



Province of Alberta

The 31st Legislature
First Session

Alberta Hansard

Monday evening, December 2, 2024

Day 76

The Honourable Nathan M. Cooper, Speaker

Legislative Assembly of Alberta The 31st Legislature

First Session

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Legislative Assembly of Alberta

7:30 p.m.

Monday, December 2, 2024

[The Speaker in the chair]

The Speaker: Please be seated.

Government Bills and Orders Second Reading

Bill 35 All-season Resorts Act

[Adjourned debate December 2: Mr. Amery]

The Speaker: The hon. the Deputy Government House Leader has 14 minutes remaining should he choose to use it.

Mr. Amery: Mr. Speaker, I rise to request the unanimous consent of the Assembly to move to one-minute bells for the remainder of the evening sitting.

The Speaker: Out of an abundance of caution and clarity on occasion the Deputy Government House Leader or the Government House Leader will also request for a one-minute bell upon entry into Committee of the Whole. Not suggesting that that's what you want to do, but if you get to committee and then you request it, it doesn't work that way. So just for the remainder of the evening, or do you want to include Committee of the Whole?

Mr. Amery: I will request it for the evening, including the Committee of the Whole.

[Unanimous consent granted]

The Speaker: The hon. Deputy Government House Leader still has 13 minutes remaining should he choose to use it.

Are there others wishing to join in the debate? The hon. Member for Banff-Kananaskis.

Dr. Elmeligi: Thank you, Mr. Speaker. I rise today to speak to Bill 35, the All-season Resorts Act.

An Hon. Member: Hear, hear.

Dr. Elmeligi: Oh, thank you. Thanks for having me. I know it's our first evening session, or my first evening session, anyways.

An Hon. Member: Here all week.

Dr. Elmeligi: Yeah. Here all week.

I want to start, Mr. Speaker, by saying that I am, as the MLA for Banff-Kananaskis, obviously supportive of a strong tourism industry and strong tourism development. I strongly believe in the jobs that are provided by the tourism sector across the province. I see a lot of potential for growth in this sector, and that excites me. People often think tourism is related to low-paying jobs, Mr. Speaker, and often what I say to them is that I'm pretty sure the CEO of Brewster makes a lot more than me. Tourism encompasses all levels of jobs across multiple disciplines. It is a massive economic opportunity.

All-season resorts legislation is something the tourism industry has been asking for, and it will provide consistency and predictability for the sector, which is always good. Tourism growth is important, and tourism can provide unique experiences across Alberta to celebrate our beautiful province.

I will emphasize, however, that this must be done strategically in collaboration with municipalities, stakeholders, residents, and businesses. In that vein, I have very big concerns with this bill the way it is currently drafted. The bill puts far too much power in the minister of tourism's office, which I find problematic, Mr. Speaker, because managing public lands is complex and important to be thoughtful in. The minister establishes the "principles for the identification of public land for designation as all-season [resorts]," as described in the bill. However, it is not clear in the bill who will be consulted, what principles will apply, and who will help define these principles of land that will define an all-season resort. When we read the bill, it is not clear to me where the All-season Resorts Act will apply. Where will these resorts be built in Alberta? What will be the characteristics of those lands?

One thing I think we've learned really heavily in the last couple of years, Mr. Speaker, is that Albertans care a lot about public lands. The Defend Alberta Parks campaign, the response to coal development on the eastern slopes: I think it is safe to say that Albertans are paying attention when it comes to public lands management and that they have no qualms in sharing their concerns with this government or with any government quite loudly.

Albertans want to know that developmental activities on Crown land are appropriate and fit within what they envision Crown land being good for. Albertans also want to know that municipalities and municipal districts are directly engaged in that decision-making, and I think the other thing we've seen through the Defend Alberta Parks campaign, for example, is that if people feel that their parks and protected areas are being threatened, they will fight those developments coming forward.

I'm a little bit concerned that this act needs to but doesn't ensure that protection of Crown land and that . . . [interjections]

The Speaker: Order. Order. Order. Hon. members, I know we've just returned back to the Assembly from dinner. If you'd like to continue some of those dinner conversations privately, I encourage you to do so in either of the lounges, the south member lounge. There are many places for you to do that.

I appreciate that the hon. Member for Banff-Kananaskis is the only one with the call, though.

Dr. Elmeligi: Thank you, Mr. Speaker. It would be a real shame if the members opposite missed out on all the genius that I'm spewing forth at the moment.

The other part of this bill that is problematic is that it moves the management of public lands, as defined in these all-season resorts, into the minister of tourism's hands, whoever happens to be the minister in charge of tourism. This has never been done before. Public lands are managed in this case, right now, by the Minister of Forestry and Parks and the Minister of Environment and Protected Areas. In past cabinets it's been managed by the minister of environment and parks or sustainable resource development, depending on how far back you want to go.

My point, though, Mr. Speaker, is that no minister in charge of tourism has managed public lands, so the expertise to manage public lands is in the public service under different ministries. I will say, after being a land-use planner myself in the public service, that the management of public lands is incredibly complex and requires expertise, and the reason why this is so complex is because there are a lot of things happening on Crown lands at any given moment. There are large industrial practices like forestry and oil and gas, maybe even coal. There are also communities, grazing lease holders, and, of course, recreation and trails. This complicated land management requires somebody with the expertise to manage it.

Moving all-season resorts' public lands under the minister of tourism, I think, is particularly risky for public lands management.

I also get concerned that these public lands will slowly, over time, become private without legislatively becoming private but just in who manages them and how they are managed. This raises questions around: will Albertans still have access to these public lands once they become an all-seasons resort?

I question sections 6(3) and (4), which basically say that parks and protected area boundaries under the Provincial Parks Act and the wilderness areas, ecological reserves, and natural areas act – which I will just call WAERNAHRA from now on. Section 6(3) says that no protected area boundaries will be changed for an all-seasons resort, but then section (4) says: well, unless we change the boundaries of parks and protected areas. It's interesting to me, because the process to change the boundaries of parks and protected areas is already defined in the Provincial Parks Act and in WAERNAHRA, so it's weird to me that this clause would even be in this bill at all. I am not clear of the intent behind that, but it does stick out to me as potentially creating a conversation where protected area boundaries can be changed to accommodate an all-season resort. Massively concerning.

As I have mentioned before, Albertans really seem to care about provincial park boundaries and their legislative protections. If the Minister of Tourism and Sport doesn't believe me or thinks I might be exaggerating, perhaps he'd like to consult his colleague who was the former Minister of Environment and Protected Areas and ask him how people reacted when there were 165 parks on the chopping block.

There are also amendments and connections to the Environmental Protection and Enhancement Act in this bill, and this is where I find a particular challenge, Mr. Speaker. The Environmental Protection and Enhancement Act does a lot of things, but mostly it governs the environmental impact assessment process. This applies to all kinds of developments and land-use developments for everything.

7:40

The regulations associated with EPEA, the Environmental Protection and Enhancement Act, define mandatory activities and exempted activities. Mandatory activities include things like forestry, quarries, dams, coal mining. These are activities that automatically require an environmental impact assessment. From the tourism perspective, facilities or developments that attract more than 250,000 visitors per year and are immediately adjacent to a protected area defined in WAERNAHRA automatically trigger an environmental impact assessment. That will still hold true, Mr. Speaker, but my question is: what about the developments that don't meet that incredibly high threshold? Developments that have less than 250,000 visitors a year or are adjacent to a provincial park, not a protected area defined in WAERNAHRA: will an impact assessment be triggered for those areas? The simple answer is that that will be up to the Minister of Tourism and Sport.

Well, it doesn't really make sense to me because the Minister of Tourism and Sport and the public service working under tourism has no expertise in understanding what the environmental impacts of a particular development may be. As I mentioned before, public lands and environmental impact assessments are managed by the Ministry of Environment and Protected Areas and Forestry and Parks, yet these developments could be approved without involvement from those ministries. This is hugely problematic, Mr. Speaker.

This act also exempts all-season resorts, regardless if they trigger an environmental impact assessment or not. It exempts them from going to the Natural Resources Conservation Board, and that is also

problematic. The NRCB is the body responsible for public interest reviews of major natural resource projects. Unlike the members opposite, I happen to think that Alberta's landscapes are our greatest natural resource, Mr. Speaker, and requiring all-season resorts to conduct an environmental impact assessment is critical to the success not only of the resort but to the protection of the beautiful wildlands that people come from across the world to appreciate. There is no other development that is decided by the tourism minister on public lands, so we have to ask ourselves: what does the ministry, the public service in Tourism and Sport know about the ecological function of these spaces when that expertise exists in other places in the public service? How can we have confidence that our public lands will be protected?

Similarly, all-season resorts will not have to follow standard land-use planning processes defined in the Alberta Land Stewardship Act, the regional plans that come underneath them, and the cumulative effects associated with that. It seems a little unjust, Mr. Speaker, that all other developments need to consider ALSA, regional plans, and cumulative effects, but all-season resorts do not. I'll just be clear. All-season resorts will contribute to cumulative effects on Crown lands. That is the nature of cumulative effects.

Indigenous consultation is not even mentioned in this bill, and that's also incredibly egregious. I know some of my colleagues will speak to some of the concerns that we have about Indigenous consultation and how this bill may affect access to treaty lands to practise treaty rights.

Overall, Mr. Speaker, I love tourism, and I love all the jobs that it brings, but we need to do this right. We need to be strategic, and we need to make sure that by planning tourism, we are not damaging the very place that people come to love.

Thank you.

The Speaker: Are there others wishing to join in the debate? The hon. Member for Calgary-Glenmore.

Ms Al-Guneid: Thank you, Mr. Speaker. I do appreciate the opportunity to speak on Bill 35, the All-season Resorts Act. I want to thank the Member for Banff-Kananaskis for the passion she brings and the genius she brings into the House, too. Thank you.

This bill creates an all-season resorts regulator to approve and oversee applications for the creation of all-season resorts on Crown land in Alberta. That's public land, Mr. Speaker. Of course, we value and support tourism growth, and we equally value the sustainability of our environment for Albertans to enjoy as well as for our children and our grandchildren to enjoy in the future. This act as is now does not allow for judicial review when the minister or someone acting for the minister has made decisions on all-season resorts.

This legislation must respect provincial parks, wilderness areas, ecological reserves, natural areas, and heritage rangeland. The Alberta Wilderness Association says that 30 per cent of Alberta's land and water must be conserved to protect ecosystems, and right now only 15 per cent is being conserved. It's worth noting that Alberta has over 90 species on the at-risk list. That is troubling, Mr. Speaker. We need to understand the full impact of new development and the environmental implications of all-season resorts.

Growing the tourism industry cannot happen without growing the tourism workforce. I looked through the minister of tourism's report. He shares the government's goal of growing the province's visitor economy to \$25 billion by 2035. I do like a clear goal, Mr. Speaker. I think it's exciting that there's an ambition to grow the sector. At the same time, with the government's goal of \$25 billion

by 2035 we also need to increase the tourism workforce by 100,000 employees.

We need to acknowledge that many workers in that sector are often in low-paying service jobs and struggle to find affordable places to live in expensive tourism communities. Jasper, Banff, and Canmore are all struggling to provide sufficient housing options for tourism workers. I'm grateful to the Member for Banff-Kananaskis, who's always a passionate advocate for her constituents in these communities. She often shares the concerns of her constituents on housing and affordability, which is a true crisis that Albertans are living in right now.

The government needs to seriously take the developments needed to support tourism growth, which extend far beyond the all-season resorts. There needs to be affordable housing for employees. There needs to be accessible health care options to support the workforce, especially those doing labour jobs. There need to be effective and supportive immigration policies. There need to be career pathways and training offered to grow interest in the tourism sector as well. The government needs to bring on a systems approach to this plan, especially if it plans to grow the tourism industry in this manner and by 2035.

We need to remember that creating an all-season resort will have impacts on local towns, villages, and municipalities. We know the UCP government hasn't really demonstrated that they are a good partner with municipalities, and the act does not require the minister to work with the municipalities who will be closely impacted by a resort. How does the minister justify this choice? Does the government not think that the municipalities should be part of this conversation, especially considering the infrastructure that will be required to support these resorts?

I cannot help but ask: if the UCP government is serious about tourism, why are they championing coal mining in the beautiful eastern slopes? The eastern slopes are one of the most beautiful areas in the province. My family and I enjoy going there as we travel different parts of our beautiful province. Many of our family and friends like fishing there, so water is important over there. Some things are too precious, Mr. Speaker. The drinking water downstream is too precious; maintaining the fragile ecosystems on the eastern slopes is too precious.

We love being local tourists, and we are not alone. Nearly half of international visitors go to the Rockies, and 83 per cent of international visitors are in Calgary, Edmonton, or the Rockies, Mr. Speaker; that's according to the Alberta Tourism Industry Association. It is important to remember that the 2021 joint review panel consisting of the Canadian Environmental Assessment Agency and the Alberta Energy Regulator rejected the Grassy Mountain coal project not just because it would harm species at risk but because the mine is "misleading in the context of understanding the project's economic effects."

7:50

Why is the UCP government misleading the public on the economic benefits of the project? The joint review panel confirms that Grassy Mountain coal has physical quality problems that cannot be fixed, "below that of . . . coal products of the Elk Valley in British Columbia and of the Bowen Basin in Queensland, Australia." And the panel states, that report states that the "socioeconomic impact assessment did not include the reliability of its project benefit estimates, and had insufficient details about the [method] used." So why are the Premier and the government's ignoring both the project's poor coal quality and the company's flawed economic assessment that will impact tourism in the area?

Let's not forget that the energy minister told us that selenium is fine for mammals, and let's not forget that the environment minister

isn't working on the environment. If these ministers could look at what's happening in the Elk Valley in B.C. and the impact of selenium on water and tourism in that area, they would also know the impact on tourism and on the land in the eastern slopes. The report completed by an independent consulting firm, Burgess environmental, calculates at least \$6.4 billion to reverse the rising selenium concentration in Canadian and United States waterways due to toxic runoff from B.C.'s Elk Valley coal mines.

The joint review panel report also warns "there is a risk that both the recreational and tourism sectors could experience a reduction of activities." Mr. Speaker, the physical low quality of coal in the eastern slopes and its impact on the precious and fragile ecosystems and the tourism industry in that area in the eastern slopes should close the debate here. There are neither economics nor tourism industry nor environmental arguments here. So why aren't the minister and the Premier focused on developing a recreation and tourism economy in the eastern slopes instead of a project that will ruin the pristine viewscapes of the eastern slopes?

Mr. Speaker, as the hon. Member for Banff-Kananaskis would tell you, coal and tourism do not go well together. The Grassy Mountain mine is located seven kilometres from the Crownsnest Pass. You can see the mine from the top of the local ski hill. The Crownsnest Pass is one of 10 zones seen as places for strong tourism development, as per the government's list. The coal transfer station will be in the village of Blairmore, meaning there will be coal dust in town and visible from everywhere that someone might recreate and enjoy the area. People will be breathing it in. It's toxic; it causes cancer and respiratory issues. Imagine all the visitors in the area breathing the toxic matter while mountain biking and hiking in those beautiful areas in our province.

Mr. Speaker, in conclusion, we need to grow the tourism industry in Alberta. It is an exciting industry, and we have had a tradition of welcoming travellers from Canada and abroad to share the beauty of our province. We are deeply committed to growing tourism in a way that is sustainable and in a way that protects our environment so that seven generations from now Albertans and visitors can still enjoy snow-covered mountains and tree-filled forests.

Thank you, Mr. Speaker.

The Speaker: Are there others wishing to join the debate? The hon. Member for Edmonton-North West.

Mr. Eggen: Well, thank you, Mr. Speaker. I appreciate the opportunity to say a few words in second reading to Bill 35, the All-season Resorts Act. You know, in some ways I'm quite interested in this because, of course, here in Alberta with our very large population increase and so forth we quite literally need more of everything, and that includes affordable recreation opportunities for our population and to build up the tourism industry here in the province of Alberta.

When we're doing that, we have to be conscious of, number one, that the main tourist market that we're aiming for is Albertans, right? People need recreation here in the province. They need something that's affordable, that's accessible, and that they can bring their families to and make memories to last a lifetime. You know, for such a long time camping was part of that mix, to have an affordable place to camp in the summer, have a tent, someplace you can drive from your home, not too far and not too expensive, right? On that basis, we have to make sure all of our decisions are based on that sense of accessibility for Albertans and affordability for Albertans, too.

We need to build more of different types of recreation opportunities, and all-season resorts are definitely one of them. We know that there are pressures on existing resorts here in Alberta,

and we can expand on those existing resorts to accommodate for volume as well. We know that the Bow Valley is very congested, especially in the summer, that you have to get in line, basically, to go to Lake Minnewanka or up to Lake Louise and so forth. There are traffic jams all summer long. The inflation rate on a hotel stay in those months is quite dramatic, too. You know, so that we can build capacity that's affordable and accessible and have the infrastructure that can support these things, too, are all very important parts of responsible tourism development.

You know, I've met with the mayors of Canmore and Banff along with, of course, Calgary, too. I mean, this is a major tourism corridor up through the Bow Valley. I don't have the numbers handy, but they're literally accommodating the needs of people 20 or 30 times the residential population of the Bow Valley in the summer, with everything from water to sewage to food, petrol, gasoline, beds, tenting, camping spaces – you name it – right? So if we are developing more all-season resort capacity, we need to make sure that we're supporting those municipalities that supply those services.

Then, on top of that, of course, having accommodation that can accommodate the workers that are there. Right now it's just so unaffordable for people working in the entertainment and tourism industry to live in the Bow Valley, you know, and the whole thing just becomes unsustainable.

So I'm looking for more detail here. I mean, I like the idea of all-season resorts, building more capacity. It has some favour, definitely, but we have to make sure that we are doing the responsible thing, so I do have some questions around that. You know, the concept generally is good, but we need to be more specific.

I mean, we have some examples of, I think, some fairly responsible development. A place like the Kananaskis resort area – right? – was developed. It's probably been there for 40 years or more.

Ms Hoffman: Probably more.

Mr. Eggen: Even more.

We saw, especially, the new owners: I was quite impressed with how they chose to fix up the existing structure and to build out that all-season potential there. You know, I did work with them when I was minister of culture and tourism for one year, helping to restore the damage, for example, at the golf course – okay? – which I found a little bit hard. But they made the case, and I understood – right? – that that was part of the all-season attraction for the rehabilitation of the Kananaskis resort, and I do understand the utility of that.

Same with the neighbouring Nakiska, right? Nakiska, again: built for the Olympics, you know, an underutilized ski and all-season sort of area, not just for skiing but, of course, summer and shoulder season use. I can see the utility of rehabilitating that, too, quite frankly. It's so close to Calgary. It has a little bit more variable snow cover at different seasons of the year, but that can be mitigated. Yeah.

I guess my question, though, is that we have individual targets for all-season developments. I mean, another place I'm thinking is maybe like the Castle ski area or Fortress, right? These are all places that are already there, so that's fine. You can build out from that and then, you know, perhaps build responsible, sustainable tourism based on that.

8:00

We have individual targets that we can aim for, but I'm just wondering: what's the utility of having categorical changes to the law that would regulate and ensure environmental standards and

consultation with First Nations and measuring the water and the roads and everything that goes into building an all-season resort? Why can't we just do that on an individual basis? I mean, that's what is generally done.

I think investors will think about building more all-season places because they know that there's a market there and they know that there are more people around, so we make the provincial regulation of these things transparent and straightforward, but we do it on an individual project basis. We don't need to do it categorically because there are individual idiosyncrasies between building up, let's say, Castle as opposed to Nakiska or building out some of these other places, Fortress as opposed to maybe another Kananaskis resort. These are individual things and individual circumstances with unique geography that need to be looked at individually. I mean, that's one of my questions, certainly, around this Bill 35.

Another principle that we have to, I think, ensure is that there is accessibility at all points. This is Crown land – right? – which is part of the province of Alberta, that Albertans own together collectively as a province. So I don't want to see at any turn, you know, development that is so exclusive that it excludes the vast majority of Albertans based on price points – like, if we put a big fence around a chunk of the Rockies and charge a very large sum of money to stay there for the night, then most people won't be able to do that – and that the idea that it is Crown land, public land, for the public is compromised somehow.

At any point along the way, if we're developing something, it doesn't have to be the Taj Mahal of Rocky mountain resorts. It can be something that reflects who we are as regular, working people that look after each other and go camping in the mountains and away you go. I mean, that's what I've done since I was a kid, and that's what I did with my kids, and now that's what they're doing with their kids, my grandkids, and on it goes. I like to see that continuity, and when you do go to a place like the Rockies, you can point up and to those children or your spouse or your grandkids say: "Yeah, this is ours. You know, we have this together as part of the heritage that we pass on to each generation." So I think that when we're developing all-season resorts or whatever we're developing here in the province of Alberta generally but specifically to recreation that it should follow those principles as well.

With that, I would like to cede my time. Thanks.

The Speaker: Hon. members, are there others wishing to join in the debate this evening?

Seeing and hearing none, I am prepared to call on the minister to close debate.

Mr. Schow: Waive.

[Motion carried; Bill 35 read a second time]

Bill 31 Justice Statutes Amendment Act, 2024

[Adjourned debate November 19: Mr. Williams]

The Speaker: Are there others wishing to join in the debate for Bill 31, Justice Statutes Amendment Act? The hon. Member for Calgary-Varsity has the call.

Dr. Metz: Thank you, Mr. Speaker. I rise to speak on Bill 31, the Justice Statutes Amendment Act, 2024. There is really no way that I can support this bill because it includes clauses that make it to me, really, the Let's Try Gerrymandering bill.

Every Albertan deserves the chance to have their vote count, and population growth does mean that we need to add new ridings. So

that we are not going further in diluting the votes in any one area, areas of high population growth or increasing the geographic size of some of our very large ridings, we do need to address this need.

However, we need to ensure that we do this with a fair process by developing new ridings that still allow individuals' votes to count. We need the new electoral boundaries to respect existing community boundaries, such as keeping within Calgary and Edmonton and other municipalities so that they're not being blended with other groups that have different areas of interest. We need to do this whenever possible, and we need to not change the rules around an electoral boundary commission so that they can disregard these guidelines and just do willy-nilly whatever they choose.

Those who live in cities and smaller municipalities do have different interests and needs than those who live in rural areas and who live in different municipalities. Their needs are different than, perhaps, their larger neighbours. People choose to live in these areas for many reasons. We all deserve to have the option of electing an MLA who will represent us, a representative who will represent the community and try to keep our communities as similar as possible so that those needs can be met. We all need a representative who will speak to our needs, someone who understands us.

This act removes the requirement to consider existing city and municipal boundaries. For some reason, roads that are there, that divide certain groups also don't need to be considered. Removing the requirement to consider municipal and city boundaries opens the door to gerrymandering; thus, my consideration of this as the Let's Try Gerrymandering bill. The commission can make decisions around new ridings by ignoring principles that Albertans care about.

We believe that we need to be protected from political interference. This bill says that, as the minister pointed out in media interviews, this makes the decision-making more flexible. Well, flexible means they can do what they want willy-nilly.

Of course, there are members of both of the parties involved in this, but there's a majority by the ruling UCP, so, of course, any considerations brought up by the minority will easily be ignored. So we do not have freedom from meddling by politicians in keeping our democracy intact. The commission certainly can do what they want without considering democracy. I really cannot support this undemocratic bill.

What else is important in the Let's Try Gerrymandering bill? It just doesn't solve so many of the real problems faced by Albertans. We all know that health care workers need protection, but this bill falls very short of any meaningful reform. Albertans now face a health care system in crisis, and the UCP is putting forth changes that don't address the core issues. Health care facilities need more than just protection. They need staff and resources.

8:10

In this bill we see that the UCP want more power to collect data, but they have a history of withholding critical public health and safety information from Albertans. Any new data collection powers must come with very strong transparency requirements and regular public reporting.

I'll give the example of EMS data. We recognize that one of the very first things that this government under its new leader proposed to do was to get paramedics quickly out of the emergency department. They demonstrated the time that paramedics are held in the emergency department waiting until their patients were transferred to the care of emergency department staff. Indeed, this was very long and was a big problem.

But rather than solve the problem, as they say they did, they changed the definition of how long paramedics would be in the

emergency department such that the start time from when the clock started to collect the time in the emergency department moved from when they arrive to when the patient is triaged. For patients being brought in with non-urgent conditions but where they couldn't stay in their home, they could be there for hours waiting before the patient is actively triaged. Of course the numbers look better, but we have no idea of what is actually happening as far as whether there is any real movement on getting our paramedics back on the streets.

We also have been seeing across the province closures of emergency departments and urgent care centres, but where are we seeing that data appropriately and timely reported? It's reported as "one-offs" but needs to be reported in terms of data and numbers.

We also do not have any access as Albertans to accurate health workforce data. All we hear are numbers of physicians or numbers of nurse practitioners that are registered and have the capability of seeing a patient, but the government has access to tremendous amounts of data as to what the actual activities are of the physicians and the nurse practitioners. Are they even seeing any patients? Are they even working within the area of primary care, when we're talking about primary care physicians? We hear about numbers of physicians that are being recruited and then learn that that includes everyone that's even having a conversation about recruitment even though in current times the majority are going to other places. We are not getting accurate information on workforce. We're really getting information that could not be further from the truth.

Let's talk a bit about why it is so important that we stand up to the fact that this bill enables gerrymandering. What is gerrymandering? It is changing the boundaries of a riding so that voters are either concentrated instead of spread out naturally or they are diluted so that they are going to be overwhelmed by a different majority. It's picking the boundaries so that the intent of the election will happen rather than letting the electorate elect who they want to represent them.

The issues that we're really facing here are really down to the issues around democracy. With this bill we are moving in a direction to allow the electoral commission to decide where the new ridings will be by ignoring rules that we can use that will help guide decisions so that they are done without political interference. Now, why would this be? Well, of course, if the decision-making is going to be in the hands of the party that wants to stay in power, then – hey – wouldn't it be a good idea to concentrate the people that want to vote for that other party all in one area so that there's no chance that the adjacent area perhaps might elect the other party?

How are we going to stop this? The first thing is to vote against this bill. The second is to make very clear to Albertans that we're at high risk of this happening. We need Albertans to understand what gerrymandering is. We need them to speak up and say what their feelings are about this within the ridings that they live, because many of us know in our own area what might change that would make it better or worse for a party in power making the decisions around the boundaries to maintain power.

I urge everyone here to vote against this bill; vote against one more move towards populist ideology where a majority can completely override the needs of minorities in all areas. We need to stand up for this. I'm going to turn the floor over to my colleagues, many who also have very strong views on this bill, and we'll talk about varying aspects of it, including the gerrymandering problem, the issue around data, the issue around the protections around the health system and the legal system. I hope that you will all think very closely about where we're moving as far as democracy goes if we are to support this bill.

Thank you.

The Speaker: Are there others wishing to join in the debate? I see the hon. Member for Edmonton-City Centre rising.

Mr. Shepherd: Thank you, Mr. Speaker. I appreciate the opportunity to rise and speak to Bill 31, the Justice Statutes Amendment Act, 2024. As my colleague from Calgary-Varsity was just discussing, one of the prominent aspects of this bill is a, I would say, significant change to the Electoral Boundaries Commission Act. Now, the setting of the boundaries for our constituencies, the expansion of those: these go to the heart of what democracy is about. Ultimately, this is about representation, Alberta's right to have fair representation here in the Legislature, and indeed that goes right to the heart of the Canadian Charter of Rights and Freedoms; the right for effective representation is guaranteed by that Charter.

We recognize that there can be significant impact about how these boundaries are drawn as to what the outcomes of individual elections might be. That is something without question, so that is why the Electoral Boundaries Commission Act is written in the way it was: to remove as much as possible any opportunity for bias, any opportunity for government to put their thumb on the scale; to ensure that necessary process of assessing, as the population of our province grows, how we should be redrawing our boundaries to best preserve representation and also ensure fairness in our elections. It is significant that this government is choosing on the eve of the next Electoral Boundaries Commission to make some significant changes in what the act prescribes for how that process should take place.

8:20

What we are seeing here, Mr. Speaker, is that the government is changing language. They are changing the recommendations or what – well, actually, not even recommendations. They are taking what is, in fact, prescription and changing it to recommendation. What we have in the original version of the act is that there are a number of factors which, it says, the commission “shall take into consideration,” and they are moving the majority of those to “may take into consideration.” Now, I'm not a lawyer, but certainly anyone who is a lawyer – let's say the Minister of Justice, who is bringing forward this bill – certainly knows that it is a significant difference between the words “may” and “shall” when we are dealing with legislation.

Mr. Amery: I know. That's why I did it.

Mr. Shepherd: May is a requirement; shall is a suggestion. The minister says, in fact . . . [interjection]. What's that?

Ms Hoffman: The inverse of that.

Mr. Shepherd: Oh. Pardon me. May is a suggestion; shall is a requirement. I was distracted as the minister said that that's exactly what he wanted to do.

The minister is being quite transparent, Mr. Speaker. He intended to make sure that this commission did not have to consider the factors that have been considered in every other single boundary commission up until this date. The minister intended to weaken this legislation, as he just declared across the floor. Let's be clear. The factors that the minister just said he intended to weaken are factors such as consideration of the

- (b) sparsity and density of population,
- (c) common community interests and community organizations, including those of Indian reserves and Metis settlements,
- (d) wherever possible, the existing community boundaries within the cities of Edmonton and Calgary,
- (e) wherever possible, the existing municipal boundaries.

The minister intentionally is weakening those portions. Now, I will say that the minister has not provided very clear reasons why; some vague suggestions. Certainly, you know, some members have used the term “gerrymandering.” This certainly does seem to be approaching that direction.

The fact is, Mr. Speaker, that cities have very different considerations from the communities that surround them. People make very deliberate choices on which side of that line they choose to live, and they do so for very specific reasons. The needs and the concerns of somebody who lives in Edmonton-Ellerslie are materially different in many respects than somebody who chooses to live in Leduc. They may have some things in common. They may have some particular concerns. They may have some values. But the fact is that there are significant differences with what the concerns are going to be for someone who's living on the Edmonton side of that line, who is dealing with Edmonton infrastructure, who deals with the Edmonton Police Service, the decisions that are made then that encompass the city of Edmonton and therefore encompass that community in Edmonton-Ellerslie versus the decisions that will be made for the city of Leduc, where they have the RCMP or where they have other municipal infrastructure considerations.

The only reason, Mr. Speaker, for this government to be looking at blurring these lines and doing so intentionally, as the minister just reminded us he did, is because they are seeking some form of electoral advantage. That is concerning, but it is par for the course with this government. Let us not forget that at various points this Premier, this government have willingly and intentionally attempted to interfere in systems to tilt the scale, against the better interests of Albertans, for their own political gain. Let us not forget that this is the Premier who was found by the Ethics Commissioner to have contravened the Conflicts of Interest Act in her interactions with the Minister of Justice and the Attorney General in relation to the criminal charges of one Mr. Artur Pawlowski. That situation, Mr. Speaker, was beyond the pale. Let's be absolutely clear. A Premier attempting to influence the outcome of a criminal case – that is the same Premier now whose Minister of Justice is bringing forward this bill with these significant amendments to one of the most significant things when it comes to our elections: how those boundaries are drawn, how Albertans are divided, and where Albertans get to cast their vote and what weight that vote will carry.

This is not idle speculation, Mr. Speaker. This is a government which has already demonstrated a willingness to break the systems of our democracy, to push past boundaries, and engage in inappropriate behaviour for its own political advantage. So there is no reason that I should give them the benefit of the doubt in the changes they want to make in this bill.

We've seen it time and again, Mr. Speaker. When this government puts together a committee, more often than not they're not putting together a committee because they're actually interested in getting a balanced outcome. Just look at the 2019 Supervised Consumption Services Review Committee that was put together by Premier Kenney, which was heavily biased from the outset and put out a report so embarrassing that it has been roundly criticized by anyone with any level of actual expertise. Again, the government had predetermined what outcome they wanted to have so they could go ahead with the actions that they wanted to take. Let me be clear: that's been at the cost of actual lives.

That is the record of this government that now wants us to believe that they are innocently weakening the requirements and considerations for how electoral boundaries are drawn in this province. We saw this government repeat that behaviour again with their committee so called investigation of safe supply, a committee that was so embarrassingly biased that we as opposition could not even bring ourselves to participate in it, loaded with people who had

already declared their opposition to any consideration of any aspect of the thing they were supposedly going to be studying and, again, put out a report so heavily biased and so embarrassingly bad that it, too, has been roundly criticized by multiple academic and actual experts in the field.

An Hon. Member: Steve Allan.

Mr. Shepherd: Oh, yes. This is the government that, of course, also set up their un-Albertan activities committee under Mr. Steve Allan, more millions of public dollars. In that case Mr. Allan couldn't even bring himself to actually go so far as to endorse what the government actually tried to get him to endorse. He had to conclude that there actually hadn't been any illegal activity at all, one of those rare occasions, Mr. Speaker.

What we have here again now is a government that is taking what have been the requirements for every boundary commission up until today. Let's be clear on that, Mr. Speaker: every single boundary commission, every report, every decision that has set the rules for every election that's been conducted since the implementation of this act, the Minister of Justice told us tonight that he intentionally is weakening those requirements. He wants to ensure that the committee is not bound by those considerations. They may consider, if they feel like it, if it's Tuesday and it's raining.

I'll tell you, Mr. Speaker, this government is far more prescriptive of what they will let parents choose in terms of medical treatment for their children in consultation with their doctor than they are willing to be with the committee that's going to decide on our electoral boundaries. They will actually go so far as to interfere with the individual rights of Albertans, again, something that a Minister of Justice should be protecting but is not. He's more interested in undermining the Electoral Boundaries Commission in their study, in their rules than he is in protecting those individual rights of parents to make their own decision for their children in consultation with medical expertise. Because, again, Mr. Speaker, this is a government that has repeatedly demonstrated that they will act in their own self-interest, that they will bend the rule of law to do so. They will change the law to do so, as we've seen them repeatedly do.

8:30

This government felt it wasn't good enough that they could stop in and visit a skybox; they had to sit there for the whole game. So they changed the law in Alberta to accommodate that. This is a government that considers the law to be something that is there for their convenience, is merely an obstacle to them getting what they want, and they are willing to use the power of this House and government MLAs are willing to sit and vote in support of that. Again, Mr. Speaker, we owe this government no benefit of the doubt in the changes they are making here because they have repeatedly shown us what their character, their morals, their principles are, and they are far from being above question.

Now, Mr. Speaker, they may think that it's okay; you know, they can do this and they can get away with it because the average Albertan has a lot on their plate. That's true; they do, particularly under this government, which continues to have the highest inflation rate in Canada, which continues to have one of the highest rates of unemployment, which continues to cost Albertans more in almost every aspect of their life. Thanks to the inaction of this government, thanks to how they have undermined and fractured our health care system, how they have pushed our education system to the brink, how even now individuals who are the victims of crime can no longer actually count on having services available in their

community, yeah, Albertans do have a lot on their minds, so they may not be paying attention to what this government is choosing to do to through Bill 31 and undermining these principles, intentionally weakening the considerations that go into how these boundaries are drawn in the hopes of partisan gain.

That's not something to be proud of, Mr. Speaker. That is something for which this government should be ashamed.

The Speaker: Are there others wishing to join in the debate this evening? The hon. Member for Calgary-Falconridge.

Member Boparai: Thank you, Mr. Speaker. I stand before you today to discuss a critical piece of legislation . . .

The Speaker: Hon. member, can you just pull your reading device back a little? I think it may be covering the microphone and creating a bit of feedback there. Let's try again.

Member Boparai: Thank you, Mr. Speaker. I stand before you today to discuss a critical piece of legislation, Bill 31, the Justice Statutes Amendment Act, 2024. This bill seeks to amend four distinct acts, but I want to focus particularly on the changes proposed to the Electoral Boundaries Commission Act.

This legislation directly impacts how electoral boundaries are drawn across our province, a matter that touches the very core of democratic fairness and representation. Bill 31 as introduced by the Minister of Justice raises the number of electoral divisions in Alberta from 87 to 89 in response to significant population growth. This in itself is a necessary step for fair representation. However, upon a closer look the proposed amendments also include troubling changes to section 14 of the Electoral Boundaries Commission Act.

This section dictates the factors the commission must take into consideration when drawing boundaries for Alberta's provincial ridings. The current legislation mandates that the commission shall consider a variety of essential factors such as geographical features, the communities of interest, and, importantly, the existing municipal and community boundaries. Under Bill 31, however, these considerations will shift from being mandatory requirements that the commission must adhere to to optional factors that the commission may consider.

To many this shift represents a relaxing of the rules that ensure fair and effective representation. The impact of this change is profound, especially in the context of Alberta's diverse and rapidly growing population. These changes undermine a critical part of democratic fairness and fair representation for all, and, Mr. Speaker, to fully understand the impact of these changes, we must first consider the purpose of electoral boundaries adjustments.

Well, in Alberta electoral boundaries must be redrawn every eight to 10 years to reflect shifts in population and demographics. The last significant adjustment was made in 2017. Alberta has seen explosive growth in certain areas since then, particularly in urban centres like Calgary and Edmonton, some mid-size cities, Airdrie, Red Deer, even some in rural. However, this growth has not been uniform across the province. Some ridings, especially those in rural and northern areas, have been stagnant or even declining populations, some of the rural ridings.

This population imbalance means that some ridings are significantly overpopulated while others remain underpopulated, and Alberta's legislation requires that no riding may exceed a 25 per cent population deviation from the provincial average. Currently nine ridings exceed this threshold, mostly in urban areas. The upcoming mandated boundary review aims to address these discrepancies and create a map that reflects the current population distribution across the province. However, this process must be

conducted fairly and transparently to ensure that no community is disenfranchised or unfairly represented.

The challenge is to ensure that urban and rural ridings alike maintain their voice in the Legislature. Communities that have grown rapidly, such as those in Calgary's northeast quadrant, must not be diluted or marginalized in the process of redrawing boundaries. The balance between urban and rural interests must be respected, and communities must retain the ability to advocate for their needs.

In this light, the changes proposed in Bill 31 which remove the requirement to prioritize municipal boundaries could have far-reaching consequences. We cannot allow political favouritism to distort this process. The creation of electoral boundaries should be based on fairness and representation. That is why we must ensure that any changes made to the electoral system will not disadvantage any group or community. Mr. Speaker, while some aspects of the bill are uncontroversial, the changes to the Electoral Boundaries Commission Act are troubling and could lead to less effective representation, particularly for marginalized and underrepresented communities. It is for these reasons that we as the Official Opposition strongly oppose these amendments.

8:40

I want to reiterate the fundamental principle at stake here. We cannot be flexible with fair representation. The key issue with the bill is the shift in language from "shall" to "may" in section 14, which outlines the factors the commission must consider when drawing new boundaries. The commission would now have the flexibility to choose which factors to consider rather than being required to take them all into account. This includes the removal of a requirement to consider municipal boundaries and communities of interest, issues that are critical for ensuring that communities remain united and properly represented.

Mr. Speaker, while the Minister of Justice claims that these changes will provide the commission with more flexibility to adapt to the realities of Alberta's growth, we must ask: flexibility for whom? Certainly, for the provincial government this may mean the ability to draw boundaries that suit their political interests, but for the people of Alberta, particularly those in rapidly growing and diverse areas, this could be a disaster.

One of the most pressing concerns is the potential impact of these changes on urban ridings, especially those in Calgary's northeast quadrant, like the riding of Calgary-Falconridge, where I have the honour of serving. Calgary's northeast quadrant has been among the fastest growing regions in the province. Over the past decade communities like Falconridge, Homestead, Taradale have seen an influx of families and individuals seeking better opportunities. The residents here represent a mix of economic backgrounds, ethnicities, and cultures.

The makeup of these communities means that they have unique needs and priorities, needs that are very different from those of other parts of the city and province. By eliminating the mandatory consideration of existing municipal and community boundaries, the government risks erasing the collective voice of these communities. Separating them into separate electoral divisions or combining them with neighbourhoods that do not share their values, who dilute their ability to advocate for themselves: for communities already grappling with issues like affordability, access to health care, and educational support, this would be a devastating blow.

Mr. Speaker, let us look at the potential consequences of these changes on Calgary-Falconridge and the broader northeast quadrant of Calgary. Yes. This is a vibrant and rapidly developing area. It is home to a growing population, including many newcomers to Canada, students, seniors, and multigenerational working families.

The changes proposed in Bill 31 which remove the requirement to consider geographical features, specifically removing the item "existing road systems," could make it even harder for constituents to navigate and advocate and for us to serve them.

In Calgary-Falconridge many of our seniors and students rely on public transportation. If boundaries are drawn arbitrarily without considering the existing road systems and transit routes, these individuals may find it even harder to navigate the system.

Public transit, which is already a lifeline for many in our area, could become even more inaccessible, further isolating vulnerable populations; for example, the experience of crossing provincial highway 2, which runs through Calgary's northeast quadrant and ridings such as Calgary-North East and Calgary-Klein. This major artery, a key transportation route for many, divides the city and presents significant challenges for people who live on either side. Creating boundaries that ignore the geographical challenges of the area could leave constituents on one side of the highway feeling disconnected from their elected representatives, making it harder for them to voice their concerns and access services.

Mr. Speaker, the Justice minister's comments about creating more flexible boundaries disregard these realities. When he was recently cited in a CTV News article, that considerations for existing boundaries within Edmonton and Calgary, where possible, as well as other existing municipal boundaries, where possible, would be removed, he is downplaying the importance of respecting the lived realities of the communities, communities like those in Calgary-Falconridge, that rely on united, understandable boundaries to navigate the system and make their voices heard. Splitting these communities apart could make it even harder for residents to advocate for their needs, particularly as we face challenges like inadequate health care services, underfunded schools, and the lingering effects of the devastating hailstorms that have hit the area in recent years.

The changes proposed in Bill 31, particularly those to the Electoral Boundaries Commission Act, threaten to undermine the very foundation of our democratic system. Mr. Speaker, by removing mandatory considerations like municipal boundaries and existing community lines, this government is opening the door to meaningless, politically motivated boundary changes that could leave large segments of the population voiceless.

Mr. Speaker, for communities like Calgary-Falconridge and the broader northeast quadrant of Calgary these changes are not just imaginary; they represent a direct threat to our ability to advocate for the issues that matter most to our residents. We must stand firm in defending fair and effective representation for all Albertans, regardless of where they live, how they vote, or who they are. We must remember we cannot afford to be flexible with fair representation.

The Speaker: Are there others? The hon. Member for Calgary-Acadia.

Member Batten: Thank you, Mr. Speaker. With gratitude I rise to speak against Bill 31, Justice Statutes Amendment Act, 2024. I want to start by sharing a little bit about myself. From prior debates you might know that I really enjoy data. I like to collect it. I like to compare it. I like to put it in pie charts, graphics, scatter plots, all of those things. I love it. I love data because when it's collected appropriately, it can provide a piece of the puzzle. Whatever it is I'm trying to figure out, it can provide me an unbiased, when completed correctly, answer or at least contribute to the answer. Now, of course, data doesn't typically provide a yes or no answer. It is interpreted through context and so many other factors.

Now, data has always served me well, which is why I go to it now to provide some insight into this proposed bill and why I'm not supporting it. Let's start by talking about Alberta's population growth. Alberta continues to attract people from across the world, which isn't a surprise to any of us, as we know how great Alberta is. It is, of course, our home, and I think it's fair to say that members on both sides of this House want Alberta to be the best it can be.

Now, where we might differ is for whom we want Alberta to be best for. This might differ between the two sides. If we look at the bills that have been brought forward by this UCP government, they are not going to provide any immediate relief to soaring insurance rates, the lack of affordable housing, the splintered health care system, and I could go on. Nothing, Mr. Speaker, for Albertans. Nothing.

8:50

Now, the Bill 31 amendment does address some real needs. The electoral boundaries have not been adjusted since 2018. Of course, the goal of providing equal representation for every Albertan in this Legislature is the goal of the boundary commission. There are several ridings – nine, I believe – where the population captured in the current boundaries exceeds more than 25 per cent of the average number. Now, Mr. Speaker, that could be thousands upon thousands of Albertans. This clearly demonstrates a need for the boundaries to be revised, but what it doesn't demonstrate is that, and I quote, the proposed amendments would also update and clarify the list of factors that the Electoral Boundaries Commission can consider when making their recommendations. End quote. I am quoting the Member for Calgary-Cross from the other day in debate.

The change that is being referred to here is the removal of the word "shall," meaning it will happen, a note that is prescriptive, to the word "may," meaning it'll maybe happen and now is full of subjectivity. This is, of course, the same concern that has been brought up by the Member for Edmonton-City Centre only moments ago.

When we're looking at something as important as the boundaries for Albertan representation, I would expect there to be firm goals with reasonable discussion between all members of the committee and that the solution that is brought forward for consideration would have followed prescriptive guidelines and be evidence based. But then again, Mr. Speaker, I really like data, and I really trust data. When I speak to the subjective nature of the situation that Albertans are being put in because of this proposed amendment, it corrupts the data. It dilutes it with subjective thoughts and feelings. As much as I absolutely value everyone's thoughts and feelings, that is not how we make decisions.

More from the Member for Calgary-Cross:

A few minor changes would update the language to reflect the current realities of Alberta communities. For example, updates would replace the reference to "existing road systems" with a broader reference to "the ability and means of [broader] communication and transportation between various parts of Alberta."

Now, this is an interesting change, Mr. Speaker. It is incredibly general and not particularly informative, but it does sound like the government is wanting to increase freedoms, we'll say, to move outside of those existing road systems. What does that mean, and how will it serve Albertans? That is truly the question.

Instead of following roads and natural dividing lines to keep a riding together, it seems that an option to split ridings, "the ability and means of communication and transportation" – now, thinking back to the purpose of the boundary review, is it not to ensure that all Albertans have appropriate representation here in this House?

By splitting the ridings, we split the member, thereby making it more difficult for constituents to reach their MLA or for their MLA to reach constituents. Is that not the opposite of the goal? If this is about Albertans and them having representation, this piece seems awfully contrary, then, Mr. Speaker. Or is it just that we on this side of the House actually speak with our constituents, want to provide them supports where they are, and will actually take the opportunity to meet them where they are, even if that's on their doorstep?

Another part of this amendment speaks to justice. More from the Member for Calgary-Cross:

Mr. Speaker, I think we can all agree that Albertans have a right to know what's going on in their neighbourhoods and in their communities, and this legislation ensures that Alberta's government can get the crime-related data that it needs to keep Albertans informed about what is happening in their communities.

So the proposed bill asks that government departments, municipalities, and police services provide information to the government when asked. Okay, Mr. Speaker. Is there a problem here? Like, has the government tried speaking with these folks? Maybe actually have a sit-down conversation. Pick up the phone. It seems pretty extreme to put it into legislation to make people talk to you.

The Member for Calgary-Cross also shared that there was a need for "accurate data." Again, does the government have problems obtaining accurate data now? It's confusing, really, how in one case the government demands data to be available, as with this bill, but with another, Bill 34, it limits access to information for everyone, well, except the government itself.

We have spoken a lot about self-serving bills from last session and from this. This government is pushing through not only bills that only serve themselves and maybe some of their friends, but they certainly don't serve Albertans, and Albertans continue to struggle. It's winter, Mr. Speaker, and the number of warm-up shelters and housing units are not enough to support the high number of Albertans who will be seeking them out tonight.

One in 5 Albertan children live in poverty, Mr. Speaker. Child poverty is measured by looking at the employment and stability of the parents or guardians. This data clearly shows that the measures being brought forward by this UCP government are insufficient. What it tells us is that after five years under the UCP government Albertan children are suffering more than Alberta has seen in decades.

This tells us that Albertans don't want bills focused on what is increasing the power of the government. Albertans are looking for legislation that helps support them. No one asked for this UCP government to push our public health care system to its breaking point and then snap it into two while fighting with labour groups and health care workers. It really does sound like a typical page from this UCP government's playbook. First star of the system: pick on the workers, shred the contracts, fire the board, replace with a friend or two, and repeat.

Mr. Speaker, this is not what I hear from Albertans. This is not what Albertans are sending to the government when they copy us on it. This is not what we're hearing. I hear that this UCP government continues to pull power inwards and put up barriers to transparency. I was hearing these concerns before the set of bills from this fall. What happened to transparency? What happened to representing Albertans?

Mr. Speaker, I really value transparency, and from what I hear, Albertans do, too. Give us the information. Let us learn. Let us be able to actually engage in conversation. It would be the responsible thing to do, and it would be the accountable thing to do. Now, even if people aren't quite as excited about data as I am . . .

Dr. Elmeligi: I am.

Member Batten: A few of us are over here.

I feel that Albertans need to be provided the necessary information to make informed choices. Now, let's just chat about some other bills that Albertans have not asked for, Mr. Speaker, bills 26, 27, and 29, the antiperson bills, where the UCP government decided that they knew better than physicians, better than parents. Goodness, it was only last week that this UCP government voted against an amendment to provide options for parents. And what about Bill 32? Albertans are suffering from some of . . .

Mr. Amery: Point of order.

The Speaker: A point of order is noted.

Point of Order Relevance

Mr. Amery: Mr. Speaker, I rise on Standing Order 23(b). The member has spent a significant amount of time talking about every bill except the one before this Assembly today. I'm not sure if the member is aware, but we are debating Bill 31, and I'd love for the conversation to take place on that bill.

9:00

The Speaker: The hon. Deputy Opposition House Leader.

Mr. Shepherd: Thank you, Mr. Speaker. I don't believe this is a point of order. As you've said in the past, you allow a great degree of latitude when we are engaged in debate. The member clearly referenced the bill, has spoken to it at many points in her debate, and is currently engaged in a bit of contrast on a number of the issues, the manner in which the government is addressing them, and how that contrasts with Bill 31. I think if the member is allowed to continue debate, she will certainly be bringing it back to the topic at hand, hopefully to the satisfaction of the Minister of Justice.

The Speaker: The hon. member doesn't need to raise the level of debate to the satisfaction of the Minister of Justice, although she does need to meet the standard that the Speaker sets. I will just say this, that the hon. member did catch my attention when she said: let's talk about a whole bunch of other bills. She proceeded to then talk about other bills, not the bill that we are debating, and so I will hope that she heeds your advice in bringing the debate back to the bill before us.

Debate Continued

Member Batten: Thank you, Mr. Speaker. Bill 31, the bill that tries to do so much and fails so poorly. I am happy to see the government acknowledge a need to support Alberta's legal system, but instead of investing to fully fund the system or to address the struggling legal aid system, which so many Albertans rely on, we have what's present in Bill 31. I was also delighted to hear that this government is acknowledging the unsafe work environments inside health care, and yet we're not seeing investment in providing safe staffing ratios or providing opportunity for mentorship or career growth that would also be top of the list for health care workers and those they serve. But we see nothing to that effect in this bill.

Mr. Amery: It's not a health care bill.

Member Batten: Here's the trouble. The UCP government apparently does not understand that when they talk about protecting

health care workers from unsafe environment, we are talking about health care, Mr. Speaker.

Here's the trouble. The UCP government acknowledged there needs to be work, but instead of working towards completing the work, they continue to propose self-serving bills like Bill 31. I encourage everyone in this House to vote against it.

Thank you.

The Speaker: Are there others wishing to join in the debate? Seeing the hon. Minister of Municipal Affairs.

Mr. McIver: Thanks, Mr. Speaker. I've listened with some interest. In fact, I listened with great interest; I just didn't hear a lot about Bill 31 in the last few debates. But each of the members across touched on it for a little bit, so I'll try to address that, Bill 31.

Well, first of all, the phrase "gerrymandering" was tossed around a little bit, and I would imagine some of the 12 people watching at home may not be familiar with that term. It's a term that comes from I think it was a senator whose last name was Gerry. Senator Gerry in Massachusetts that – I don't know – 100 and some years ago was in charge of the electoral boundaries commission. That Mr. Gerry, or Governor Gerry, I suppose, set the boundaries, most people would say, for his own advantage.

Typically when boundaries are set – not exclusively because geography and all that can affect it; it's oftentimes in a circle or a square and kind of some type of a block or a blob or something that kind of holds together. Senator Gerry's map looked like a salamander: up and down and around, apparently including the places where he was best known and the people most likely to vote for that particular governor. You know what, Mr. Speaker? Governor Gerry won that election.

People started to say: well, that's a funny-looking electoral map; I wonder why he did that. So some of them did the work – and I heard some talk about data here earlier tonight – and they looked at that and said, "Wow. That's where in the previous elections Governor Gerry got all the support," and the parts that were left out between the salamander's legs, if you will, to extend the – that's the area that didn't vote for the person. So that's where the source of the term "gerrymandering" comes from.

Now, some people in this room probably knew that, Mr. Speaker, but I'm kind of a geek sometimes, and sometimes I look this stuff up. When I hear a word I don't know, I Google it, and if you Google "gerrymandering," you will find out just what I said here.

Now, Mr. Speaker, we heard a little bit about data and listening to data. I heard a couple of members back talking about how it's a problem because nine of the ridings are not within the 25 per cent population base. So that, apparently, is, according to the other side, an example of gerrymandering. I heard other people talking about how it's a problem when a major road runs through a riding. I know that in my riding Deerfoot Trail runs through the middle of it, half on one side, half on the other. According to the folks across, that's kind of an example of gerrymandering. I know there are probably a bunch more. The Member for Calgary-Peigan: Deerfoot Trail also runs through that member's riding; another example of gerrymandering.

Here's at least 11 examples cited by the folks on the other side of gerrymandering. Mr. Speaker, something terrible is going on around here. Whoever set these boundaries was gerrymandering and baking things for their own benefit. But, wait a minute, that was in 2018. Who did that? The good folks across the aisle. So by their own admittance while they were talking here tonight, they gave examples of what they called bad behaviour and doing things to stack the deck in your favour, and the author of all those things was the NDP when they were in government. I don't know. When they

say that in one breath and then the next breath say, “I’m not sure who you should trust,” I think they might be referring to themselves, because they repeatedly gave examples of things that are right now all things that the NDP government put in place.

Mr. Speaker, for those listening at home, while the folks are twisting themselves into knots talking about everything except Bill 31, during the few seconds that they did talk about Bill 31, they actually accused themselves of bad behaviour. I’m a little more generous than the folks across the aisle, so I won’t quite accuse them of that, but I will point out the irony that the multiple examples of bad behaviour complained about by the folks across were the ones authored by the folks across, the NDP. All the things the NDP complained about were the things that the NDP actually did. So it’s a little rich after that to complain about folks on this side of the aisle when their own behaviours apparently disgusted them beyond belief.

Mr. Speaker, perhaps our plan to have a couple of members from this side of the aisle, an equal number of members from the other side of the aisle, and an independent person leading the committee sounds like a pretty good place to land, wouldn’t you think, rather than whatever those folks did? I think on par, so I think I’m going to support Bill 31, and I think maybe even the folks over there should do so, too.

The Speaker: Are there others? Seeing and hearing none, I am prepared to call on the Minister of Justice to close debate.

Mr. Amery: Thank you very much, Mr. Speaker. I’m pleased to rise and speak on Bill 31, Justice Statutes Amendment Act, 2024. I want to thank all of the people who weighed in on this in this Assembly, of course, and in particular my colleague the Minister of Municipal Affairs for his insight and his well-reasoned comments.

Now, you wouldn’t know it if you listen to the Member for Calgary-Acadia, but if passed this bill would make multiple changes to the Electoral Boundaries Commission Act, the Public’s Right to Know Act, the Critical Infrastructure Defence Act, and the Alberta Evidence Act. Nothing to do with health, nothing to do with whatever that member spoke about at great lengths. Amendments in this bill would help with much-needed updates to legislation to address the current needs of Albertans, increasing access to justice, of course, securing crime data to assist with decision-making, and increasing transparency and clarity.

Mr. Speaker, this has been a great topic of debate, so I’ll begin by talking about the important changes proposed to the Electoral Boundaries Commission Act. As all members in this Assembly know, Alberta’s population is rising at an incredibly fast pace, and it is a requirement that every eight to 10 years the Electoral Boundaries Commission review the state of boundaries in this province.

A fair distribution of electoral divisions is essential to the democratic process. Under the act the general rule is that the population of each division in Alberta must be no more than 25 per cent above or 25 per cent below the average population of all proposed electoral divisions. Currently, with more and more people coming into this province, the populations of nine divisions in Alberta are greater than 25 per cent of the average. So, Mr. Speaker, it’s absolutely necessary to update Alberta’s electoral map to reflect the current demographic realities of our province.

9:10

Now, the NDP spoke in great detail about: who’s asking for this; who wants this? Well, the fact is that Albertans want this. Albertans need this, Mr. Speaker, and it’s absolutely essential that we do this. Let me also be clear, because the NDP have raised a number of,

again, misinformed comments earlier today, that the government does not draw the electoral boundaries. It’s done through a regular and legislative process. They already know that. An independent commission is established to review the existing boundaries and make proposals to this Assembly about area boundaries and names of the electoral divisions.

Amendments in Bill 31 would direct the commission to add two new divisions to this province as part of its review of Alberta’s electoral map. This means Alberta would now have 89 electoral divisions. To ensure the new boundaries are in place before the next election, the next commission could be appointed as soon as possible and up to October 31, 2026, at the latest.

Mr. Speaker, I want to point out that effective representation involves more than just ensuring fair distribution of population. It involves more than the conspiracies and the theories that the NDP made up in their portion of the debate, most of whom have no clue what they’re talking about. Bill 31 would provide some major updates to the factors that the commission can consider.

The Member for Edmonton-City Centre stood up and made countless statements that lack any actual knowledge of what this bill and these amendments are actually trying to achieve. Mr. Speaker, the statements made in the debate, especially on the side of the opposition, were inaccurate, and the speakers who rose from the opposition side couldn’t be further from accurate. The amendments would give the commission added flexibility... [interjections] If you want to get up, you can get up, the Member for Edmonton-Glenora. Please stand up then.

The Speaker: Order. Order. Order.

I encourage the hon. Minister of Justice to speak through the chair. The hon. Minister of Justice will also know that he’s closing debate, which prevents interventions or any other member from rising.

Mr. Amery: Thank you, Mr. Speaker. That member certainly would have been entitled to speak up should she have wished to do so.

The amendments would give the commission added flexibility to ensure that the electoral map is reflective of Alberta’s current landscape, Mr. Speaker, flexibility because Alberta is evolving, it is growing. Alberta is becoming more connected in exceptional ways. Connecting Albertans through these amendments is part of why this government supports this bill. The NDP members would know that if they thought that Alberta consisted of more than just Calgary and Edmonton. Alberta consists of small, mid-sized, and rural areas all across this province.

Mr. Speaker, the information and the amendments that we propose in this particular bill don’t come from what we developed within this government alone. We looked at other jurisdictions as well. We received advice from the Supreme Court. We received advice from courts across Canada who have interpreted the constitutional right for all Canadians to effective representation. We looked at other jurisdictions in the country and adopted the wording that they use as well because we know that this language is effective and it works well in other jurisdictions. We do not restrict our boundary commission into strict and difficult to work with parameters, rather they should be able to use the tools that are used everywhere else in this country to reflect the best boundaries absolutely possible for Albertans. This is an independent process.

I am excited about the amendments being put forward in this bill, Mr. Speaker. There are a number of other ones that are contained within this bill that amend a number of other existing pieces of legislation in this province, all of which are going to make Alberta a better place. It contains important amendments. Bill 31, in its

entirety, contains important amendments that would ensure our legislation is up to date and reflective of what the current realities are in this province.

I wish to close debate by encouraging all members to support the amendments in Bill 31. Thank you, Mr. Speaker.

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

[Several members rose calling for a division. The division bell was rung at 9:19 p.m.]

[One minute having elapsed, the Assembly divided]

[The Speaker in the chair]

For the motion:

Amery	Johnson	Sawhney
Armstrong-Homeniuk	LaGrange	Schow
Boitchenko	Loewen	Schulz
Bouchard	Long	Sigurdson, R.J.
Cyr	Lovely	Sinclair
de Jonge	Lunty	Singh
Dreeshen	McDougall	Stephan
Dyck	McIver	Turton
Ellis	Nally	van Dijken
Fir	Neudorf	Wiebe
Getson	Nicolaides	Williams
Glubish	Nixon	Wilson
Guthrie	Petrovic	Wright, J.
Horner	Pitt	Yao
Hunter	Rowswell	Yaseen
Jean		

9:20

Against the motion:

Al-Guneid	Elmeligi	Loyola
Batten	Hoffman	Metz
Boparai	Irwin	Shepherd
Deol	Kayande	Wright, P.
Eggen		

Totals: For – 46 Against – 13

[Motion carried; Bill 31 read a second time]

Bill 33 Protection of Privacy Act

Ms Goehring moved that the motion for second reading be amended by deleting all of the words after “that” and substituting the following:

Bill 33, Protection of Privacy Act, be not now read a second time but that it be read a second time this day six months hence.

[Debate adjourned on amendment November 28: Mr. Haji speaking]

Some Hon. Members: Question.

The Speaker: No. Hon. members, I’m just providing an opportunity if members have other meetings or places to be. As opposed to interrupting the next speaker, I wanted to provide some opportunity for members to leave the Chamber.

Hon. members, before the Assembly is amendment HA1. The hon. Member for Edmonton-Decore has eight minutes remaining.

Are there others? The hon. Member for Edmonton-Beverly-Clareview has the call.

Ms Wright: Thank you, Mr. Speaker. I’m pleased to stand and speak a wee bit about my support for the amendment having to do with Bill 33, the Protection of Privacy Act, the hoist amendment that asks that it be not now read a second time but that it be read a second time in six months. There are a few reasons why I am absolutely in favour of this amendment and why I think it is incumbent upon this Assembly to take that time to review this particular bill.

One of the reasons, of course, is that although it does purport to protect and safeguard Albertans’ privacy, in my view it does nothing of the sort. It becomes clear that this legislation falls short of its stated objectives, because instead of fortifying those privacy protections, what happens is that it introduces loopholes, delays, and a whole lot of ambiguity that I believe will undermine the trust that Albertans place in their government to protect their personal information. And, Mr. Speaker, Albertans deserve much more than a half measure where their privacy is concerned. They deserve transparency, they deserve accountability, they deserve rigorous safeguards where that personal information is at stake. Because of all these gaps, of course, I am supportive of the amendment.

One of those reasons why I’m very supportive of the amendment, one of the gaps that I see is that issue of mandatory breach notifications. It’s anything but mandatory, unfortunately. It is indeed, I believe, one of the bill’s glaring deficiencies. Although the minister has stated that Albertans will be informed if their personal information is compromised, the facts really do speak to something different. Section 10(2) stipulates that breach notifications will only occur if a reasonable person determines that there is a real risk of significant harm. Unfortunately, the idea of someone being reasonable in this instance is just a wee bit subjective and a wee bit vague. What it effectively does, Mr. Speaker, is that it gives public bodies broad discretion to decide whether or not to notify individuals, and this is not, contrary to what the minister contends, mandatory breach notification. I’ll say the word again, “mandatory.” It isn’t mandatory. It becomes conditional, it becomes opaque, and it becomes concerning.

[The Deputy Speaker in the chair]

And, of course, the subjectivity of it is absolutely alarming. If I’m that person, I’m the head of a public body and I’m trying to figure out whether or not something I might do, something I might agree to, something I might think might need to be released might harm someone else, I indeed could be making an error in judgment. Even if most of the time that judgment is sound, once in a while I’m probably going to make a mistake just because of the law of averages, and that mistake, Madam Speaker, could cause someone irreparable harm.

I think about the history that I have with kids in care as a teacher and how easy it is to inadvertently or even just haphazardly give someone information that they are not in fact entitled to. This, unfortunately, could land that child or the guardians of the child or the parents of the child in the middle of a situation they could not at all foresee, all because I thought I was doing something reasonable. But the problem isn’t necessarily that I’m not reasonable. The problem is that we don’t have an agreed upon definition of what reasonable really means. Regardless of all of that, mandatory breach disclosure should be just that; it should be mandatory. That means it should be happening each and every time.

One of the other reasons why I am in favour of my colleague’s hoist amendment, Madam Speaker, is that in this world where automated decision-making systems are increasingly used, Albertans need protections against algorithmic biases and errors, yet, as the Privacy Commissioner has pointed out, this particular

bill doesn't provide any of that. Additionally, the provision which allows government bodies to disclose minors' information under the justification of best interests, just like that word "reasonable," lacks clear definition or safeguards. This is a reckless approach, and, just like with that word "reasonable," it could indeed have far-reaching and damaging consequences for the privacy of Alberta's youth.

I am wondering why. Is this related to recent changes that might be happening in health care? Is this related to addictions and mental health? Is this related to provisions for youth in care? Again, there's simply too much subjectivity, not enough of a safeguard, not enough of a clear definition that people can be acting on. Who exactly will be the person or department involved in making the decision that says that the release of a minor's personal and private information is indeed in the best interest of that minor?

Again, Madam Speaker, I can think of a number of instances where sensitive information could end up inadvertently in someone else's hands who should not have it, and given the way in which our health care system is veering into a publicly funded yet privately delivered system, there are indeed grave concerns. I'd urge the minister, all ministers, all of the folks opposite to take another long look into section 13(1)(e). While all Albertans deserve to trust in how this government is protecting their information, where the issue of minors, where the issue of our kids is concerned, where the protection of their information is concerned, we can't just hang on what we think a definition of something is. We need to be absolutely, categorically sure, and this bill does not allow for that.

[The Speaker in the chair]

Another reason, Mr. Speaker, why I am in favour of the amendment which my colleague put forth before us the other day: there is indeed another critical flaw. It's that absence of paramountcy, the absence of a paramountcy provision. Such a clause would ensure that Bill 33 supersedes other legislation, preventing conflicting laws from eroding privacy protections. Without it this government, this UCP government, could introduce bills permitting the collection and use of personal data without being bound by any of those safeguards. I'm wondering how, then, we can actually claim, as I've heard folks do, that this legislation is the strongest in Canada when, if this is the case, it will lack this fundamental mechanism to make its provisions enforceable across all, not just some but all government programs.

Certainly, that was one of the concerns of the Information and Privacy Commissioner. In her letter to the minister, which was dated just two short weeks ago on November 20, the commissioner noted a number of concerns with the lack of that paramountcy provision. While the ministry, according to the excerpt included in the letter, notes that "it was determined that an express paramountcy provision was no longer necessary as there should not ever be a conflict between the proposed Act and another Act," I'm wondering, Mr. Speaker, if there was a lack of understanding as to the precautionary principle or, as my mother used to describe it, catastrophizing in an effort to understand that exceptions happen. Things that you can't anticipate happen, and you need to be prepared for those things. You also need to be prepared for the consequences of those things happening. This is where the lack of this sort of provision in the bill is egregious, quite frankly.

As the commissioner notes: "in the event the other statute permits collection, use or disclosure regardless of whether this is necessary to carry out its purposes . . . there may still be a conflict." She goes on to include the example of applicants providing "a criminal record check, a police information check and vulnerable sector search,"

which many volunteers have to do these days, "all of which may contain more information than is reasonable for the purpose for which the information is collected." The commissioner then goes on to state that once the act is enacted without this provision, it cannot provide the same privacy protection as the FOIP Act did. This is a problem because then it means it isn't doing what it's supposed to be doing.

9:30

Another reason for my support of this amendment, Mr. Speaker, is the fact that it fails to tackle one of the most pressing privacy challenges of our time, and that's emerging technologies like artificial intelligence. AI is already being used to make decisions that affect individuals' lives from health care to public services, but this bill, Bill 33, lacks any provisions to address transparency, accountability, or safeguards around AI and automated decision-making.

In jurisdictions like the European Union the General Data Protection Regulation, the GDPR, unlike this act, sets clear standards which require organizations to disclose when automated systems are used. They have to; they are mandated to explain decision-making processes and provide recourse for affected individuals. Interestingly enough, when I googled European Union, the General Data Protection Regulation, GDPR, it was, of course, Google's AI overview that popped up first, which I suspect is a wee bit of a lesson there. AI is everywhere, and we need to be protected from it.

The GDPR is comprehensive because it focuses on a number of principles that should be surrounding data protection, things like lawfulness, fairness, and transparency. On data security it looks at the implementation of appropriate technical and organizational members regarding how that handling of data happens, and if there's a data breach, there is a whole 72 hours, three days, to tell the data subjects that this happened or the organization will be facing penalties.

On data protection by design and by default there's a mandate, by virtue of the European Union's legislation, to consider data protection everywhere and anywhere. This, again, is that precautionary principle at play, Mr. Speaker. In terms of when to process data, they talk about what actual consent from a data subject means. They say, not ambiguously at all, that consent must be freely given, specific, informed, and unambiguous.

It also includes sections on data protection officers and people's privacy rights, and quite frankly it's much more comprehensive than the bill we have before us. Our bill, this Bill 33, leaves Albertans vulnerable to what are opaque and somewhat unregulated systems. This omission isn't just a missed opportunity; it's a failure to protect Albertans from risks which are indeed foreseeable. We should be planning for them.

Finally, Mr. Speaker, in terms of my support for the hoist amendment privacy protections are only as effective as the mechanisms that enforce them, but Bill 33 significantly weakens that oversight. It largely leaves privacy management programs and impact assessments to the discretion of public bodies. The commissioner who should be that cornerstone, that person that all of these bodies look to as the person of independent accountability, is not empowered to proactively audit compliance or to even ensure that public bodies meet their obligations. This undermines public trust, and Albertans deserve to know that there is indeed an independent officer who is actively safeguarding their rights.

With its vague standard for breach reporting, requiring notification only when a reasonable person determines there's a risk of significant harm, there are inconsistencies; there are loopholes. Privacy is not a privilege; it's a right that happens to be enshrined

in the universal declaration of human rights. It is fundamental to a functioning democracy and trust in all of our public institutions. Bill 33 in this current form does not at all meet this standard.

Albertans deserve privacy protections they can trust. They deserve to know when their information is compromised. They deserve to have confidence in how their data is used and to be assured that independent oversight is in place. Bill 33 delivers none of these. For all of these reasons, Mr. Speaker, this is why I am supportive of the hoist amendment and why I would encourage all of my colleagues to be supportive of it as well. This legislation is a missed opportunity. It's an attempt at privacy protection, but it ultimately weakens it. I urge everyone to support this amendment. I urge the government to take the time it needs to review the legislation, to review the clauses in this bill.

We shouldn't be settling for mediocrity when the stakes are so high. We need to make sure Albertans' privacy is genuinely protected. Thank you.

The Speaker: Hon. members, on the amendment is there anyone else wishing to join in the debate?

Seeing none, I am prepared to call the question.

[Motion on amendment HA1 lost]

The Speaker: Hon. members, pursuant to the hoist amendment I am required to put all questions before the Assembly to dispose of second reading.

Member Irwin: That was just on the hoist, though, Mr. Speaker?

The Speaker: That is correct.

For clarity for your sake after a hoist amendment all questions to dispose of second reading are required by the Speaker to be put to the Assembly. As such, I will now put second reading. Hypothetically, if you would like a division on second reading, you're still able to do that following me calling the question.

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

[Several members rose calling for a division. The division bell was rung at 9:36 p.m.]

[One minute having elapsed, the Assembly divided]

[The Speaker in the chair]

For the motion:

Amery	Jean	Rowswell
Armstrong-Homeniuk	Johnson	Sawhney
Boitchenko	LaGrange	Schow
Bouchard	Loewen	Schulz
Cyr	Long	Sigurdson, R.J.
de Jonge	Lovely	Sinclair
Dreeshen	Lunty	Singh
Dyck	McDougall	Turton
Ellis	McIver	van Dijken
Fir	Nally	Wiebe
Getson	Neudorf	Williams
Glubish	Nicolaides	Wilson
Guthrie	Nixon	Wright, J.
Horner	Petrovic	Yao
Hunter	Pitt	Yaseen

9:40

Against the motion:

Al-Guneid	Elmeligi	Loyola
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Batten	Hoffman	Metz
Boparai	Irwin	Shepherd
Deol	Kayande	Wright, P.
Eggen		

Totals:	For – 45	Against – 13
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[Motion carried; Bill 33 read a second time]

Bill 36

Miscellaneous Statutes Amendment Act, 2024

The Speaker: The hon. the Government House Leader.

Mr. Schow: Why, yes, Mr. Speaker. It is I, and I am so pleased to rise this evening and move second reading of Bill 36, the Miscellaneous Statutes Amendment Act, 2024. How did I mess that up? I mean, honestly, it's right on the paper. It's a big word, multisyllabic.

This act, like all miscellaneous statutes amendment acts, improves clarity across our laws and is how we correct anomalies, inconsistencies, outdated terminology, and errors to provide precision in provincial law. Mr. Speaker, this bill would make minor amendments to 19 acts, which are as follows: An Act to End Predatory Lending; Consumer Protection Act; Employment Standards Code; Environmental Protection and Enhancement Act; Fair Registration Practices Act; Gaming, Liquor and Cannabis Act; Guarantees Acknowledgment Act; Insurance Act; Labour Mobility Act; Labour Relations Code; Municipal Government Act; Municipal Affairs Statutes Amendment Act, 2024; Personal Directives Act; Post-secondary Learning Act; Powers of Attorney Act; Red Tape Reduction Act; Red Tape Reduction Statutes Amendment Act, 2024; Teaching Profession Act; and the Wills and Succession Act.

Mr. Speaker, as per custom the Official Opposition has been consulted on this bill, and I therefore recommend that all members in this Chamber swiftly pass second reading of Bill 36. Thank you.

The Speaker: The hon. Member for Edmonton-Highlands-Norwood has the call.

Member Irwin: Thank you, Mr. Speaker. I rise, and I do have a lengthy speech prepared on Bill 36, the Miscellaneous Statutes Amendment Act, 2024, so thank you for listening, Minister, through you, of course, Speaker.

No. You know, it is rare that I get to rise in this House and say that we fully support a bill. Haven't got to say that too often. We appreciate the government consulting with us on this bill, and we appreciate the work they've done to update those statutes.

With that, I urge all members of this House to support Bill 36.

The Speaker: Hon. members, are there others?

Seeing and hearing none, I am prepared to call on the minister to close debate.

Mr. Schow: Well, Mr. Speaker, it feels like it's been a lifetime since I rose in this Chamber to speak on such an important piece of legislation, but suffice to say I support it. It sounds like the members opposite support it. That's what you call gettin' it done here for Albertans. I thank everyone for their co-operation in second reading of this bill.

With that, I close debate.

[Motion carried; Bill 36 read a second time]

Government Bills and Orders
Committee of the Whole

[Mr. van Dijken in the chair]

The Deputy Chair: I'd like to call the committee to order.

Bill 34
Access to Information Act

The Deputy Chair: Are there any comments, questions, or amendments to be offered with respect to this bill? The Member for Edmonton-City Centre has risen.

Mr. Shepherd: Well, thank you, Mr. Chair. I appreciate the opportunity to rise and speak to Bill 34, the Access to Information Act.

You know, Mr. Chair, it was just about a year ago when I was still acting for the critic for Health when I was asked to do a year-end interview with the *Edmonton Journal*. They were asking me for my thoughts on the current state of the health care system at that time. They had arranged an interview with the Minister of Health that was supposed to be extensive and ended up being incredibly brief, so they reached out to me to have a bit of a discussion and sort of get what my thoughts were on things.

One of the comments I made at that time, as we were looking at again a massive increase in pressures due to respiratory virus season and a significant failure of the government to prepare for that, noting that so little information was getting out to the public – the only reason we were hearing anything was not because the government was telling the public anything but because we were hearing it from health care workers themselves. The comment I made to the *Edmonton Journal* then, Mr. Chair, was that “they’re building Fortress [last name of the Premier]. They’re on the inside and everybody else is out. This could be an unprecedented era in Alberta politics.”

Indeed, that is what we have seen consistently under this government, a government that is building walls to keep Albertans out, to prevent them from knowing what their government is doing, what the implications of those decisions are, even simply what Albertans are actually saying to government. What we have in Bill 34, Mr. Chair, is the government ramping it up even further, destroying the freedom of information system here in the province of Alberta, making it incredibly more difficult for anyone to get any information about what the government is doing, how they are planning it, anything from this government.

Now, I spoke earlier this evening on Bill 31, the changes to the Electoral Boundaries Commission Act. I talked extensively about how this is a government that consistently likes to change legislation, move legislation to benefit themselves politically at cost to Albertans. That is again what we are seeing in Bill 34. This is a defensive manoeuvre from the government that is going to make it far harder for people to get information, make the system take far longer, and making it that when we do actually receive information, it will be far more heavily redacted.

The Information and Privacy Commissioner, whose job it is to oversee this legislation and to speak out on behalf of Albertans, has spoken out extensively against many of the measures in Bill 34 even as she is in the process of concluding a significant investigation into this government’s abuse of the freedom of information system, an investigation that was begun last year. We heard at the last update this past August that it would conclude at the end of December. Now, Mr. Chair, you would think that if a government was actually concerned about creating a better environment for Albertans, they would wait for the results of such an extensive investigation that

spans across all ministries in the government, investigating concerns that were brought forward by multiple Albertans, by reporters, by the media that this government is using the rules that currently exist, that they are now amending through Bill 34, to deny information to Albertans consistently, repeatedly.

9:50

Indeed, Mr. Chair, we know that for example this government will not even release, has repeatedly refused to release, simple survey data, surveys that were paid for by Alberta taxpayers that merely contain the opinions of Albertans on this government’s attempt to replace the Canada pension plan with an Alberta pension plan. This government refuses to release that information to Albertans. They don’t think Albertans deserve to hear what Albertans said to the government in a survey that Albertans paid for.

Bill 34 is here to codify that further, again, to show this government’s contempt and disregard for Albertans. This government, Mr. Chair, it’s my understanding that they don’t even publish the simplest of documents anymore, a document called a what-we-heard document.

Mr. Chair, government engages in all kinds of consultations, as it should, because when you are making changes that affect Albertans in many significant ways, you should in fact be talking to Albertans about it. Now, we know from past practice and many, many examples that this is a government that does the least in actually talking to Albertans. This is a government, again, that likes to try to set out what it wants to be said, what it wants to hear, before they even start talking to Albertans, so they very carefully cherry-pick.

But the fact is, Mr. Chair, that at least previous governments, when they went out and did consultations with Albertans, they would then actually publish what they heard. Imagine that: such a simple thing, such a reasonable thing from any government that actually wanted to engage with Albertans, that was actually pursuing public policy for the public good. But it’s my understanding, Mr. Chair, that this government doesn’t do that anymore. They’re not interested in telling Albertans what they heard from Albertans because, again, they’re not actually consulting with Albertans.

So often, unfortunately, what this government says it is doing is not in fact what it is doing. Why it says it’s doing it is not why they’re actually doing it. The changes in Bill 34 are intended to make sure no one ever finds out what their actual objectives are and what they’re actually attempting to do. This is, I think, Mr. Chair, probably easily the least transparent government Albertans have ever had, the most disingenuous, and these changes that they are making to privacy laws and the freedom of information system in the province of Alberta prove it.

Mr. Chair, in an attempt to mitigate the damage and try to make a bad bill perhaps a little better, I have an amendment I’d like to propose.

The Deputy Chair: When the table receives copies we will proceed from there. We will refer to this as amendment A1.

The Member for Edmonton-City Centre can proceed.

Mr. Shepherd: Excellent. Thank you, Mr. Chair. The amendment states that the Member for Calgary-Bhullar-McCall moves that Bill 34, Access to Information Act, be amended as follows: (a) in section 4 by striking out subsections (1)(w) and (7); (b) in section 50(6)(a) by striking out “section 4(1)(a), (t) or (w)” and substituting “section 4(1)(a) or (t)”; (c) in section 97(1) by striking out clause (a).

Now, I recognize, Mr. Chair, that by my reading that into the record, it's abundantly clear what we're attempting to do, but nonetheless I will explain it again. Essentially, Bill 34 is expanding the definition of cabinet confidentiality. What we have seen repeatedly – and to my understanding part of the current investigation, this widespread investigation, spanning across all ministries of this government, is in good part about this government I would say stretching, if not abusing, the concept of cabinet confidentiality, looking for any excuse to declare that something is confidential advice that was given to cabinet. For example, a simple survey of Albertans telling this government what they thought of their plan to pull us out of the CPP and create an APP, they're refusing to release that, saying that is confidential advice given to cabinet.

We've already seen, Mr. Chair, that this is a concept this government likes to abuse. Now they want to go even further; they want to actually codify it. In Bill 34 they are looking to expand the definition of cabinet confidentiality to include messages between and from a minister to a political staffer and vice versa. Right now political staff are not included, which is why on many occasions Albertans have been able to find out about concerning things the government has been doing. Somebody FOIPed the information, and they were able to get some e-mails that were sent to the political staff that revealed things that the government was doing that the government didn't want us to know.

Because media have done their due diligence or others have or the Official Opposition, Albertans have been informed. Sometimes we've been able to head off bad decisions, we've been able to prevent corruption, or at the very least Albertans have been informed about the depths to which the government has been willing to sink. This government now wants to change that, Mr. Chair, to ensure that no one is able to get that information again, to ensure that when political staff are communicating with each other or communicating with government, that information is all of a sudden redacted, privileged, not available.

Now, here's the thing, Mr. Chair. They don't actually define what "political staff" means. They're creating a whole new category in this legislation to avoid releasing information to the public, and they are not defining what that category means. This government does not have the guts to actually define this in the legislation out in the open. They insist that they want to make this definition enclosed behind closed doors in the cabinet room. They don't want it to have the scrutiny of the opposition. They do not want to have it debated. That is concerning for a government that again is one of the least transparent that we have ever had, that is currently under investigation by the Information and Privacy Commissioner for abusing, in my view, the information and privacy system, the freedom of information system.

This amendment is deleting that. It's removing that caveat. If the government doesn't want to define what it is, if the government doesn't want to be transparent with Albertans about why it feels it needs to do this and who it wants to afford this privilege to, then I say that they shouldn't do it. This amendment removes that section. We will remove the exemption for records of communication between political staff and between political staff and members of Executive Council.

Indeed, the Information and Privacy Commissioner has raised concerns about this particular clause. About Bill 34 as a whole, she said, "in general, my view is that there are many grounds for concern regarding Bill 34's impact on Albertans' access to information rights." Rights, Mr. Chair, something this government claims to be very proud of, protective of, brought in an entire act to amend particular rights here in the province of Alberta, Albertans' right to this information. Mr. Chair, the Information and Privacy

Commissioner says that Bill 34 is impacting "Albertans' access to information rights and more generally the functioning of the access to information system in Alberta." There are many grounds for concern of how those are going to be impacted by Bill 34. She warns that sections 4(1)(t), (u), (v), the ones that we are talking about here, "combined with sections 27 and 29 creates some of the broadest exceptions to executive level government transparency, as compared to similar Canadian or international legislation."

The Minister of Justice was just up here a little bit ago, Mr. Chair, saying how important it was to him to make sure our Electoral Boundaries Commission was in what he felt was alignment with other jurisdictions, only the best for Alberta, except when it comes to being able to get the information on how that minister or his colleagues in cabinet are making their decisions. In that case, they feel that Alberta should offer the least information of any jurisdiction in Canada, should have the broadest exception, that Albertans should be most in the dark out of any other citizens in this country. That is the warning that is coming forward from the Information and Privacy Commissioner.

10:00

See, the way it works, Mr. Chair, is ministers are the head of a department. Political staff serve a public purpose. They perform public interest functions. By exempting those political staff, this section exempts a broad class, a massive number of government documents, not just policy deliberations, as is commonly the case under most Canadian access laws, but, far broader, that no one will be allowed to see or look at or read those that relate to decisions that involve Albertans, that directly impact Albertans, even information that has been paid for by Albertans.

Again, Mr. Chair, that is the level of contempt with which this government holds Albertans. They do not think Albertans deserve to know even what Albertans have told the government. They want to control the narrative on every front they possibly can because they know that if Albertans truly knew half of what they were doing, the motivations for why they're actually doing it, if that information and those documents were actually accessible, Albertans would not be big fans of this government, as indeed many currently are.

Again, Mr. Chair, this is a government that is afraid to actually be honest with Albertans because they know they can't carry support if they are. That is why we have Bill 34 in front of us, where they are creating the most sweeping, broad exceptions in all of Canada. That is why I've brought forward this amendment to remove at least one portion of that to, hopefully, in at least one respect, keep this government a little more honest, to try to bring back a modicum more transparency on behalf of the people of Alberta from a government that, arrogantly, seems to feel they should have none.

The concern is that this exemption that they have put in, that this amendment would remove, has the potential to improperly extend access requirement exemptions to the public service. Again, Mr. Chair, we're talking about the ministers and the actual cabinet. Yeah, their deliberations are private. They want to extend that now to all of their political staff so that no one can get any information about that, but this has the potential to go even beyond that to the actual public service, actual individuals who are paid for by Albertans, who act in service of Albertans, who are not there for the political and partisan interests of this government. The changes this government is making are to try to even muzzle them.

Certainly, Mr. Chair, we have heard from many public servants – we have seen this across the health care system and many other respects – that this is the most controlling, most vindictive government we have ever seen in this province when it comes to

the ability of public servants to be able to speak about the real challenges and the issues that they're seeing. With this change in Bill 34, this particular change here that this amendment is looking to remove, we are working to try to rein that in.

You know, most access to information legislation primarily just focuses on the type of records, specific, narrowly defined processes that should be exempt, not on the people. The idea is, Mr. Chair, that it's not that certain people never have to disclose anything they have said or done on the taxpayer dime but that there are particular classes of documents or particular processes that need to be protected like, yes, cabinet deliberations. What the government is proposing to do here is entirely new: exempting political staff, focusing on exempting people rather than a record or a process, saying that nothing this individual says or does should be transparent to Albertans. It's highly concerning.

The provision is broad. It is vague, and it will, Mr. Chair, significantly degrade the transparency and the openness of this government and of the departments of the government of Alberta. That is the opinion not just of the Official Opposition; that is the opinion of the Information and Privacy Commissioner, who is the expert in privacy legislation and whom this government did not consult on this legislation, to be clear. They talked to her beforehand, made some vague suggestions, and then she didn't see anything until the bill came out, which has been the pattern with this government. That is how they've generally operated with that office.

I think Albertans should be very concerned. That is why I brought forward this amendment, Mr. Chair. I would hope that this government might find a semblance of a conscience in walking back this portion, at least, of Bill 34. Make this bad bill a little better. Show a little bit more respect for Albertans, and support this amendment.

Thank you, Mr. Chair.

The Deputy Chair: Thank you, Member.

Are there others wishing to speak? The Minister for Service Alberta and Red Tape Reduction has risen.

Mr. Nally: Thank you, Mr. Chair. We have another thoughtful amendment from Calgary-Bhullar-McCall. The amendment says Calgary-Bhullar-McCall, but Edmonton-City Centre presented it. If I was Edmonton-City Centre, I'd let Calgary-Bhullar-McCall take credit for this one. It's not very well thought out and certainly not very accurate.

I just wanted to stand up and just provide a little bit of insight into this. To be very clear, Mr. Chair, we are not expanding the definition of cabinet confidentiality. We are not all of a sudden adding political staff to it. Political staff have always been protected, but it wasn't clear in the legislation, so we are providing the clarity that is lacking. I want to be very clear for the opposition just so that they know that access to information is about access to government documents, not political conversations. Not only that, but in fact these amendments that we're proposing are in line with what the Supreme Court of Canada said is consistent with good governance.

Now, last week in question period I introduced everyone here to a game that I call a trip down memory lane. It's a game I can play all day, Mr. Chair. I'm not going to go into the second round. I'm just going to talk about what we brought in last week, which was the fact that it was the members opposite in 2017 – and we know this because of a leaked Justice e-mail. The minister at the time was demanding to know the names of individuals and groups putting in FOIP requests. On what level is this appropriate? On what level is this good governance? In fact, it's not. I would argue that it was the

lack of clarity in the FOIP laws that led them to behave so badly and some misguidance and lack of ethical issues and other things.

Mr. Chair, the fact is that we are providing the clarity to the FOIP laws that are currently missing so that 44 years from now – heaven forbid that Alberta ends up with another accidental government called the NDP – I want to know that they're not going to be able to behave in the same way that that caucus did in 2017. That is not consistent with good governance.

I want to be clear. We are simply modernizing and updating our FOIP laws, and we are simply updating and modernizing outdated and aging amendments, and in doing so, Mr. Chair, we are aligning ourselves along jurisdictional lines so that our FOIP laws reflect the other provinces in the country, including the federal government. Now, every province has FOIP laws that are slightly different, but at the end of the day there is no light between any of us when it comes to providing access to government documents to its citizens. That's what these amendments do. They update aging legislation. They provide clarity.

Now, the last comment that I'll make is that the member misspoke. The hon. member thought that we didn't engage with the OIPC, but in fact that wasn't correct. I would agree with him if I thought he was correct, but he's not correct. We, in fact, did engage with the OIPC. Technology and Innovation as well as service Alberta both engaged with the OIPC. I myself also had a meeting with the OIPC as well. We had full engagement with the OIPC. We continue to engage with her. In fact, we're aware that she's asking for more clarity, so we have committed to continue to engage with the OIPC as we build out these regulations and, hopefully, provide that clarity that the OIPC is looking for.

Because of that, I'm asking all members of this House to turn down this amendment. It does not bring any value to the legislation. In fact, it risks pushing us back to 2017, and that's not an area that we want to go. Mr. Chair, I ask that everybody turn this down.

The Deputy Chair: Are there any other speakers on amendment A1?

Seeing none.

[Motion on amendment A1 lost]

The Deputy Chair: Members, we are back on the main motion. The Member for Airdrie-East.

10:10

Ms Pitt: Thank you, Mr. Speaker. I have an amendment to move.

The Deputy Chair: Members, this amendment will be referred to as A2.

The Member for Airdrie-East can proceed.

Ms Pitt: Thank you, Mr. Chair. I move that Bill 34, the Access to Information Act, be amended in section 50(6)(a) by striking out "section 4(1)(a), (t) or (w)" and substituting "section 4(1)(a), (s), (t) or (w)." I think this amendment is very straightforward. It clearly says it's going to do what it says it's going to do. I think it's an important addition to this legislation, and I urge all members to vote in favour of amendment A2.

Thank you.

The Deputy Chair: Are there any other speakers?

Mr. Nally: Mr. Chair, I would just like to say now that's a well-thought-out amendment, and I would encourage the members opposite to perhaps take the amendment home and study it and frame it and maybe come back with some other well-thought-out amendments on their own.

As far as this amendment goes, Mr. Chair, I ask that everybody support it.

The Deputy Chair: On amendment A2, any other speakers?
Seeing none.

[Motion on amendment A2 carried]

The Deputy Chair: We're back on the bill, Bill 34. Any further speakers? The Member for Edmonton-Meadows has risen.

Mr. Deol: Thank you, Mr. Chair. I'm pleased to have the opportunity to rise and add my comments to Bill 34, Access to Information Act. The changes, actually updating, were required to the FOIP Act and were actually due for quite long. What we see in this bill in hand right now: nobody actually really expected to see what will be discussed in this House. In the bill they've called it updating and strengthening the FOIP Act.

There have been grave concerns to the existing FOIP Act in relation to accessing the information related to mostly the government business. I'll go through the challenges and the issues reported by very reputable bodies who are dependent on the FOIP Act in relation to providing information to Albertans so the people of Alberta can make decisions based on the information – the true information, that is – so they can make an informed decision on the things they feel are important to them.

The FOIP is a crucial feature to democracy to promote state-level transparency and accountability. What we see in this bill is that the existing act had the flexibilities and efficiency that the existing act provided. It basically, you know – I don't know who they discussed with and consulted with a bit – came out actually making it much harder in the future for anybody who wanted to see exactly what is happening in the government operations and assess the decision-making and then provide their feedback based on that.

The way this act has been drafted, the government is actually going too far. Now, it can be interpreted in a number of actually sections in this bill. When you look into this, it can be interpreted, like, that government is not even entrusted anymore in releasing the information to the public, to the very Albertans that are being impacted. All those people, they are working for the benefit of the people at large. That's their profession, and that is the job they have taken on and are getting paid for. They want to do justice with their job. So their work, if this act passed as it is, will be interrupted. They will not be able to do their job.

The past two privacy commissioners, Alberta Privacy Commissioner Diane McLeod and one of the other individuals, I think she was Jill Clayton, they actually shared their concern with this act and proposed so many recommendations to strengthen the act so that it will help those people who rely on the information and use for the public benefit. What we see is that instead of taking on that professional advice, the government has come up with some sort of decision that is basically looking to protect themselves by hiding the information that is the crucial and critical part of the democratic process.

In 2023 the *Edmonton Journal* reported and they said that Alberta already had one of the most restrictive information regimes in Canada. Before that, there was an investigation launched by the Alberta Privacy Commissioner Diane McLeod. This was followed from the reporting of *The Narwhal* and the *Globe and Mail* indicating that government departments were failing to follow public disclosure laws. Alberta was found to be the only province to refuse to respond to a routine information request from the *Globe*

and *Mail*. The investigation was extended but could conclude by the end of 2024. McLeod in 2023 submitted that "it has never been more important for Canadians to have access to official government records."

10:20

Mr. Chair, this government is claiming that this legislation will increase access to information, but the large list of exemptions in this act proves that this bill will do exactly the opposite to the government's claim. As an example, the change from 30 calendar days to 30 business days standardizes a longer wait time. That was one of the concerns. Instead of addressing the 30-day wait time period, the government has actually further lengthened the waiting time to almost a month and a half. So in this case, rather than addressing the delays, this act is further lengthening the timeline so that there is more time to process requests. That's not actually in line with the mandate of the submission of recommendations from the Privacy Commissioner at all. This is going to negatively affect the existing act.

A new section, 7(3), will require requests to include enough details for the records to be found "within a reasonable time with reasonable effort." Well, guess what? The problem is that nobody knows what the reasonable time and reasonable efforts are. This bill is totally silent about that.

There are a number of other sections in this bill that contradict the government claiming that the government is actually moving in a better direction. The concerns are shown by the stakeholders, the people who have been using the FOIP Act to get the information to complete their work and/or on behalf of Albertans to do their job, to the benefit of the community or the benefit of all Albertans. They're all concerned about this bill.

There are many sections that are making the act actually much worse than we had in the past, so I strongly oppose this bill. I also ask my colleagues on both sides of the aisle to oppose this bill, and I request this government to go back to the table and look at all those recommendations from the professionals and come up with a new act that not only the opposition and all House members can support but that Albertans can benefit from as well.

With that, I also move to adjourn debate, Mr. Chair.

Thank you.

The Deputy Chair: Hon. member, are you asking the committee to rise and report progress?

Having heard the motion from the Member for Edmonton-Meadows to rise and report progress on Bill 34, are you agreed?

[Motion carried]

[Mr. van Dijken in the chair]

The Acting Speaker: The Member for Bonnyville-Cold Lake-St. Paul.

Mr. Cyr: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration certain bills. The committee reports progress on the following bill: Bill 34. I wish to table copies of all the amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

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

Hon. Members: Aye.

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

move that the Assembly be adjourned until 1:30 p.m. on Tuesday,
December 3.

Mr. Amery: Well, thank you very much, Mr. Speaker. Wonderful
work today by members of the Legislature. However, it is late. I

[Motion carried; the Assembly adjourned at 10:27 p.m.]

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