



Legislative Assembly of Alberta

The 30th Legislature
Third Session

Standing Committee
on
Private Bills and Private Members' Public Bills

Bill 203, Technology Innovation and Alberta Venture Fund Act
Bill 204, Anti-Racism Act

Thursday, April 7, 2022
12 p.m.

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Standing Committee on Private Bills and Private Members' Public Bills

Rutherford, Brad, Leduc-Beaumont (UC), Chair
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* substitution for Janis Irwin

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Standing Committee on Private Bills and Private Members' Public Bills

Participants

Bill 203, Technology Innovation and Alberta Venture Fund Act.....PB-463
Aaryn Flynn, CEO, Inflexion Games
Trent Johnsen, CEO, Liveweb

Bill 204, Anti-Racism ActPB-475
Michele Evans, Assistant Deputy Minister, Workforce Strategies, Labour and Immigration
Maureen Towle, Assistant Deputy Minister, Data, Information and Privacy Services, Service Alberta

12 p.m.

Thursday, April 7, 2022

[Mr. Rutherford in the chair]

The Chair: Thank you. I'd like to call the meeting to order for the Standing Committee on Private Bills and Private Members' Public Bills and welcome everyone in attendance.

My name is Brad Rutherford, MLA for Leduc-Beaumont and chair of the committee. I'd ask those members that are joining the committee at the table to introduce themselves for the record, and then I'll call on those joining by videoconference. We will begin to my right.

Mr. Smith: Good afternoon and welcome, everybody. My name is Mark Smith, and I'm the MLA for Drayton Valley-Devon.

Mr. Amery: Good afternoon. Mickey Amery, MLA, Calgary-Cross.

Mr. Long: Good afternoon. Martin Long, MLA for West Yellowhead.

Ms Sigurdson: Lori Sigurdson, Edmonton-Riverview.

Mr. Bilous: Good afternoon. Deron Bilous, MLA, Edmonton-Beverly-Clareview.

Mr. Nielsen: Good afternoon, everyone. Chris Nielsen, MLA for Edmonton-Decore.

Mr. Shepherd: Good afternoon. David Shepherd, MLA for Edmonton-City Centre.

Ms Robert: Good afternoon. Nancy Robert, clerk of *Journals* and committees.

Mr. Huffman: Warren Huffman, committee clerk.

The Chair: Thank you.

I'll now go online. We'll start with MLA Dach.

Mr. Dach: Good afternoon. Lorne Dach, MLA for Edmonton-McClung.

The Chair: Thank you.

MLA Singh.

Mr. Singh: Good afternoon, everyone. Peter Singh, MLA, Calgary-East.

The Chair: Thank you.

MLA Rehn.

Mr. Rehn: Good afternoon, everyone. Pat Rehn, MLA, Lesser Slave Lake.

The Chair: And MLA Nixon.

Mr. Jeremy Nixon: MLA, Calgary-Klein, Jeremy Nixon.

The Chair: Thank you.

I'll just go through a few of the substitutions today: Member Singh for Member Frey; Member Dach for Member Sweet; Member Bilous for Member Irwin; and Member Smith for Member Rosin.

A few housekeeping items to go through. The microphones are operated by *Hansard* staff. Committee proceedings are live streamed on the Internet and broadcast on Alberta Assembly TV, and the audio-

and videostream and transcripts of the meeting can be accessed via the Legislative Assembly website. Members participating remotely are encouraged to have your camera on while you're speaking and your microphone muted when you are not. Remote participants who wish to be placed on the speakers list are asked to e-mail or send a message in the group chat to the committee clerk, and members in the room are just asked to signal the chair as well. Please set your cellphones and other devices to silent for the duration of the meeting.

We will now go to the approval of the agenda. Are there any changes or additions to the draft agenda?

Not seeing or hearing any, can I get somebody – MLA Bilous has moved that the agenda for the April 7, 2022, meeting of the Standing Committee on Private Bills and Private Members' Public Bills be adopted as distributed. All those in favour in the room, please say aye. Anyone opposed in the room, please say no. Moving online, all those in favour online, please say aye. Anyone online opposed, please say no. That motion is carried.

On to the approval of the minutes. We have the minutes of our March 29, 2022, meeting to review. Are there any errors or omissions to note?

Hearing none, can I get a member to move – Mr. Nielsen has moved that the minutes of the March 29, 2022, meeting of the Standing Committee on Private Bills and Private Members' Public Bills be approved as distributed. All those in favour in the room, please say aye. All those opposed in the room, please say no. Moving online, all those in favour online, please say aye. Anyone opposed online, please say no. That motion is carried.

Moving on to some stakeholder presentations, members, at our meeting on March 29 the committee agreed to invite stakeholders to provide oral presentations on Bill 203, the Technology Innovation and Alberta Venture Fund Act. According to the committee's agreed upon process stakeholders may make up to a five-minute presentation, followed by questions from committee members for up to 15 minutes. We have three stakeholders that have agreed to meet with us today, and currently two are with us. If a third joins, we will certainly get them involved. I'd like to thank Mr. Aaryn Flynn, the CEO of Inflexion Games, and Mr. Trent Johnsen, CEO of Liveweb, for joining us today.

We will then turn to our first presenter, Mr. Flynn, the CEO of Inflexion Games, for a five-minute presentation if you are ready, and then we will go to questions. The clock starts when you do.

Mr. Flynn: Thank you, Mr. Rutherford. I believe I have a presentation that could be shared from the committee clerk.

The Chair: Yup. We'll give him a few seconds just to get that started. I'll let you know when it's up.

Bill 203, Technology Innovation and Alberta Venture Fund Act

Mr. Flynn: Thank you. I should take a moment while the presentation is coming up to thank the committee for having me here today. I will be very respectful of time and do my best to get through this in five minutes and would certainly welcome all of your questions afterwards. Today I'm speaking to you in the capacity in my role as the chair of the A100, the technology entrepreneurs association for the province of Alberta. We're a committed group of technology entrepreneurs striving to bring investment to the province, striving to grow technology businesses here, so it's a pleasure to offer this perspective to you on the bill.

There we are.

The Chair: Yeah. It's up. Please continue.

Mr. Flynn: Perfect. Thank you.

You can go to the next slide, please. All right. I want to offer this quote to begin, which comes from the CBRE as of last year. It very clearly states that in the opinion of the CBRE, the Canadian real estate organization, the size of any jurisdiction's tech talent labour pool will be a key indicator of a region's recovery. As we think of this at the A100, as I think of this as a technology entrepreneur here in the province of Alberta, this weighs very heavily on me. I think a lot about how we, in whatever capacity I'm working in, can ensure that we have a tech talent labour pool here in our province.

Next slide, please. In the A100 we have what we call a big, hairy, audacious goal, which is a business term to describe what exactly it is that we want to do over the next 10 years. The clock is running on that goal, and it is our ambition to bring 7,500 total technology jobs to the province by 2031. It's an ambitious goal, it's a generational goal, but it is a goal that we believe very strongly will ensure the future of this province both economically and from a diversification perspective, so all of our members are committed to this goal and ensuring this. Obviously, the "how?" is a critical question to answer when thinking about such a change to our province.

Next slide, please. Let's talk a little about the role of venture capital in pursuing that goal.

Next slide, please. You may be familiar with this map here. This comes from the Canadian venture capital association annual report, and it gives you a sense of the magnitude of venture capital investment that's been happening across Canada. There are a couple of things I want to point out here if you're not familiar. The first is that Alberta very clearly shows a \$561 million set of investments in the province here over the course of 2021. This is up from 2020, which in turn is up from 2019, so there's nothing wrong with celebrating that growth and celebrating that increase. However, when you look at the order of magnitude and the quantum differences between Alberta and British Columbia and Ontario and Quebec, you know, those numbers are in the billions, so you get a sense of not only how far behind we are in this space but also just exactly how big this thing could be for us in our province of Alberta.

Next slide, please. When we think about this, we have to think about this from three dimensions. We have to think about the founders, those entrepreneurs who take this capital and deploy it locally and in their jurisdiction; we have to think about the talent, the folks that are hired, the folks who stay in this province, the folks who do great work in the province; and, lastly, the funding, which is the venture capital itself. How do we attract this funding? How do we make Alberta the most attractive place for any venture capital – [An electronic device sounded] I bet that's Brad – to come in and make Alberta its home and spend its thing here? As I say, there is no denying that there is success here and there is room to grow here, but we have to make this a priority for our province, and we have to ensure that venture capital investment is top of mind when it comes to this government's mandates.

Next slide, please. I thought it was timely to share two news articles from just the past 24 hours. On the left is a federal announcement that says that up to \$15 billion will be set aside to leverage other private venture capital investments in the country. On the right is Wealthsimple, a relatively well-known Canadian fintech start-up out of Ontario, I believe, which is now saying that they will take a lot of the complexity of this, and they want their customers to see the potential of being a part of investing in venture capital themselves. These are both, again, right from yesterday, so my hope here is to share that this is an urgent set of things happening and this landscape is changing constantly and dynamically.

Next slide, please. The entire goal of this is to create a virtuous cycle, right? We have funding that enables talent, we have talent

that creates innovation, and we have innovation that ultimately fosters growth, which in turn goes on to become more capital that can be redeployed and reinvested. That is the virtuous cycle we have to talk about here. This bill speaks very directly and, I think, very positively towards the funding side of things as well. From there, many other benefits will come through talent, innovation, and growth.

I'm proud to be a member of the A100, where we help foster the work of Start Alberta. Start Alberta is this province's premier data portal to help entrepreneurs and investors come together to understand what exactly the landscape is for venture capital, how they can participate in this, how we can make connections between these two groups, all in service of this virtuous cycle, all in service of doing good things for our province.

Thank you very much. One second to go. Perfect.

12:10

The Chair: That was well timed. I appreciate that.

We will now go to questions. I don't have anybody on the list yet, so I'm just going to look. Mr. Nielsen has caught my eye first. Please go ahead.

Mr. Nielsen: Well, thanks, Mr. Chair. Mr. Flynn, thanks for coming today to present to the committee. I must say that your presentation was very compelling. I'm quite actually excited about this bill, you know, the opportunities I think it provides Alberta tech companies to grow and, I think, also a chance for Albertans to participate and earn a return. I think what you've very clearly shown is some real momentum about diversifying our economy. I was wondering: can you maybe talk about what it could mean to create an even broader base of support for the sector and, hopefully, create, I guess, some long-term certainty that Alberta clearly stands behind diversification?

Mr. Flynn: Yeah. Thank you very much. An excellent question, sir. Yes. I think one of the things that this bill offers incredible potential for is taking what's called latent capital, capital that exists currently in the sidelines, capital that is underutilized in our province – this is the savings of everyday Albertans; this is the savings of other folks – and it gets it off the sidelines and starts using it to drive innovation and growth here in the province.

When I speak to founders around the province, the number one concern they raise to me in my role as the chair of the A100 is access to capital. Access to capital remains their biggest concern in doing this, so we have to be clear that we understand that there is capital out there. It is a competitive market to gain that capital. [An electronic device sounded] Sorry to see them go. There is never enough capital for entrepreneurs to access, and that's a spiritual or philosophical statement, right? There is always room in a high-growth economy, a high-growth sector to add capital there and do good things as a result.

What I like about this bill is that, if structured correctly, this brings latent capital off the sidelines and into the ecosystem where it can do good work right here in Alberta.

The Chair: Do you have a follow-up?

Mr. Nielsen: Yes, Chair. Thank you. I think that segued nicely into my follow-up question. I guess on a side note, you know, in my free time I love to game. I also know that the industry is growing at leaps and bounds. I mean, it's now almost a \$300 billion a year industry right now. When I'm looking at Bill 203 and as a venture capitalist yourself, can you maybe give an estimate of the outcomes, what could be for long-term growth in tech and innovation in the province with the result of Bill 203?

Mr. Flynn: Oh, yeah. Happy to. Obviously, the future is unknown, and there's a risk in speculating. But I can say that, you know, there's a lot of evidence right now that says that if trends continue around these high-growth sectors – gaming, med tech, software as a service, fintech, et cetera: Alberta does have the beginnings of a lot of those sectors here in the province; we do have proudly Alberta-based organizations and companies that are carrying the torch for this and, again I would confidently say, would genuinely appreciate additional access to capital on things – then the sky is the limit for these organizations. These organizations get to compete globally. They compete internationally and globally, and that is the source of a lot of their growth potential. To have that capital deployed here in Alberta to do good work in Alberta and then ultimately to aggregate capital globally back here in the province means billions of dollars for growth and wealth creation here in the province.

The Chair: Thank you.

We will now just go online. MLA Singh has got his hand up.

Mr. Singh: Thank you, Mr. Chair, and thank you for the excellent presentation here. I just wanted to know: why do you think it is government's role to pick winners and losers, which is what this could look like to an average Albertan?

Mr. Flynn: Yeah. I think it's an excellent question, Mr. Singh. I think the way that this bill is structured is very important, and I think that, spiritually, what I would support and what entrepreneurs would support is the notion of dedicated, committed experts in this area doing this work. The Alberta Enterprise Corp is one example to do this. We have a lot of relationships through their accelerate funds, for example. You know, it is my estimation and my recommendation that this bill should be less about the actual choosing of which sectors to go to and the actual selection of that and far more that it be an aggregator of these funds and a deployer of these funds to experts in the private sector, who then go and lever that money to do good work here in the province, as we currently do with AEC, the Alberta Enterprise Corp, and its accelerate funds.

The Chair: Thank you.

Mr. Singh, do you have a follow-up?

Mr. Singh: Yeah, I do, actually. Would it be better, if you want the government to be putting more money in the space, for the government to be looking at a fund-to-fund approach and leveraging existing expertise instead of starting from scratch?

Mr. Flynn: I'm sorry, Mr. Singh. I'm not sure I understand the question. I apologize.

Mr. Singh: Okay. Like, right now we have AEC here looking at this venture capital here. Do you think we will leave it to them to do it instead of creating anew, from scratch?

Mr. Flynn: Ah, I understand, Mr. Singh. Thank you. I think the benefit of this bill and the real power of this bill is that this gives regular Albertans access to the benefits and the positive outcomes of venture capital funding. As I understand how the bill is currently presented, this gives everyday Albertans a chance to invest their hard-earned money into these high-growth sectors through an aggregation mechanic that the bill supports and then properly invested by private fund managers who have expertise in this area. I think that's the power. While, yes, I do support the notion that professional investment managers should be the ones overseeing it, I also think that the innovation here, and the very positive innovation, is bringing capital from everyday Albertans, on a

volunteer basis, obviously – they don't have to do it; they get to choose to invest in this – and then, from there, they have the potential benefits going back to them in the long term.

Mr. Singh: Thank you for answering . . .

The Chair: Thank you, MLA Singh.

Mr. Nielsen, please go ahead.

Mr. Nielsen: Thanks, Mr. Chair. Again, I guess a great segue here into a question, when we're talking about venture capitalists and the investment that's coming into the province. I'm going to give you a quick little quote here. Obviously, you weren't able to join us at our last meeting. Staff from the Ministry of Jobs, Economy and Innovation gave us a bit of a technical briefing on the bill. One of the excerpts from *Hansard* – here, I'll just read to you. It says:

Some considerations for this committee. AEC's . . .

or, as you already know, Alberta Enterprise Corporation's, . . . direct investing activities would compete directly with the private-sector venture capital funds that it invests in. It's not clear how large this fund may be, but the larger the fund is the greater the risk of potentially crowding out some private-sector investors.

I wonder if you might be able to give us some thoughts. Is that actually a risk, or is this simply an opportunity to, I guess, grow the pot?

Mr. Flynn: Yeah. That's a great question, and respecting the perspective of the person who said it, I do humbly disagree. I think that it should be far more better framed as an opportunity, having additional funding come in. You know, private venture capital is, by definition, competitive. They know how to compete. They know how to do this kind of thing. I think adding to that and finding proper structures and proper mechanisms – I would propose to lever that funding that they've already aggregated is a perfectly amenable approach to ensuring that this can be something that serves Albertans regularly and does not drive away other private venture capital. I think that would be a low likelihood of happening if the bill and the ultimate deployment of the capital is structured intelligently and with respect to that.

I would also offer respectfully that, you know, I don't think competition is a bad thing by any stretch. I think this province thrives on competition, and I think by no means should we be fearful of competition when it is professionally deployed and professionally managed.

The Chair: Do you have a follow-up? Go ahead.

12:20

Mr. Nielsen: Yes, I do. Thanks, Mr. Chair. I guess the follow-up question, then, would be that having, I guess, those extra funds, because you were talking about that ecosystem and how it drives it in there – would that just then simply ramp up that whole ecosystem and maybe put it into overdrive?

Mr. Flynn: Exactly, sir. That's exactly the goal, adding more fuel to that fire, which we already have going. We've seen more than half a billion dollars in venture capital flow in as of last year. Why not add fuel to that fire? Why not do that? That is the spirit of the bill, and I support that spirit a hundred per cent.

The Chair: Thank you.

Mr. Nixon, online. Please go ahead.

Mr. Jeremy Nixon: Thank you, Mr. Chair, and thank you, Aaryn, for being here to present with us today. I guess I just wanted to

follow up with something that you had just talked about, Albertans being able to have access to this to be able to contribute and be a part of what I would consider to be very exciting. That said, it's also very risky. Any sort of joint venture is risky – right? – any new start-ups. So it's also something that you need to know a lot about to be able to make a decision. As we invite Albertans in to take part in this, I guess my question is: how do we then go about also managing the risk that Albertans will be taking on in investing in this with maybe not as much knowledge as maybe they should have on this? Exactly how do we manage that risk, and who, at the end of the day, should be responsible for that risk?

Mr. Flynn: Very astute question, sir, and thank you for asking it. I would offer two thoughts on that. One is that I think education is the ultimate medicine for this kind of risk. You can't eliminate the risk, obviously. The reason there is high return is because there is high risk – the potential for high return, I should say. That is certainly a truism, and I would only recommend that this opportunity be given to Albertans who are prepared for it, who educate themselves, who go do this. That's why it's opt-in, right? It's not a mandate. It's not a tax we're putting on people to go do this. I think, ultimately, you know, the potential is so positive and so good that we should be striving to find a way to educate members of our province who are attracted to this and can benefit from the benefits.

You know, as programs like this are gaining momentum in other jurisdictions, whether through the private sector or through the public sector, their learnings, I think, offer us lessons as to how to do this properly, but we would still be in early days and still have the potential to do really, really good things on, like, the pioneering, if you will, with this, which I think is a very attractive aspect of the bill as well.

The Chair: Thank you.

Do you have a follow-up?

Mr. Jeremy Nixon: Yes, sir, I do. I guess, kind of leading down the path of how the opportunities are – again, I think this is a very exciting space. I'm excited to see it grow in Alberta, and I think there is a lot of excitement around, a lot of potential in it. Again, that kind of leads me to thinking or trying to understand why we need this government vehicle in order to do that. Just understanding that there's excitement, people are going to want to get in on it, why the government? Why do we need to come and intervene here and push this forward?

Mr. Flynn: I think that's a very fair question. I think the potential for the government enabling this – the government should be an enabler in this world, and the government enabling this definitely unlocks latent capital and brings it in and, I would offer, allows it to be focused in areas that benefit the majority, or as many Albertans as possible, right? It can choose this fund. It can choose to invest in Alberta-based start-ups and scale-ups. This fund can select lower risk Alberta investments as well. All of this can be built in and codified in the investment thesis for this fund and can be put there in black and white and can be measured and assessed, as all good venture capital funds are, against what the outcomes it's actually achieving are. These things can be properly measured and codified and then, from there, properly assessed. But, ultimately, focusing this latent capital, bringing it off the sidelines from our own citizens and deploying it here in Alberta represents an enormous opportunity, to my mind, and something that's just very tantalizing and we would be, again, pioneers with.

The Chair: Thank you.

We will now go to MLA Dach for a question. Just so you're aware, we've got a minute and 15.

Mr. Dach: Thank you. I'll be brief, Chair. Mr. Flynn, thanks for your presentation. I'm always curious to know, when we are receiving presentations from stakeholders, what elements of the certain bill – in this case that's Bill 203. What elements of Bill 203 firmly hit the nail on the head from the perspective of you as a venture capitalist and others in your field who are seeking a supportive government framework? What struck you as you read Bill 203?

Mr. Flynn: Yeah. Thank you, Member Dach. I would say the two elements are the two sides of the coin of activating latent capital from our own citizens that is currently on the sidelines, currently in different investment vehicles – savings accounts, chequing accounts, whatever it might be, RRSPs, whatever – and then, secondly, having an investment thesis which redeploys it back here in the province, right? I would leave the actual details of that to professional fund managers, but starting from the premise that this capital here can do good work here in our province for hungry, risk-taking, and very intelligent and world-class entrepreneurs right here in our backyard: those two elements of it, having Albertans help Albertans, just speaks to me.

Mr. Dach: Thank you for that.

The Chair: And thank you, Mr. Flynn, for your time, your presentation, and for taking questions this afternoon.

We will now move to our second presenter, Mr. Johnsen, CEO of Liveweb. I will turn it over to you. You have five minutes to present, and the timer starts when you do.

Mr. Johnsen: Thank you, Mr. Chairman. My name is Trent Johnsen. I'm the CEO of an Alberta-based company called Liveweb. By way of introduction, I'm a career technology entrepreneur, and I'd really like to recognize Aaryn for not only the tremendous presentation in support of this bill but in fielding great questions relative to the impact of the bill. I've been working on a concept for this kind of Alberta citizens venture fund for the better part of a decade, and I am strongly of the belief that it is one of the most important things we can do, one of the most important pieces of legislation that we will see for some time to come.

I'm a career technology entrepreneur. I'm an economist by education. I've founded and built five technology companies in Alberta, with two IPOs and a number of private exits. One of my favourite recent claims to fame is that my last company built the software that powers voice and video in all Microsoft products, so it was an Alberta-based company that wrote the software that's powering our meeting today.

I've also, from a philanthropic perspective, worked for the past 25 years to accelerate the growth of the technology sector in Alberta, working with organizations like the A100, on the board of Innovate Calgary, and wherever else I felt I could have an effect to help grow our tech sector in Alberta. The reasons I was determined to do that were both professional and personal. Aaryn made a strong point about the effects and value of venture capital formation in the province, and in all the regions throughout the world where you've looked at areas that have been successful in venture capital formation, you see, really, the key performance metrics that, I believe, are among the most important to government members: economic growth, GDP growth, wealth creation, and creation of high-quality, high-paying jobs in the new economy.

A number of years ago – I recall data from British Columbia when B.C. went over the tipping point and the technology industry

employed more people than forestry, mining, and energy combined at wage levels on average 65 per cent higher than the legacy industries. The concept of this kind of fund is appropriate for Alberta, and I'm glad Aaryn emphasized the opportunity for Albertans to participate, because Alberta has been blessed with one of the greatest wealth-creation engines in human history, being our energy industry, and our energy industry has been grown and become successful through massive capital formation to drive the extraction and distribution of our energy resources. The technology industry is relatively comparable. It requires very significant capital formation and capital that's available for high-risk ventures. I appreciate Jeremy Nixon raising that issue.

12:30

We have a history of capital formation for high-risk, high-return rewards in industries, and one of the driving forces, for me, in terms of encouraging our public sector to come and participate in this kind of capital formation is that I very strongly believe that Albertans are as capable and likely, in many cases, more capable than most of the jurisdictions globally that are leading in the digital economy. I am completely unaware of any reason why Albertans cannot be at least as successful in the new economy as San Francisco or Boston or Beijing.

The Chair: Thank you for the presentation.

We will now turn to 15 minutes of questions. Just to double-check, I've got some hands up online. MLA Nixon or MLA Dach, did you have a question to start us off? MLA Nixon gave me a thumbs up the fastest, so you can start with a question and a follow-up.

Mr. Jeremy Nixon: Excellent. Thank you, Mr. Johnsen, for being with us here today and for your passion on this topic. I guess one of my questions was: do you think this is the best vehicle? Again, the government of Alberta obviously wants to see the tech sector growing. You know, if we're going to move forward with policies to help show that the government is behind this, that the government wants to inject cash and help move this forward in our province, is this the best vehicle to do this, from your perspective? Or, if you could start and do whatever you wanted, what would it look like, from your perspective?

Mr. Johnsen: It would look a lot like this, Mr. Nixon. When I think of Mr. Singh's questions with regard to picking winners, I second Aaryn's commentary. My understanding of Bill 203 as conceived is that the government would not be picking winners, that professional portfolio managers would be picking winners, and then this – I'm an innovator and a risk taker. That's the way I've spent my career.

What I'm seeing is that venture capital has been the best returning asset class potentially on the planet for the past 20-plus years, typically producing in double-digit return areas. But even if you talk to high-net-worth angel investors and venture capitalists in our province today, they want to participate in venture class investing through portfolio management. What that means for working-class people like myself and like many government members is that we aren't capable of nor do we want to incur the risk of picking winners.

Typically what venture capital is doing is creating a portfolio of – an average number would be 30 companies, so a block of capital from this bill would be invested across a portfolio of companies. When you look at the most successful winners in venture capital globally – Andreessen Horowitz probably is at the top of my list for that – if you look at the history of their incredible returns, the vast majority of that 30-company portfolio will fail or kind of become what venture capitalists refer to as the walking dead. One or two

companies will become unicorns and hit a home run and deliver these exceptional returns to the portfolio.

The vision for the bill is that working-class Albertans could pledge \$30,000 over the course of three years to participate as microlimited partners in a provincial venture fund. Based on what I've seen around the planet for the past decade as we've pontificated about this opportunity, this magic would happen in Alberta, where we would have material, exciting capital formation with an opportunity for Alberta citizens to participate – let's hope they make above-average returns – but imagine if 15 or 20 years from now you're the government who passed this bill that created a part of the world where people are literate and confident in investing in the biggest growth-creation engine of the 21st century.

My dad came home when I was a kid in the '60s with shares in an Alberta energy company, and I became a shareholder in the development of the oil sands, and to me this is an analogous type of event. You know, imagine parents and kids saying: hey, that's one of the 30 companies we own through the Alberta venture fund. Aaryn referred to it as a virtuous circle. But imagine if Albertans become above-average investors in the new digital global economy. This legislation is a really good model by which to do that.

The Chair: Thank you.

Mr. Nixon, do you have a follow-up?

Mr. Jeremy Nixon: Yeah, I do, actually. You talked about, you know, the unicorns, and I think you speak to a little bit of my concern that you're going to have to wade through a lot before you get to that unicorn. I guess that maybe you can talk about the opportunity there, about how many unicorns are out there. Do you know what I'm kind of driving at here?

Mr. Johnsen: Yeah. That's kind of like: what are the odds in portfolio theory? They're long. They're a long lot. But I have been so incredibly excited and astonished to see what is beginning to happen in Alberta and what Alberta is accomplishing.

There are a number of great names, but let me pick one I'm familiar with. In 2018, through my work in the A100, we identified seven companies where I wrote a personal cheque to take out to Startupfest in Montreal, which is one of Canada's top technology festivals. One of the companies that joined us there – and it was just a twinkle in the founder's eye – was a company called Symend, headquartered in Calgary. Hanif and his co-CEO have scaled Symend incredibly successfully and rapidly, to the point where last year they announced one of the biggest fundings in Alberta venture capital history when they raised \$80 million. When you raise \$80 million in the type of model that Symend is raising it in, it's typically for around 20 per cent of the value of the company, so I'm guessing that \$80 million might have represented about a half-billion-dollar valuation for Symend.

Symend is on its way to becoming a unicorn, like we've previously seen with Benevity and a number of others. Aaryn could share with us, probably, a couple of Edmonton ones. Venture capital has been around long enough that the portfolio theory is getting quite successful. You know, in that range of 30 companies the odds, I think, are relatively good of creating a unicorn.

I do believe in the Alberta advantage, and I do believe in the history of the Alberta entrepreneurial spirit, and I strongly believe that we will be increasingly great at creating unicorns. Aaryn framed it beautifully at the start of his talk. There are three things that drive success in the new economy: ideas, talent, and capital formation. If this government has the vision and courage to support this kind of bill, it will give us competitive advantage in capital formation. We will capture some of the attention of the world.

There was a great question about: why should the government do this? One, because it positions Alberta in a competitive advantage in the new digital economy, but secondly it also drives on what I understand to be the main key performance indicators of government members: economic growth, wealth creation, job creation.

12:40

The Chair: Thank you for that.

Mr. Dach, did you have a question?

Mr. Dach: Yes, indeed, if I may.

The Chair: Yeah. Please go ahead.

Mr. Dach: Thank you, Chair. Mr. Johnsen, I spent 30 years in the real estate industry, so I recognize an outstanding salesman when I see one. One of the things you have been doing, of course, is talking about the venture fund benefits. You are on the board of a venture fund. Of course, nothing in my real estate career moved forward without marketing and without salesmanship. You've alluded to the past history of Albertans investing in oil and gas, in venture funds and high-risk ventures. Now, the marketing trick here, I think, is going to be transitioning those dollars or those individuals who are happy with that past performance into this new field. We know that Albertans will really benefit from the investments, but how do you plan or what do you envision as a marketing approach to attract these investors from their happy couch onto the ottoman of new investment?

Mr. Johnsen: That's fabulous. Yeah. I don't want to be facetious, Mr. Dach, but marketing and human nature and, most specifically, investing are driven by primal instincts of fear and greed. There is an increasingly exciting content available that says: "Look, all of us have done well investing in oil and gas over the years, and it's created one of the wealthiest places on the planet. The next great opportunity is, you know, painfully obviously, the digital economy." I'd made a couple of notes prior to the speaking points today. Apple's market cap today is \$2.79 trillion. Canada's largest energy market cap is \$118 billion. That's a significant delta. Energy has performed great for us. Technology investment has probably performed by at least an order of magnitude better for the last 20 years.

I think we would actually have to temper our marketing to encourage Albertans to participate, hopefully prudently, with the right amount of money and at the right time, because venture capital investing, though incredibly exciting, with consistent strong returns, is a long game. Venture capitalists typically have about a 10-year window. But, again, when you think of the kind of capital formation and infrastructure development that's been required for our greatest energy-producing assets and, as you experienced in real estate development, real estate assets, a five- to 10-year window is a reasonable investment horizon.

The Chair: Thank you.

Do you have a follow-up, Mr. Dach?

Mr. Dach: Yeah, just briefly. I do realize that the five- to 10-year window is definitely an investment horizon that you have to be aware of in the real estate industry and many others. I'm wondering. You know, you seem very, very convinced that, from a promotion standpoint, you'll be well received in the Alberta marketplace. Basically, what you're doing is selling opportunity. I guess: what indicators tell you that you expect to have a very large uptake that must be tempered rather than have any concerns about not having enough players coming to your table?

Mr. Johnsen: Yeah. Thank you for the follow-up. I completely agree with you that there will be an aspect of education for Albertans to participate in this appropriately, and education is time and money. It's expensive to market and educate. I would like to think that there would be very strong collaboration between our public and private sectors, organizations like the A100, and there are a variety of associate organizations affiliated with the A100. I would certainly see an operating budget as part of the bill to collaborate with the private sector to market, promote, and educate Albertans to be good and successful at this.

The Chair: Thank you.

Mr. Dach: One quick follow-up if I may.

The Chair: No. Hang on. Sorry. We just have to go on to Mr. Smith.

Mr. Dach: Very well.

Mr. Smith: Hi. Thank you for joining us today, and thank you for your insights. As a private member – we're looking at a private member's bill here – and as somebody that's worked with a lot of companies over the last six or seven years to try to take them through that death valley and to try to make sure that we have a diversified economy, there are three things that are bugging me today that I've got to ask. One is: why government? Why can't we do this through private capital, private venture funds, allow individuals to pool their money through a private venture? Why does the government have to get involved? Two: what's the risk for the government in this? We've talked about this being high risk, high reward, that the unicorns are far and few between. So what's the risk for the government?

The Chair: Sorry. Mr. Johnsen, just quickly, if you want to cover a few of those points.

Mr. Johnsen: Thank you. The previous question from Mr. Nixon I thought was valuable: why government? We've revisited it again. You know, I would understand that a huge aspect of the responsibility of the government of the day, as I said, is economic growth, job creation, and wealth creation for Albertans. I would have you consider what you've seen that comes anywhere close to the impact for success on those key performance indicators for a government. I would suggest that this is among if not the best investment that a government could be making. The structure of the bill is such that it will be organizations like Alberta Enterprise, not the government itself, picking winners, and it is very, very similar to all of the capital formation that has taken place throughout Alberta history to drive our key industries like energy. So let's do it for the largest growth sector, for what will drive those key performance indicators for the next foreseeable 50, 100 years. Let's invest in succeeding in the new economy.

The Chair: Thank you.

I will just interrupt there. We are over time on the question portion, so I want to thank again Mr. Johnsen and Mr. Flynn for joining us, presenting it, and taking our questions this afternoon. I just confirmed that Mr. Zumwalt, a partner at Zinc Ventures, who I believe had dialed in briefly and then disconnected, is not online at this point, so that would actually be the conclusion of our stakeholder presentations for this afternoon. Then we will be now moving on to deliberations. For our stakeholders here with us, you're welcome to stay on and listen in if you like, or you can go about your day. It is your choice.

The committee will now begin its deliberations on Bill 203. At this time the committee must decide whether to recommend that the bill proceed or not proceed and may also consider observations, opinions, or recommendations with respect to Bill 203. The committee has up to 60 minutes to deliberate; however, that time can be extended if granted by unanimous consent.

With that, I will open the floor to a discussion on the committee's recommendations. Mr. Nielsen is the first one flagging me down. Please go ahead.

Mr. Nielsen: Well, thank you, Mr. Chair. I'll start first, of course, by thanking our presenters for some very, very insightful information that they've provided today. You know what? Maybe I'll just jump right in so that we can get into deliberations on how to proceed. Likely you've probably got a motion prepared, but I, of course, would move that we recommend the bill proceed in the House.

12:50

The Chair: Okay. Just give us one moment here. We'll get it up on the screen.

Mr. Nielsen, why don't you read that into the record, and then if you want to continue your comments, please feel free.

Mr. Nielsen: Thank you, Chair. I move that the Standing Committee on Private Bills and Private Members' Public Bills recommend that Bill 203, Technology Innovation and Alberta Venture Fund Act, proceed.

The Chair: Please go ahead.

Mr. Nielsen: Great. You know, I must admit I was taken aback by some of the information that we saw. I always knew that there were opportunities in the tech sector. I guess I didn't realize just how immense they were.

One of the things that I've always brought up for quite some time now: as I stated earlier, you know, I do have an interest in the gaming industry. I used to talk about how that industry, by the time 2023 rolls around – it was poised to be a \$150 billion industry, and it's already at \$300 billion. Clearly, there were opportunities there that probably some folks didn't realize. When we're talking about getting Albertans an opportunity to be able to get in on potentially the next big thing, I'm sure that probably somebody said at one point in time that the oil and gas sector looked like one of those unicorns that was referred to earlier, and look what that ended up producing for Alberta and even as a whole in a larger view of Canada. I think the tech sector is that next opportunity, and giving Albertans a chance to get in on that, to be able to create wealth out of this, all at the same time as being able to tap into those professionals that do this on a regular basis: that alone is a reason for this to be able to proceed to the House and be debated.

I think the one thing that I will add in my closing comments – you know, it was mentioned by Mr. Bilous when he presented this bill. There are no taxpayer dollars that are involved in this. Albertans aren't on the hook for anything; they're just simply being given a chance to be able to decide if they want to jump in on this. I know one of the questions was around: why this? I'm not going to profess to know the ins and outs. I know there are changes that would need to be made around the Securities Act, things like that, to be able to allow the average Albertan even the opportunity to be able to proceed, which is why government needs to get involved.

With that, I'll pass it back to you, Chair.

The Chair: Okay. Thank you.

We will now go online to MLA Nixon.

Mr. Jeremy Nixon: Thank you, Chair. I feel like I need to speak against this motion. As much as I'm excited about the tech sector and do see the intent behind this bill and what Mr. Bilous has put forward – I think there's certainly a lot of opportunity in the tech sector; however, I do think that there are some problems that come with this bill.

Firstly, the establishment of a venture fund operated by AEC would be a significant policy shift away from the original intent of the AEC and would result in significantly increased direct government involvement in private sector in this area. It would also require, I think, a significant shift in who we need to bring in to be able to manage something like this. Managing a venture fund is extremely complicated and requires a very high level of expertise. Besides having the government in direct competition in the same capital pool, it would significantly increase the risk exposure for government as well. That's something that I am concerned about. I'm concerned that putting the government of Alberta's name behind this fund would give a false sense of security for Albertans. Again, ultimately, I have to ask the question about: who is going to carry the risk for that, and who is going to be responsible at the end of the day for that?

Obviously, again, the tech sector is very important, and I'm very thankful that the provincial government is investing heavily with that within the AEC. We've recapitalized \$175 million towards that. I know Minister Schweitzer announced recently \$31 million in additional investments. I'm not voting against this motion because I don't think we should be supporting the tech sector. I think that's obviously very important. I just don't believe that this bill is the best vehicle for us to be able to drive that forward.

Thank you, Mr. Chair.

The Chair: Thank you, MLA Nixon.
Mr. Bilous, go ahead.

Mr. Bilous: Yeah. Thank you very much. You know, Mr. Nixon's comments are disappointing but not surprising. I want to clarify a few misperceptions about this bill. First of all, it's not government investments. I appreciate that the government members continue to try to frame this as government getting involved in the private sector. It's not. This is the legislation that enables the average Albertan to invest in venture funds. It doesn't exist right now. So to questions from MLA Smith and others saying that the government shouldn't bear this risk: the government is not. It's not the government investing; it's AEC.

At the end of Mr. Nixon's comments, talking about the GOA recapitalizing AEC to a tune of \$175 million – that's taxpayer dollars. That's the government investing and risking dollars. AEC has the capacity to manage this fund. Why? Because they do this already. The two accelerate funds that are set up to invest in Alberta companies exclusively are managed by the AEC. Would they need to grow their capacity? Yes, they would. They absolutely would. But, you know, I think it's a paper-thin argument to say that venture capital would be scared off because there's some misnomer of the government investing money.

All that this legislation does is enable the average Albertan who currently does not have the ability to invest in venture capital funds. The average Albertan cannot. The Alberta Securities Commission has very strict definitions of what an educated investor is and what an accredited investor is. The average Albertan does not fit into either of those two qualifications. What this bill would do is provide and enable the average Albertan an opportunity to invest in Alberta companies, start-ups, and scale-ups. Is it high risk? Yes, of course, it is – it's a venture capital fund – but Albertans decide if they want to take that risk. There is no obligation. No one is forcing them, the same

way that nobody is forcing any Albertan investing their money into companies that are listed on the Toronto Stock Exchange.

The point is that companies need this influx, this injection of capital in order to be able to grow. This concept of pooling money for then a professional third party to manage it, again, is no different from what AEC does today. I mean, the difference is that they are primarily a fund-to-fund model, so again they would need to increase their capacity to be able to do this in Alberta. This bill provides an opportunity to unlock capital.

My frustration and feelings are that what we're about to witness are government members voting down this bill with paper-thin arguments as to why it should be voted down, sending the message that the government is not supportive of Alberta's tech sector. To say that we love what's going on yet we're going to kill a bill that would enable hundreds of millions if not billions of dollars to be unlocked and unleashed into Alberta tech companies who support agriculture, forestry, energy, health sciences, life sciences, like, is extremely disappointing. This is absolutely needed. This is not a duplication. In fact, companies will tell you that the more capital that can come off the sidelines and into the game is going to help that many more companies.

1:00

You know, I'll start to wrap up my comments by saying that this bill came from the private sector. I don't know how many more times I have to stress that this is not an NDP idea. I really wish members of the committee would take off our partisan hats and look at what this bill is designed to do. It's written in a way that enables the government, the minister, to go out and make changes and consult and ensure that we get it right. It's not a prescriptive bill, and it was intentionally written that way.

It does two things. It creates an advisory council to government that industry has been asking for. I encourage all of you to talk to members of the Council of Canadian Innovators, who have written numerous letters. They've sat down with Minister Schweitzer and made it very clear. The capital working group, that, of course, was Minister Schweitzer's group, has been calling for – one of their recommendations is to create an advisory council on technology and innovation. That's exactly what this would do. There is no remuneration for those members. There's no cost to government. Then it creates this venture fund. That is not duplicating. It's not picking winners and losers. It's giving Albertans an opportunity to invest in our own companies, and, for me, that is exciting.

As I've spoken to in the previous meeting, there isn't a dollar amount listed in the bill because, again, I'm not the best person to be deciding what that dollar amount is. I can tell the committee that I've spoken to dozens and dozens of venture capitalists and stakeholders, and they recommend a sum of somewhere between \$5,000 to \$10,000. Part of the rationale behind that: because this is high risk, we don't have to worry about people mortgaging their homes trying to put forward hundreds of thousands of dollars in an investment vehicle, but I don't know how many Albertans have hundreds of thousands of dollars to invest in high-risk start-ups. If you don't have that, then you cannot – there is no vehicle for you, for the average Albertan, to currently invest in these companies.

The fact of the matter is that if we aren't deploying capital, then we aren't going to be growing more unicorns here. With a fund like this in addition to all the great work AEC is doing, all the great work other venture capitalists are doing, this builds on that. This helps them grow that much faster. Many companies have told me that the valley of death is before series A, when they've already exhausted all of their friends and family money and they're looking to scale up, and they need millions of dollars to do it, and they can't access that. This fund would provide that vehicle for them to move

forward, and Alberta would continue to lead the country in being entrepreneurs and entrepreneurial and innovative.

Again, I want to stress the fact that this legislation only provides Albertans with the ability to invest in a pooled fund that is arm's length from government; it's professionally managed by the AEC, who has an incredible reputation in industry. The reason AEC has managed to be successful is because they operate completely independently of government. I have the utmost respect for the work they're doing, and I believe the government does, too, as this current government recapitalized them for another \$175 million. But this fund is not deploying tax dollars.

That recapitalization that the government injected is tax dollars. Now, I'm in favour of it, but for some of the arguments the members across have given, you've argued both sides. You can't argue that you're not in favour of government investing money and then say: and good job, government, for investing \$175 million of tax dollars. But this bill doesn't do that. It's only private-sector dollars that are being risked.

There is a piece of education that would need to occur, absolutely, but I think that, you know, as Trent pointed out, the opportunity to be able to educate Albertans not just for the purposes of this fund but to be more experienced in this world of working with start-ups and scale-ups is exciting. It's exciting to give Albertans that opportunity, but that's all this bill does, give Albertans an opportunity. It is not government picking winners. It is not government selecting the companies. That is done professionally by professional fund managers.

So I hope that the government will have a change of heart and allow this bill to go to the Legislature. I think it should be discussed, and we should give all members of the Assembly an opportunity to speak to this.

I've reached out to both Minister Schweitzer and Minister Toews for meetings on this bill, to have a nonpartisan discussion about the merits of this bill, and if they do have concerns, I'm happy to hear them, I'm happy to address them. I've said to a number of ministers that I am open, we are open, to amending this bill. If there are parts that need to be fixed, then let's fix it, and let's have a win for industry.

Again, this isn't about the NDP or the UCP; this is about an idea that industry is asking for. I would happily accept an amendment from government and, on third reading of the passing of the bill, to claim that this is a win for all 87 MLAs, this doesn't belong to any one person. But I think if we don't allow this bill to proceed to the Chamber, we don't have an opportunity to hear from cabinet, from the ministers, especially Minister Schweitzer, whose ministry would be tasked with doing some of the heavy lifting before this bill comes into force in June 2023.

The other reason we chose that date was to give a long runway so that government could use all of their experience, breadth and depth, to ensure that we get it right, that we make changes to the Securities Commission and we bring in regulations that will work so that government has much broader access to industry experts and, I believe, is in the best position to get this right, which, again, is why the bill is written as an enabling piece of legislation and not a prescriptive piece of legislation.

I hope, members, that we will allow this to go to the Chamber for a debate, a robust debate. We heard from two stakeholders today. It's unfortunate that Mr. Zumwalt was unable to connect. Again, he and Platform Calgary have had a number of announcements with Minister Schweitzer and the support of the government of Alberta. Again, I know that Mr. Zumwalt is, as are Mr. Flynn and Mr. Johnsen, you know, apolitical in the sense that they are just advocating for good ideas. If we had other venture capitalists in Alberta coming before this committee, you would hear over and over and over again why they are in support of this. I'm talking

about the average VC. I don't know if they fit into a traditional definition of a New Democrat, but I can tell you that many of the VCs I've spoken with, who identify as true-blue Conservatives, are one hundred per cent behind this bill and what this bill would do.

My concern, members, with not allowing this to proceed now is that we are once again going to allow Alberta to fall further behind other jurisdictions. This bill would help the minister and the government reach their goal of Alberta leading the country in venture capital by 2030. Folks, Canada last year saw 225 per cent growth in venture capital, but 95 per cent of that, probably even higher, went to every other jurisdiction. It went outside of Alberta. It went predominantly to Ontario, Quebec, and British Columbia.

If we want to not only catch up to the rest of the country but to lead Canada in venture capital, we need initiatives like this and like this right now. I don't think it's good enough for government to say: well, we'll vote this down, and maybe we'll bring in something else of our own at some point in time. Once again, ladies and gentlemen, this bill is written in a way that it will be government that makes the amendments to the Alberta Securities Act and other acts. I'm happy to share this win with government. Again, it's not about me, it's not about us, it's not about the UCP; it's about helping to catapult Alberta forward, and this opportunity before us is very exciting.

I will conclude my remarks by pleading with this committee to hear the opinions and voices of our colleagues, both of Executive Council and private members, in order to have a robust debate. And if there are flaws with this current iteration of this bill, then let's work together to amend it and to move it forward and to get this passed.

1:10

As Mr. Johnsen spoke of, I also truly believe that this bill would get global attention. If the government or if the Alberta Legislature passed this bill in all three readings, we would have everyone from Silicon Valley investors to Europe and Asia, all over the planet, to Africa and Australia looking at: what is this fund in Alberta, and how do we participate? I honestly believe that we would see an explosion of new start-ups. We would see companies moving to Alberta and growing here in Alberta in order to be a part of this exciting opportunity.

You know, I just really hope that members will see value in moving this to the next stage, which is to support the motion and bring it back to the Chamber. Thank you.

The Chair: Thank you for that.

We will now go back online. MLA Singh, you have some opportunity for some comments.

Mr. Singh: Thank you, Mr. Chair, and thank you as well to the member for moving this motion. Let me start by saying a brief comment on the previous member's comments as well. Like, AEC invests in venture capital funds that finance technology start-ups in Alberta. It is a proven model for nurturing a strong tech sector, creating valuable jobs, and diversifying the economy. It does not directly invest in Alberta companies or start-ups. The venture capital fund does it. To make AEC operate a venture capital fund would be a direct offset to what it is doing right now. It would be like going against government investments to other venture capital firms. Moreover, we must limit government from doing private business, particularly when the industry is doing well or does not need a direct intervention from the government.

Let me as well say that government engaged in private businesses will just put the government at more risk of exposure. Like MLA Nixon already has mentioned, the establishment of a venture fund operated by

AEC would be a significant policy shift away from the original intent of AEC and would result in significantly increased direct government involvement in private business. Besides, having government in direct competition for the same capital pool will significantly increase the risk exposure of the government. The government is keenly aware of the importance of supporting the provincial technology ecosystem, and the AEC has been recapitalized with \$175 million. In January 2022 the minister announced the additional \$31 million investment by AEC.

Having said that, Mr. Chair, I would not be able to support this motion. Thank you.

The Chair: Thank you, Mr. Singh.

I don't have anybody else on the list, so now – I do now. Go ahead, MLA Sigurdson.

Ms Sigurdson: Thank you so much. Yeah. I'd like to say a few comments about this. Certainly, I mean, we're discussing a little bit about the government's role in our province, like: what does the government do? Should we be in this sector? What exactly do we do? But we understand all the time that government does do all sorts of things to stimulate the economy, to support Albertans in all sorts of different sectors; it co-ordinates, facilitates. I mean, government has a significant role in our lives, and it's important that it does.

Oftentimes government can step in when there's something missing, and we've heard today from industry experts to venture capitalists who have told us right here, at this committee, that this is needed. It's missing in the sector. We need people to step up, and we need government to do that, to create that, and then it's a win-win because – guess what – early-stage company start-ups who are wanting to scale up will have access to funds that they wouldn't have had, you know, originally. Also, it helps the regular Albertans who are interested in getting involved in investing but, you know, don't have huge amounts of capital, so when this money is pooled together in the Alberta technology venture capital fund, that gives them access to some great opportunities. Of course, these are for Alberta companies, so you're going to be investing to support your fellow Albertans. That's also a huge win.

As MLA Bilous has said very clearly, government is not investing their own money; it is Albertans who are stepping up. Yes, there's facilitation of that, but it is at arm's length. The Alberta Enterprise Corporation would be running this.

It feels like it's a really great opportunity, and this is exactly what the industry has said they need. Despite some of the arguments from the members of the UCP, it's in contrast to what the evidence is showing us. I know that my colleague MLA Bilous said that it's not an NDP idea, but I want to say that – guess what – we listened to the experts, the people who are in the industry, and we – not me so much but Deron Bilous, the MLA – brought it forward. He listened, and guess what. It is our idea. It's our idea, because we listened to the industry experts, and this is exactly what they need.

That's what good governments do. That's what good representation is. We understand the people in the sector and what they need, and that's why MLA Bilous brought this bill forward. I think it can make a huge difference for many companies that want to expand and grow but right now the funds just aren't available to them and then for average Albertans to get in the game, to have some fun, to be able to invest their own money, be able to support other local Albertans so that they can also have the benefit of that.

I think that this is an excellent bill, and I would like to see it debated in the House, so I am speaking in favour of the motion. Thank you.

The Chair: Thank you for that.

Mr. Smith, please go ahead.

Mr. Smith: Thank you, Mr. Chair, and thank you for the points that you brought forward, Member Bilous. I guess when I'm looking at this bill, I'm going: I don't think anybody here argues about the value of creating venture capital and finding that latent capital, that one of our presenters brought forward to us.

I guess one of the questions that I've got on my mind is section 19 of the bill, where it talks about the disapplication. I'm not sure that I can support it today, but it's going to go before the House for concurrence, and I'd like to see this part of the section of the bill addressed when we address it in the House under concurrence. I guess the question that I've got is: what provisions do you want the AEC to disapply from the venture capital fund? Section 19 reads – and maybe I don't understand something, and I look forward to hearing the comments in the House.

Subject to subsection (2), the Business Corporations Act, the Investing in a Diversified Economy Act and the Securities Act may be disappplied to the Fund, in whole or in part, as provided for in the regulations.

That, to me, seems to be a really broad thing that's been written into this bill that could have some serious unintended consequences unless we truly understand how that's being applied and where it's going and how that could impact.

You may not have my support today, but that doesn't mean that there isn't merit in much of what you've brought forward to us in this bill, but I think that's a significant part of the bill that has to be clarified, for me at least, at any rate.

The Chair: Thank you, MLA Smith.

Mr. Nielsen, you have a comment. Go ahead.

Mr. Nielsen: Yeah. Thanks, Mr. Chair. You know, I hate to sound like I'm belabouring a point, but when I talk about the gaming industry, this is something I've kept an eye on over quite a few years, five, six years. At one point we're talking about an industry that grew to \$45 billion – billion with a "b" – then grew to \$60 billion, then \$90 billion, then \$107 billion. I mean, I was already wildly excited about that at the time because the amazing universities that we have in this province, which, you know – I'm willing to debate anyone on this – are not only the best in the country; I think the best in the continent.

1:20

We are producing the people that go into this industry, and as soon as they graduate, they go right or left to B.C., Ontario, and Quebec because that is where those industries are thriving ridiculously well, an industry that pays people on average about \$75,000 a year. You can pay a mortgage on that. Needless to say, over the last year an industry that was predicted to be \$150 billion by 2023 has doubled in the last year to \$300 billion. That is a significant growth. So when I think about something like the digital media tax credit, had that continued on and been available – because all of that investment, as I said, went right or left, including the talent – what did Alberta miss out on in that one-year doubling in one industry in the tech sector? One. Just one.

We really need to keep that in mind when we're talking about this bill and the potential impact that it has. I will also remind committee members that this is the exact same type of idea that was used to kick off our oil and gas sector. We enjoy the benefits of the oil and gas sector, as we are right now. You balanced the budget – let's just be completely open and honest here – because the oil and gas sector is enjoying very good returns right now, and so is Alberta because of it. Yet we're now saying: well, you know, maybe that's not such a great idea for the tech sector. We are missing the boat if we do, just like over the last year we missed the boat on an industry that doubled from \$150 billion to \$300 billion. How many jobs

would that have created? What kind of tax base would that have expanded?

Again, this is not about party banners. This is about supporting an industry that we very clearly saw in the very first presentation was happening – yes, it's happening here, but it's happening in those three places that I just mentioned, British Columbia, Ontario, and Quebec, way greater. You know, I remember the whole discussion when we were looking to set up a kind of mini Silicon Valley right here in Edmonton, the excitement about it. I mean, that was back in the big Internet bubble growing and things like that, and somebody decided, "Well, it's risky; it's risky," and it didn't happen. Other jurisdictions jumped on board and they got the benefits of it, and we missed out. Don't miss out on this opportunity. We had two presenters today. There are a dozen more that are saying: this is an opportunity; don't miss out on it. Just in the last year alone what could we have gotten?

Mr. Chair, hopefully, members will reconsider supporting the motion, sending this back to the House. Let's have the full debate. If amendments are needed to the bill, that's where it needs to be done. But let's be honest here. Again, you know, I've always promised people to be honest with them, with the one caveat that, well, maybe I might say something you're not completely onboard with. I'm not trying to be disrespectful. I'm not trying to start an argument. But the reality is that we have seen this committee vote down every single opposition private member's bill since this committee started, and I've been a part of it right since the beginning, so I've seen it. There was a short little spot there where, "Okay; we support it," but we went back to the House and it never got debated. Again, let's be honest; there have been some shenanigans there.

Here's something that industries are asking for. They're supportive of it. Let's not blow it. Hopefully, you know, maybe I've managed to change some minds here. We can't miss the boat on this one.

Thanks, Mr. Chair.

The Chair: Thank you for those comments.

Mr. Amery, you're up.

Mr. Amery: Thank you very much, Chair, and good afternoon to all of you, and thank you for the robust and very good debate about this particular issue. I think it's an incredibly important area to discuss. I think the formation of a venture capital initiative or multiple initiatives is incredibly important, and I think Member Bilous knows that I approached Bill 203 with much interest and spoke to the member on occasions about this particular issue.

I mentioned some of the issues, Mr. Chair, earlier in the meeting that we had prior to this, where we discussed Bill 203, and I think that I still continue to have some genuine concerns about this proposal. I think that the presence of the stakeholders this afternoon but even more so the absence of others have heightened those concerns and not resolved any of them. I won't belabour too many of the points that have already been discussed, but the idea of venture capital, risk, opportunity, I think, are truly concepts of Alberta, and I certainly agree with MLA Nielsen when he says that this does not have anything to do with party matters but, rather, with the practicality of an idea. As I sit here and contemplate all of the excellent points being raised, I do have some concerns, and I find some of the issues remain unsettled.

Let me be clear, Mr. Chair and to members of this committee. I find the lack of consultation and the lack of involvement by the AEC in any of these proceedings to be problematic for me. For me, if the AEC is going to be the very body tasked with managing this initiative, they should have been here to confirm that. At a very minimum they should have provided something – a briefing, their attendance here in this committee, or anything else – to indicate that they were both willing and capable of doing so. I have no doubt in

the abilities and the capabilities of the AEC, but at this point I don't even know if they want to or have the ability or the desire to do so, and I have a real challenge with supporting a concept that relies on an organization that has not even been consulted in the first instance, nor have they made any submissions as to whether or not they are prepared to be involved, as Bill 203 requires them to do so.

When we heard from the stakeholders and in particular with our second stakeholder, who referred repeatedly in his presentations to unicorns in venture capital, the risk, I think, is obvious, and it's high for venture capital investment across the board, but the bill ties the success or failure of private investments to a public body, the AEC, and I do not know if they are prepared to do this. I'm not even sure that, one, a bill that purports to tie venture capital to a public body is something that Albertans might view as being essentially derisking an otherwise risky area of investment.

For those brief reasons, I do have those concerns. They remain unanswered, and I do have a problem with that, especially when the very crux of this bill relies on a particular body that has never been consulted and has never appeared before this committee to confirm that they are capable or willing to do this.

Thank you.

1:30

The Chair: Thank you for those comments, MLA Amery.

I will go back online. MLA Dach, you can go ahead with some comments.

Mr. Dach: Thank you very much, Mr. Chair. If I could add a few more comments to the debate. I know that listening to members from the government side this afternoon has been a bit of an exercise of watching people tie themselves into knots, twisting into the wind to try to come up with arguments to oppose this bill going forward for debate in the Legislature. I find that's unfortunate, because they don't look very good while doing it.

They supposedly like to preach that they are those that are setting forward an investment climate for Alberta that's positive and a business environment that's inviting to investment, yet they are finding themselves, for whatever reason, twisting in the wind to argue against allowing this bill to go forward. We'll note, of course, that we had no stakeholders coming forward to move against this piece of legislation or to speak against it. It begs the question: if indeed, as Mr. Amery alluded to moments ago, he felt the AEC should have been here – he certainly could have invited them – why did he not invite the AEC to come forward and present on concerns that he had about the AEC's involvement in the future implementations of Bill 203?

I think that certainly it speaks to the desire simply to oppose the bill on the merits of it being an opposition idea, but indeed, as we've tried to indicate, it is an idea that is born of the private sector and that we have adopted in a collaborative spirit and brought forward to this meeting hoping that we would actually find an intersecting opportunity to collaborate with government members on to bring forward something that truly would benefit Albertans not only in the investment field but Albertans at the most fundamental family level seeking to invest in the next best thing, which is the tech sector. It's something that, you know, former minister Bilous was pleading for the government members to do, to put aside the partisanship and bring forward this piece of legislation for debate in the House.

Certainly, it behooves them to follow through on their claims that they are the party of business. Well, in fact, I think this bill demonstrates very clearly our business acumen in the New Democratic Party and that we have members who have business backgrounds and who are very interested in putting measures forward

that will facilitate the amalgamation of capital to participate in the next largest investment opportunity that we've seen since the oil and gas industry in this province.

I really, really hope that Bill 203 will be seen as an opportunity to come together on an idea whose time has come and which business is actually calling for. This is something that Albertans are calling for as well. They're asking for us to collaborate, to find common ground, and here is a piece of common ground that benefits Alberta in a very large way and helps individual small investors participate in a way that they otherwise wouldn't be able to.

I do not know why indeed the members opposite, from the government side, are doing their best to try to couch themselves in terms of saying: we're not antibusiness, and we don't dislike this bill, but we're still going to vote against it and not allow it to proceed. It doesn't make a lot of sense, and it perhaps is why the arguments they're coming up with are, as Mr. Bilous so aptly said, so paper thin. The government is not putting money at risk in this bill. This venture fund, venture capital enabling bill is going to allow regular investors from Alberta, small-amount investors, to participate in the next best thing in investment in the province and allow us to attract capital and ideas into the province that will come from around the world.

Tell you what. I'd be very interested, if indeed this bill doesn't go forward to the Legislature, to hear government members explaining to the media and to their critics in the tech industry just why they failed to act on this opportunity. They're stumbling right now in this committee to come up with legitimate ideas as to why this shouldn't proceed, and I don't see them coming up with anything better when they are faced with the public scrutiny that will happen if indeed they decide not to allow this bill to proceed to the House. It's common ground that the government has been telling us as the opposition that they want to find with us.

Well, here's common ground, and it's a very good piece of common ground to stand on. It's one that is beneficial to Alberta as a province, to Alberta investors, to Alberta business, to Alberta youth in generating jobs for the future and for creating a foundation of the tech industry that will be solid and be beneficial for generations to come. It's a generational piece of legislation that can be used to ensure that the message is clear world-wide that we are indeed open for business and willing to participate in the exciting new world of tech. Those individuals who are in our universities now will be willing to move and stay here if they're from afar, and our own Alberta students will be looking to stay here as well. There's nothing negative about this piece of legislation.

The AEC certainly is an organization that has never before failed to meet the challenges put before them in a way that was very successful, and I think that it's a little bit insulting to suggest that the AEC would be shirking this new challenge and opportunity. I can see them doing nothing but welcoming with open arms the ability to engage in growing their organization into a field that will allow them to be relevant and expand for decades to come. They've proven themselves to be a very versatile organization and one that has never shirked risk or opportunity before. It's the nature of their organization, and I believe they would be more than willing to act.

Certainly, I welcome their appearance before the committee as well. Why not? But I certainly wonder why the government members never saw fit to invite them if they felt the need to have that input. I certainly have no qualms about having the AEC go ahead and come towards the committee with any concerns they might have. My fear is that the government members are acting on marching orders and have got their blinders on and are not going to move off their position to block this bill from proceeding to debate in the Legislature.

There's a price that will be paid for that if indeed that is their ultimate decision. There may be some members who are on the fence on the government side, some who are really wanting to participate in an opportunity to be collaborative with the opposition members bringing forward this motion, and I invite them to vote with the opposition to allow this bill to proceed to the House and be fully debated there and to bring forward any further arguments that you wish for clarification or perhaps any amendments that you wish to bring forward at that time. To follow your track record, for government members to completely disallow any private members' bills from the opposition to go forward into the Legislature, doesn't impress Albertans one bit.

1:40

At this point in time, when we're looking for leadership and when Albertans are looking for a government that has their best interests at heart and not the interests of the government, we've got one more nail in the coffin of democracy, that the government sees fit to deny the opposition private members' bills any scrutiny in the Legislature whatsoever. They are killed right here in committee and not allowed to proceed, and that is something else that this government will be judged on harshly, in my view, in the upcoming election, whenever it happens to be called.

Once again, I urge members of the government side who were on the fence thinking that they, in their heart of hearts, really should be supporting the bill going towards the Legislature for full debate to actually vote with their heart and their mind and push this bill towards the Legislature and have it proceed, and those that vote against it will hear from Albertans in the future and hear loudly from those who wonder about what type of investment climate and what type of business environment they're actually trying to create when indeed they hinder the development of a new area of business and technology in Alberta by blocking the passage of Bill 203 and not allowing it to proceed into the House for full debate.

With that, I'll allow other members to go ahead and provide their comments as well and, hopefully, convince enough government members to vote in favour of allowing this motion to proceed and allowing the bill to be debated in the Legislature. Thank you, Mr. Chair.

The Chair: Thank you for that, MLA Dach.

Mr. Long, you have a few comments. Please go ahead.

Mr. Long: My list was growing by the second during that. I appreciate the urging of members. I struggle when someone tells me that there's a price to be paid – it sort of sounds like a veiled threat – over how I vote, and I don't even know where that belongs in this room. But thank you, Member Dach, for the threat, I guess, whatever that means.

I've heard a lot today. I appreciate the focus on venture capital. I appreciate the focus on the potential for increasing investment. I've heard a lot, actually even from the presenters today. The term "high potential," when it comes to investing, obviously gets people on the edge of their seats. It perks their ears. While that appeared to be a lot of the focus from the presenters today, I do appreciate Member Bilous bringing us back to the place that actually acknowledges the high risk. Thank you, Member Bilous, for that. It didn't appear to be something that the presenters wanted to focus on.

Things that I heard from the presenters about the Alberta advantage and the Alberta entrepreneurial spirit; attracting ideas, talent, capital formation; and the job of the government in economic growth, job growth, wealth creation: all things that I agree with wholeheartedly. Even venture capital investment should be top of mind. I absolutely agree.

Another comment that was made by one of the presenters was that competition shouldn't be feared, that other jurisdictions are developing private and public methods of venture capital investment. Then the second presenter also said that he's been working on the concept of a venture fund for 10 years.

Me being me, talking to people across the province – sorry; I guess one other point by one of the members opposite was about government having a significant role in our lives – I've heard loudly and clearly across the province that people believe that government's role is limited as well.

My understanding from the ministry when they presented at the last meeting was that the AEC actually doesn't have this capacity. Member Dach had also asked why Member Amery didn't contact the AEC. I don't want to speak for Member Amery, but I was actually curious why someone bringing forward a bill wouldn't have gone to the AEC and said, "Hey, do you have this capacity?" before presenting it to the committee. That, for me, is a major concern.

Obviously, my colleagues have already discussed, again, the high-risk nature of venture capital investment. I, too, have concerns that the appearance of expanding the mandate of the AEC, if it were possible – again, I do trust that the ministry knows the AEC well when they say that the AEC does not have the capacity. But should it be expanded, should we somehow attract investors making much more money in the private sector, should we attract those investors to government roles with our Crown corp, I believe that this gives the appearance that government is derisking the investment, and quite frankly I wouldn't expect that of any government, to derisk investment.

I appreciate that rules around securities would have to be changed, but I have an assumption as to why those rules exist in the first place, which is having limits on who can risk large sums of money in high-risk investments. It's not that the Securities Commission doesn't want people to get ahead. Obviously, it's that they're trying to show people that these are such risks that they would bear such an unbearable impact to the everyday Albertan.

Yeah. There is a lot to unpack. Obviously, I had hoped that I would hear something today that would concretely allow me to get behind the bill proceeding. Unfortunately, I believe that people were skirting the very nature of what the bill is doing and the fact that the AEC, while it has done an exceptional job – I think that everyone has acknowledged that. This is not something that they are set up to do functionally. Then beyond that, as I say, I think it is very discouraging that without providing, you know, some concrete evidence that this should proceed, people would choose to name-call, ridicule, have veiled threats to try to gain support.

As I say, I entered this with a very open mind today. Unfortunately, I'll leave today's meeting being very sorely disappointed in the approach and with the fact that the high-risk nature of what's being proposed has been skirted, dismissed and, again, that the AEC hasn't been consulted as far as if they could or would be able to expand their scope to effectively manage what's being presented.

The Chair: Thank you, MLA Long.

That concludes the one hour for deliberations. I appreciate everybody's comments that they had to this.

We will move to the question on the motion moved by MLA Nielsen – just for everybody's reminder, it is up on the screen – that the Standing Committee on Private Bills and Private Members' Public Bills recommend that Bill 203, Technology Innovation and Alberta Venture Fund Act, proceed. In the room, all those in favour of the motion, please say aye. All those opposed to the motion in the room, please say no. Now moving online, all those in favour of the motion, please say aye. All those opposed to the motion online, please say no. That motion is defeated.

1:50

Mr. Nielsen: A recorded vote, please, Chair.

The Chair: A recorded vote has been requested. In the room we will do this with raised hands, and then I will call your name, and it will be recorded as we go. Then I will go online, and I will call on each member individually for their vote. All those in favour in the room, please raise your hand. Thank you. MLA Sigurdson, MLA Bilous, MLA Nielsen. All those opposed in the room, please raise your hand. MLA Long, MLA Amery, MLA Smith.

Moving online, I will just sort of go left to right as I can see people. MLA Singh.

Mr. Singh: Opposed.

The Chair: MLA Nixon.

Mr. Jeremy Nixon: Opposed.

The Chair: MLA Rehn.

Mr. Rehn: Opposed.

The Chair: MLA Dach.

Mr. Dach: In favour.

The Chair: Thank you.

Mr. Huffman: Thank you, Mr. Chair. In favour of the motion, four; against, six.

The Chair:

The motion is defeated.

With that, we can now move on to the recommendation that would come from the committee after its deliberations. We need to consider directing research services to prepare a draft report, including the committee's recommendations. Just for some clarification, we had been discussing earlier with Parliamentary Counsel and the clerk's office. Because the motion was defeated, we are not going to be continuing on with further debate on this, which is hence why we're moving to the draft report portion of our meeting.

With that, we do have a prepared motion, that somebody would like to move, which would be directing research services to provide a draft report. I'm looking around the room. MLA Long would like to move that

the Standing Committee on Private Bills and Private Members' Public Bills (a) direct research services to prepare a draft report on the committee's review of Bill 203, Technology Innovation and Alberta Venture Fund Act, which includes the committee's recommendation, and (b) authorize the chair to approve the committee's final report to the Assembly on or before noon on Wednesday, April 13, 2022.

That is the conclusion of that motion. But I will also add that minority reports will be of course accepted, and I will get to a date and timeline that I think would work for that after we finish this discussion.

Any other comments or questions to the motion up on the screen?

Hearing none, we will just move to the question. All those in favour of the motion as moved by MLA Long in the room, please say aye. All those opposed in the room, please say no. Moving online, all those in favour of the motion, please say aye. All those opposed online, please say no.

The motion is carried.

The time frame for the minority report, if anybody is interested: noon, Tuesday, April 12, 2022. That will give it time to be put in.

That concludes the deliberation portion on Bill 203. I thank everybody for their participation. I believe some of the stakeholders were on for most of that, so I appreciate, again, their time today.

Before we move on to the review of Bill 204, the Anti-Racism Act, which MLA Shepherd is just getting ready to prepare, I am going to call a five-minute recess. We will be back – oh, let's make it six minutes – right at 2 o'clock.

Thank you.

[The committee adjourned from 1:54 p.m. to 2 p.m.]

The Chair: Thank you. Welcome, everybody, back to the committee. We will now be proceeding with our review of Bill 204. Members, Bill 204, the Anti-Racism Act, was referred to the committee on Thursday, March 24, 2022, in accordance with Standing Order 74.11. The report on the bill is due to be tabled in the Assembly on April 25, 2022. Now I'd like to invite Mr. David Shepherd, the MLA for Edmonton-City Centre, to provide a five-minute presentation on the bill, and then I will open up the floor to questions from the committee members.

Mr. Shepherd, the timer starts when you do. Please go ahead.

Bill 204, Anti-Racism Act

Mr. Shepherd: Thank you, Mr. Chair. I just want to begin by acknowledging we're here today on the traditional territory of Treaty 6 and land also of deep significance to the Métis people in Alberta.

Bill 204, the Anti-Racism Act, is a response to calls from Indigenous, Black, and other racialized communities for governments to collect race-based disaggregated data to help address the fact that in so many of the systems that we all depend on – justice, health care, education, social supports – racialized Canadians face more barriers and have poorer outcomes, and this is not because of any moral failing or lack of personal effort or failure of will but because of biases, assumptions, discrimination that are baked into these systems and institutions. This is known as systemic racism, and it's often caused by policies, practices, and procedures that may appear neutral on paper but in practice disadvantage Indigenous, Black, and other racialized groups.

The only way to identify, quantify, and address those harms that can be caused is by collecting and analyzing the data. Indeed, this was a key recommendation from the Alberta Anti-Racism Advisory Council in the report they issued last March, in which they called on the government of Alberta to mandate the collection of race-based data in all departments as well as the analysis of the data to track and evaluate the progress being made and identify existing gaps between racialized and nonracialized communities.

Bill 204 sets out a structure and a process to do precisely that, what I think is a thoughtful path to empower all public bodies to take on that important and central work, so let's talk about how it does that. Bill 204 sets out a requirement for all public bodies to, in the regular course of their work, collect race-based data in accordance with set data standards and make use of it to conduct impact assessments to help identify inequities in policies, programs, or services.

To support that work, the bill mandates the creation of an antiracism office headed by a commissioner. Executive Council would have the authority to determine the minister who would be responsible for the office and appointing that commissioner. The office and the commissioner would be responsible for advising the minister on how to fulfill the act, building and maintaining relationships with Indigenous and other racialized communities, consulting with those communities, and, in particular, consulting with

them on the development of the regulations governing the collection of the data and the implementation of impact assessments.

The minister, in turn, would be required to consult with the antiracism commissioner, Information and Privacy Commissioner, and the chief of the Alberta human rights council before establishing the regulations governing the collection of the data and the scope, frequency, and timelines for public bodies to conduct impact assessments.

Once regulations are in place, the public bodies would be required to collect the data as prescribed in the regulations, use that data to conduct impact assessments, report findings of the impact assessments to the commissioner, and report progress on implementing any recommendations that result.

The antiracism office and commissioner would continue to advise the minister; continue building and maintaining relationships with Indigenous, Black, and other racialized communities; if requested, support public bodies in their work to collect data and conduct assessments; review the impact assessments; make recommendations based on those assessments; and track progress on fulfilling those recommendations. This is all designed to be a collaborative process not unlike how the Auditor General provides recommendations to public bodies on addressing shortfalls and improving systems to achieve better outcomes and then tracks their progress on implementing them.

Mr. Chair, this work, I believe, is incredibly important. It is absolutely needed, and it's being embraced by governments, public bodies, and by private industry. I would note that Ontario has been leading on this in Canada. They started collection in 2018 under their Anti-Racism Act, which was implemented in 2017. That's allowed them to be ahead of the curve, and indeed they have provided some of the only Canadian data available on the disproportionate impact of COVID-19 on racialized communities, because they chose to collect it. We've seen data collected by the Ottawa police show that they stopped Black and Middle Eastern drivers at disproportionately higher rates, and that has led to a multiyear strategy on diversity and inclusion. We see B.C. stepping up to the plate. They're about to introduce legislation to set up their own process for the collection of this data. And recently we heard that, in response to a call from their investors, TD Bank has announced that it will undergo an independent racial equity audit to provide a reality check of its progress on dismantling systemic discrimination within their organization.

Mr. Chair, I and the staff that worked with me – I want to thank Jodi Learn and Seon Smith, who've put a lot of work with me into this, a lot of careful thought and research to try and craft something that we felt would cleanly and effectively implement this key recommendation from the Anti-Racism Advisory Council and empower Alberta to be a leader in addressing racial inequities. I think there is significant support from the community, and I believe this bill deserves to have the opportunity to be fairly debated, considered, perhaps even made better on the floor of the Legislature. I hope the committee will agree, and I look forward to their questions.

The Chair: Thank you, Mr. Shepherd. Well timed as we conclude the five minutes.

We will now get to 20 minutes of questions and answers, and as is the convention of the committee, we'll be starting on the government side, which will be MLA Singh for the first question and a follow-up. Please go ahead.

Mr. Singh: Thank you, Mr. Chair. I would like to thank as well the Member for Edmonton-City Centre for being here with us and

presenting his private member's bill, Bill 204, the Anti-Racism Act. I'm curious to know, on the stakeholders engagement regarding Bill 204: what stakeholder consultations did you do prior to tabling this bill, and what kind of feedback, if you – and did you hear from them?

The Chair: Yep. Please go ahead.

Mr. Shepherd: Thank you, Mr. Chair. Through you to Mr. Singh: thank you for an excellent question. This began with a wide range of consultations, where I had the support of staff and colleagues within the Alberta NDP caucus, where we spent about six months consulting with over 600 community members representing a wide range of organizations and associations from a number of different racialized communities across the province of Alberta. Now, that consultation was on looking at a broad range of efforts that could be made to address both overt and systemic racism in the province of Alberta, but I would note that what came up in every one of those conversations was the need to collect race-based disaggregated data as an essential part of determining what steps could be taken by government. You can't fix problems if you don't know where they are. This is what I heard directly from the community, and they said that we need the data to measure so we can target so that we can have effective actions taken.

That being the case, I then went on to consult with a number of folks across the province of Alberta in regard to how that process would look and how that would proceed. I spoke with some of the folks from the School of Public Health advocacy and research team at the University of Alberta who had in fact reached out to me to advocate specifically on this issue.

I had some conversations with the African, Caribbean, and Black caucus of Alberta, which is a grassroots alliance of advocates and organizations that serve and support Black communities. They had reached out to me, and that was one of their huge areas of advocacy as well.

I've spoken with Dr. Bukola Salami, who's an associate professor in the Faculty of Nursing, inductee into the International Nurse Researcher Hall of Fame. She has spoken out very clearly about the importance of this data and, in fact, has been a leading researcher in obtaining this independently.

I've had a chance to speak to Dr. Temitope Oriola, who you may recognize. He is an associate professor of the Faculty of Arts in the sociology department at the U of A and was one of the folks that was a chief consultant for the former Justice minister in his work on reforms to the Police Act, which I believe will be coming forward shortly, I'm hoping, in the Legislature. Certainly, he was very supportive of the bill as well.

More recently, since bringing forward the legislation, I've had the opportunity to talk about – and I hope you can appreciate that there are some challenges in consultation at times until you actually have draft legislation in hand, so that has meant that some of the consultation has only taken place more recently. Since having the bill in hand, I have had the chance to connect with Dr. Alika Lafontaine, the president of the Canadian Medical Association, I believe the first Indigenous individual to hold that role. I've spoken with Dr. Malinda Smith, who is the vice-provost at the University of Calgary in equity, diversity, and inclusion and a well-regarded expert in that field. I've had the chance to talk with representatives from the National Council of Canadian Muslims; Dr. Rebecca Sockbeson, the associate professor in the Faculty of Education in educational policy at the U of A, herself from the Indigenous community and with the specialty in antiracism in those areas; and with Irfan Chaudhry, the director of the office of human rights at MacEwan University.

What I've heard from every single one of those stakeholders, Mr. Singh, is that they absolutely support this bill and the collection of the data. Now, certainly, in many cases I've also heard from them that, in fact, they would like to see the bill go further. They would like to see it strengthened. They would like to see greater teeth. There have also been some suggestions around some changes in some of the language, but certainly those are the opportunities we would have should the committee decide to allow the bill to proceed to the Legislature, where we could have those debates and look at those amendments.

2:10

The Chair: Thank you.

MLA Singh, do you have a follow-up, or was it covered?

Mr. Singh: Thank you for answering. I do have a follow-up as well. Is your bill based on another province or jurisdiction's? Can we compare with some provinces there and have their side of a success story?

Thank you, Mr. Chair.

Mr. Shepherd: Thank you, Mr. Singh. Through the chair to you: another very excellent question. As I noted, indeed, this was in part inspired by the Ontario Anti-Racism Act. That was the first place I looked when I started to sort of consider what a legislative framework for this might look like. Certainly, we did take a lot of learning from that act, some of the structure, and the process that was put in place where they passed the framework legislation and then engaged in very robust community consultation with racialized communities and a number of others on how to set up the data standards, I think recognizing that historically governments have not always been the friends of racialized communities and the collection of data has not always been to their benefit. I think it's extremely important that we have a very robust process to ensure that the data collection is handled well and that the use of that data is very carefully prescribed to ensure it is solely for the benefit of the community. So the Ontario Anti-Racism Act was a big part of this.

We also did have a look at Nova Scotia, which does have a specific office. I forget the precise name off the top of my head; I apologize. It is an office that looks at issues of racial discrimination. That was part of what formed our idea, then, for having an antiracism office and commissioner here in the province of Alberta, to help supervise and oversee this work once it was put in place.

I can say definitely that I laid out a couple of examples in Ontario, where this legislation has been very successful. It has been operating for a number of years and has led to some direct benefits, I think, for racialized communities there.

The Chair: Thank you for that.

Mr. Nielsen, you're up for a question and a follow-up.

Mr. Nielsen: Thanks, Mr. Chair, and thank you, Mr. Shepherd, for coming to the committee to present your bill. You know, as an individual that has the extreme privilege and honour to represent a community that's incredibly diverse in Edmonton-Decore, those perspectives of some of the people that you've consulted with: I don't think I could highlight that any more significantly. I'm just wondering, following up a little bit from Mr. Singh around your consultations: are there any other groups that you haven't mentioned that you've managed to be in contact with? In Edmonton-Decore, for instance, like, the Canadian Arab Friendship Association. I have a large African-Caribbean community in Edmonton-Decore, a Chinese community, a Somali community, an

Arabic community. Was there anybody in the list that you felt also needed to be highlighted in terms of getting feedback from them?

Mr. Shepherd: Thank you, Mr. Chair, through you to Mr. Nielsen. Certainly, I would love to engage in further consultations. You know, I'm sure all members can appreciate the challenges that there can be in engaging in a wide-ranging, robust consultation before legislation is in place and we have the structure to be able to show to people, particularly, again, with racialized communities who have been given good reason and particularly, I'd say, for Indigenous communities to distrust government. So there is a real need to be able to put some real specifics on the table about what you intend to do.

I would say that one absolute area where I would love to have the opportunity to do more engagement and consultation with the bill in hand is certainly with Indigenous communities. I respect that there are very particular ways and processes that those sorts of consultations need to take place given the nation-to-nation relationship that First Nations have with government. Certainly, that's one area where I would love to have the opportunity to work with folks like Dr. Sockbeson and others who have those relationships to respectfully engage with Indigenous communities in their views on the legislation.

Certainly, there are a number of other racialized communities, a number of other groups. I think you can appreciate the incredible range and diversity and also, I guess, in some senses the challenges of communicating the complexities or how the bill is structured for folks that sort of come from outside of legislative circles, sort of more community. I would welcome any opportunities I could have. I certainly appreciate that in the conversation I had with the National Council of Canadian Muslims they have offered indeed to help broker some further conversations to get further in depth with community. Certainly, I would be more than happy, if this had the chance to proceed for debate in the Legislature, to partner with government members in doing that work and bringing that conversation to their communities as well.

The Chair: Do you have a follow-up?

Mr. Nielsen: Yes, I do. You know, you mentioned some of the consultation that you embarked on, some of it recently, because you needed that legislation in hand, and I'm very curious as to how long you've actually been working on this versus, like you said, having that legislation in hand to be able to take to them? There's got to be more to it.

Mr. Shepherd: The initial conversations that I had with the community, when this first began to be raised and I began to consider the possibility of legislation, would have been beginning in the summer and fall of 2020. I believe it was around that time, given the extended sitting that we had at one point without a prorogue, that I had my draw in the private members' lottery. At that point I had determined that this was a direction that I did want to pursue. As I said, it took some time for us to come around and have an opportunity to present, but it's been in the last few months that I've had the opportunity to engage directly with Parliamentary Counsel on the development and the drafting of the bill.

I should note also in that period – I forgot to mention – in my consultations I did have a meeting with Ms Clayton, the Information and Privacy Commissioner for the province of Alberta, and some of her staff to discuss her views on how this bill should best operate to ensure the protection of privacy for folks in Alberta.

The Chair: Thank you for that.

Anything else, Mr. Nielsen?

Mr. Nielsen: No. That was the follow-up.

The Chair: That's right.

We'll go back online. Mr. Nixon, you have a question and a follow-up.

Mr. Jeremy Nixon: Yeah. I appreciate that, Mr. Chair, and thank you, Mr. Shepherd, for bringing this forward and your passion on this issue. I guess my question had to do with kind of getting into the nitty-gritty of the data points. Exactly what data points are we going to be measuring? What does that look like? I'm wondering if you can kind of expand upon that for me and help me to understand.

Mr. Shepherd: Absolutely. I appreciate the question, through you, Mr. Chair, to Mr. Nixon. It's fairly basic. It is simply the collection of race-based disaggregated data. So literally this just piggybacks off work that's already being done by departments; certainly, Education, health care, the justice system. We're already tracking people's information from their interactions with programs, processes, and services; they're filling out forms; they are taking surveys. This is merely the addition of one data point, and that is simply recognizing their racial or ethnic background or how they identify that. It's, really, simply just that one piece of data being collected in all programs, processes, and services to allow us to have a finer grain when we begin to look at how each of those things may impact racialized communities.

The Chair: Do you have a follow-up?

Mr. Jeremy Nixon: Yeah. I guess just thinking about, at least in my recent time just interacting with different cultural communities within my constituency, different race communities, it's not just a monolith community. The Black community is not all, you know – and actually these individual groups make it very clear: we're not all one group. There are very distinct features to each group and each culture, so do you account for that with this? I'm wondering if you have thoughts on that.

Mr. Shepherd: Again, thank you to Mr. Nixon for the question. Absolutely. I mean, there is nothing about this process which would make such broad assumptions about any racialized group. It simply takes the opportunity to note where issues might exist; for example, the situation in Ontario, where a review of the data collected by police determined that Black and Middle Eastern individuals were stopped at a much higher rate than any other racial ethnicity. So that, in turn, is not making any assumption about either of those groups; it's merely flagging a point where, then, there is a need to do much more research to determine why that, in fact, is the case.

In all honesty, I don't think this broadly generalizes about groups; it simply identifies particular points in services where there is an impact. Certainly, I think recognizing, for example, let's say, for Indigenous communities, indeed there is a wide range of diversity within the Indigenous communities. There are different First Nations and different people and different socioeconomic statuses and different experiences, histories, et cetera. But if we identify, for example, that we in general have a lower graduation rate, say, within the education system for Indigenous students or that in a particular area of the health care system there are disproportionately poor impacts for Indigenous individuals in Alberta, that, again, does not generalize anything about those communities. It simply gives us a place to begin to explore why this impact is happening and get into some more of the details. Indeed, I think that would involve then a lot of discussion and exploration with those communities.

2:20

The Chair: Thank you.

Do you have a follow-up?

Mr. Jeremy Nixon: I believe I did ask my follow-up.

The Chair: I apologize.

MLA Bilous, go ahead.

Mr. Bilous: Thank you very much, and thank you, MLA Shepherd, for bringing forward this bill and for your answers to these questions. If there was an opportunity to have stakeholders come and present to committee, you know – first of all, do you have any stakeholders that are prepared to come and speak to our committee, and what would be some of the benefits from our committee hearing from your stakeholders directly?

Mr. Shepherd: Thank you, Mr. Bilous, for that question, through the chair to you. Absolutely. Some of the folks I've spoken with in consultation so far, like I said: Dr. Bukola Salami, who is a leading researcher, one of *Canadian Immigrant's* top 25 immigrants of 2021, specifically for her academic research on policies and practices shaping migrants' health. She has indicated: absolutely. She actually spoke at my press conference and would be more than happy to come to speak to the committee about the impact the collection of this data has in the work that she's been able to do.

Again, the National Council of Canadian Muslims, in my conversations with them, indicated that they would be interested in presenting and speaking from their perspective on the impact it could have for their communities. Dr. Malinda Smith, the vice-provost of diversity, equity, and inclusion: I certainly had the chance to speak with her once I had the bill in hand. I think she was open to the discussion as well. Certainly, the conversations that I've had with Indigenous leaders like Dr. Rebecca Sockbeson have indicated that, you know, there may be an interest from that side of things as well.

So, certainly, I think there's no shortage of stakeholders with considerable expertise who could help us understand precisely how important this is, how they, in fact, have used this data in their research, and to be able to provide some perspective on how the bill could be shaped through the regulation and debate in the Legislature to effectively do that.

The Chair: Thank you.

Do you have a follow-up?

Mr. Bilous: No.

The Chair: Any other questions? I don't have anybody else on the list, but I'll just open it up for a moment to see if there are any other questions.

Mr. Long: I'm curious. I appreciate you bringing this forward, MLA Shepherd. In what you've already done in your consultation – I'm assuming you've done consultation. Actually, maybe that'll be my first question. Have you done consultation with people in Ontario to see what the establishment of their act looked like, and how they're proceeding, and if there have been hurdles along the way?

Mr. Shepherd: To be honest, Mr. Long, no. I haven't had that opportunity. Again, obviously, as private members putting together a bill, it's challenging. I'm sure you appreciate as a private member yourself the limits on time and resources, but certainly that would be something I would welcome. Certainly, I've had the chance to sort of review and read through the process, the data standards that

were put in place, read up on that a bit. But I have not spoken with any officials in the public service or elected in Ontario.

Mr. Long: Okay. Then just sort of part of why I started there. Like, I'm curious about how we address the sensitivity around, for example, an enforcement agency or a public service agency requesting someone to provide their ethnicity. I would envision that there would be some sensitivity around that, and I'm wondering, in proceeding, how that would be addressed.

Mr. Shepherd: Now, I appreciate the question, Mr. Long, through the chair to you. You know, I'd observe that this is something we do already in many respects, and indeed our doing so is uncomfortable for some individuals. For example, it's very common to ask an individual's gender on a form. Certainly, for those who are trans or gender diverse, they certainly find that that can be triggering and traumatizing, but we maintain that, although – hey – we've been finding ways now to allow for a broader expression of that and, I think, a wider range. But we still recognize that that is important and crucial data for us to be able to continue to provide services properly.

That to say that I think there is a way for us to find to approach this in a way that's respectful, I think, and is not intrusive. Certainly, I think individuals should always have the option simply to choose to not say. Indeed, there was an excellent report that was released today from the College of Physicians & Surgeons of Alberta looking at issues of diversity and discrimination within the purview of their work. Indeed, you know, while they were able to get very good engagement on digging into the diversity of the physician workforce in the province of Alberta, they did provide that opportunity for people to say, "I simply prefer not to say," and there was a certain percentage that chose to do that.

The Chair: Thank you.

MLA Sigurdson, go ahead.

Ms Sigurdson: Yeah. Thank you very much, Mr. Chair, and thank you, MLA Shepherd, for your presentation today. Just recently in the newspaper, I think in both the major papers in Edmonton and Calgary, there was an article by Jon Cornish, a man of colour in our province, about some of his experiences. And I just wonder if you had, in your consultation, heard similar stories or talked a little bit about his story. Just so the committee understands.

Mr. Shepherd: Thank you . . .

The Chair: Please go ahead, but we have one minute, just so you know.

Mr. Shepherd: Okay.

Through you to Ms Sigurdson: absolutely. I deeply appreciate Jon's work for the Calgary Black Chambers and that he is supportive of this legislation. I appreciated his op-ed.

In terms of stories I'd like to reference one thing, and that's from a tweet thread that was put out today by Heather Campbell, one of the former co-chairs of the Alberta Anti-Racism Advisory Council, talking about her journey dealing with breast cancer here in the province of Alberta as a Black woman. She notes in it several different points where having the collection of race-based data could have made a significant difference in her care. She was a very active advocate, very well informed, and worked very hard to make sure that all of the folks treating her understood the very different nature of many of these treatments and presentations of symptoms for Black women compared to White individuals, who are the norm in considering this care. Her statement that she tweeted was: "At

every moment & milestone in my cancer treatment, race-based data would have improved my care or my outcomes." A very personal story that I think applies.

The Chair: Thank you for that, and I appreciate your time. You're very welcome to, of course, stay as we get into some presentations from the ministries, and I welcome you to do that.

I would call just up to the table here as we make a transition. It'll just take about a minute for our representatives from the ministry to join us. Just as the representatives settle in, just so you know, the technical briefing will be coming from the ministries of Labour and Immigration and Service Alberta. They will be providing a five-minute presentation on Bill 204, and then we will have 20 minutes of questions and answers with them.

Joining us are Michele Evans, assistant deputy minister of workforce strategies division, Labour and Immigration; and Maureen Towle, assistant deputy minister, data, information and privacy services, from Service Alberta.

I will now turn it over to you for your five-minute presentation, and the timer starts when you do.

Ms Evans: Thank you, Mr. Chair. I appreciate the opportunity to provide this short overview of Bill 204, the Anti-Racism Act.

As mentioned, my name is Michele Evans. I'm the assistant deputy minister of workforce strategies with the Department of Labour and Immigration. I'm here because Labour and Immigration is responsible for supporting the Alberta Anti-Racism Advisory Council and their related work. I'm joined today, as mentioned, by my colleague from Service Alberta, assistant deputy minister of data, information and privacy services, Maureen Towle.

I would begin by sharing some of our preliminary observations on the scope and intent of Bill 204. As stated in the act, the purpose of it would include supporting implementation of the Alberta Anti-Racism Advisory Council recommendations; the establishment of an office that communicates and co-ordinates with public bodies and communities on a provincial response to inequity and systemic racism; an intent to collaborate with racialized communities to identify and monitor racial disparities in the provision of public services, including those related to health care, justice, education, and labour market participation; and identifying, advising, and reporting on outcomes and indicators of racial equity in Alberta, including the collection of race-based data and conduct of impact assessments.

In its goal to improve outcomes for racial equity in Alberta, the act specifies certain obligations and the establishment of a number of entities. First, it would establish an antiracism office as part of the responsible department and require that office be led by a commissioner, who'd be appointed for a mandate that would not exceed five years. The act does not make clear the degree of independence the office and the commissioner are intended to have from government as the office and its employees would be part of the government department.

Next the act outlines several duties of the commissioner, including things such as advising the minister on strategies to fulfill the purpose of the act, building relationships with racialized communities, making recommendations to public bodies, overseeing those impact assessments that I've mentioned before, specifically on those public bodies' administrative instruments. The act defines an administrative instrument as a policy, practice, procedure, or something similar. The act doesn't define which public bodies' administrative instruments would be subject to its impact assessments nor what those impact assessments would seek to determine or achieve. As such, the reach of the proposed office could effectively include all public entities and administrative instruments.

That means that there could potentially be tens of thousands or more of administrative instruments requiring review.

2:30

There are regulation-making authorities included in the act that may help outline a number of those details. I would, though, note that some of the potential duties of the office do appear to overlap with the role and function of the Alberta Anti-Racism Advisory Council. That council is appointed to advise the minister on how to implement and evaluate action items to combat racism.

The act also creates some mandatory obligations for the office of the commissioner to consult with the categories of groups and organizations. This would be prior to the government, in turn, consulting on the proposed regulations and a number of people, including the antiracism office commissioner, the Privacy Commissioner, and the Human Rights Commission. There is a requirement as well to publish the results of those recommendations prior to enacting the regulations.

The act also puts the responsibility to conduct the impact assessment on the head of the public body. The act suggests the public body may collect data in accordance with data standards and must report to the commissioner the results of those impact assessments within six months of completion. Further, if the commissioner makes any recommendations, the public body must also report on the implementation of those.

There are a number of other activities the act can require in terms of establishing parameters for the conducting of those impact assessments. That might include consultation, frequency of consultation, and methods and criteria for the evaluation. It also creates regulatory authority to establish data standards, proposes to permit authority for the collection and use of personal information, and creates an obligation for comprehensive review of the act after four years. However, the bill does not define personal information and is not explicitly tied to the freedom of information and privacy act, nor does it contain any parameters for what personal information would include; how it would be collected, for example voluntarily; the purpose for which information would be collected or used aside from the notion of the impact assessment; and what protections or safeguards would be enacted to protect that information.

I'll end by noting that there are a number of elements of the bill as well which appear to address similar objectives to elements of the Alberta Human Rights Act. That act, as you may know, prohibits differential treatment on the basis of race and other protected grounds.

With that, Mr. Chair, I think I will conclude my overview with seconds to go.

The Chair: Well, that was well timed. I appreciate it.

Now we will just move to questions. The first person who threw their hand up online was MLA Nixon, and we'll put you on the list, Mr. Shepherd.

MLA Nixon, please go ahead with a question and a follow-up.

Mr. Jeremy Nixon: Oh. I apologize. My hand was up from previously. I forgot to take it down.

The Chair: Okay. It's been two years doing this, Mr. Nixon. You've got to be quicker with your hands.

MLA Shepherd, you're up next.

Mr. Shepherd: Thank you very much, and thank you for that review. I certainly appreciate your highlighting some of this, some of the areas where there may in fact be room for improvement with the act. Certainly, I'm personally open to that, and should it have the opportunity to proceed to the Legislature, we'd have the opportunity to delve into that.

I just wanted to start, then, with your note about the lack of clarity, I guess, regarding the independence of the commissioner from government. Certainly, in the drafting of the legislation it's something that we considered. Certainly, the choice to place it within a ministry of government as opposed to trying to make it an independent office was intended to indicate that they would have that work under the minister and remain under that – their budget would be controlled – but would have, I guess, some independence in being able to choose when they wanted to go out and speak with the community, talk to the community, communicate.

What are your thoughts? Are there examples, I guess, of how the legislation could be better structured to indicate that intent?

Ms Evans: Yeah. Thanks to the member for that. I think it's always difficult for me to comment on sort of better ways to construct the legislation. That would be a bit of a policy consideration, but certainly I can speak to sort of the intent of it being something that we would want to make sure is reflective of the intent of the independence. That's something that we could further discuss as a policy consideration, for sure.

Mr. Shepherd: May I have a follow-up, Mr. Chair?

The Chair: Yes. Go ahead.

Mr. Shepherd: In follow-up, then, let's broaden that out a bit more generally. You've identified a couple of concerns there regarding, I guess, the lack of clarity regarding the independence of the commissioner. You talked about the generality of talking about public bodies' administrative instruments, the fact that that's left to regulation. You also noted the potential of some overlap with the advisory council, with the Alberta Human Rights Act. Are any of these things that you think are obstacles to the legislation actually being able to be functional? I mean, are these things that could simply be addressed through some amendments to clarify these issues?

Ms Evans: Certainly, what I could say is that there are a number of ways to enact and structure offices or structure those kinds of conversations. You can enact them within departments. You can enact them separate from the departments. Those are all sort of considerations on the basis of what different kinds of independence you would want to have. Certainly, there are opportunities to work within the way that the legislation is structured, but there are also opportunities to do this in a different way that maybe doesn't require this level of structure under our legislation. Many of the things that the act proposes could be accomplished without legislation, but certainly there are ways to make this functional within the legislation as it's proposed. That's a bit of a bifocal answer there for you.

The Chair: Thank you for that.

We'll now go online. We'll try MLA Singh for a question and a follow-up.

Mr. Singh: Thank you, Mr. Chair, and thank you to the Ministry of Labour and Immigration and also the Ministry of Service Alberta for being here with us with a presentation and also answering our questions here.

I'm just going through a little bit of the fine details of the bill, something I feel should be done with every piece of legislation. While I really do agree with the intent of this bill, I'm a little bit concerned about some of the powers that would be granted to this new antiracism office that would be created, particularly concerning the collection of information and privacy. It's my understanding that this

bill's definition of personal information isn't explicitly tied to the FOIP Act, and I'm curious if the department sees an issue here moving forward with this legislation.

Thank you, Mr. Chair.

Ms Towle: Thank you. I'll take this question. Yes, there is a robust definition of personal information in the FOIP Act currently, and I do not see this referenced or reflected in Bill 204, so that is of concern.

The Chair: Thank you.

MLA Singh, do you have a follow-up?

Mr. Singh: Do you want to highlight some of the concerns which you have?

Ms Towle: I would highlight that reference should be made to the FOIP Act and the fact that there are already provisions in the act to meet some of these needs.

The Chair: Okay. Thank you.

Next on the list we're back to MLA Shepherd.

Mr. Shepherd: Thank you. Through you, then, to Ms Towle. Again, I guess continuing on Mr. Singh's line of questioning, certainly, I did have, as I said, the opportunity to meet with Ms Clayton and sort of discuss some of this. It was my understanding from the conversation that I had with her that PIPA would remain paramount over the legislation this would fall under. But I certainly appreciate the suggestion that an overt reference to that would make that clear. You sort of noted, I guess, that there may be provisions already within legislation. In that reference were you saying that within the existing legislation outside of this act there are those pieces and that simply a reference would clear that up, or were you indicating that there's stuff within the act that I've presented here, pieces that tie in?

Ms Towle: Thank you for that. No, there are provisions within the existing FOIP Act. Just to clarify, because you just mentioned PIPA, which is for the private sector, within the FOIP Act there are already provisions.

Mr. Shepherd: Okay. So a simple amendment within the bill, just to specifically note that it would be making use of the definition of personal information from within the FOIP Act, would clear up that issue.

Ms Towle: It would address that piece, yes.

Mr. Shepherd: Thank you.

The Chair: I appreciate that. Since you snuck in a follow-up question, Mr. Shepherd, we'll go right to MLA Nixon online.

Please go ahead.

Mr. Jeremy Nixon: Excellent. Thank you, Mr. Chair. I guess my question had to do with – you kind of talked a little bit about it, but I'm wondering if you can expand a bit about the work that's already being done with government and how this would interact with that or if it would be redundant to the work.

Ms Evans: Thanks for that question. What I can advise the committee about is that the government has an Alberta Anti-Racism Advisory Council, that consists of up to 24 members from diverse communities whose responsibilities are to provide advice on how to implement and evaluate action items to combat racism. Further, we have an Associate Minister of Immigration and Multiculturalism,

whose responsibility it is as well to consult with community on those types of issues and initiatives. Finally, my team is established to support those initiatives, so there are department staff that are already allocated to support antiracism initiatives across government in terms of those types of activities.

2:40

The Chair: Thank you for that.

I don't have anybody else other than Mr. Nielsen.

Mr. Jeremy Nixon: Sorry. Can I have a quick follow-up, Chair?

The Chair: Oh. I'm sorry. Go ahead.

Mr. Jeremy Nixon: Excellent. Yeah. We talked a bit about what we're doing in our government, and I'm wondering if you can acknowledge what other provinces are doing, if they're doing something similar to what's being proposed here today, and if we know anything about the success of those programs.

Ms Evans: Yeah. Thanks for that question. I think MLA Shepherd outlined a number of jurisdictions that are proceeding with various different options. I can advise the committee that British Columbia has just completed a consultation on an antiracism data legislation, and they're evaluating that feedback in considering some action in that space. So they are considering that.

Ontario, as MLA Shepherd had noted, does have an antiracism act, that does include data standards and monitoring and those sorts of things. It does have an antiracism directorate, but it does not establish a specific commissioner for looking at antiracism. Instead, it relies on the office of the Information and Privacy Commissioner in Ontario to do that. The act does a number of other things in Ontario in terms of requiring a strategy to be developed for antiracism as well as requiring reporting and monitoring of the success of that strategy. So it goes beyond just the data collection component of that.

A number of other jurisdictions – Quebec, Saskatchewan, Manitoba – have councils or advisory groups that provide support on antiracism activities but don't necessarily have legislation. Nova Scotia has just recently considered and, I believe, passed just this week the Dismantling Racism and Hate Act. That, again, is an act that defines an ability to consult, some data standards, and we're just assessing that act as it's been passed in the Legislature there. Nova Scotia has had a long-standing action plan around antiracism and an office of equity and antiracism initiatives, so we're looking at that as a potential practice.

I would also note the federal government has an action plan for antiracism and that Statistics Canada has a plan to implement disaggregated data standards to support the consistent collection and use of race-based data. Statistics Canada is actively pursuing some work in this space that will be very helpful for us as a jurisdiction.

The Chair: Thank you.

Mr. Nielsen, you're up.

Mr. Nielsen: Thanks, Mr. Chair. I just wanted to circle back for further clarification around PIPA, that MLA Shepherd and MLA Singh were asking about.

Mr. Shepherd: FOIP.

Mr. Nielsen: Sorry. FOIP. Thank you. So many acronyms that it's hard to keep track of them.

If there was a specific amendment to the bill to include reference to that, that would solve that concern?

Ms Towle: Thank you for that. I don't know if that would be required. Like I said, there are already provisions within an existing act to address this data collection.

Mr. Nielsen: A follow-up?

The Chair: Yes. Please go ahead.

Mr. Nielsen: Nothing currently is in the bill's form that would prevent us from potentially amending it and possibly solving that?

Ms Evans: Yeah. Maybe I could say that there's nothing that prevents you from solving that. I think there's nothing either that requires you to have the collection of race-based data as part of a separate act. The FOIP Act does already permit government departments to collect, use, store, and disclose this type of information. We don't need additional legislation to be able to do this. This particular proposed legislation makes it very clear that that's an intended part of the government's work if that was something that the government wanted to proceed with. We don't need legislation specifically to collect race-based data.

The Chair: Thank you.
MLA Long.

Mr. Long: Thank you. Thank you for being here today to take a few questions. I'm just curious if you've had an opportunity to look at other jurisdictions that utilize resources outside of an arm's length of government to collect data as is being proposed, like postsecondary institutions?

Ms Evans: I think the question, Mr. Chair, is related to: are there other institutions and organizations working on this? I think the answer is: yes, there are certainly a number of different initiatives across our public-sector institutions, across our health system, education system, our justice system that are working to try to do this better. Certainly, diversity and inclusion and the intent of this legislation are something that is very important and something that – you know, there's very laudable work here where, if we can get better information and data, we can certainly improve and benefit our programs. There are a number of initiatives already under way in many institutions across Alberta.

Mr. Long: Given your role with government, without putting your job on the line, can government do it better, or can we bring in, like, secretariat work that could actually help us incorporate what's already being collected and analyzed better through our ministries that way without establishing a commissioner per se?

Ms Evans: You know, what I would always say is that government can always do better. We always have an opportunity for improvement. The question is: what's the most effective and efficient way to do that? That's certainly a matter of public policy consideration and deliberation that I won't speculate on, but certainly government can always continue to improve through the ways we operate and run our programs.

Mr. Long: Can I clarify?

The Chair: That was a very diplomatic answer. Are you trying to . . .

Mr. Long: Can I just clarify?

The Chair: Yeah, quickly.

Mr. Long: Sorry. My intent was: can government do it better than institutions who are already doing this? Again, I don't want you to risk your job by saying no.

Ms Evans: Yeah. I think the question is: do we require government to lean in here? Do we require government to lean in here, I think, again, as a bit of a policy consideration, a signal? That's a policy consideration before government, whether or not this is something that's important that they wish to signal through legislation or if there are other mechanisms that are nonlegislative that could signal the same thing to communities.

The Chair: Thank you.
MLA Shepherd, you're up.

Mr. Shepherd: Thank you, Mr. Chair. Ms Evans, you mentioned that right now the legislation exists, the ability exists for government to undertake the collection of this data, but I would note that in many instances government is not and certainly many institutions are not. Just to clarify, the option exists, but there's currently no requirement that that data be collected.

Ms Evans: Yes. Correct. There is no requirement that government collect this data, this type of data, but certainly the option exists. In some places we do collect that kind of information, but – you're right – there are many places where we do not collect that type of information.

Mr. Shepherd: If I may, Mr. Chair, a follow-up. To clarify, then, the example of Ontario's Anti-Racism Act: that specifically mandated that collection.

Ms Evans: It does. It has a requirement for creating data standards to guide the collection of that type of data.

Mr. Shepherd: Excellent. Thank you.

The Chair: Thank you.

I don't have anybody else on the list, but we'll just pause for a moment. MLA Shepherd, you have another question?

Mr. Shepherd: Yeah.

The Chair: Please go ahead.

Mr. Shepherd: Thank you. Just to clarify one more thing, I think this was kind of asked, but I just want to clarify one more time. Again, I really appreciate your time and expertise here. You've noted again that, you know, there are, I guess, some concerns that you've raised. This being, I guess, a bill that was designed to be sort of framework legislation, is there anything within the bill as it's currently structured that would prevent addressing any of the issues you've raised?

Ms Evans: That's a great question, MLA. I think to the chair I would say that there are a number of structural ways this legislation has been drafted that are a bit different than ways we would see our legislation drafting. You know, there are a number of definitions that we would like to potentially see, if you were going to do this, in terms of making sure you understood the scope and extent of legislation. Typically regulations don't narrow the intent of legislation, so that's something that we would have to think about a little bit more. The way that this legislation is drafted: the regulations are potentially limiting, would limit the scope of the act. There are just some things that we have some further questions on,

but it's always possible to work with legislation as it's drafted and amended.

Mr. Shepherd: Thank you.
Thank you, Mr. Chair.

2:50

The Chair: Same spot we were at just a moment ago: nobody else on the list to ask any questions. Nope, not seeing any.

All right. I would just like to thank you both for your time. I appreciate you spending a little bit of your afternoon with us and presenting and answering questions.

Now we will continue along our agenda as we get to decisions on how to proceed with Bill 204. In accordance with the approved process the committee may choose to invite additional feedback from up to six stakeholders, three for each caucus. Alternatively, the committee may also choose to expedite this review and proceed to deliberations. Does anyone have any thoughts on this? Mr. Amery, please go ahead.

Mr. Amery: Thank you, Mr. Chair, and thank you to MLA Shepherd for this well-thought-out bill. I'd like to hear more. I think I can speak for some of my colleagues, hopefully for the rest of them as well, in this committee room. I would like to present a motion to invite stakeholders if I could, please.

The Chair: Okay. Just give us a moment. We will get some wording up on the screen here, and then I'll just ask you to read it into the record. If that covers off, MLA Amery, what you were looking for, then you can move that.

Mr. Amery: Certainly. I would like to move, Mr. Chair, a motion that reads as follows, that
the Standing Committee on Private Bills and Private Members' Public Bills invite up to six stakeholders, three proposed by the government caucus and three proposed by the Official Opposition caucus, to make presentations regarding Bill 204, Anti-Racism Act, at an upcoming meeting and provide a stakeholder list to the chair by noon on Monday, April 11, 2022.

The Chair: Thank you. Do you have any other comments to that?

Mr. Amery: No.

The Chair: No.

Then I'll just open up the floor. MLA Sigurdson, please go ahead.

Ms Sigurdson: Yeah. Thank you. I would like to speak in favour of this motion. I think it's very important for this committee to have stakeholders present to us. You know, if we just look around the table and online, too, there are 11 members of this committee. Nine are White men, one is a White woman, and one is a man of colour. Certainly, I think that the . . .

Some Hon. Members: Mr. Singh.

An Hon. Member: That's who she means.

The Chair: All right. Hang on. Let's go back to MLA Sigurdson.
Please continue.

Ms Sigurdson: I think that that, you know, lived experience is so important. Certainly, the story that MLA Shepherd shared of the

Black woman and health care: that would be something that I as a woman wouldn't understand or know. I think that we really must invite stakeholders because we need that level of understanding and expertise. I know we have some people in the gallery today who are here because they are very concerned about this issue. I think that's great, that we should have stakeholders present to the committee.

The Chair: Thank you for those comments.

Any other comments? Mr. Shepherd, please go ahead.

Mr. Shepherd: Thank you, Mr. Chair. As a guest to the committee I appreciate the opportunity to participate and speak to this motion. I would like to thank Mr. Amery for bringing this forward. I recognize that the bill I have brought forward and what it's attempting to achieve are certainly a fairly momentous proposition for a private member's act. It's certainly looking to enact something fairly significant for government. I appreciate that the members are willing to give it further consideration and listen to stakeholders and perhaps consider how this could be shaped on the floor of the Legislature.

Given that, I think it's been noted that government has the ability to do this, government has had the ability to do this for quite some time, but government has not. Certainly, that goes for many other institutions as well. I think we see a number of folks stepping up to do this work. Indeed, I noted TD Bank. I've talked about Dr. Smith at the University of Calgary, a number of academic institutions. Others indeed are beginning to undertake this work, but I believe this is important enough for the people of Alberta that there is a place for government to take leadership in co-ordinating and moving beyond it simply being allowed to it being something that, in fact, is required. That said, as has been noted by the technical experts, this would involve quite a bit of work to implement, and certainly there's a lot that would be defined in regulations.

I'd like to again just thank Mr. Amery for putting forward this motion. I hope members will support it, and I would look forward to bringing in stakeholders.

The Chair: Thank you for that.

Any other questions or comments?

Hearing none, we'll go to the question on the motion as proposed by MLA Amery. All those in favour of the motion in the room, please say aye. Anyone in the room opposed, please say no. Moving online, all those in favour of the motion, please say aye. Anyone opposed to the motion online, please say no. Thank you.

That motion is carried.

That allows us to move to agenda item 6, other business. Is there any other business to discuss today?

Seeing and hearing none, the next meeting will be at the call of the chair.

Can I get a motion to adjourn?

Some Hon. Members: So moved.

The Chair: Moved by MLA Long and multiple other people that the meeting be adjourned. Let's do this together. Online and in the room, all those in favour, please say aye. Any opposed, please say no. That motion is carried.

Thank you.

[The committee adjourned at 2:55 p.m.]

