, the Trudeau Liberals now entered into an unholy alliance with the socialist federal NDP leader, Jagmeet Singh.

Mr. Speaker, this alliance has been devastating to Alberta’s economy. We have seen how total disregard of the constitutional order has harmed Albertans, our way of life and economy, from the cancellation of Energy East, Northern Gateway, and Keystone XL to the passage of bills C-69, C-48, and the imposition of the carbon tax, that has made life more expensive and less affordable. The devastation that this federal Liberal government has caused on our oil and gas sector is unimaginable.

Mr. Speaker, the opposition brags about the Trans Mountain pipeline, but I’ve got news for them. The Liberals and the NDP have effectively ended private investment in pipelines. The Trans Mountain pipeline was proposed by the private sector. All of us members of this Legislature must be worried when a government that is in the business of public services decided to chase away private investment to occupy that particular field. That is the reason why till today we are still not sure when the Trans Mountain is going to be completed. I would, rather, prefer that the government that is in the business of public services stay in its lane, allowing the private sector to do what they know how to do best.

Mr. Speaker, I cannot also forget that when Albertans voted, with a supermajority of 62 per cent, to remove the principle of equalization, the Prime Minister ignored Alberta, and to this day has never made any attempt to acknowledge, to meet, to discuss the expectations of Albertans. Instead, the Prime Minister gave us the worst and most hostile minister to Alberta, minister of environment

Steven Guilbeault, whose mission is simply to undermine the largest subsector of the Canadian economy, the oil and gas sector.

Mr. Speaker, as I indicated before, the previous government have tried and Albertans have been exceedingly patient. The former NDP Premier and Leader of the Opposition imposed the now infamous multibillion-dollar carbon tax on Albertans, that she and her party did not campaign for in 2015. The NDP, the former NDP leader’s excuse was to buy social licence. Instead of social licence, Alberta’s economy was devastated by that Leader of the Opposition and Justin Trudeau, her friend and ally at the federal level.

10:30

Mr. Speaker, here are a few ways that that quest for the so-called social licence has paid Alberta: 183,000 Albertans lost their jobs while the Leader of the Opposition was the Premier of Alberta; multibillions of dollars in deficit, more than \$70 billion in debt, that the Kenney government inherited in 2019; collapse of commodity prices and an economy that was brought to its knees by the dangerous combination of the federal Liberal policies and the provincial NDP policies right here in Alberta. We must never allow that to happen again in this province. We must shield Alberta and say: enough is enough. The federal government must stay in their lane, as our founding fathers and the drafters of our Constitution had envisioned.

It is important that I am clear on what the Alberta Sovereignty Within a United Canada Act will not do because we’ve seen a lot of fearmongering on the part of the Leader of the Opposition and indeed the NDP MLAs and their allies across the province. Mr. Speaker, it is important to note that the Alberta Sovereignty Within a United Canada Act would not do the following. It will not allow Alberta to defy Canada’s Constitution. I want to reiterate that to our viewers watching back home. Despite all of the fearmongering and all the division that the NDP has attempted to perpetuate, this bill, if it becomes law, will not defy Canada’s Constitution. It would not allow Alberta to ignore decisions of our court. It is important to reiterate that once again, but that’s one of the misinformations that we have heard from the Leader of the Opposition and her MLAs and indeed, again, their allies across the province.

Mr. Speaker, this bill will not also allow Alberta to separate from Canada. I recall, when this bill was first proposed, that they jumped on that, that this is a separation bill. It is now clear that all of that was all misinformation and fearmongering.

Mr. Speaker, this law will also not allow cabinet to issue unconstitutional orders in council. It will not allow cabinet to direct private individuals or corporations that are not provincial entities to violate federal laws.

Mr. Speaker, it is not true that this bill will chase away investors. It was the NDP, while they were in government between 2015 and 2019, that scared away investors and devastated our province. In fact, the threat that Alberta faces today is from the NDP.

So, Mr. Speaker, despite the fearmongering by the Leader of His Majesty’s Loyal Opposition and her NDP MLAs and their allies, the above remains true today, and it will also remain true tomorrow.

Premier Smith has taken onboard . . . [interjections] Apologies, Mr. Speaker. The hon. Premier has taken onboard the concerns of our caucus members and indeed the concerns of Albertans. An amendment that addresses those concerns has been put forward in this Assembly. I am glad that we took onboard the concerns of Albertans and, with that, strengthened this particular bill to achieve its original intention. To be clear, if a resolution of this Legislative Assembly identifies an amendment of a statute, it will allow the normal legislative process, and ultimately a bill will be tabled in this House by the responsible minister.

Mr. Speaker, I urge all members of this Assembly to vote to pass Bill 1 in defence of our province, in defence of Albertans, and in Alberta's best interests.

With that, I move third reading on behalf of the hon. Premier.

The Acting Speaker: Thank you, hon. member.

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

Ms Hoffman: Thank you very much, Mr. Speaker. I'm always honoured to have an opportunity to rise in this House and speak to legislation. I think that the bill we're considering is slightly less honourable. Nonetheless, we're here tonight to debate the job-killing, democracy-threatening sovereignty act.

In terms of democracy threatening, we've already seen the current government choose to bring in closure on this bill, that they know is so deeply unpopular, that they're trying to ram through. I will give, you know, the members of the cabinet a lot of credit. One of the reasons why it is so unpopular is because they spent months telling people how dangerous this bill would be if it came forward to the Legislature. Every single UCP leadership candidate other than the now Premier was very clear that this was a threat to our economic security, that this was damaging to Alberta's international and national reputation, and that it would have grave consequences for the people of Alberta. You know what? They were right. They were right, absolutely right.

And that, through you, Mr. Speaker, is one of the reasons why, when members come to this House and they say, "Well, Albertans didn't vote for blah, blah, blah, whatever it is" – Albertans certainly did not vote for this bill to come forward to this place because only 1 per cent of the actual population voted for this Premier; 99 per cent of Albertans did not endorse the plan that the current Premier has to come into this place and bring forward a piece of legislation that is killing jobs in the province of Alberta, that is hurting our economy, that is threatening our international reputation. Ninety-nine per cent of Albertans did not give you the authority to come forward into this place and bring forward a bill that's so damaging to so many Albertans.

For anyone who wants to throw around the term "sovereignty" – and we've seen the Deputy Premier do it here tonight quite successfully; thrown around the word "sovereignty" many, many times, the Premier has. It's definitely been batted about in this Chamber as well as on debates and in news conferences. When you think of the word "sovereignty," I hope that you also ponder other times in my lifetime and yours when sovereignty has been front and centre and what the economic impacts were of that debate at that time, because I can tell you that there are still downtown towers in Montreal that used to house head offices for major corporations that moved to Toronto. I can tell you that there are businesspeople in Calgary, there are businesspeople in south Edmonton, southwest Edmonton, in fact, that are deeply concerned about the impacts that this bill will have on investment that they are desperately trying to attract from the region and nationally and internationally.

I can tell you that one of the things that they are concerned about is that when we have a Premier that is such a loose cannon and a cabinet that shows no spine, when they've spent months campaigning against this very bill, come in here and all of a sudden decide that they're going to, you know, stand up multiple times to endorse and support it and, in fact, bring in closure at multiple stages to try to ram it through in the wee hours of the night or the early hours of the morning, it speaks to the kind of ambition that the current Deputy Premier, multiple Deputy Premiers, or other people around the front bench show in the lack of conviction for the words that they spouted just a few short months ago, some just a few short weeks ago.

I can say his name now. Former Premier Kenney, to his credit, just a few short hours after this bill was introduced, resigned his seat – resigned his seat – because I suspect that he didn't want to be one of the people who was forced to come into this place and stand up over and over and over again to vote for something that he knew was going to damage Alberta and Alberta's reputation. He was very clear throughout the summer and into the early fall that he felt the sovereignty act would have detrimental impacts, detrimental effects on the future of the province of Alberta and economic investment for this province, and he's right. He is right, Mr. Speaker.

I also have to say that there is a specific clause in here that gives me great pause, and that's the fact that the government wants to write in the clause, has written in the clause, and didn't amend it out – in fact, they added even more opportunities, even more leeway for themselves to be able to vote on things in here and then go behind closed doors and do what they so choose. The clauses under resolution 3(b)(ii): if a motion is passed that the members believe causes or is anticipated to cause harm, they can go into the backroom, and they can write a bill that doesn't see the light of day, and they can change the law unilaterally. Well, that is obviously very bad for democracy, Mr. Speaker, and in turn very bad for investment in the province of Alberta.

To reiterate, 99 per cent of Albertans did not vote for this Premier. There were many, many members of this caucus and, in particular, the current cabinet who campaigned very aggressively against this bill, and they should be showing that again, the courage of their convictions, to be able to stand by the words that they so eloquently spoke just a few short months ago when begging and pleading for votes around the province, when talking about the kind of threat that this would impose on our province.

10:40

I can also say that when I am spending time connecting with Albertans right across this province, many are talking about affordability, about public health care, and about the economy. This, Mr. Speaker, does nothing to support any of those three pillars, and in fact it erodes them in significant ways. The government wants to pass a bill in this place and then be able to go into the backroom. If they think something in the Canada Health Act causes harm or may possibly be perceived to cause harm, they can go into the backroom and they can rewrite legislation here and fail to impose.

When we were in the very first briefing with the media – not a briefing; actually, it was Q and A with the media – it was very clear that there were serious concerns being raised about the lack of legality that this bill would have. The sponsoring minister, the current Minister of Justice, decided to ask the deputy minister to come out from the backroom and explain his legislation, because clearly the deputy minister and the Premier either didn't understand it, couldn't explain it, or they didn't care. They wanted somebody else to be on the news, not have to carry water for their terrible bill that they were bringing forward to this place.

To the deputy's credit – I wouldn't want to be in that position. They are failing at a political press conference because they've put politics before the economy, they've put politics before democracy. They are failing, they are floundering, and they try to call the deputy in to come and defend them. Mr. Speaker, that is embarrassing. That does not give anybody a sense of confidence that the front bench knows what they're doing, that the front bench has any sense of stability, that the front bench cares about what the key issues are for Albertans right now around affordability, the economy, and public health care.

Also in that initial press conference, questions were asked about the role of the RCMP and this implication around the RCMP

through this bill. It was clarified by the current Justice minister that the RCMP is seen as a contractor and that contractors would apply to this legislation. So if there are issues with contractors, the front bench can go back down the hall into a quiet room, and they can write themselves another piece of legislation that could infringe on relationships with contractors, that could break those relationships. They're a contractor, the current Justice minister said, in relation to the federal government being essentially their employer.

We know that it is hugely unpopular. Every time members of the front bench, including the current Justice minister and the former Justice minister, have talked about messing with the RCMP, Albertans aren't keen on that. Albertans know that that is a huge boondoggle economically. I can tell you that as a kid who grew up in a small community in northern Alberta, we had a lot of RCMP come in for their two years from across the country, serve their time, and go on to other communities. How would we be able to attract and retain in a model like that, Mr. Speaker? We absolutely wouldn't. We relied on those RCMP members from across the country to come and serve our community and the region in the north to make sure that we had stability in terms of policing. I imagine the Member for Lesser Slave Lake knows exactly what I'm talking about.

This bill has the potential to cause grave economic harm, and we're already seeing from many employers – the Premier has been asked day after day to name just one CEO who thinks this bill is a good idea, and the best she can come up with is that some representatives of some organizations say that they don't think it'll be that bad. But nobody says that it'll be good. Nobody says that this is going to move things forward, that this is going to help. Nobody is willing to put their business's reputation on the line for that.

Why are we here, Mr. Speaker, if not to do things to make things better? The former Member for Brooks-Medicine Hat, who in turn resigned her seat to give the Premier a seat, talked about coming to this place like we do when we go camping, that you want to leave the campsite better than the way you found it. This does not make things better for democracy than the way we found it. This erodes democracy, it hurts our economy, and it is damaging to our national and international reputation.

I call on the cabinet ministers who so eloquently campaigned against this bill all summer and into the fall to stand by the courage of their convictions, to stand by their words when they were talking about wanting to give stability back to the people of Alberta. If you won't stand by what you said just a few short months ago, you're going to have to stand on the record in this place and every single time you voted for this. I'll tell you that it's not popular. People don't like it. That's why you're trying to ram it through here in the middle of the night, because you don't have the confidence to do this in the middle of the day, in the light of the public eye. You know that this isn't right.

Earlier today, when our leader said, "You know, if this gets rammed through today before the treaty chiefs, the grand chief and other treaty chiefs, have an opportunity to engage in a meaningful way, you're doing a disservice to the treaty; you're breaking the treaty," there was a point of order called by, I think, the Government House Leader saying, "Oh, how dare you assume that we're going to pass this bill today," and here we are. Here we are at almost 11 o'clock at night, and I have a feeling that they're going to bring in closure yet again, because they've done it already multiple times, because they don't want people to stop and think about what they are trying to ram through.

But guess what. They're already thinking about it. Your Premier Jason Kenney, your front bench, many of whom are still on the front bench who were running for his job over the summer, made it very

clear that everyone knows exactly where Alberta stands on this issue and that Alberta will be hurt by even considering the job-killing sovereignty act. That's why they want to do it fast. They don't want to have to stand by their vote. They don't want to have to stand up and defend what they've done and how they've rammed this through.

Congratulations on being so effective in communicating all summer and into the fall about how damaging this was. You were right. In fact, it's even worse than you said that it was going to be. It has huge dictatorial powers that have been embedded in it as well.

So please take a few moments. Stop and consider exactly what you want your record to be, because your record will be put forward to the people in just a few short months, less than six months. I remember standing in this place and saying that the second half of your term goes faster than the first half. That's my experience. In the first half of your term you feel like you've got lots of time, lots of opportunities. This is either the last or the second-last Bill 1 you'll be bringing forward to this place. And this is what you want to run on? Feel free. I can't wait. I can't wait to take this and health care and affordability and economic impacts at large to the voters of the province of Alberta, and if you can't wait either, then call the election.

Thank you very much, Mr. Speaker.

The Acting Speaker: Other members wishing to speak to Bill 1, the Alberta Sovereignty Within a United Canada Act? I see the hon. Member for Edmonton-Rutherford has stood.

Mr. Feehan: Thank you, Mr. Speaker. I appreciate the opportunity to speak to third reading of Bill 1, but I do so with deep, deep disappointment that we have gotten here at all and, secondarily, that we have gotten here in this terrible way of having closure invoked continuously on each stage of the bill so that we cannot hear what people need to say about this bill.

We know that certainly people are talking about this bill out in the community. We are seeing repeated calls for this government to stop this bill from people who normally would be considered to be supporters of this style of government that is offered by our current government, people that are considered part of their community coming out repeatedly saying: "This is not good. This is bad for the province of Alberta."

The thing that I'm concerned about is that as these people come forward, people who have, you know, built reputations in this country over years for the work that they've done, the response they get from this government is not to listen to them but, rather, to disparage them. We've seen, for example, David Dodge, who was the governor of the Bank of Canada, a position that is incredibly important in this country, being described by this Premier as a Liberal appointee when, in fact, he was the governor of the Bank of Canada, and he served under Prime Minister Harper at one point. You know, to take someone who has done the work that David Dodge has done in this country and to try to find ways to disparage him because they don't happen to like what he has to say is really unacceptable to me.

10:50

We also saw this Premier make comments about the CEO of CAPP and the CEO of the Calgary Chamber, saying, "Well, they obviously haven't talked to their members," insulting them by saying that they don't know what they're talking about or that they don't represent the people they, in fact, do represent. Again today we see this Premier and other members of this cabinet and this government disparaging the leaders of the First Nations by saying to them: oh, they're only doing this because the NDP is scaremongering. That's what they

said earlier today, that this is just a reaction to scaremongering, which, I can tell you, the First Nations tell me is a very insulting thing to say to them. What you're saying to them is that they're too dumb to figure it out for themselves and that they're only doing it because they're being scared by somebody on this side of the House. How can you call a whole group of people stupid by saying that they don't have a clue as to why this may be a bad bill on their own terms, in their own right?

That's what we've seen continuously in this House. We've seen the disparaging of people who have done incredibly important things in this country because they don't agree with this bill and they don't agree with it on very substantive bases. They don't agree with it because it's been demonstrated repeatedly by scholars in the area that it's unconstitutional. It's been demonstrated repeatedly by people in the community that it is an ideological bill which is not supported by the majority of people in this province because it does not address the issues that are important to the people of this province. It's about shoring up the base for people who are deeply afraid they're about to lose the next election, and that's it. So I think it's very important that we spend some time talking about what it is that all of these people, these many hundreds of thousands of people who are objecting to this bill, are actually saying.

We've had an opportunity in this House to read out some of the comments by the CEO of CAPP or the CEO of the Calgary Chamber or by David Dodge, and we've had an opportunity to hear some of the comments by some of the chiefs from treaties 6, 7, and 8 about this bill, and I think it's time that we actually stop this whole bill, that we do not move ahead in this third reading, and that we actually go back and do the consultation that should have been done.

As a result, I am bringing an amendment into the House. I'll wait a minute until I get permission from the chair.

The Acting Speaker: Just give us a moment to get the paperwork, and then I'll have you read it into the record.

Hon. members, this will be amendment RA1, and I'll ask the hon. member to read it into the record for us, please.

Mr. Feehan: Thank you, Mr. Speaker. I appreciate that. I am bringing notice of this amendment on behalf of the Member for St. Albert to move that the motion for third reading of Bill 1, the 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 third time because the Assembly is of the view that the government has not discharged its legal duty to consult with First Nation and Indigenous peoples in respect of the potential impact the bill's provisions, if enacted, would have on their rights and treaties.

Thank you.

Now, I think it's very important that we bring forward some of the words of some of the representatives of the First Nations at this particular time so that it isn't about what I might have to say or what the NDP might have to say but that we are providing voice to the thousands of First Nations people who have been very concerned about this act and have been asking repeatedly for this act to be stopped.

We have the words of a Treaty 8 grand chief. He said, quote, the sovereignty act undermines the authority and duty of the sovereign nations that entered into treaty. We have the words of Chief Tony Alexis, who is the designated representative on this topic for Treaty 6, who says: "Let's be honest. This all comes down to land and resources. We are yet again the inconvenient Indian standing in the

way of unprotected resource extraction and other extrapolation of treaty lands."

We have the words of the Chief Darcy Dixon from Bears paw First Nation, who says: "This is a warning to Canadians. If you care about these lands, if you care about your country, you should care about this bill. It is not a First Nations issue; this impacts us all." Chief Dixon goes on to say, quote: "Bill 1 is just part of a political game. That may be true, but we see in it a disguised attempt to disregard treaty and as a way to gain unlawful access to our lands without restrictions."

These are the kinds of statements that are being made. Today we saw chiefs from literally across the country gather at the Assembly of First Nations to talk about this bill and a similar one out of Saskatchewan, and we saw these chiefs, many of whom I have quoted today, and many other chiefs, including the grand chief of the Assembly of First Nations, Archibald, stand up and say that there is no fix for this bill, that this bill must be withdrawn at this time and stopped. The primary reason is that there has not been the fulfillment of the legal duty for consultation with First Nations as this is going to affect their rights.

They're very concerned that this is a backdoor way for the province to undermine treaties that have been signed in this country for over a hundred years with the Crown, currently represented by the federal government. They feel that if this government has the chance, they will rescind the work that has been accomplished by these nations through the courts over the last hundred-plus years to ensure and to enshrine their rights both in the Canadian Constitution and in practice every day in this province.

There is a lot at stake here in this debate for First Nations, and they are not concerned about this because somehow the NDP have scaremongered. They are intelligent people who have their own ideas and their own opinions and have access to significant resources in the legal field, and they have consulted those legal authorities and have determined that this bill is deeply problematic for them.

Although there are many issues, the primary issue is the total failure to consult. Now, what would they say if they were being consulted? What they'd say is that we are deeply concerned that our treaty rights are going to be undermined. Now, we know that the bill makes the attempt to say that it won't undermine treaty rights, but we also know that an analysis that's been done by Banks and Olszynski on that refers to it as "a constitutional fig leaf"; that is, it doesn't actually protect the constitutional rights of First Nations people; it just pretends to do so. It hides what happens later in the bill with a statement earlier on in the bill that purports to protect the rights but does not within a legal framework protect the rights.

So that's where we are. We're at a place where these nations have been working for generations to ensure the well-being of themselves and their future generations – their children, their grandchildren, their great-grandchildren – and this government is finding a way to subvert that.

11:00

Now, they know that the government says, "Well, you will continue to be allowed to have hunting and trapping rights, those kinds of things that are protected under section 35 of the Constitution," but they're also concerned about the well-being of the land and the air and the water. Their concern is that the very purpose of this bill is for this government to prevent a federal government from protecting the environment. It's a primary concern that any time the federal government comes in and says, "We want to protect these waters; we want to protect these animals," this

government will say, “No; we’re afraid we’re going to lose some money if we do that, so we’re not going to do that.” That’s what . . .

Mr. Madu: That’s the fearmongering.

Mr. Feehan: Here we have the chirping from across the floor where again they’re insulting the chiefs who have specifically said: when you say that we only do things because the NDP fearmonger, you’re telling us we’re too stupid to figure it out for ourselves. That is considered ultimately insulting yet is being repeated in this House minutes after I expressed that opinion by the chiefs. They’re not listening; this is proof again that they have failed to listen. They continue to not listen. The chiefs have said that there is no way forward now because you haven’t listened, because you haven’t participated in the processes that the courts say you must participate in.

Then there’s no way we can fix this. We have to stop this bill, and that’s why I brought in this amendment. This amendment does exactly what it is, what the chiefs from across Canada at the Assembly of First Nations asked us to do today, to stand up against this government and say: you are wrong, you have failed, and it is time that you took responsibility for your failure and come back into this House, withdraw this bill, and do so now, because you have a duty in the law to consult with First Nations, and you have failed to do that.

I think we should do exactly that. We should listen to the nations. We should hear them for apparently the very first time in this process of Bill 1 in this House. They haven’t been asking for anything that the courts haven’t already determined that they have a right to. They aren’t asking for anything exceptional or new. It’s already been established, all the way up to the Supreme Court of Canada, that they have a right for appropriate consultation, and the very nature of this bill is that it will be used against them.

I can tell you that they’re terrified because they know that the last time there was a Bill 1 in this House, in this Legislature, under the UCP government, the bill that was called protecting critical infrastructure act, it was designed specifically to attack the ability of First Nations to defend their rights, the ones that they had earned in the courts. Grand Chief Noskey from Treaty 8 has said: we know it was designed only to attack First Nations because it certainly wasn’t used when the infrastructure was being blocked on the Coutts border by people who are related to . . .

The Acting Speaker: I see the hon. Member for Peace River.

Mr. Williams: Mr. Speaker, I move that we adjourn debate.

[Motion to adjourn debate carried]

Government Motions

(continued)

The Acting Speaker: The hon. Government House Leader.

Time Allocation on Bill 1

15. 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 third 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, through you to all the members of this Chamber: we have had quite a bit of time now

discussing Bill 1, and I would think that nobody would argue that point. We are now coming upon 17 hours of debate for this bill. That’s plenty of time to get points across and make it clear how you feel about it.

It’s interesting. We have known the intent of the members opposite from the very beginning when they chose not even to debate it at all, voting against it in first reading, something that happens rarely and having never happened in the history of our province after a throne speech. But that is also not surprising given that this morning, as a press conference was held by the members opposite, their key adviser from Ottawa had acknowledged he hadn’t read it either – hadn’t even read the amendment – so I’m not sure how someone like that could give any educated opinion on a bill if they haven’t even seen it.

I imagine members opposite, if they had the opportunity, would actually want to debate this bill all the way up until Christmas. That’s not the kind of present that I want to give my kids, not being there. I would rather do what’s best for Albertans: get this bill through this Chamber so that we can continue on their duty and continue on their errand. I encourage healthy debate as it is an important part of this Legislature. It’s part of our job, but there comes a point when the same message gets repeated over and over, Mr. Speaker, quite frankly, is a bit disingenuous. I felt this way from the moment the members opposite voted against it in first reading.

With that, Mr. Speaker, I will take my seat.

The Acting Speaker: Thank you, hon. member.

Any members of the opposition wishing to speak? The hon. Member for Edmonton-North West.

Mr. Eggen: Well, thank you, Mr. Speaker. Certainly, again my comments on the other movements to closure apply to this one. Again it’s clear that this UCP government has created a flagship bill that is consistently driving in the ditch from the very first day that it came out. Here we are several days later, and it’s continuing to flounder, not meeting the needs of Albertans, even considering what the bill purports to do or tried to do, which is, you know, to stand up to federal intrusion. It’s only through sheer incompetence it fails to do that either.

You know, really, it’s best that we clear the air about that, because I know what this government is going to try to do now is invoke closure in the middle of the night and then try to respin this whole sorry mess into something that better suits them when we need to clear the air, clearly, around all of the shortcomings of this bill. The amendment that the hon. Member for Edmonton-Rutherford just brought forward is just the latest development that has only more clearly shone a light on the Assembly of First Nations and their universal condemnation of both this bill and some version of it in Saskatchewan, and people need to know that.

The way by which we do those things is to use the Legislative Assembly. You know, part of the criticism of Bill 1 was the subversion of the Legislative Assembly. What double hypocrisy and irony – that’s irony, actually – of this government, that they would use the shutting down of this Assembly to debate a bill which would subvert the authority of this Assembly, right? It just goes on and on. In the strongest terms I would urge all members to not vote for this request for closure, and instead we will continue with a fulsome debate, starting with the wonderful amendment that the Member for Edmonton-Rutherford brought forward on this bill.

Thank you.

[The voice vote indicated that Government Motion 15 carried]

[Several members rose calling for a division. The division bell was rung at 11:09 p.m.]

[Fifteen minutes having elapsed, the Assembly divided]

[The Speaker in the chair]

For the motion:

Copping	Lovely	Shandro
Dreeshen	Luan	Smith, Mark
Ellis	Madu	Turton
Fir	Nixon, Jason	Walker
Guthrie	Pon	Williams
Hanson	Rehn	Wilson
Hunter	Reid	Yao
Jones	Rowswell	Yaseen
LaGrange	Schow	

Against the motion:

Bilus	Eggen	Irwin
Carson	Feehan	Phillips
Dach	Goehring	Sweet

Totals: For – 26 Against – 9

[Government Motion 15 carried]

Government Bills and Orders

Third Reading

Bill 1

Alberta Sovereignty Within a United Canada Act

(continued)

The Speaker: Hon. members, are there others on amendment RA1? Seeing none, I am prepared to call the question on the amendment RA1.

[Motion on amendment RA1 lost]

The Speaker: We are on third reading of Bill 1. Is there anyone wishing to join the debate? The hon. Member for Edmonton-McClung.

Mr. Dach: Thank you, Mr. Speaker. I'm pleased to speak to third reading of Bill 1 and the opportunity being granted to the government side to save their ship by His Majesty's Loyal Opposition. This caucus is held together by we're not sure what these days. Perhaps it's fear of loss, but indeed we have six leadership candidates, five of whom lost, and, of course, the Premier won, so five of those individual leadership candidates who are still in the UCP caucus voted with their voices against the sovereignty act as it was being proposed by the Premier during the leadership debate, yet after that vociferous and very loud condemnation of the act, here we have a situation where all five have fallen into line and are standing up to salute the new leader and supporting this version of the sovereignty act. Indeed, not much has changed since the first version came out although there has been an attempt to make the bill palatable.

However, Mr. Speaker, I've been watching politics for many, many years, and as a youngster I do even remember watching John George Diefenbaker, then Prime Minister of Canada, Conservative Prime Minister of Canada, staunchly defending one issue or another on black and white television when I was only five or six years old, and I can tell you with certainty from my own watching of that man, Mr. Diefenbaker, that he had a very, very devoted love for our parliamentary institutions and would be, I believe, a most staunch defender of those institutions that many of the people in this room,

particularly on the Conservative side, might have ever seen. I believe wholeheartedly that Mr. Diefenbaker would be turning in his grave right now listening to the type of attacks that we're seeing by the Conservative Party, at least the Conservative Party in name, that sits across from us in this Legislature. They are seeking to do anything but conserve our democratic institutions.

Further to that, at a time when we're supposedly in this country seeking to fulfill our obligation to address all 96 recommendations of the Truth and Reconciliation Commission, reconciliation is not what we see from the government with respect to this piece of legislation, their flagship Bill 1. It indeed is a time, Mr. Speaker, when we are discovering thousands upon thousands of graves of children that are being discovered across Canada on lands adjacent to former residential school sites. At a time when we are going through this shuddering time as a nation, we're finding that the government of the day here in Alberta is choosing to forget and turn their back on our obligations not only under TRC but in their own provincial legislation.

11:30

Once again I turn to our own Alberta government website, where we're looking at the requirement to consult with First Nations, Mr. Speaker, and indeed what's happened is that there has been no consultation. Even though the government tries to deny this, explaining that they have spoken a little bit or they're going to speak later to Indigenous organizations, it's spelled clearly out in our own legislation and the website that the Aboriginal consultation office, or ACO, has guidelines, specific guidelines, varied guidelines, huge numbers of pages of guidelines unto describing exactly the process for Aboriginal consultation that has to take place under the rules in this province that exist. Yet none of them were followed by this government when it came to bringing forward this sovereignty act.

The First Nations chiefs have come forward to protect their rights, which they feel are very much under threat. That's not any surprise, but it is really, really disappointing and shameful that at this point in time in our history, when we're going through a period of recognition of our obligations under the Truth and Reconciliation Commission, when as a nation we're looking at thousands of children's graves being discovered, the First Nations chiefs are unanimous in their opposition to this bill. They're also very upset that they had to go to this extent to protest this threat upon their rights that they see embedded in this piece of legislation. Their opposition is being met with dismissive reactions by the government, where they'll say, "We'll talk about it later" or "We'll talk with them tomorrow; we'll consult afterwards; don't worry, it'll be okay." Well, indeed, Mr. Speaker, our obligation legally, under our own laws in this province, is to consult in advance and have meaningful consultation.

There are other communities, Mr. Speaker, who feel threatened by this legislation, and one that has not been really brought forward, though, is the francophone community. La communauté francophone ici dans la province de l'Alberta a grand peur de ce projet de loi. They fear very much that any legislative gains that they have made in order to promote the French language and French language education in this province are potentially going to be under threat should the provincial government decide that indeed they don't want to support federal government directions in francophone education or supporting francophone services in Alberta. So there's great fear in the francophone community that we're hearing about as members of the opposition. That's one thing that we'll be following up with more in time to come.

There are so many holes in this boat, Mr. Speaker, that we're trying to give the government of the day an opportunity to save their leaky boat, but it doesn't seem as though they're listening. Let's give them an opportunity to take a breath and reload and perhaps

think about this for a while. I therefore have an amendment that I'd like to propose.

The Speaker: Hon. members, this amendment will be referred to as HA1.

If you'd like to go ahead and proceed, you'd be welcome to do so.

Mr. Dach: Thank you very much, Mr. Speaker. I'll proceed with the introduction of the amendment, brought on behalf of the hon. Opposition House Leader, to move that the motion for third 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 third time but that it be read a second time this day six months hence."

This, as I said, will offer a life preserver to this government to save their sinking ship and to perhaps tell Albertans that they've heard them loud and clear and will be able to perhaps completely withdraw this legislation six months hence, once they've really gotten their act together within their own caucus and perhaps been able to inform their leader of caucus, the Premier, that they fear for their political lives if indeed the decision is made to go forward with this piece of legislation.

I'm not going to speak at length to the amendment. I'll leave that to other members of caucus. Suffice it to say, Mr. Speaker, that I remember times when we were in government and the opposition suggested indeed that we should look at something a little more deeply, and there were times when we should have. This is an opportunity for this government to really take a good look at what they're doing and perhaps save their leaky ship.

I'd invite them to come up and speak about the amendment we brought forward and, hopefully, support it to give themselves an opportunity to breathe some fresh air and really think about what they're doing in terms of the political liability that they're giving themselves and the economic damage that they're doing to our province by bringing forward this undemocratic legislation.

The Speaker: On amendment HA1? The hon. Member for Edmonton-Beverly-Clareview.

Mr. Bilous: Thank you very much, Mr. Speaker. I will speak for my full time, and that won't be long enough. First, I can say to the Member for Bonnyville-Cold Lake-St. Paul that there were times in our government where we did bring in amendments to our own bill, and there were times that we admitted when we got it wrong. That's something that I'm proud of, to have the humility and the ability to be able to do that. I wish the current government would do that. What I'm about to speak to is my frustration of the members opposite and some of their level of arrogance as to the impact of this bill.

Now, I will commend the members opposite. When we were government, there were times that they warned our government of unintended consequences. That's what I'm going to focus on right now, Mr. Speaker. We can go back and forth and name all the different people that have validated the bill or have unvalidated the bill. Great. We can bring forward a list. The problem is the unintended consequences of this bill. If it does chase away international investment, I don't want to stand here in six months from now and say, "I told you so," because we, the province of Alberta, lose. I'm not opposing this bill because I don't think that Alberta should stand up for Alberta. I do. I do not believe, from the conversations I've had with international investors, that this is the right mechanism.

Here is a question for the government. Have you conducted a risk matrix by introducing this bill? Have you introduced a risk matrix? [interjection] Please don't change the subject. The answer is yes or no. If you have introduced a risk matrix, then please table it because every company that does business internationally or is thinking about doing business internationally will conduct a risk matrix. My fear and the reason – at every reading that I've spoken to this bill and I've spoken against this bill has not been because I don't believe we should stand up for Alberta. Check *Hansard* over the last three nights. I agree that we need to stand up for Alberta. I agree that the federal government has at times overreached. [interjection] I appreciate the Deputy Premier is chirping.

11:40

We have stood up for this province time and time again. I will get the Premier to check the fact that the first pipeline to tidewater in 50 years is being built because the Member for Edmonton-Strathcona and the former Premier stood up for this province. How many pipelines has your government built to tidewater? None. [interjections] Please. Please. I have the floor.

The Speaker: Order. Order.

Mr. Bilous: None. None.

Here's the biggest concern. For a government that is supposed to be conservative – and I'm saying that it's supposed to be – in their risk analysis, my friends on the other side, you are risking the future of Alberta for the next 30 years with this piece of legislation that is to appease 1 per cent of the population.

The irony in the fact that this government introduced the most undemocratic, dictatorial piece of legislation . . . [interjection] No. Please don't "come on" me. No other government introduced a piece of legislation that allows them to unilaterally change any legislation, statutes, or regulations in the province behind closed doors. If that's not undemocratic, I don't know what it is. Well, other than introducing closure, but of course when they were opposition, then they cried, and now that they're government, it's okay.

An Hon. Member: You set the precedent.

Mr. Bilous: The irony of a member saying that we set the precedent. You're right, because we've been government since 1920. Wait. No, we haven't. No. That was Conservative governments who used closure for the last 75 years.

Mr. Madu: My party built this province. In four years you destroyed it.

The Speaker: Order. Order.

Mr. Bilous: Deputy Premier, I will invite you to speak, and I'm happy to get into an exchange, sir, through you, Mr. Speaker, of course.

The issue I have with this and my frustration is that members can claim, including cabinet, that this will not risk future investment. Here's the reality: you don't know that. You don't. This is the challenge with introducing legislation having unintended consequences. The problem is that it may take six months or 12 months before we see the impact of this legislation, but what we've been told – and I get that you don't want to take our word for it. Fair enough. The international investors I've spoken to have said that they are looking at other jurisdictions, no longer looking at Alberta. Why? Because Alberta is the only jurisdiction in Canada outside of Quebec – I'll talk about the impact of Quebec. Believe me.

If we want to follow Quebec, let's just follow the headquarters of all of the major financial institutions. Members who have been in the House the last two nights have heard this. All of the major financial institutions had their headquarters in Montreal until Quebec introduced their sovereignty act, and then where did they go? They left Quebec because, they said: we're not about to play by two different sets of rules between the province and the federal government. They all went to Toronto; 40-plus years later they're all still in Toronto. They're not moving back to Quebec, and Quebec is just now starting to recover from introducing a sovereignty act.

Now, I appreciate members opposite are saying that we're fearmongering. I'd like to think that what we're doing is trying to provide caution to the government from what we've heard from the international community. You know what? If we're wrong, and this doesn't impact international investment and investment into Alberta, I'll stand up and apologize, and I'll say that I got it wrong.

Mr. Madu: I commend you for that.

Mr. Bilous: But here's the problem. If we are right . . .

Mr. Madu: You won't be right.

Mr. Bilous: The Deputy Premier keeps talking as if he is God or he has some kind of globe that can predict the future. Through you, Mr. Speaker, with all respect, you don't know, and you haven't conducted a risk matrix. If you have, table it.

The problem is that if we are correct and this bill has long-reaching implications of chasing away investment, we will find that out in the long term. But the problem is that damages will be done. I don't want to stand up and say that we were right. We're cheering for Alberta. The problem is that the risk-reward of introducing the sovereignty act – it's not going to do what the government says it's going to do. It's not going to protect Alberta any more than the avenues we already have of going through the courts.

In fact, it's about to risk the hundreds of millions of dollars the federal government has committed to housing, to municipalities, to child care, a number of initiatives. If the federal government says, "You want to play hardball, Alberta? Great; you get nothing," how are we ahead? We're not. I want to see our province prosper, but I'm worried about this, and I'm worried about this from conversations with international investors. I'm not making this up. The potential downside and risk of this bill far outweigh the benefit.

That's why the opposition has opposed this bill right from the start. Now, I get that it was unprecedented for us to vote against first reading. I'm not a fan of that tactic, but I can tell you this. We had already heard from international investors when the Premier was talking about a sovereignty act months before it was introduced. There were consequences. Companies had said: we're going to put Alberta on pause until we see what's in the sovereignty act. That was months before it was introduced. Companies are not going to wait around to make investment decisions. Boards will make their decisions, and if Alberta is deemed risky, they will go somewhere else. It's already happened.

So the fact that now we're about to enshrine a sovereignty act into legislation – I will tell you, from the investors I've talked to, that it doesn't matter what's in it. The fact that you have a bill that tells the globe that the province of Alberta has a different set of rules from the federal government is a disincentive for investment. It's an additional risk, and for all the businesspeople on that side – and I know that there are several – investments don't like risk, and they will go to the jurisdiction that has the fewest risks and the most certainty. The reason I'm opposing this bill is that it presents risk and uncertainty.

As I've said, if I'm wrong and in a year from now there has been zero investment flight and zero impact, I'll get up and say that I was wrong. The problem is that if it's true, what the investors and the international investment community are telling us, that this will be a disincentive, then we are putting Alberta at a disadvantage, and I love this province too much to support a bill that could do that. I honestly also don't believe that the bill will deliver what the government thinks it will.

Again, I'm happy to have a conversation about: what are other mechanisms or tools that Alberta can implement to stand up to the federal government when they overreach? I'm happy to have that conversation. In fact, I think we should bring together several round-tables, including members from the business community, and let's talk about that: what can we do?

11:50

But I also think that politics is all about relationships, and the fact that this bill could have other unintended consequences like risking committed federal dollars for other programs, including housing and child care, is valid. We need to be able to deliver for the people that we represent. I don't think that this bill or that the approach that this UCP government has taken over the past four years have delivered for Albertans, and I mean that sincerely. As I've stated, I'm happy to sit down and have a conversation on: how do we deliver? Is there a way for the opposition and the government to agree on initiatives where we can go together to the provincial government to say, "You need to do ABC, and here's why"? But I cannot support this bill because of the potential risks and implications that come with it. It honestly makes me nervous for where we're going to be in a year from now.

With that, Mr. Speaker, I urge all members to halt this bill. Vote in favour of the hoist.

The Speaker: The hon. Deputy Premier.

Mr. Madu: Thank you so much, Mr. Speaker. I want to very quickly respond to the comments made by the Member for Edmonton-Beverly-Clareview. I must admit that I actually appreciate the Member for Edmonton-Beverly-Clareview making the comment that he's now prepared to sit down with those of us on this aisle to think about how we work together to make sure that we prevent the constant attack by the federal government, something we have not heard from the members opposite since I have been in this Assembly.

This bill, Bill 1, came about as a result of the constant, relentless attack on this province's economy, our people, our vital economic interests. For years the members opposite, rather than siding with Albertans, have always sided with their friends at the federal Liberal government and now their federal NDP leader, Jagmeet Singh. Mr. Speaker, this is at the root of why we have gathered in this Assembly tonight, to make sure that we have a tool that will allow the government of Alberta to say to the federal government: you can't be relentlessly attacking our vital economic interests and our people's overall well-being and expect us not to respond.

We saw that between 2015 and 2019, when the members opposite were in office, in government. They imposed multibillions of dollars in carbon tax that they did not even bother to run on. They did not tell Albertans that they were going to impose multibillions of dollars in carbon tax. I wasn't in this Chamber then, Mr. Speaker, but I recall the people of Alberta protesting that decision. In fact, it is the decisions of the members opposite that ultimately led me into politics. I did not envision running for public office until the members opposite formed government, in 2015. Then they began their attack on our economy, and they refused to listen to the people of Alberta.

They pursued policies that undermined our exceptional economic advantage to the point where Alberta was nearly on its knees.

Mr. Speaker, here are the facts. By the time they were done with Alberta, 183,000 of our fellow citizens were out of work. They brought in that carbon tax, that made everything so expensive and made life less affordable for the ordinary guy. They ran a deficit for every single year, in the billions of dollars, that they were in office. They took our debt, the entire provincial government debt, from \$13.9 billion to over \$70 billion in short order. Before they formed government, we were spending a couple of hundred million dollars to service the provincial government debt, all of our debt. By the time they were done with Alberta, we were spending \$2.2 billion to service the provincial government debt.

Mr. Speaker, that is \$2.2 billion we could have invested in education, in health care, in social services. Instead, we are paying out this interest to bond masters who are not even in this country. They are headquartered in Tokyo, in New York, in Paris, and in Beijing. Those of us on this side of the aisle would prefer to spend that \$2.2 billion on our people right here at home to develop our communities. They didn't end there. We were constantly being downgraded by the rating agencies.

They befriended Justin Trudeau and claimed that they were going to buy social licence to be able to protect our economy. Instead, we got Bill C-69, the so-called no-more-pipelines bill. We got Bill C-48, that singularly targeted Alberta's bitumen. We then got a carbon tax. Alberta was under attack. Federal legislation after federal legislation by the Trudeau federal government was being imposed and rammed through against Alberta's economic interests. Our people were crying, pleading with the opposition to work to defend Alberta. They lifted no finger, Mr. Speaker.

We now have, in my view, my humble view, the worst environment minister in Canadian history, a radical who wants to end the largest sector of the Canadian economy, the oil and gas sector. Mr. Speaker, there were rallies by the members opposite across our province with radicals that wanted to end fossil fuels. There were photographs of members opposite . . .

The Speaker: I hesitate to interrupt. However, I have been personally part of a point of order in this Assembly as a member with respect to the use of the word "radical" and directing it at other members of the Assembly. I would encourage the Deputy Premier to make other choices.

Mr. Madu: Thank you, Mr. Speaker. I was referring to the federal environment minister, not to the members opposite.

Mr. Speaker, we are now at a point where Alberta, as a province, as a people, must defend this province's vital economic interests; hence, this critical bill. That is exactly what this bill is meant to accomplish, nothing more, nothing else.

Mr. Speaker, this amendment HA1, put forward by the members opposite, would essentially say that this bill should not proceed. That is shameful. On one hand the members opposite finally – at least I want to give credit to the Member for Edmonton-Beverly-Clareview for acknowledging that there is a need for us to come together to protect our province and our people, but it is too late. What have they put forward on how they think we can make this bill better achieve that? Their intention is to ensure we have no tool whatsoever to be able to say to the federal government: you've got to stay in your lane.

12:00

They don't want to do that because that is not their interest. It has never been their interest. Otherwise, at this moment in time in our history, when we have rising inflation, high cost of living, at a rate

we have never seen in a decade, you would think that their first order of business would be to call on their federal NDP leader to work with his friend Justin Trudeau to end the carbon tax or to put forward measures that will ensure that the people of this country are not being hammered by their policies. That is not the case. So, Mr. Speaker, the answer is no. The bill as crafted with the amendment that has been made before the floor of this House achieves that, provides that tool for us to be able to say no to the federal government.

I also heard, you know, an argument that this violates treaty rights pursuant to section 35 of the Constitution. Nothing could be further from the truth. To the contrary, Mr. Speaker, this bill in section 2 makes it clear that the treaty rights enshrined in our Constitution are preserved. It is there in black and white. Rather than the members opposite standing with us to inform Albertans and to speak with our First Nation communities that there's nothing in this bill that impairs their treaty and Aboriginal rights, they have been fearmongering.

Mr. Speaker, let me say a word or two to our First Nation communities. I have had the honour of serving in four different ministries. I've worked closely with them. I value them, and this government values that strategic relationship. In my time that I served in those ministries, I have carefully listened to them and worked with them to move forward their agenda.

Member Irwin: On Bill 1?

Mr. Madu: There is nothing in Bill 1 – to the Member for Edmonton-Highlands-Norwood: there's nothing in Bill 1 that impairs their treaty and Aboriginal rights, and it is high time you stop fearmongering. These divisive politics need to come to an end at some point for the sake of our province.

Mr. Speaker, you know, many people here don't know – I often don't talk about my own history. Our First Nation communities are so dear to my heart, the chiefs, because my own parents, both my mom and dad, are also Aboriginal chiefs from where I come from. So I understand the issues that they confront and they deal with, and all of us must have an interest in making sure that we work with them to confront them. I want to say once again to them: we hear their concerns. We hear their desire for us to work with them, but the bill currently being debated in this House, in the most respectful manner, takes into consideration the need to protect and preserve their Aboriginal and treaty rights. This government will continue to dialogue with them, work with them to ensure economic opportunity in a manner that furthers true reconciliation.

With that, Mr. Speaker, I urge all members of this Assembly to vote on this proposed amendment.

The Speaker: Are there others? The hon. Member for Lethbridge-West.

Ms Phillips: Thank you, Mr. Speaker. I rise to provide a few comments on why this bill ought not be considered by this House at this time. We have had a number of conversations in the media and elsewhere. We've seen many, many people weighed in on the risks to our investment climate, certainly our economic future, our economic resilience, and there is no question that part of that is because it represents a full-throated attack on the stabilizing principles of liberal democracy, namely separation of powers and primacy of the judiciary. It's useful to consider why the centrepiece of this legislation is actually to have this Legislature take the role of the judiciary. I have indicated that, certainly, when one consults the architects of the free Alberta strategy, one sees a politicization of the federal judiciary, a distrust of the judiciary, and – it is a feature, not a bug – a co-ordinated political attack on the role of the judiciary and their independence.

Now, here's the thing: why? Why is that there? And why is this sovereignty act essentially indistinguishable from what was campaigned on and what is contained in the free Alberta strategy? In fact, it was quite interesting to me that there wasn't a pivot, as was widely anticipated a week or eight days ago. A number of people had begun to comfort themselves out in the investment community and so on that perhaps the province, given the deep unpopularity of the legislation and the fact that we know that the government and the various leadership candidates heard loud and clear from the business community that this sort of misadventure was, in fact, a deeply problematic, destabilizing proposal coming from the now Premier.

If we examine the words of the free Alberta strategy and the architects of it – architect is actually the people who wrote things down in a legal document that makes Rudy Giuliani look like a legal scholar. Barry Cooper, June 21, 2022, writes that the free Alberta strategy and the sovereignty act in particular were meant to be unconstitutional because what can flow then, from the passage of a sovereignty act whereby the Legislature takes up the role of the judiciary, is the following. Here's what they can then do. Interim measures are things like getting rid of the RCMP, an Alberta pension plan, Alberta unemployment insurance, a new Alberta banking law, and “opting out of federal programs that interfere with provincial jurisdiction, chiefly in the areas of health, education, resources and [environment].” All of those aspects are in fact enabled, emboldened, by this act.

Then Mr. Cooper goes further. Other measures that flow from the passage of a sovereignty act require the passage of this act in order to get to the following: “replacing Canada in negotiating international trade agreements . . . ensuring all judicial appointments in the province are made by Alberta,” which is a clear section 96 violation of the Constitution right there, “expanding and enhancing Alberta's financial institutions to protect Alberta businesses”; in other words, just simply violating the Bank Act, I guess, and enabling this Alberta revenue agency to divert taxes from the federal treasury to Alberta and granting immunity from federal enforcement through the Canada Revenue Agency.

I am struggling to think of any business that would want to invest in a place where you don't know if there are health and education transfers, infrastructure transfers, what the banking laws are, where you're going to remit your taxes and how much. Given that the sovereignty act is virtually indistinguishable from the free Alberta strategy and the free Alberta strategy authors have indicated that this is the next step, it is no wonder that we have heard from business loud and clear. They need to know what the rules of the road are.

12:10

The public, I think, has come to accept that politics permeates and saturates most of life now, and there are fewer and fewer areas, slivers, within that Venn diagram upon which, in a polarized political environment, political parties can come to agreement. But I think Canadians and Albertans do not accept that what's right and wrong is political. It's not. I don't think that Albertans accept this idea, that there isn't just one set of rules for everyone. I don't think that people think that there's room for politics in that. I don't think that Albertans think the idea that we can just politicize the judiciary, usurp their role, undermine the authority of the courts, undermine basic rules of trade and commerce, of banking, of taxation – I don't think Albertans believe those things are political. They're not up to the feckless inclinations of an unelected leader. I don't think that Albertans or Canadians, but certainly Albertans, expect that we politicize the basic traffic signals of our democracy. We just don't.

These stabilizing principles are what give us the good life. I have said this many times. They're what give us equality, dignity of the person, individual liberty. They are what govern our property rights transactions, trade, and commerce. They are what govern scientific advance, development of knowledge, dissemination of knowledge, widespread literacy, even. It is the type of society that allows for people of working-class backgrounds whose parents never went to university to come and, you know, achieve a couple of university degrees and then stand in a Legislature and represent their constituents for now almost the end of two terms. They are the foundation of who we are, and they're also the foundation of who we are going to be, because this is ultimately a fool's errand that will be stopped in its tracks by Albertans.

It already has been. They didn't even need to see – the reason why we voted against first reading on Bill 1 was because we had already heard that it had driven out investment. We had already heard from Albertans that they were entirely uninterested in this particular caper. They had rejected it, in fact, and they agreed with the now Minister of Finance, who called it an economic time bomb. They agreed with the current jobs minister, who called it a fairy tale. They agreed with the now Municipal Affairs minister, who called it anarchy, and the minister of trade has said that it was like shooting ourselves in the foot. We shall see in the coming weeks from the publicly available data that comes out just how much more Albertans agree. We already know that over 60 per cent of Calgarians do not think that this is an appropriate way for the provincial government to be spending their time.

I have heard over and over again a number of excuses made, chiefly among them this idea that we should be more like Quebec. “Oh, Quebec gets to do these things. Why not us?” When the Parti Québécois began these ridiculous misadventures of separating from Canada and so on and so forth, hundreds of thousands of people left the province of Quebec. There was a capital flight unlike anything we've ever seen in the history of the country. It is only very recently, in the last four or five years, that Quebec has returned to stable economic growth. They have had some very good news coming out of, in particular, the city of Montreal in terms of attracting new investment and new industries, economic diversification, and so on, and it is only since they essentially left behind the fractious politics of federalist first and sovereigntists that had dominated the landscape for so long.

Legault made himself a coalition of centre-right parties, essentially, with the sole goal of moving beyond the cul-de-sac that the sovereigntists and separatists had driven the province into for the previous 40 years. They took power, and they rewon it.

The Parti Québécois is, I want to say, the third party, I'm pretty sure, and they compete with the Québec solidaire, after the last election that was in September, I think, for, like, fourth-party status. They are barely a ripple in Quebec politics anymore, but it took that long. It took that long. Meanwhile, as my hon. friend indicated earlier, the capital flight was staggering. It would be impressive if it wasn't so depressing for the people of Quebec and so destabilizing to the Canadian economy more generally.

We don't need that. I'm pretty sure we don't want to replicate that. When you even look at the economic performance between Alberta and Quebec per capita GDP and so on, I'm pretty sure we don't want that, because that would mean a reduction in our standard of living here in Alberta. We don't want to be like Quebec in those ways. I don't think you think what you think you think.

What we do want is to create a resilient economy for the future, where we welcome investment, where we can quite easily say: yes, the Bank Act applies here, and when you pay your taxes, you know where it's going to go. When you put in a Water Act permit, you

know what's going to happen. If you're an oil sands operator, you know what the future of the joint oil sands monitoring agreement looks like. You understand your obligations under both navigable waters, federal species at risk, and the lower Athabasca regional plan, both federal and provincial. The rules are clear. The expectations are obvious. The investment climate is stable. The only way we get there is by rejecting this hot mess bill.

Thank you, Mr. Speaker.

The Speaker: The hon. the Premier has risen.

Ms Smith: Well, thank . . .

The Speaker: My apologies. I'm sorry. You actually moved the bill, or third reading was moved on your behalf, which means you've actually already spoken. My apologies. You're unable to speak to the bill.

The hon. Member for Edmonton-West Henday.

Mr. Carson: Well, what a delightful surprise, Mr. Speaker, to be able to likely wrap up our final opportunity to speak to this absolutely terrible piece of legislation. [interjection] If somebody just wants to send me a note if I need to – okay. Wonderful.

Mr. Speaker I've had the opportunity to sit through the majority of this debate on the job-killing sovereignty act, Bill 1, that this government put forward, a flagship . . .

The Speaker: Sorry. My apologies. We're on the hoist. Because we're on the hoist, this is possible. If we were on the actual reading, we wouldn't be allowed.

She has five minutes or whatever time she would like to take.

Ms Smith: Thank you, Mr. Speaker. I hope I can get everything in in five minutes. I understand that the members opposite have been trying to derail any discussion of this bill from the beginning. They didn't even want to read it when it was first introduced. They voted against it in first reading. Then they asked the Prime Minister to weigh in and revoke the bill, denied, of course, doing that. I think they understand why it is that people reacted so, so badly in asking for the federal government to come in and interfere in our jurisdiction, because that is exactly what they and their party leader at the federal level have been enabling with the coalition they have in Ottawa for the last number of years.

I find it so remarkable that they've been talking about investment like capital flight, saying that it has been – they're projecting that there would be unprecedented capital flight. Well, that would be hard to beat because there was unprecedented capital flight when they brought through the climate leadership plan. That was once again partnering with our enemies who want to shut down our industry to try in some flawed way to get appeasement with Ottawa. I don't know why it is they felt that they needed to suck up to Ottawa. It's not like Ottawa is a national government. The way our country works is that we are a federation of sovereign, independent jurisdictions. They are one of those signatories to the Constitution, and the rest of us are signatories to the Constitution and have a right to exercise our sovereign powers in our own area of jurisdiction.

12:20

The problem that we've seen over the last number of years – and when I talk about the loss of investment that occurred because of this failed attempt at trying to chase after federal approval. The climate leadership plan brought in a carbon tax which – three aspects: carbon tax, phase-out of coal, and an emissions cap. One of the things that occurred, of course, was that Northern Gateway ended up getting cancelled, cheered along by the members opposite.

They never supported Northern Gateway, which would have done so much to help advance our economy. Energy East, once again, also got shut down with no support from the opposition. Koch Oil announced that they had two oil sands projects that they walked away from because of the uncertainty being created by the climate leadership plan. We also had the Keephills plant, a coal plant in operation for just six months when the actions of the members opposite forced it to shut down.

We still have uncertainty in the electricity industry and in creating new generation as a result of those decisions. I was just meeting with a group of energy leaders in the retail side yesterday, talking about how in the future, after 2035, it's uncertain how we're going to develop new natural gas plants because of the new requirements being brought in at the federal level. This is again a violation of our provincial jurisdiction. And then, of course, Western Feedlots also shut down. They only reopened when the UCP formed government again.

In the year after they got elected, there were 7,200 businesses that shut down. That's what capital flight looks like. It was caused by the actions of the members opposite. So, really, they should spare me any discussion about how much they care about the investment climate, because if they cared about the investment climate, they wouldn't have started this track in the first place. The reason this track is continuing is because of their coalition at the federal level, and this is part of the reason why they keep on trotting out Ottawa-based pundits to support their view, because this is the way they think the country ought to work, that Ottawa ought to come in and tell us how to run our own affairs.

The members on this side feel the opposite. It's because of hit after hit after hit that we have taken as a result of the process they started. Bill C-48, a tanker ban on the west coast that is designed strictly to land-lock Alberta's bitumen, came in under their watch. Bill C-69, which is an historic invasion of provincial jurisdiction – we already have a court judgment telling us so. We have 10 provinces onboard with fighting it, because they inserted themselves into every area of provincial jurisdiction when it comes to creating projects. Any power plant more than 200 megawatts has to be approved by the federal government. Any stretch of highway 75 kilometres long has to be approved by the federal government. On anything that they determine is federal jurisdiction, even if it's 100 per cent within our borders, they can intercede and tell us: sorry; you can't build that. That is such a violation of provincial jurisdiction.

When you look at the fact that we had an equalization referendum, 62 per cent of Albertans voted in favour of pushing back against Ottawa, and I think that was only one aspect of us trying to start a conversation so that we could get a fair deal out of Ottawa after we did the Fair Deal Panel all across the province. What did we get instead? We got environment minister Steven Guilbeault, and what has he done since he got into the position of environment minister? Has he come with an open hand and said, "Hey, let's work together; let's try to find ways that we can export more LNG; let's find ways that we can work on carbon technology; let's find a way that we can develop the hydrogen economy; let's work together on getting more of your resources to market"? No. The exact opposite. He announced an edict that we were going to be moving to an electricity grid that does not allow for any fossil fuel based power to be on that grid after 2035.

We've got 90 per cent of our electricity in this province generated by natural gas, and the cost associated in this short period of time of trying to develop new power with carbon technology and carbon capture – just in such a short period of time to enable more of that development. This is too short a time frame to be able to achieve that. What's going to happen when we hit 2035 and they're now telling us we can't build power plants, when we talk about, as well,

that they came in and said that they want to phase out combustion engine vehicles so no more can be sold after 2035? That's only 13 years away. What in the world do they think is going to happen?

Have the members opposite even talked to anybody about the impact it would have, what it is that we need to have to increase the capacity of our electricity grid to be able to accommodate . . . [interjections]

The Speaker: Order. Order. The hon. Member for Edmonton-Rutherford will come to order.

The Premier has the call.

Ms Smith: Have they even talked to anybody in the electricity business about what it would cost to upgrade the power grid in order to put a hundred per cent plug-in vehicles on the road by 2035? I was in Wainwright, and I talked to somebody who wanted to put two Teslas in his home. It would have cost \$20,000 to upgrade the electricity system just to plug in those two vehicles. [interjections] Our current electricity system . . .

The Speaker: Order.

Ms Smith: . . . only allows for us to have six vehicles on a single block plugged in before, all of a sudden, we have to do a massive investment in our power grid. Are they even – how are we going to do that if the federal government is dictating to us that we're not allowed to add new power? They also began the just . . . [interjections]

The Speaker: Order.

The hon. Premier.

Ms Smith: They also began the just transition task force. What is the just transition? Well, when it was applied to coal workers, it just transitioned coal workers completely out of work. They want to have a just transition, as they call it, of oil and natural gas workers completely out of the business as well. This was also started at the federal level.

In addition, what have we seen? As we were going through our leadership contest, they announced that they wanted to have an emissions cap on fertilizer of 30 per cent. They put a warning label on beef, for heaven's sake. It was only because of massive push-back on the industry that they finally relented on that and realized that they had to consult more. They've announced an emissions cap just prior to our leadership race even being over. We're right in the middle of choosing a new Premier, and on September 30 they put forward a policy consultation to put an emissions cap on our oil and natural gas emissions that would reduce emissions 42 per cent by 2030, right in the middle of our leadership contest. What disrespect for our process here. It isn't even their area of jurisdiction.

Now, of course, our Member for Bonnyville-Cold Lake-St. Paul has spoken eloquently as well about the . . . [interjections]

The Speaker: I hesitate to interrupt – and I do apologize to the Premier for neglecting to recall that we were on the hoist amendment at the beginning of her remarks – but pursuant to Standing Order 21 the time allotted for this debate has concluded. I am . . . [interjections] Order. Order. Order.

I am required to put all questions to the Assembly to dispose of the items before the Assembly with respect to third reading of Bill 1, Alberta Sovereignty Within a United Canada Act.

[The voice vote indicated that the motion on amendment HA1 lost]

[Several members rose calling for a division. The division bell was rung at 12:28 a.m.]

[Fifteen minutes having elapsed, the Assembly divided]

[The Speaker in the chair]

For the motion:

Bilous	Feehan	Phillips
Carson	Irwin	Sweet
Dach		

Against the motion:

Copping	Loewen	Shandro
Dreeshen	Lovely	Smith, Danielle
Ellis	Luan	Smith, Mark
Fir	Madu	Turton
Guthrie	Nixon, Jason	Walker
Hanson	Pon	Williams
Hunter	Rehn	Wilson
Jones	Rowswell	Yao
LaGrange	Schow	Yaseen

Totals:	For – 7	Against – 27
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[Motion on amendment HA1 lost]

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

[Several members rose calling for a division. The division bell was rung at 12:45 a.m.]

[Fifteen minutes having elapsed, the Assembly divided]

[The Speaker in the chair]

For the motion:

Copping	Loewen	Shandro
Dreeshen	Lovely	Smith, Danielle
Ellis	Luan	Smith, Mark
Fir	Madu	Turton
Guthrie	Nixon, Jason	Walker
Hanson	Pon	Williams
Hunter	Rehn	Wilson
Jones	Rowswell	Yao
LaGrange	Schow	Yaseen

1:00

Against the motion:

Bilous	Feehan	Phillips
Carson	Irwin	Sweet
Dach		

Totals:	For – 27	Against – 7
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[Motion carried; Bill 1 read a third time]

The Speaker: The hon. the Government House Leader.

Mr. Schow: Thank you, Mr. Speaker. I think a lot of great work has been accomplished this evening. I'd like to congratulate all members of government caucus and the Premier on passage of Bill 1. I look forward to doing more great work on behalf of Albertans, but at this time I move that the Assembly adjourn until tomorrow at 1:30 p.m.

[Motion carried; the Assembly adjourned at 1:02 a.m. on Thursday]

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